

A National Standards and Accreditation Framework for Services

5.1 This Chapter considers the rationale for implementing a national standards and accreditation framework (hereafter referred to as a national standards framework) for services and the scope of its application. Consideration is given to the range of legislative and non-legislative strategies that might be used to support quality improvements in services, and to the possible impact on services of implementing a national standards framework, including resource implications.

Rationale for a National Standards Framework

5.2 There is no unified national regulatory framework that applies to specialist providers of services used by homeless people and people at risk of homelessness. Previously, service standards for assistance provided under the Supported Accommodation Assistance Program (SAAP) have been established within each state jurisdiction. *The Road Home* suggests that governments have implemented service standards with 'varying degrees of success'.¹ To promote national consistency and encourage best practice in services used by homeless people, *The Road Home* foreshadows that:

¹ Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43.

The Australian Government will enact new legislation to ensure that people who are homeless receive quality services and adequate support.²

5.3 *The Road Home* indicates that the establishment of a national standards framework with a focus on quality improvement will contribute to:

- placing clients at the centre of the response in both the mainstream and homelessness service settings;
- a greater ability to attract and retain a highly trained, multi-skilled and well-educated workforce;
- career paths for the workforce, with skills and expertise that are easily transferable within the sector;
- continuous service improvement to ensure that clients receive a service offer focussing on achieving sustainable housing and employment outcomes;
- stronger connections between government, business and non-government services.³

5.4 To progress the development of a national standards framework *The Road Home* explains that:

The Australian Government and state and territory governments will work with homelessness services and people who are homeless to develop national homelessness service standards and a system for accrediting services focused on improving quality.⁴

5.5 *The Road Home* recognises the diversity of services used by homeless people and recommends that service standards and accreditation be introduced for specialist homelessness services only, with a national service charter produced to guide mainstream services in delivery of support to homeless people. Thus *The Road Home* contends:

National service charters for mainstream services and accreditation for funded specialist homelessness services will lead to a service system that maintains high-quality service delivery and has appropriately skilled and qualified staff. It will also help

2 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 44.

3 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43.

4 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43.

develop partnerships that encourage consistency and best practice service delivery across the sector.⁵

- 5.6 The submission from the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) summarises the need for a national regulatory systems as follows:

A strong approach to quality improvement in homelessness services and mainstream services dealing with vulnerable Australians is needed to align the efforts of states and territories. Long term efficiencies in delivery that give consumers and governments assurance of quality are possible. A quality system will give scope for improved transparency and accountability to the broader community ensuring funds are being judiciously invested to get the best outcomes. Legislation that encompasses principles, values, consumer protections and service standards would create a sound framework.⁶

- 5.7 Evidence to the inquiry also widely recognises the potential benefits of introducing a national standards framework for services. It was generally thought that, if implemented correctly, a unified system could provide services users with increased confidence about the quality of services they access. It was also thought that a national standards framework could support improvements in the quality of services through the adoption and delivery of best practice and through encouraging capacity building in the workforce.⁷

Key Issues for Consideration

- 5.8 Despite general support for a national standards framework, many submissions stressed that careful consideration is required to achieve the desired outcomes and avoid unintended consequences. A fundamental consideration relates to how to determine the most effective strategy, or range of strategies, to achieve consistent service delivery and quality improvement in services. However, there is some uncertainty about the

5 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43. See also: Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Submission No 86, p 9.

6 FaHCSIA, Submission No 86, p 8.

7 See for example: Women's Legal Service Victoria, Submission No 36, p 11; Mission Australia, Submission No 53, pp 15-17; Australian Red Cross, Submission No 77, p 13; Council to Homeless Persons, Submission No 80, p 9; FaHCSIA, Submission No 86, pp 2-3.

extent to which legislative or non-legislative strategies should drive this process.⁸ Also, as homeless people and those at risk of homelessness may seek assistance from a wide range of services, questions have been raised about the breadth of services that should be governed by a national standards framework.

- 5.9 Other issues that need further consideration relate to the process for achieving consensus on the broad principles and specific standards to be included in a national standards framework, and the capacity of services to comply with it. The evidence has emphasised extensive consultation is a prerequisite.
- 5.10 The following key issues raised in relation to a national standards framework are examined in more detail below:
- options and strategies for introducing a national framework;
 - the scope of the framework's application;
 - the process for development of the framework;
 - identifying the framework's key components; and
 - determining the process and assessing the potential impact of implementation.

Options for a National Standards Framework

- 5.11 While evidence to the inquiry generally supports measures to improve the quality of services used by homeless people, there is considerable diversity about the best way to achieve this.

Service Standards versus Accreditation

- 5.12 As noted earlier in the Chapter, *The Road Home* suggests that ensuring access to quality services will be achieved by introducing national homelessness service standards and a system for accrediting specialist services. Several submissions have emphasised the distinction between setting service standards and introducing a system of accreditation. As

8 See for example: Quality Improvement Council (QIC), *Quality Management Services (QMS) & Quality Improvement and Community Services Accreditation (QICSA)*, Submission No 18, p 4; Australian Council of Social Services (ACOSS), Submission No 60, p 2; NSW Government, Submission No 96, p 14.

explained in the submission from the Queensland Youth Housing Coalition (QYHC):

In the context of human services, standards establish what is expected of service providers in relation to the quality and effectiveness of service provision. Accreditation is the process of evaluating performance and certifying that standards have been met to the level required.

Accreditation is an active process. While standards can exist independently of an evaluation system, an accreditation system must have explicit standards with which to assess performance..⁹

- 5.13 Evidence included mixed views of the value of accreditation in improving service quality, with a number of submissions questioning whether mandatory accreditation should be a component of a national standards framework. As noted in a joint submission from the Quality Improvement Council (QIC), Quality Management Services (QMS), and Quality Improvement & Community Services Accreditation (QICSA):

A case can be made both for and against mandatory accreditation. If accreditation is mandatory, there is a legal requirement to comply, with consequences for failure to comply. The argument runs that all services must meet minimum standards otherwise they are not allowed to operate. ... On the other hand, it is argued that compliance assessment is only as good as the day the assessment is made, and if sustainable quality performance is sought then quality improvement systems should be in place. The argument against mandatory accreditation is that it encourages minimum compliance rather than quality improvement.¹⁰

- 5.14 Similarly YP Space MNC also maintains that:

Accreditation may be a positive avenue, yet it is highly resource intensive and can at times create a 'status quo' platform, through the setting of minimum standards as opposed to continuous quality improvement.¹¹

- 5.15 Rather than introducing a system of mandatory accreditation, the submission from QIC, QMS and QICSA suggests:

9 Queensland Youth Housing Coalition (QYHC), Submission No 50, p 21.

10 QIC, QMS & QICSA, Submission No 18, p 5. See also: Youth Accommodation Association (YAA), Submission No 54, p 14.

11 YP Space MNC Inc, Submission No 11, p 6.

... legislation that requires services to participate in an accreditation program, as opposed to meeting a particular accreditation result. Over time most organisations in accreditation programs develop a motivation to embrace quality systems even if they do not start this way.¹²

- 5.16 This suggestion is also consistent with the approach proposed by FaHCSIA, which recommends:

A staged approach to voluntary accreditation may be the first step in helping services meet improved quality standards. In recognition of adjustments needed within the sector, compulsory accreditation could be introduced as longer term goal.¹³

The Role of Legislation

- 5.17 *The Road Home* indicates that new legislation will be enacted to ensure that people who are homeless receive quality services. As noted in Chapter 3, the NSW and Tasmanian governments have questioned the role of new homelessness legislation in setting services standards, particularly as the National Affordable Housing Agreement (NAHA) indicates that the states are responsible for the administration and delivery of services for homeless people.¹⁴

- 5.18 While also emphasising the complexities associated with a legislative approach in the context of current federal-state funding and administrative arrangements, ACOSS observes:

The federal nature of funding agreements raises further questions about which regulatory and quality-improvement processes are best conducted nationally, and which at state and territory level. The risk of complex, inconsistent and overlapping regulatory frameworks must be addressed. Most importantly, careful consideration must be given to which aspects of service delivery (and types of service) should best be dealt with in legislation and which through other means, for example, performance based funding agreements. Decisions also need to be made about the level of detail which should be contained in legislation as opposed

12 QIC, QMS & QICSA, Submission No 18, p 5.

13 FaHCSIA, Submission No 86, p 8.

14 Tasmanian Government, Submission No 93, p 1; NSW Government, Submission No 96, p 7.

to standards set out in legislative instrument and conditions in funding agreements.¹⁵

5.19 However, others have argued that national consistency and improved quality services will only be achieved if a national standards framework is firmly entrenched in new legislation.¹⁶ While some have suggested that detail of the framework should be included in the parent legislation, others have suggested it would be preferable for the parent legislation to include broad principles only and for the details of the framework to be set out in a disallowable instrument. For example, QIC, QMS and QICSA caution against legislation that is too prescriptive based on the following limitations:

Legislation as a vehicle for mandating standards is problematic because:

- wording is more likely to be rendered in narrow, legalistic language
- legislation is primarily concerned with regulation so standards will tend to be written as inputs or processes rather than desired outcomes
- legislation takes time to pass (and hence may not keep pace with understandings of better practice) and once legislation is passed it is very difficult and not timely to amend.¹⁷

5.20 Others have suggested that non-legislative measures (e.g. service charters, non-mandatory accreditation, contracts and funding agreements, training and support, good practice information dissemination) could be used to complement legislation or as an alternative.¹⁸

5.21 The Committee notes the Government's commitment to new legislation which establishes nationally consistent standards for services used by homeless people and those at risk of homelessness. As these standards will need to be relevant and applicable to diverse range of services, the Committee recommends that legislation provide overarching principles to underpin service standards. Prescriptive standards should be set out in complementary non legislative agreements with the states and territories, and through them with service providers.

15 ACOSS, Submission No 60, p 2.

16 Mission Australia, Submission No 53, p 23.

17 QIC, QMS & QICSA, Submission No 18, p 5. See also: ACOSS, Submission No 60, p 13;

18 See for example: FaHCSIA, Submission No 86, p 10; NSW Government, Submission No 96, p 14.

Recommendation 11

- 5.22 **That new homelessness legislation provide overarching principles to underpin a national standards and accreditation framework for services used by homeless people and those at increased risk of homelessness. Prescriptive standards should be expressed in complementary non legislative agreements with state and territory governments and, through them, with service providers.**

The Importance of Adequate Resourcing

- 5.23 Importantly, evidence has also cautioned against placing too much emphasis on a purely legislative approach to achieving consistent service quality and driving quality improvements. Many submissions note that it is crucial for services to be adequately resourced in order to meet service standards and obligations. As stated by Catholic Social Services Australia:

Legislation certainly has a role in improving the quality of services for people who are homeless or at risk of homelessness but it will also be necessary to ensure that goals and objectives are appropriately and adequately funded, resourced and monitored.¹⁹

- 5.24 Also to achieve consistently high service standards submissions have emphasised the importance of being in a position to recruit and retain well trained staff.²⁰ As observed by Southern Youth Family Services (SYFS):

A focus on a regulatory model will not achieve the intent which is quality services for homeless people. It must be done as part of a progressive program to support and develop services including addressing issues in the community workforce (training and

19 Catholic Social Services Australia, Submission No 68, p 3. See also: Southern Youth and Family Services (SYFS), Submission No 4, p 10; Homelessness NSW, Submission No 28, p 17; NSW Women's Refuge Movement Working Party, Submission No 46, pp 15-16; Council to Homeless Persons (CHP), Submission No 80, pp 16-17; Public Interest Law Clearing House (Vic) Homeless Persons' Legal Clinic (PILCH HLPC), Submission No 85, p 30; Salvation Army Australia Southern Territory, Submission No 91, p 10.

20 See for example: SYFS, Submission No 4, p 14; Coalition Against Youth Homelessness, Submission No 23, p 3; Regional Youth Development Officers' Network (RYDON), Submission No 33, p 13; QYHC, Submission No 50, p 21; YAA, Submission No 54, p 19.

development, pay and conditions, portability of long service leave, ability to attract and maintain quality staff etc).²¹

5.25 Similarly, the submission from the Byron Emergency Accommodation Project called for:

... legislation that ensures a commitment to resourcing the sector with sufficient finances to attract and retain a skilled work base of qualified and quality workers. Please keep the legislation goals in line with the reality of how the sector is financed and resourced to achieve these goals.²²

5.26 Clearly adequate resourcing is essential for services to achieve and adhere to new quality service standards. In this regard the Committee notes that the Commonwealth and state governments together have committed \$1.1 billion over the next four years from 2009–10 to reducing homelessness under the National Partnership Agreement on Homelessness. In accordance with the federal-state financial arrangements administration of these funds, including allocation of resources to specialist homelessness services, is the responsibility of the state governments.

Scope of Application

5.27 Another important aspect to be taken into account when considering the national standards framework is the scope of its application. As noted earlier in the report, the service standards under SAAP were contained in service agreements which applied specifically to providers of specialist homelessness services funded under the program. However *The Road Home* implies that a national standards framework should include provisions that apply to a broad range of specialist and mainstream services used by homeless people. Recognising the difficulty of applying a single quality framework to the diverse range of services used by homeless people *The Road Home* recommends a national service charter to guide mainstream services in delivery of support to homeless people.²³

5.28 However, many submissions have argued that to be effective any national standards framework must apply equally to government and non-

21 SYFS, Submission No 4, p 14.

22 Byron Emergency Accommodation Project, Submission No 30, p 2.

23 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43. See also: FaHCSIA Submission No 86, p 9.

government services, and extend beyond specialist homeless services to include mainstream services.²⁴ As stated by Christo Youth Services:

The legislation needs to ensure that ALL systems and institutions – including Government, non-government, community and Corporate – are regulated with the same legislation, accountability and transparency.²⁵

5.29 Similarly, Homelessness NSW suggests that:

... legislation can address the issue of quality services only if it ensures that both government and non-government services are bound to the Act. Mechanisms must be built into the legislation that stipulate the minimum level of service that state and territory governments must deliver for people who are homeless and those at risk of homelessness.²⁶

5.30 The difficulty of having a framework which applies to all providers of services to homeless people and those at risk of homelessness, is that the standards will need to be broad but meaningful at the same time. SYFS highlights the challenge as follows:

The new Legislation should be supported by national standards for both Government and community providers of services to homeless people and those at risk of homelessness. However, the challenge in this will be that the standards are broad enough to apply across Government and community, are realistic and useful, and that community agencies, as mentioned above, are funded adequately to be able to meet the standards.²⁷

5.31 As also observed by Mission Australia:

... a key challenge in creating the new legislation will be to influence the activities and administrative processes of other sectors and institutions which sit outside the circle of direct service provision, but nevertheless have a bearing on and a role to play in reducing homelessness.²⁸

24 See for example: SYFS, Submission No 4, p 8; Homelessness NSW, Submission No 28, pp 10-11; RYDON, Submission No 33, p 14; UnitingCare Australia, Submission No 41, p 7; The Richmond Fellowship of NSW, Submission No 48, p 9; YAA, Submission No 54, p 12; St Bartholomew's House, Submission No 71, p 3.

25 Christo Youth Services, Submission No 35, p 6. See also: Homelessness NSW, Submission No 28, p 8; YP Space MNC Inc, Submission No 11, p 5.

26 Homelessness NSW, Submission No 28, p 11.

27 SYFS, Submission No 4, p 10. See also: PILCH HLPC, Submission No 85, pp 21-22.

28 Mission Australia, Submission No 53, p 19.

5.32 If standards are prescriptive rather than broad, a significant risk is that mainstream service providers will be required to apply standards that are relevant only to a minority of their clients. In this regard the NSW Government observes:

If the intention is to regulate all services accessed by homeless people or people at risk of homelessness, there is a risk that the legislation would end up applying to a very wide range of services - many of which provide services to a broader range of clients than those experiencing or at risk of homelessness.²⁹

5.33 Furthermore the NSW Government also notes that many mainstream services already have service standards and accreditation systems in place. Therefore the NSW Government argues:

The need for the homelessness legislation to further regulate these broader services would need to be established in light of the existing mechanisms in place for ensuring quality service delivery in these sectors.³⁰

The Case for a Staged Approach

5.34 The Committee acknowledges the widespread support in evidence to the inquiry for the introduction of a national standards framework to increase national consistency and promote quality improvements in services. However, it also recognises that there are differing views about the relative merits of legislative versus non-legislative measures for driving quality improvement, the extent to which standards should be prescribed in legislation and the range of services that should be governed by any framework. This highlights some of the complexities still to be addressed.

5.35 Although not published at the time of writing, the Committee is aware that FaHCSIA has commissioned research to investigate the development and implementation of a national standards framework for homelessness and related services.³¹ The Committee understands that the report produced by Urbis Pty Ltd will contribute to the Government's considerations of the most appropriate strategy or mix of strategies for supporting the aim of ensuring that people who are homeless receive quality services. Without intending to pre-empt outcomes of the Urbis Pty

29 NSW Government, Submission No 96, p 7, 8-9.

30 NSW Government, Submission No 96, p 7, 8-9.

31 Urbis Pty Ltd (2009) Unpublished, *Quality Frameworks for Homelessness and Related Services – Literature Review and Environmental Scan*.

Ltd report, the Committee believes that at a minimum, additional work and consultation will be needed. Notwithstanding the impending Urbis Pty Ltd report the Committee wishes to make its own observations.

- 5.36 While acknowledging the calls for a national standards framework to apply to all services equally (that is to government and non-government, to specialist and mainstream), the Committee believes that achieving, developing and applying a single framework would be an ambitious undertaking. Therefore the Committee supports the proposal in *The Road Home* for the national standards framework to apply to specialist homelessness services only and for a national charter of service standards for homeless people and those at risk to be developed as a guide to mainstream services. This initial approach should be followed by a gradual process to extend a national standards framework to a broader range of services over time.
- 5.37 In addition, the Committee believes a staged approach to the implementation of a national standards framework for specialist homelessness services would be appropriate. Staged implementation should include sufficient flexibility to accommodate the many different models and structures of service delivery that exist even within the specialist homelessness sector. Importantly, implementation should recognise that different services within the sector will have different levels of preparedness and capacities to meet quality standards. Requirements to comply with minimum standards and an accreditation system should be introduced over a reasonable period of time to allow services to continue to meet the needs of their clients, while at the same time improving service quality.

Recommendation 12

- 5.38 **That the Minister for Housing, through the Housing Ministers' Conference, support the introduction of a national standards and accreditation framework which:**
- **provides a broad national service charter to guide mainstream services in their delivery of services to people experiencing homelessness or at risk of homelessness; and**
 - **sets specific minimum quality standards for specialist homelessness services, leading progressively to accreditation.**

- 5.39 With regard to applying a national standards framework to services more broadly, including mainstream services, the Committee notes evidence that the Victorian Department of Human Services is considering moving away from program specific standards to a set of core standards for community services. Where required, core standards can then be supported by good practice guidelines that are sector specific.³² The Committee encourages support for this approach as it believes that it provides an option to strike a balance between the uniformity of minimum standards and flexibility.

Recommendation 13

- 5.40 **That the Australian Government consult with state and territory governments, and other key stakeholders to develop a national regulatory system based on core service standards to be broadly applied to community services, including homelessness services.**

Process for Developing a National Standards Framework

- 5.41 While *The Road Home* suggests that the development of service standards might be informed to some extent by those developed for disability services or by models of accreditation similar to those used in aged care or childcare³³, evidence to the inquiry has emphasised the need first and foremost for extensive consultation.

Consultation

- 5.42 A large number of submissions have maintained that a national standards framework for services used by homeless people and those at risk of homelessness will need to be developed in consultation with key stakeholders.³⁴ As explained in the submission from YP Space MNC:

32 QIC, QMS & QICSA, Submission No 18, p 4. See also: QMS, Submission No 12, p 14.

33 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 68.

34 See for example: QMS, Submission No 12, p 12; Christo Youth Services, Submission No 35, p 8; Homelessness NSW, Submission No 28, p 17; RYDON, Submission No 33, p 13; NSW Women's Refuge Movement Working Party, Submission No 46, p 13; QYHC, Submission No

Any new development of new service standards – that will govern all levels of service systems responsible for responding to homelessness – will need to be developed in full and comprehensive consultation with community and non-government service systems. These services have the knowledge and experience in the homelessness sector – they know what has worked and what hasn't, the barriers, the constraints and the opportunities and strengths of this work.³⁵

- 5.43 Homelessness Australia also suggests that involving a broad range of service providers and peak bodies in the process of developing standards and regulation would encourage greater 'buy in' and commitment to the outcomes, stating:

[Consultation] would engender a feeling of 'shared ownership' of the standards and ensure that they are both realistic and reflective of the different environments in which services catering to particular client groups operate.³⁶

- 5.44 Evidence has also highlighted the importance of involving homeless people themselves in the process of setting service standards.³⁷ As the submission from ACOSS states:

Importantly, service providers and people who are homeless or have been homeless should be closely involved in the development of service standards.³⁸

- 5.45 National Shelter observed that greater consumer participation is in accordance with the Government's Social Inclusion Principles, noting the third principle 'A greater voice, combined with greater responsibility' which states:

Individuals and service users must have a say in shaping their own futures and the benefits and services that are offered to them. Detailed feedback from users and community members and genuine and inclusive consultation are important sources of

50, p 21; YAA, Submission No 54, p 20; Shelter NSW, Submission No 56, p 11, Government of South Australia, Submission No 97, p 5.

35 YP Space MNC Inc, Submission No 11, p 7.

36 Homelessness Australia, Submission No 39, p 20.

37 See for example: City of Melbourne, Submission No 14, p 3; Law Society of New South Wales – Young Lawyers, Submission No 27, p 10; Hanover Welfare Services, Submission No 34, p2; National Youth Coalition for Housing, Submission No 52, p 14; Homeless Persons' Legal Service, Submission No 65, pp 11-13; Australian Human Rights Commission (AHRC), Submission No 90, p 22.

38 ACOSS, Submission No 60, p 14.

information to improve policy settings and service delivery ... Organisations – both government and non-government – also have responsibilities to listen and respond, and to make sure their policies, programs and services help to build social inclusion.³⁹

5.46 Similarly the Australian Human Rights Commission (AHRC) highlights the importance of client involvement and its links to other Government policy objectives, stating:

Enabling the participation of people in decision-making that will affect them is a key feature of a human rights-based approach. The Australian Government's Social Inclusion Principles and the White Paper acknowledge that the participation of people in decisions which affect them is an important part of achieving social inclusion.⁴⁰

Lessons from Other Legislative and Regulatory Models

5.47 As noted above there are several references in *The Road Home* to other legislative and regulatory models that might inform development of a national standards framework for homelessness services. Specifically *The Road Home* states:

In addition, service standards encouraging best practice and achievement of outcomes would be set out in the legislation, ensuring national consistency and quality of the services offered to people experiencing homelessness. The best features of the *Supported Accommodation Assistance Act 1994* and the *Disability Services Act 1986* would be incorporated into new legislation on homelessness.⁴¹

5.48 Accordingly the inquiry's terms of reference specifically invited consideration of the applicability of existing legislative and regulatory models. Submissions contained reference to a large number of models that currently apply in the community services system, drawing attention to their strengths, weaknesses and their applicability or otherwise to services used by homeless people. These regulatory models referred to include:

- *Disability Services Act 1986*;
- *Disability Services (Eligibility – Targeted Support Services) Standards 2008*;

39 National Shelter, Submission N0 56, pp 7–8.

40 AHRC, Submission No 90, p 22. See also: SYFS, Submission No 4, p 14.

41 Australian Government (2008), *The Road Home: A National Approach to Reducing Homelessness*, p 43.

- *Aged Care Act 1997*;
- principles (regulations) made under the *Aged Care Act 1997*;
- *Home and Community Care Act 1985*;
- Home and Community Care National Service Standards 1995;
- National Service Standards for Mental Health Services 1997;
- state legislation for disability services and associated service standards;
- state legislation for children's services and protection and associated service standards; and
- state legislation for housing and associated housing standards.

5.49 A number of submissions identified aspects of existing regulatory models which might be used to support enhanced quality services for homeless people.⁴² For example, while of the view that no single model is transferable in its entirety, the Homeless Persons' Legal Clinic (HPLC) highlights the following aspects of existing regulatory models that might be incorporated into a national standards framework for services for homeless people:

- a Charter of user rights and responsibilities, to help protect rights and ensure quality services (refer to the *Aged Care Act 1997 (Cth)*)
- an appropriate dispute resolution process (refer to *the Aged Care Act 1997 (Cth)*);
- use of regular independent audits to assess compliance of services or something similar to the 'community visitors' program found in the *Disability Act 2006 (Vic)*;
- a general principle that services operate in manner which ensures the safety, health and wellbeing of the client and that the wider needs of the client in addressing homelessness are met (refer to *Children's Services Act 1997 (Vic)*);
- the critical requirement to produce individualised support plans (*Disability Services Act 1996 (Cth)*) – a support plan may tie in directly with guiding principles or minimum standards; and
- guiding principles and minimum standards.⁴³

5.50 Cairns Community Legal Service proposes that the *Disability Services (Eligibility – Targeted Support Services) Standards 2008* framework could be

42 See for example: Homelessness Australia, Submission No 39, p 21; Shelter NSW, Submission No 56, pp 14-17; Wesley Mission Melbourne, Submission No 70, p 12.

43 PILCH HPLC, Submission No 85, pp 39-40.

adapted and applied to all support services under the Government's social inclusion agenda.⁴⁴ Specifically the submission suggests service standards might be based on the following:

- service access - each recipient has access to a service on the basis of relative need and available resources; ...
- individual needs - each recipient receives a service that is designed to meet his or her individual needs and personal goals consistent with the purpose of the service; ...
- independence and resilience maximised - service delivery is aimed at maximising the recipient's capacity for independence and resilience; ...
- decision making and choice - each service recipient has the opportunity to participate as fully as possible in making decisions in relation to the service he or she receives; ...
- privacy, dignity and confidentiality - each service recipient's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected; ...
- complaints and disputes - each service recipient is encouraged to raise, and have resolved without fear of retribution, any complaints or disputes he or she may have regarding the service provider or the service; ...
- service management - each service provider adopts quality management systems and practices that optimise outcomes for service recipients; ...
- staff recruitment, employment and training - each person employed to deliver services to recipients has relevant skills and competencies; ...and
- protection of human rights and freedom from abuse - the service provider acts to prevent abuse and neglect and to uphold the legal and human rights of service recipients.⁴⁵

5.51 Also noting the potential for principles and standards from the aged care and disability sectors to serve as useful points of reference, Homelessness Australia proposes canvassing standards which cover the following broad areas:

- Ensuring that the dignity, privacy and rights of clients are protected at all times and that clients are placed at the centre of service delivery considerations.
- Ensuring clients have some agency about the types of services they receive and are afforded opportunities to provide feedback to providers.

44 Cairns Community Legal Service, Submission No 17, pp 8-9.

45 Cairns Community Legal Service, Submission No 17, pp 8-9.

- Service responses are flexible and meet the needs of particular clients.
- Services are accessible and accommodating.
- Services adopt sound management practices that maximise positive outcomes for clients.
- Clients have the right to have complaints heard and services should develop mechanisms for the resolution of disputes.
- Clients are supported and encouraged to participate and be involved in their communities.
- Professional development opportunities are available to staff.
- Accommodation provided is appropriate, comfortable, safe and secure.⁴⁶

5.52 While the potential for other legislative or regulatory frameworks to inform the development of national standards homelessness services was widely recognised, evidence also indicated that specific standards and accreditation models for the sector would need to be developed. As stated by SYFS:

It has been mooted by a few in Government that it would be simple just to borrow existing standards such as from disability areas or from other States/Territories. In our experience this will not work. This is a specialist area and one that should be independently developed and consulted on.⁴⁷

5.53 Expanding these concerns the HPLC explained:

... given the multifaceted and complex contributors to homelessness, it is not appropriate to simply adopt one of the existing community service frameworks and apply it to homelessness.

These frameworks are all designed to meet a particular type of need or regulate providers of a particular type of service. This means, generally speaking, each of the existing frameworks is too specific to the need they are addressing to be a direct fit for the homelessness sector.⁴⁸

5.54 Also, in considering the applicability of accreditation models from aged care and child care service sectors, any accreditation model for

46 Homelessness Australia, Submission No 39

47 SYFS, Submission No 4, p 14. See also: Homelessness Australia, Submission No 39, p 6; Salvation Army Australia Southern Territory, Submission No 91, p 13.

48 PILCH HPLC, Submission No 85, p 37.

homelessness services will need to take account of the federal nature of service delivery. As observed by FaHCSIA:

Both the aged care and child care frameworks lie exclusively in the province of the Commonwealth, although states and territories have responsibility for licensing operators. In contrast, the homelessness sector operates under a Commonwealth-state funding partnership with service-level funding agreements between states and services.⁴⁹

Where to Next?

- 5.55 There is already a plethora of legislative and regulatory frameworks that apply to community service systems. The Committee acknowledges that up to a point a review of existing frameworks may assist with the development and implementation of a national standards framework for specialist homelessness services. However, the Committee agrees that there is no existing framework that can be transferred directly from one sector and applied to services used by homeless people.
- 5.56 Given the diversity of the services within the homelessness sector, the Committee appreciates that developing a national standards framework will be challenging. At a minimum the Committee anticipates the need to consult state and territory governments, not for profit and for profit service providers, peak bodies and people with experience of homelessness. The Committee expects that the report produced by Urbis Pty Ltd will provide guidance on the key issues to be resolved.

Recommendation 14

- 5.57 **That the Minister for Housing consult with the Housing Ministers' Conference and key sectoral stakeholders about the essential components of a national standards and accreditation framework to determine the broad principles and minimum standards to apply to specialist homelessness services.**

49 FaHCSIA, Submission No 86, p 10.

Components of a National Standards Framework

- 5.58 Although recognising the need for further consultation to establish the essential components of a national standards framework, the following key elements emerged in evidence to the inquiry:
- the need for a clear definition of ‘quality’;
 - the need to identify agreed broad principles and minimum standards;
 - a commitment to continuous quality improvement ; and
 - appropriate mechanisms for accountability and complaints handling.

Defining Quality

- 5.59 A number of submissions emphasised the importance of providing a clear definition of service quality in a national standards framework.⁵⁰ As noted by Homelessness Australia:

There is support within the sector for the inclusion in legislation of what is meant by ‘quality’. Workers have expressed the view to Homelessness Australia that they believe the term ‘quality’ is subjective and open to interpretation. With a clear definition of quality to work with, they are not opposed to undertaking measures at a service level that commit to continuously improving the quality of their service provision.⁵¹

- 5.60 Similarly the Council to Homeless Persons also advocates for a meaningful definition of what constitutes quality, recommending:

A useful definition of quality ... measures service appropriateness, equity, accessibility, effectiveness, acceptability and efficiency.⁵²

Broad Principles and Minimum Standards

- 5.61 Evidence clearly indicates that the inclusion of broad guiding principles and minimum standards are an integral component of a national standards framework. While there is some variation in the detail, there was considerable uniformity in the evidence with regard to the broad principles that were proposed to guide delivery of quality services for

50 Homelessness Australia, Submission No 39, p 12; ACOSS, Submission No 60, p 13; CHP, Submission No 80, p 14.

51 Homelessness Australia, Submission No 39, p 12.

52 CHP, Submission No 80, p 14.

homeless people and those at risk of homelessness. A large number of submissions proposed using principles and standards founded on the protection of human rights (e.g. rights to dignity, respect, safety, non-discrimination, inclusion etc) and the realisation of social inclusion.⁵³

- 5.62 However as noted earlier there was less agreement on the extent to which broad principles and prescribed service standards should be entrenched in legislation. To address concerns about legislated prescriptive standards, ACOSS suggests that broad principles only should be included in legislation, with more detailed service standards set out in subordinate legislation.⁵⁴ Similarly the HPLC suggests that:

The HPLC is also of the view that the new Homelessness Act should create overarching minimum service standards, which must be adhered to by service providers that are based on human rights principles. In addition to these principles and standards, the new legislation could provide a Charter of Rights and Responsibilities for Consumers that clearly sets out their rights, responsibilities and mechanisms for redress when their rights have been violated. This approach would provide a national framework of rights and minimum standards while at the same time not being so prescriptive as to be only applicable to a small set of services. This framework would also allow the States and Territories to legislate to address their own specific needs while ensuring any legislation enacted by a State meets or exceeds the minimum standards specified in the national framework.⁵⁵

Continuous Quality Improvement

- 5.63 Evidence included widespread support for enhanced service quality to be achieved through continuous quality improvement (CQI).⁵⁶ CQI describes a process through which organisations systematically assess and improve their performance along a range of criteria. Christo Youth Services has suggested that a focus on CQI may actually achieve better outcomes than setting 'minimum' standards and accreditation, observing:

53 See for example: Youthlaw, Submission No 24, p 4; ACOSS, Submission No 60, p 13; HOPS, Submission No 79, p 4; CHP, Submission No 80, p 15; PILCH HPLC, Submission No 85, p 41.

54 ACOSS, Submission No 60, p 13. See also: QIC, QMS & QICSA, Submission No 18, p 4

55 PILCH HPLC, Submission No 85, p 41.

56 See for example: QMS, Submission No 12, p 7; QIC, QMS & QICSA, Submission No 18, p 1; Homelessness NSW, Submission No 28, p 10.

Accreditation may be a positive avenue, yet it is highly resource intensive and can at times create a 'status quo' platform, through the setting of minimum standards as opposed to continuous quality improvement.⁵⁷

5.64 In providing its support for a CQI approach, the Council to Homeless Persons outlines the following key elements:

- the establishment of agreed minimum standards to ensure consistency of service delivery;
- action to support and enhance individual worker and organisational capacity to meet standards requirements and improve or enhance service delivery;
- service assessment, monitoring, auditing and reporting requirements against standards and progress towards improvement;
- ongoing assessment of outcomes of the process for consumers, workers and organisations; and
- ongoing reflection and improvement of standards and associated monitoring / reporting processes.⁵⁸

Accountability and Complaints Handling

5.65 Increased accountability for services and the inclusion of appropriate complaints handling process have also been identified as critical components of a national standards framework.⁵⁹ Issues associated with monitoring service compliance with a national standards framework particularly in relation to accreditation were raised in a number of submissions. Evidence has emphasised the importance of independent monitoring of services, possibly with compliance linked to funding. However, the need for the administrative burden of compliance monitoring to be minimised and for a monitoring system that supports CQI has also been emphasised.⁶⁰ As noted by FaHCSIA:

Consideration also needs to be given to the optimal way in which quality standards could be assessed. Options include self-

57 Christo Youth Services, Submission No 35, p 7.

58 CHP, Submission No 80, p 14.

59 See for example: NSW Young Lawyers Human Rights Committee, Submission No 27, p 12; Homelessness NSW, Submission No 28, p 12; RYDON, Submission No 33, p 9; Welfare Rights Centre, Submission No 59, p 6; ACOSS, Submission No 60, p 14, HOPS, Submission No 79, p 4; AHRC, Submission No 90, pp 30-31.

60 See for example: SYFS, Submission No 4, p 11; QIC, QMS & QICSA, Submission No 18, p 4; Mission Australia, Submission No 53, p 16; Salvation Army Australia Southern Territory, Submission No 91, p 11.

assessment, peer review and audit by an independent third-party.⁶¹

5.66 Evidence also indicated that increased accountability of services must be supported by appropriate internal and external mechanisms for handling complaints.⁶² With regard to the current situation the HPLC commented:

... accountability mechanisms to ensure existing service standards are enforced are inadequate. In many cases, service standards are enforced only by internal grievance procedure, or to an external community based services, with no right to appeal to an independent administrative or judicial body, and no external monitoring of the effectiveness of these internal procedures or compliance with service standards.⁶³

5.67 In relation to external mechanisms for handling complaints, several submissions proposed a defined role within the office of an Ombudsman. For example the submission from the Regional Youth Development Officers' Network (RYDON) suggests:

If there is an introduction of standards and accreditation within the new legislation then there need to be a grievance process possibly with a defined role for an Ombudsman that protects and promotes a voice for the homeless.⁶⁴

5.68 Homelessness Australia also supports the notion but suggests that the extent to which this role is already fulfilled by state and territory Community Services Ombudsmen must be considered.⁶⁵ Other suggestions include the establishment of a Homelessness Commissioner instead of, or to supplement, an Ombudsman's role. According to Australian Lawyers for Human Rights:

The Commissioner should have the power to:

- develop grievance and appeals procedures in respect of public housing matters and general social support services;
- refer grievances to the Housing Ombudsman for further investigation;

61 FaHCSIA, Submission No 86, p 9.

62 See for example: Law Society of New South Wales Young Lawyers, Submission No 27, p 12; Homelessness Australia, Submission No 39, pp 13–14.

63 PILCH HPLC, Submission No 85, p 27.

64 RYDON, Submission No 33, p 9. See also: Law Society of New South Wales Young Lawyers, Submission No 27, p 12; Domestic Violence Victoria, Submission No 49, p 5; Australian Lawyers for Human Rights, Submission No 61, p 14; AHRC, Submission No 90, p 30.

65 Homelessness Australia, Submission No 39, p 14.

- develop a Charter of rights and responsibilities that service providers must adhere to in order to access Government funding;
- develop, review and monitor national standards for the provision of adequate housing;
- report on an annual basis to the Federal Government on the progressive realisation of the right to adequate housing; and
- any other powers as are necessary and convenient for the Commissioner to perform his or her function of promoting and protecting people's right to adequate housing.⁶⁶

5.69 In the Committee's view a commitment to CQI and the requirement for appropriate internal grievance processes and options for external complaints handling would be essential core elements of a national standards framework.

Implementation

5.70 A key consideration in adopting and implementing a national standards framework would be its potential impact on the homelessness services sector. The main concern expressed in the evidence is that achieving, monitoring and reporting on compliance will increase the administrative burden on already stretched services.⁶⁷ This in turn could result in loss of services, with smaller community based services and services catering to clients with complex needs perhaps being more vulnerable.⁶⁸ Some service providers, including smaller agencies and those that receive funding from multiple sources, already find existing reporting requirements overly burdensome. As noted by QMS:

For organisations with more than one source of funding they are increasingly burdened with multiple accreditation and compliance requirements that are onerous and duplicitous.⁶⁹

66 Australian Lawyers for Human Rights, Submission No 61, p 14. See also: Hanover Welfare Services, Submission No 34, p 5; PILCH HPLC, Submission No 85, p 43.

67 See for example: QMS, Submission no 12, p 13; Homelessness NSW, Submission No 28, p 11; Byron Emergency Accommodation Project, Submission No 30, p 1; Christo Youth Services, Submission No 35, p 7; NSW Women's Refuge Working Party, Submission No 46, pp 13-14; Salvation Army Australia Eastern Territory, Submission No 55, pp 6-7; NCYLC, Submission No 88, p 8.

68 See for example: SYFS, Submission No 4, p 15; The Richmond Fellowship, Submission No 48, p 7; RYDON, Submission No 33, p 13.

69 QMS, Submission No 12, p 13.

- 5.71 This administrative burden of demonstrating compliance with multiple regulatory systems is well illustrated by the experience of SYFS:

SYFS which is not a large charity and is regionally based is already accredited through the Office of the Children's Guardian in NSW, through the Quality Management System (QMS), and currently being assessed under the Housing Registration System by the Office of the Registrar in NSW. It is also monitored under the Performance Management Scheme for SAAP Services in NSW. SYFS has had to pay for some of the systems, it is wearing staff out, and has concerning levels of duplication.⁷⁰

- 5.72 In summarising the potential impacts of introducing a new standards and accreditation framework for services, SYFS suggests:

The [standards/accreditation] model adopted must be user friendly, flexible to accommodate all the different models of service delivery, proportionate to the service delivery size, easy to participate in, economical and practical. It is essential that any service delivered is not costly, not prescriptive, not inflexible, time consuming, not proportionate to the services delivered and unfairly applied to community agencies. Rigid Key performance Indicators (KPI's) to support national standards could prevent services from providing individualised services to meet the assessed needs of clients. Compliance costs and external auditing in existing systems are expensive and funding would need to be increased to cover the costs of these processes.⁷¹

- 5.73 Several submissions have also recommended taking measures to reduce the administrative burden on services by avoiding duplication. Specifically, evidence has included recommendations for reciprocal recognition of existing quality and regulatory frameworks. As explained by Catholic Social Services Australia:

The core objective of a quality framework should be to ensure certain standards of service for people who are homeless or at risk of homelessness but it should not be overly onerous so as to detract from the capacity of community service organisations (especially smaller ones) to deliver quality services. It should enhance the quality of service provision not add red tape. This can only occur if new accountability frameworks replace current. If no rationalisation and harmonisation of existing frameworks takes

70 SYFS, Submission No 4, p 11.

71 SYFS, Submission No 4, p 14.

place, new initiatives will only be adding to the existing burden of compliance and administration.⁷²

5.74 Similarly the NSW Government suggests:

If the need for a national service quality system was established, it is suggested that reciprocal recognition of States' and Territories' existing service quality frameworks should be considered as an option. This would also be an effective mechanism for removing any regulatory burdens arising if there are any inter-state providers of homelessness specific services facing conflicting or duplicative requirements in different States and Territories.⁷³

5.75 Support for reciprocal recognition was also provided in the submission from FaHCSIA:

It will be important to ensure that any new accreditation and quality standards system recognises other accreditation and licensing achievements of a service provider and provide for reciprocal recognition where possible, to reduce compliance burden.⁷⁴

Managing the Impact of Implementation

5.76 The Committee believes that it is important for the potential impact of implementing a national standards framework on the homelessness services sector be recognised. The Committee's earlier recommendation for a staged approach to implementation which recognises the diversity of services within the homelessness sector and different levels of preparedness should mitigate some of the risks by allowing sufficient time for services to adjust. However there are already a large number of regulatory frameworks specific to community services, including specialist homelessness services. Many services, particularly those with funding from multiple sources, find the administrative burden associated with compliance onerous.

5.77 While recognising the potential benefits of a national standards framework for homelessness services, the Committee is anxious that its implementation should not add further to the administrative burden.

72 Catholic Social Services Australia, Submission No 68, p 3. See also: SYFS, Submission No 4, p 15; RYDON, Submission No 33, p 13; Hanover Welfare Services, Submission No 34, p 4; QYHC, Submission No 50, p 22; YAA, Submission No 54, p 19; Salvation Army Australia Eastern Territory, Submission No 55, p 11; ACOSS, Submission No 60, pp 13-14.

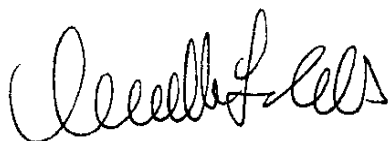
73 NSW Government, Submission No 96, p 14.

74 FaHCSIA, Submission No 86, p 9.

Therefore the Committee recommends that a national standards framework include provision for reciprocal recognition of compliance with other service quality frameworks.

Recommendation 15

- 5.78 **That the Minister for Housing ensure provision for reciprocal recognition of existing quality service frameworks is incorporated into a national standards and accreditation system for homelessness services.**



Annette Ellis MP
Chair

