

•



Office of the Public Advocate's submission to the
inquiry into Collaborative Approaches in
Government



•

Table of contents

| | PAGE |
|--|-------------|
| Executive Summary and Recommendations | 3 |
| Introduction – The Office of the Public Advocate | 4 |
| Discussion: | |
| Supporting people with exceptionally complex needs | 5 |
| Developing Memorandums of Understanding | 7 |
| Development of citizen centred services | 8 |

Executive Summary and Recommendations

The Office of the Public Advocate (OPA) in Western Australia welcomes the opportunity to make this submission in response to the inquiry into collaborative approaches in government.

The Public Advocate strongly supports the concept of collaborative or 'joined up' government and believes it is central to the government's ability to provide services in a manner which effectively meets consumers' needs.

In making this submission, the Public Advocate has focused primarily on how people with decision-making disabilities—such as mental illness, intellectual disability, dementia and acquired brain injury—would benefit from the development of collaborative government in Western Australia.

There are many aspects to collaborative government; this submission considers areas which the Public Advocate has identified would benefit from interagency collaboration to improve service delivery to people with decision-making disabilities.

Recommendations

Recommendation 1:

The achievement of collaborative working is included as a key performance indicator by State Government agencies.

Recommendation 2:

Senior Officers be involved in the development of strategies to meet the needs of people with exceptionally complex needs to ensure agencies can commit to the development of flexible and innovative responses

Recommendation 3:

Memorandums of Understanding (MOU's) be developed, which are ratified at executive level, and outline the process for interagency collaboration and referral.

Recommendation 4:

Develop and encourage community capacity to provide informal supports that supplement formal services provided by government agencies.

Recommendation 5:

The experience of other agencies in collaborative service delivery is considered, and built on, when developing new services.

Introduction – The Office of the Public Advocate

The Public Advocate¹ is an independent statutory officer appointed by Government under the Western Australian *Guardianship and Administration Act 1990* to protect and promote the human rights of adults with a decision-making disability and to reduce their risk of abuse, exploitation and neglect.

A decision-making disability may result from a mental illness, intellectual disability, dementia or an acquired brain injury. There are about 65,000 Western Australians who have such a disability.

The Office of the Public Advocate provides a range of vital services to ensure the protection of vulnerable Western Australians with a decision-making disability. These services include:

- investigation of community concerns about the wellbeing of a person with a decision-making disability and whether an administrator or guardian is required;
- investigation of specified applications made to the State Administrative Tribunal (SAT) to assist it to determine whether a guardian or administrator is required;
- guardianship services (for personal, medical and lifestyle related decisions) when the SAT determines that there is no one else suitable or willing to act as the person's guardian; and
- provision of information, advice and training on how to protect the rights of people with decision-making disabilities.

The Public Advocate is appointed by the SAT only if it has established that there is no other appropriate way of meeting the person's needs which would be less restrictive of their freedom of decision and autonomy. Where the Public Advocate is appointed the wishes of the person with a decision-making disability (either directly expressed or based on their previous actions) are taken into account as much as possible in any decisions made on their behalf.

In 2006-2007, the Public Advocate undertook 624 investigations and the Public Advocate was guardian for 288 individuals.

Demand for the services of the Office of the Public Advocate is increasing, due largely to the ageing of the population which will bring with it an estimated increase in the number of people with dementia from 17,000 in 2004 to 79,000 in 2050. People with dementia now dominate the total number of Public Advocate investigations and new guardianship appointments.

- _____
-

¹ Please note: there are Public Advocates in other states of Australia, in this submission any reference to the Public Advocate, or OPA, refers to the Western Australian office.

Discussion:

Supporting people with exceptionally complex needs

As a legally appointed Guardian, the Public Advocate is closely involved in working with services which provide care and support to people with decision-making disabilities. While individual services are able to respond to clients with relatively straight forward needs it is clear that this is more difficult with clients who present with exceptionally complex needs. This group of people present with multiple disabilities and health problems, previous attempts to provide support have not been successful and it appears unclear how their needs can be met by any one agency. The Public Advocate is appointed guardian for a number of people who have complex needs. As a result the Public Advocate is familiar with the difficulties which arise when engaging support services when a person's needs cross agency boundaries, or may require responses from a number of agencies.

The development of specialist agencies to meet the needs of specific client groups has been important in enabling expertise to be developed in particular areas. This ensures the specific needs of a group can be catered for by the agency developed to provide a service to that client group. However, as noted in the discussion paper, one of the weaknesses of the model of vertical organisations is that where people require the services of a number of government departments it is difficult to access the full range of supports which they need. This is a familiar experience for people who have a dual diagnosis, and for whom there is an expectation that they will be supported by the agency responsible for the condition which is said to be their primary diagnosis. In such cases it can be difficult to find an agency willing to take the lead role and accept responsibility for developing services, as they are concerned at being left with the full responsibility for an individual when other agencies are slow to respond or do not consider it their responsibility to provide some input.

In part this is because in a tight funding climate an agency will 'gate keep' and refuse a service if the person is considered to be the responsibility of another agency. In approaching the alternate agency the person may have the same response. Also because agencies are aware that, due to the impact of the dual diagnosis, they will be unable to meet the person's needs they assess the person's needs cannot be met by their service.

A positive outcome of the current consultation process would be that an overarching principle of collaborative working be identified by State government as an indicator of agency success in meeting consumer needs. This would facilitate agencies to develop, and be formally recognised, for creating new approaches to service delivery by working in collaboration with other departments.

The Public Advocate has been involved in a significant whole of government project seeking to address the issue of how to support people with exceptionally complex needs. The project was reported in 'People with Exceptionally Complex Needs Project, Phase 1 Report'². This project was developed as a collaborative inter-agency

- _____
-

² Government of Western Australia, 2007. People with Exceptionally Complex Needs Project Phase 1 Report, Social Policy Unit, Department of the Premier & Cabinet, Perth WA.

initiative to address the needs of a small but highly vulnerable cohort of individuals with decision-making disabilities who had multiple needs e.g. housing, medical, family conflict and drug and alcohol abuse.

The project identified specific criteria which were required for a person to be considered to have 'exceptionally complex needs' as follows:

Adults (18 years of age and older); who have **two or more** of the following criteria:

- a mental disorder as defined under the *Mental Health Act 1996*;
- an acquired brain injury;
- an intellectual disability;
- a significant substance abuse problem; **AND**
- pose a significant risk of harm to self or others; **AND**
- require intensive support and would benefit from receiving coordinated services; **AND**
- for whom the existing system is not working³.

It is noted in the report that while there are examples of interagency collaboration, for the cohort identified in this project the interagency responses required going beyond usual methods of operation. This is significant as it suggests that organisational flexibility is needed in developing collaborative working relationships and that for some client groups new approaches must be developed for their needs to be successfully addressed.

One of the key features identified in the report as being relevant to the success of the project was a high level of commitment from senior management and at executive level. Another important feature is that services need to have flexibility to tailor responses to meet individual needs.

It was proposed that a pilot project would be trialled, using the model developed in this project. However this has not occurred to date, in part due to changes in personnel in various agencies and the challenges presented in identifying the budget and lead agency to manage the pilot project. This demonstrates the need for commitment at the highest levels of government to collaborative initiatives such as this to ensure they are operationalised to successfully meet the complex needs of the most vulnerable people in society.

- _____
-

• ³ Government of Western Australia, 2007. People with Exceptionally Complex Needs Project Phase 1 Report, Social Policy Unit, Department of the Premier & Cabinet, Perth WA.

Developing Memorandums of Understanding

The Public Advocate has taken the initiative to work more collaboratively with a number of agencies to improve outcomes for people with decision-making disabilities. This includes the development of Memorandums of Understanding (MOU's) which have assisted in developing an understanding of agency roles and responsibilities.

The MOU's have often been developed following identification by the Public Advocate that there have been systemic barriers to ensuring that a person's needs are met, or where there is a lack of understanding in relation to the roles of individual agencies.

The formulation of the new State Administrative Tribunal provided an opportunity for both the Office of the Public Advocate and the Tribunal to develop a cooperative and productive working relationship. The Tribunal was given a broad range of new functions, of which processes in relation to guardianship and administration were part of one stream.

A number of strategies were utilised to ensure a cooperative working relationship. These included regular meetings between the President of the Tribunal and the Public Advocate, the introduction of a Liaison Officer position to assist in preliminary assessment of applications received by the SAT, and regular meetings with key members of SAT and OPA staff to discuss work issues. This culminated in the development of a Memorandum of Understanding in relation to how SAT and OPA work together. These strategies have ensured the agencies work well together to ensure that the needs of clients involved in the guardianship and administration system are met.

The Public Advocate has developed MOU's with other agencies and experienced where there is less commitment and reinforcement of the MOU's from senior officers they have limited success. It is the Public Advocate's view that where MOU's regarding service delivery are promoted and supported by the involved agencies it ensures the most effective use of resources of both agencies with obvious benefits to clients.

Development of citizen centred services

Another key area being considered by this inquiry is the development of good relationships between government and citizens. The Public Advocate acknowledges that making a person subject to a Guardianship or Administration Order involves the removal of a person's own decision-making rights in some or in all areas of their life. When the Public Advocate is the appointed guardian there is the added complexity of a government department being involved in the person's life. The *Guardianship and Administration Act 1990* states that the appointment of the Public Advocate should only be as guardian of last resort. The Public Advocate supports this concept and in exploring how this can be achieved has developed the Community Guardianship Program.

This program recruits volunteers and provides training to enable them to be appointed guardian for a person with a decision-making disability. The community guardian has a greater capacity to build a close relationship with the person, and therefore be involved as a social support, in addition to being a legal substitute decision-maker for lifestyle matters. While the initial introduction of represented people and community guardians is by the Public Advocate the relationship which develops is a strong and enduring one based on a commitment to uphold the best interests of the person with the decision making disability.

In developing this service the Public Advocate looked at a similar model managed by the Public Advocate in Victoria. This enabled the Public Advocate to consider the experiences of this agency and use this in developing the new program. The program coordinators developed working relationships with coordinators interstate which enabled them to benefit from their experience, while establishing a program specific to the needs of citizens in WA. This type of collaborative approach is beneficial to all agencies and ensures efficient use of resources by making use of lessons learnt in similar environments

Developing the active involvement of citizens is particularly relevant in relation to guardianship. With the rapidly ageing population in Australia, and predicted rise in the number of people with dementia, there will be an increased number of people for whom an alternate decision-maker will be required. The Public Advocate will continue to provide services to those people with decision-making disabilities who require a substitute decision maker. However by managing and developing the Community Guardianship Program, the Public Advocate is taking the initiative in building community capacity to provide people who can be appointed legal guardian, in a way which will complement the role of the Public Advocate.