

Government/Community Sector Compacts: 'Real engagement?'

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Abstract

This paper details an action oriented research project undertaken by the Western Sydney Community Forum during 2003 and 2004. The project formed part of the Forum's work in relation to the 'Working Together for New South Wales' (NSW) compact between the State government and the community sector. The project aimed to: draw on overseas experiences of 'compacts' and similar processes; facilitate discussion and debate about the NSW compact; consult with community sector organisations about the NSW compact, their experiences of working with government and ideas for improving relations; contribute to the ongoing development of the NSW compact and government/community sector relations more generally; and gauge support for and ideas about a consultation protocol to be attached to the NSW compact. Participants in the study were highly critical of past Government consultative processes, which have symbolic and instrumental value in government/non-government relations. The study asked: How could the sentiments articulated within compact processes be made meaningful? How could policy making in New South Wales be made more deliberative, participatory and, by implication, robust?

A note on terminology: Participants in this study wished to be identified as 'community sector organisations' rather than non-government. They primarily comprise organisations with voluntary community-based management committees. 'Compact' is used as a generic term to mean formal agreements between 'parties' as well as the process of developing and implementing this agreement. They may be referred to in this paper as 'compacts', 'partnerships' or 'agreements'.

Introduction

Over the past decade interest in developing greater 'engagement' between governments, citizens and citizen organisations has been reflected in the development of compacts or broad partnership agreements. These agreements provide overarching frameworks of cooperation, collaboration, recognition and values. This paper asks, however, how 'real' is the engagement facilitated through government/non-government compacts, such as Working Together for NSW. It suggests that implementation and accountability inhibit the effectiveness of compacts as an engagement strategy.

Literature review

The recently endorsed 'Working Together for NSW' compact between the New South Wales Government and the community sector aims to articulate the broad parameters for future relations between the sectors. This compact or agreement is part of a worldwide movement, as other Westminster based democracies (such as Canada, Ireland and Britain) have developed similar

compacts and partnership processes over the past decade. In particular, compacts between government and community or voluntary sector have become synonymous with the Blair New Labor Government. These partnership processes are, at least in part, a response to the loss of legitimacy of political processes and an effort to reinvigorate active citizenship (Woodward 2000, p. 236). Discussing for example the introduction of Citizen's Jury, Woodward sees such processes as 'part of [the current government's] drive to make British democracy more vibrant through active citizenship and participation in local issues' (2000, p. 233). Deriving from the work of theorists such as Putnam (1993, 1995, 2000), vibrant communities and democracies were those in which citizens actively participated in local organisations or networks, generating trust, pro-activity in social context, tolerance of diversity and value of life. Symptoms of low social capital include crime, vandalism, personal isolation, racism, age divisions and violence (Lane and Henry 2001). In the UK efforts to reinvigorate active citizenship were seen as a response to the public policy legacy of the 1980's and 1990's of increased individualism, fragmentation and embedded poverty, which collectively threatened civil society (Blaxter et al. 2003, p. 131). It could be argued that Australia has a similar legacy (Pusey 2003). Compacts between government and community sector organisations were seen as an important strategy in dealing with this threat. They symbolised a desire for cooperation and an acknowledgement that government alone did not have the solutions for social disadvantaged, running counter to the conception of government/non-government relations as 'purchaser/provider' (Rawsthorne and Shaver 2002). Government and community sector partnerships promote the well-being of communities and acknowledges that renewal relies on local communities, local knowledge and innovation (Blaxter et al. 2003, p. 132).

In Canada, partnerships and their concomitant consultation processes are seen as providing an alternative to the accommodation of elites in policy making. They are a counter to processes that allowed a select few of the more socially privileged societal interests to dominate the (often informal) processes of policy advocacy and participation (Patten 2002, p. 224). This 'policy turn' or shift is welcomed by those who wish to see a strengthened democracy and a shift in power towards those who have little say in public affairs (Blaxter et al. 2003, p. 132). Patten (2001) terms this policy turn as 'participatory deliberative democracy' that far from undermining parliamentary leadership requires:

"a unique degree of political leadership to engage policy decision-makers in fostering rational, open-minded debate characterized by [a] high degree of intersubjective reciprocity and understanding" (2001, p. 222).

At its most optimistic, these processes signify a radical paradigm shift contrasting with ideas of governments being benevolent providers of services for a passive citizenry (Woodward 2000, p. 234). This radical paradigm shift positions citizens and citizen organisations (such as community sector agencies) as central to solving community problems and re-building social capital.

This democratisation of state policy-making requires specific strategies to ensure effective participation by marginalised groups (Patten 2001). He suggests deliberative democracy requires 'a

commitment to equalising the deliberative capacities of respective interests and to respecting both expert opinion and the 'situated knowledge' of more marginal social interests' (2001, p. 223). This commitment includes strategies to facilitate group self-organisation, protecting the right of groups to self-define their political identities and interests and creating the space for groups to have voice and self-representation in policy-making (Patten 2001, p. 223). In the context of social and economic inequality Patten suggests that marginalised groups should have a veto in policy-making if the processes of deliberation encounter unresolvable conflicts of interests (2001, p. 223). If, for example, a resource development that was highly desirable for consumers in the South would radically and detrimentally transform the lives of a culturally distinct and geographically isolated Inuit community, deliberative democracy could mean allowing the minority Inuit voice to trump the majority opinion of Southern consumers (Patten 2001, p. 223). Consensus is not a democratic means of resolving conflicts of interests (Patten 2001, p. 223).

"For those groups — often social minorities — that suffer oppression or disadvantage on account of their social position, it can be very dis-empowering and anti-democratic to place too high a premium on consensus, particularly if consensus is achieved via the subtle imposition of majoritarian conceptions of the general will" (Patten 2001, p. 223).

In government/community sector partnerships this clearly includes community sector organisations but particularly smaller community sector organisations that struggle to have a voice in broader policy debates. In Ireland the current approach to social partnerships are based on a false consensus and those who dissent are rebuked either verbally or in writing (Murphy 2002, p. 85).

"[S]ocial partnership processes deny the possibility of conflictual dialogue. Instead social partnership prides itself on its problem solving capacity. Consensus and problem solving models work by setting aside ideological differences to allow shared understandings to develop...people who raise their voice in dissent are told they are not playing fair, they are breaking the rules, or they are breaking confidentiality" (2002, p. 85).

Murphy argues the community sector involved in the Irish compact (the Community and Voluntary Pillar) "have been very unclear about our motivation for participation and unclear about what we want from the game — therefore we have a limited capacity to win" (Murphy 2002, p. 86). Participants have adopted a range of positions and there has been no consistency in approach by individual participants or the Pillar as a whole (Murphy 2002, p. 86). The community sector, like government, is not homogenous. This heterogeneity presents real challenges to the effectiveness of compact processes. This highlights the need for a collective agreement on why the community sector is participating in social partnership, what it expects from participation and the conditions under which it is inappropriate to participate? The Irish experience suggests 'playing the game' effectively demands the continuation of activism through alternative strategies such as public awareness raising, legal challenges, social analysis, networking, conflict and campaigning (Murphy 2002, p. 88). That is, being effective 'inside' the game doesn't mean giving up the game on the 'outside'. Murphy argues that whilst to date the social partnership has:

“borne very limited fruit and there has been a considerable opportunity cost in terms of loss of time dedicated to other actions for social change...right now, we need every conceivable route we can find and so, for the time being, the outsiders on the inside should stay where they are” (Murphy 2002, p. 89).

Consultation is fundamental to ‘real engagement’ between government and the community sector. In terms of compacts, it has both instrumental and symbolic value. Within the literature, however, there is debate about the need to consult or the utility of consultation. The lack of clarity about why governments consult and what they are trying to achieve may well underlie some of the difficulties experienced by participants in consultative processes. For some, consultation is key to democratic legitimacy, for others it is a threat to this legitimacy. In the broader context described above, it is also viewed as a key strategy to regain democratic legitimacy.

Some critics on the Right raise concerns that consultation is part of the ‘capture of government’ (Lederman 1995). From this perspective, consultation and the demands for consultation constitute a threat to the democratic process — “that unelected people are appropriating decision-making power that should reside solely in the hands of elected government” (Lederman 1995, p. 44). Lederman argues further that most claims of representativeness are dubious and most policy activism actually reflects direct self-interest, rendering it worthless. Those thought to be acting in ‘self-interest’ include “unions, church leaders, welfare agencies, professional associations, ethnic groups and a myriad of such others” (Lederman 1995, p. 44). Conspicuously absent from this list are business interests, the legal fraternity (of which Lederman is a member), the ‘money market’ and global capital. Lederman and others from the Right fail to acknowledge the underlying structural inequities that led to competition and power conflicts over resources, claiming instead that democracy needs government to be “a third party, a disinterested arbitrating party” (1995, p. 45).

At the other end of the spectrum, the liberal democratic view of policy idealises the active involvement of citizenry in the decision-making process (Beresford 2000, p. 32). Some writers have argued that consultation with the electorate has become essential in light of a better-educated and informed public, the impact of the media and more effective interest groups and the managerialist principles being applied to the public sector (Beresford 2000, p. 32). Patten (2001) argues that:

“in the absence of substantive social equality and a vibrant and politicized civil society, democratic public consultation can serve to equalize influence over public agenda-setting by ensuring that space is created for effective interventions on behalf of marginalised or disadvantaged societal interests that otherwise are less able to shape the public agenda” (Patten 2001, p. 226).

The OECD (2001, p. 18) argues that through consultation governments strengthen their relations with citizens. It argues that effective consultation results in better public policy, greater trust in government and create a stronger democracy (OECD 2001, p. 18). Consultation assists the development of better

public policy by providing up-to-date information about the impact of policies as well as improving implementation as citizens have become well informed about the policies through taking part in their development (OECD 2001, p. 18). Consultation assists in the development of greater trust in government by showing it to be open and trustworthy, enhancing the legitimacy of government. Processes that encourage more active citizenship and that make government more transparent and more accountable (OECD 2001, p. 18) creates a stronger democracy.

Beresford (2000, p. 33-35) identifies a number of barriers to effective consultation. Of fundamental importance is the willingness of governments to abide by the principles of good practice. There are ample examples of consultation processes implemented by government in which there has not been a genuine two way exchange of information or equality in the decision-making process. This inability to adhere to good practice has led many to cynically view consultation processes as tokenistic or at worse as attempts by governments to manipulate the less powerful (Beresford 2000, p. 33). Effective consultation is also hindered by the willingness and ability of citizens (in this case the community sector) to engage in a protracted process, which is often required in relation to complex social issues.

Carson and Gelber (2001), discussing planning processes, identify three elements to making consultation work, p. a series of principles; collaboration; and the four-step model for community consultation. The focus on collaboration is welcome and particularly relevant to government and community sector relations. A commitment to collaboration 'means ensuring interaction and encouraging collective reasoning and deliberation among a range of participants who reflect the social diversity of the community being consulted'. In terms of government and community sector partnerships and consultations, this means ensuring a range of views are included and processes put in place to enable the emergence of commonalities. Hil and Roughley (cited in Beresford 2000, p. 33) argue that 'genuine consultation' will involve a two-way information exchange between citizens and traditional power-holders. The outcome is a 'partnership agreement' that is characterised by joint planning, equality in decision-making and 'trade-offs' between all participating stakeholders.

The OECD Working Group on Strengthening Government-Citizen Connections has developed one of the most complete proposals for good practice in consultation (2001, p. 83-90). The Working Group notes that acknowledgement of these principles is not enough, governments must implement these principles if they are to reap the benefits of effective consultation. An organisational culture that supports consultation is highly important. The ten guiding principles are: commitment (leadership and strong commitment to consultation in policy making is needed at all levels); rights (citizens' rights to provide feedback, be consulted and actively participate in policy-making must be firmly grounded in law or policy); clarity (objectives for, and limits to, consultation and active participation during policy-making should be well defined from the outset); time (adequate time must be available for consultation and participation to be effective); objectivity (information provided by government during policy-making should be objective, complete and accessible); resources (adequate financial, human and technical resources are needed if active participation in policy-making are to be effective); coordination (this

enhances knowledge management, ensures policy coherence, and avoids duplication); accountability (governments need to ensure an open and transparent policy-making process amenable to external scrutiny and review); evaluation (governments need tools, information and capacity to evaluate their performance in strengthening their relations with citizens); and active citizenship (governments benefit from active citizens and a dynamic civil society).

Patten (2001) concludes:

“Guidelines for designing public consultations must remain flexible. Moreover, what is really needed at this time is a widespread political and bureaucratic commitment to develop a truly consultative culture within [government]” (2001, p. 240).

Interest in the development of a compact in New South Wales reflected international trends in governance, particularly concern about creating more opportunities for participation. The following sections explore how the lessons from overseas experience have or have not informed processes in New South Wales as well as documenting the experiences and opinions of community workers of ‘real engagement’.

The development of *Working Together for NSW*

In 1997, the Council of Social Service of NSW (NCOSS) proposed to the NSW Government that a statement outlining the shared objectives and the complementary roles of, and the principles of the relationship between the NSW Government and the NSW not for profit human services sector be developed (*Working Together for NSW* 2004). This coincided with interest within government in public sector reform that emphasised the heterogeneity of interests in society and the importance of the representation of these interests in policy processes (Goodwin 1999, p. 143). A research project produced for the Cabinet Office at that time argued for greater participation in policy processes and advocated for a ‘community governance’ model drawn from European experiences (Goodwin 1999, pp. 141-5).

“The community governance model suggests a more diffuse and devolved social democracy, compared with the corporatist social democrats, where the ‘giant’ social partners, government, business, unions, monopolised participatory spaces” (Goodwin 1999, p. 145).

In March 1999, the NSW Government made a commitment to negotiate a Compact between the government and the community and voluntary sectors as part of its Supporting Families and Strengthening Communities policy. A key government objective was to work in partnership with the community to build a fairer, sustainable and more inclusive society. The Compact is essentially an Agreement, which outlines why and how Government and NGOs can focus their efforts in partnership. It recognises that Government and non-government organisations may play different roles in achieving a common purpose. The main benefits of the Compact were seen as:

- an increased awareness and understanding of the contributions that the NSW Government and NGO sectors make to the building a fairer, sustainable and more inclusive society.

- improved communication and increased constructive dialogue
- clearer expectations
- promotion of standards of good practice
- improved quality of services and programs provided by both Government and NGOs to the community (Working Together for NSW 2004).

Working Together for NSW is not a legal instrument: “rather it is a set of shared goals, values and principles to guide working relationships”. It claims its authority from “endorsement by the NSW Government and the NSW human services NGO sector through an extensive consultation process”. It is envisaged as a whole-of-government document, applying to all Government and non-government organisations involved in the planning, funding, regulation and delivery of human services. It is to provide the broad parameters of the relationship between the two sectors and “is meant to underpin and support existing and future local, regional and Statewide partnership agreements, as well as agreements between individual government agencies and NGOs” (Working Together for NSW 2004).

A number of shared goals, values and roles were articulated in the Compact of particular interest to this research. These included:

- *Shared goals*: a commitment (*to the maximum extent possible*) ‘that people have opportunities for genuine participation in decisions that affect their lives’ and the ‘planning and delivery of human services is approached in a coordinated and collaborative manner within and between Government and the non-government human services sector’.
- *Shared Values*: the maintenance and further development of an independent, robust and diverse non-government sector; transparency and community participation in decision-making; and, trust and respect in partnership arrangements.
- *Role of Government*: providing frameworks for consultation and negotiation with the non-government sector and service users in relation to social policy, service delivery and expenditure.
- *Role of Non-Government Organisations*: partnering with Government in its planning and service delivery role by identifying social needs and services, projects and programs to address these needs; facilitating the participation of people and communities in policy and decision-making processes.

The oversight of the implementation of the Compact sits with the NSW Government’s Human Services CEOs and the Forum of Non Government Agencies (FONGA), who will establish a joint reference group. The compact calls on ‘both Government agencies and NGOs will use their best endeavours’ in shaping their relationship. This will include building appropriate organisational structures to support open communication, community participation and collaboration between government and non-government organisations in planning, policy development, program design and service delivery and review (Working Together for NSW 2004).

Research methodology

This paper derives from an action oriented research project undertaken by the Western Sydney Community Forum (hereafter 'the Forum') during 2003 and 2004. The project formed part of the Forum's work in relation to the proposed 'Working Together for New South Wales' compact between the State government and the community sector. The Forum, as a key regional organisation in Western Sydney, actively participated in the deliberations of the Forum of Non-Government Organisations (FONGA), was a member of the FONGA compact working group and had a consultative role with its members in relation to the compact. The research was conceived as an action-oriented study, involving ongoing review and refinement (Kemmis and McTaggart 1988; Wadsworth and Epstein 2001). One of the researchers (Fiona Christian) was engaged in the development and debate of the NSW compact so was ideally placed to re-shape the research as the compact process developed. The research project aimed to:

- draw on overseas experiences of 'compacts' and similar processes
- facilitate discussion and debate about the proposed NSW compact
- consult with community sector organisations about the proposed NSW compact, their experiences of working with government and ideas for improving relations
- contribute to the ongoing development of the proposed NSW compact and government/community sector relations more generally
- gauge support for and ideas about a consultation protocol to be attached to the proposed NSW compact.

Overall some 120 people actively participated in the research, predominantly from community sector organisations. The various strategies used to collect information included:

- a review of overseas literature and distribution of a discussion paper
- an *On-line Discussion Forum*: this took place on the New South Wales Government website 'communitybuilders'. Over a 6 weeks period 36 comments were made.
- an *On-line Survey*: linked to the communitybuilders website was an on-line survey (placed on the Survey Monkey site). 39 respondents completed the survey in the 2 months the survey was on-line (April and May, 2004). The On-line Survey, which had 22 questions, contained a mixture of closed and open questions. Respondents were encouraged to do as much or as little of the open-ended questions as they felt able. Section 3 of the Survey sought case studies from respondents about 'good practice' in consultation. The final two questions sought profile details of respondents.
- *Focus Groups*: Four focus groups were held across Western Sydney, with one specifically held for Aboriginal service providers and were attended by 36 community workers.

The research participants

Participants in the e-discussion were mainly from government, community sector peaks and academia. The majority of Survey respondents worked in the community sector on a paid basis. Twenty-nine participants indicated they worked for community sector organisations and eight were 'interested community members'. Forty per cent of respondents were employed full-time and a further

30 per cent part-time. Three community volunteers completed the survey. Responses were obtained from organisations of various sizes (over \$1 m, 35%; \$250,001–\$1 m, 30%; and <\$250,000, 15%). Only one response was received from a rural location, four from greater metropolitan Sydney and nine from the Sydney region. Respondents included community development organisations, neighbourhood centres, peak and regional organisations as well as local government. The participants in the focus groups were from Western Sydney community organisations, including neighbourhood centres, youth services, migrant services and Aboriginal services.

There are a number of limitations of the research. One strong concern about the e-discussion process on the communitybuilders website was the exclusion of grass roots workers due to the inaccessible language being used. A typical comment was:

“Well as an ordinary community member I find so much of this discussion is airy, academic and not understandable!!! I thought everyone today understood the need to communicate in plain English. Unless there’s a commonality here there will never be democracy.”

An awareness of the possible limitations led to focus groups being organised with grass roots workers in Western Sydney including one specifically for Aboriginal workers. The survey responses were restricted due to relying on a relatively new form of administration (online) which required familiarity and access to the Internet. Additionally, it was probably too long for that format.

Research findings

Past experiences of consultation

Over half of the survey respondents (56 per cent) described their previous experience of government consultation as ‘poor’ and a further six per cent characterised their previous experience as ‘very poor’. Over one third (37 per cent), however, described their experience as either ‘ok’ or ‘good’, suggesting a level of good practice is occurring. The main reasons for these poor experiences included:

- the ad hoc nature of government consultation (“consultations are usually few and far between and very limited in scope”)
- no link between consultation outcomes and actual decisions (“very limited direct reference from consultation to actual decision and actual funding”)
- lack of recognition of contribution of the sector (“don’t feel the sector taken seriously”)
- predetermined outcomes (“they consult, but I often feel that this is ignored by Govt agencies, and is just massaged to fit their own agenda”).

Responses that capture the tone of many respondents were:

“Parameters are defined before discussion begins. Govt only offers input after the decision to do something has been made. We are never invited to participate in the decision-making process. Another point is what they call consultation is really an information session on what is going to happen. Top down process disregarding expertise and experience on the ground.”

“Government has learned to pay ‘lip service’ to the principles of consultation, and some are no more than information sessions where participants are told what government will be doing. Timelines for consultation are often too tight. Too often, consultation consists of forms to fill out that pre-determine the answers or do not cover the range of possible responses.”

Survey respondents indicated a number of barriers to effective consultation between the government and community sector sectors (Table 1). The two key issues highlighted by survey respondents were time (including the timeframe set by government and the availability of time from the sector) and poor outcomes from previous consultation processes. Reflecting the symbolic nature of consultative processes, 63 per cent of respondents indicated ‘commitment’ was a barrier to effective consultation.

Complaints about timeframes in consultations have been long held by the community sector. Timeframes are viewed by many as symbolic of the government’s commitment to ‘genuine’ consultation. One respondent expressed their concern about time as a barrier to effective consultation this way:

“Time constraints leading to pulling policy out of the bottom drawer and finding a best fit or tinkering at the edges to get a politically expedient result.”

For small organisations in particular the ability to allocate time to consultation was also viewed as a barrier to participation. Sole workers in some cases experienced conflict of interests between the expectation of management committees and service users and a desire to participate in broader policy discussions. Accessibility was an added barrier for many workers (41 per cent). Barriers to access identified included locations, disability access and language support (including signing).

Table 1. Barriers to effective consultation

| Barrier | Response total* | Response percentage (%) |
|-------------------------------------|------------------------|--------------------------------|
| Time | 24 | 75.0 |
| Poor previous outcomes | 23 | 71.9 |
| Commitment | 20 | 62.5 |
| Relevance to day-to-day work | 13 | 40.6 |
| Accessibility | 13 | 40.6 |
| Cost | 12 | 37.5 |
| Consultation fatigue | 11 | 34.4 |

*Multiple responses possible. Percentage is of the total number of survey respondents (39).

Hopes and fears about Working Together for NSW

The vast majority of Survey respondents (84 per cent) were aware of consultation in relation to Working Together for NSW. Despite this high level of awareness, slightly less than half of respondents (49 per cent) had participated in consultations in relation to the NSW compact. Focus group participants wanted to make it clear that they felt the consultation for Working Together for NSW was not extensive and should not be used as a model for future consultations.

Focus group participants identified a number of specific positives in the Working Together for NSW document. These included providing: clarity about shared goals and values; acknowledgement of the community sector and its work; and a number of potentially useful outcomes for the community sector. The compact provides an opportunity to express shared goals and values between government and community sector organisations. It also provides clarity concerning expectations, roles and responsibilities, which is useful. Shared values and goals are expressed in the document, which can draw the various threads of many players together. Focus group participants felt the document was a good strong statement of principles and if these principles drive the outcomes it has the potential of being very effective, although there was recognition for the need for ongoing review. The document makes a conceptual commitment by government to include community sector organisations (where possible).

Focus group participants noted that the document acknowledges the existence, roles, and complexity of the work of community organisations. Importantly, the document also recognises the major challenges facing small community organisations. There was a sense among focus group participants that the document acknowledges the sectors grievances about the way government does business and the need for other approaches. Given the widespread concern about the impact of contracting on community sector organisations (ACOSS 1996; Sawyer and Jupp 1996) participants welcomed the compacts specific acknowledgement of the independence from government of community sector organisations and their role as advocates for disadvantaged communities.

In addition to these positives, focus group participants felt that the document had a number of other potentially useful outcomes. Focus group participants were hopeful that the compact would improve relations between government and community sector organisations through increased participation in planning and modelling good working relations that were not reliant on personalities. Participants were also hopeful that the compact would increase resources for government to work with community sector organisations. It was felt increased contact would lead to greater mutual understanding and respect, thus improving the relationship.

Focus group participants felt the compact may also be a useful tool for improving the accountability of government agencies. The commitments made in the compact may deter agencies from cutting funds with no notice, leaving communities with suddenly reduced services and infrastructure and community organisations with redundancy pay-outs. By recognising the complexity and diversity of the work of

community sector agencies the compact may provide an opportunity to revisit the performance outcomes debate.

The compact also provides a good summary of the work of community sector agencies (not merely service delivery but also policy advice and advocacy) and could be useful in educating MPs, orienting new workers and management committee members.

Barriers to implementation

Focus group participants highlighted a number of barriers to the successful implementation of Working Together for NSW, including:

- lack of details and clarity
- lack of equality in commitments and requirements
- the legacy of the past and present
- resources to make it work.

The issue that drew the greatest amount of comment in focus groups was the lack of detail about rollout, application (including consultation processes), complaints and review mechanisms in the compact. Participants were concerned that without a comprehensive implementation plan the government commitments were too subject to interpretation. They were unsure exactly what the community sector was agreeing to due to the lack of detail. Without a comprehensive plan there was concern that the compact may not increase participation of communities in the policy process and may not include voices beyond the well-resourced organisations. Of particular concern was that there has been no discussion of the resource required to bring about a new way of working together.

Focus group participants, particularly Aboriginal organisations, also raised concern that current funding shortfalls are not addressed through Working Together for NSW. They felt existing funding arrangements prevented equitable outcomes for all communities (e.g. lack of sufficient resources for service provision to Aboriginal people, lack of funding for language and sign interpreters). Concern was also expressed that increased Occupational Health and Safety requirements and insurance costs threatened the ongoing viability of small community sector organisations.

The document fails to recognise the lack of trust and transparency as well as the very secondary role historically played by community sector organisations in their relationship with government. The document also failed to recognise the time and resources already committed to building relationships and failed to use existing partnerships. Working effectively together was hindered by the lack of understanding by government of community sector organisations and the many unique approaches, especially those used by Aboriginal service providers.

Focus group participants expressed concern about the possibility of costs and/or related disadvantage associated with working within the framework of Working Together for NSW. Of key importance, no

new resources are made available under the compact to support the new or increased research and documentation, data collection, policy development and participation in consultations required under the framework. There was concern that the compact could reduce the resources on the ground if it increases the “partnership” workload without increasing resources and thereby worsen the relationship, as has been the experience in other countries.

Community sector perspectives on ‘good practice’

What then would make Working Together for NSW more meaningful and likely to bear fruit? One strategy that received strong support among respondents was the adoption of a Consultation Protocol attached to the NSW compact. Forty-seven per cent of respondents felt the compact between the NSW government and the community sector would be *greatly improved* by having a protocol on consultation and a further 41 per cent thought it would be *improved*.

For many respondents commitment was a key aspect of consultation processes and relations between government/community sector more broadly. This relates to Hil and Roughley’s notion of ‘genuineness’ (cited in Beresford 2000) and Patten’s (2001) notion of a ‘truly consultative culture within government’: respondents wanted to participate in processes to which the government is committed. They were cautious of ‘token’ processes that were undertaken so that government bodies had meet expectations of ‘consulting’. Table 2 shows the key principles of a consultation protocol identified by Survey respondents (rated as ‘very important’)

Table 3. Key principles of consultation protocol

| Key principle | Response total* | Response percentage (%) |
|---|-----------------|-------------------------|
| Commitment | 30 | 76.9 |
| Open and democratic consultative processes | 28 | 71.8 |
| Accountability | 26 | 66.6 |
| Clarity | 26 | 66.6 |
| Evaluation | 26 | 66.6 |
| Meaningful deliberation | 24 | 61.5 |
| Resources | 24 | 61.5 |

*Multiple responses possible. Percentage is of the total number of survey respondents (39).

This commitment would be reflected in open and democratic consultative processes. Respondents were anxious that strategies be put in place to maximise participation, particularly of non-metropolitan groups and smaller agencies. Respondents also called for greater accountability by government in relation to consultation outcomes and desired an opportunity to evaluate consultation processes, both of which are major shortcoming in many current consultative processes. The lack of clarity about the

nature and possible outcomes of consultations was seen as a problem in current practice, with respondents indicating a desire for both greater clarity and honesty. Positive experiences of consultation addressed these issues for one respondent:

“[There was] a genuine desire to consult (on both sides), no pre-arranged outcomes, the community input was valued and the plans adjusted to take account of this input, and relationships were established early and maintained quite well through the process. Not everything went smoothly, but we all followed a process.”

When asked whom they saw represented their interests in consultations processes with government nearly half of survey respondents (48.6 per cent) indicated a desire to represent their own interests. Many survey respondents, however, believed there was a place in these consultative processes for regional organisations (41 per cent), statewide peaks (32 per cent), sector based peaks (27 per cent) and the Forum of Non-Government Organisations (27 per cent). This finding has implications for the way in which government consults with the community sector organisations but also how peak organisations operate. Not surprisingly, regional organisations appear to have stronger relations with their membership base. Given the role of the Forum of Non-Government Organisations in the carriage of the development of the NSW compact the low level of affiliation expressed by respondents needs further consideration. This finding suggests that FONGA will need to develop stronger consultative processes itself if it is to be legitimately viewed as representing the interests of the wider sector.

Respondents expressed a desire for future consultative processes relating to whole of government and community sector agreements to be undertaken via specific consultation workshops (62 per cent). Slightly over one third of respondents (38 per cent) also indicated support for consultations via peaks or via regional organisations. Once again, only a minority (27 per cent) indicated support for the carriage of these consultations to be given to FONGA. There was in fact more support for consultations via written materials and feedback (30 per cent). Reflecting concerns about accessibility, there was strong support among survey respondents for local level consultations (74 per cent). There was an acceptance of regional consultation (63 per cent) although substantially less support for state level consultations (29 per cent). One respondent commented:

“By taking consultations out to local regions. This will allow those isolated areas to participate together rather than send one delegate to a consultation”

The Survey canvassed a range of consultation methods currently being employed in planning processes to gauge their relevance and applicability to policy deliberations. Focus group discussions received strongest support. From open-ended responses it would seem the ability to prepare for consultations was viewed as important, with the provision of written information beforehand viewed as facilitating participation and deliberation.

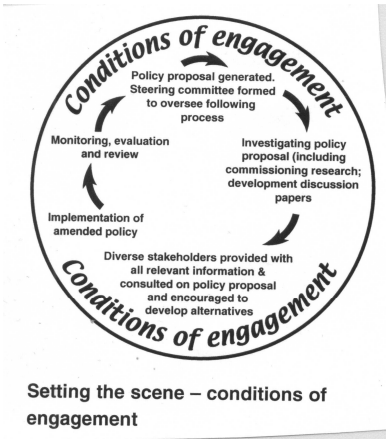
Table 5. Consultation methods rated ‘highly relevant’

| Method | Response total* | Response percentage (%) |
|------------------------|-----------------|-------------------------|
| Focus groups | 21 | 72 |
| Information technology | 13 | 48 |
| Search conferences | 12 | 44 |
| Citizens’ juries | 8 | 31 |
| Consensus conferences | 8 | 31 |
| Charrettes | 4 | 15 |

*Multiple responses possible. Percentage is of the total number of responses (29).

Ideas about making the partnership meaningful

Focus group participants also spent some time developing strategies to make the compact more meaningful. The following flow chart illustrates focus group participants' preferred process for future policy development under the framework of Working Together for NSW.



Focus group participants proposed a specific implementation process for policy development under the compact, with the aim of enhancing deliberation and leading to better policy outcomes. Coincidentally, the proposed implementation process included strategies that might overcome the barriers identified by survey participants. Key elements of the implementation process included: participation in decision-making; equal representation on steering committees; access to research, information and analysis; time; resources; inclusive consultation processes; monitoring and evaluation.

There was emphasis placed by all focus groups on the preconditions necessary to the constructive involvement of the community sector in policy development. Moving forward towards good practice in consultation requires significant ‘front-end’ work. The preconditions for constructive involvement were

particularly important to Aboriginal service providers. These preconditions were also seen as important in ensuring ongoing involvement and participation. It is interesting that many of these echo somewhat the experiences of Canada, which also has First Peoples. Aboriginal service providers highlighted:

- the need for accessible language and to demystify policy language
- the importance of identifying clear communication process
- the importance of Aboriginal drivers in the process and defining their own issues
- the need to develop new respect between players
- time to develop common language, common truth, common goals
- the need for clarity about decision-making and genuine participation in decision-making
- the need for the process to be flexible, holistic and people-focussed
- the need to work collaboratively and build trust and transparency
- the importance of accepting different opinions.

These preconditions were consistent with the key principles supported by survey respondents. Focus group participants wanted agreement about how policy proposals would be dealt with, including an agreed consultation protocol. They wanted active participation in deliberations about policy changes, with training and resources provided to support this active participation. They wanted a commitment to fund or resource policy outcomes. They acknowledged the impact of competitive tendering on the sector and suggested the need for a mechanism to encourage community sector collaboration. Finally, and this relates to the survey respondents' concern about accountability, the focus group participants wanted an agreed dispute resolution process in place.

Broad participation in consultation was seen as vitally important by all focus groups. Some of the issues identified concerning consultation included the need for:

- clarity about the goals/outcomes and purpose of the consultation
- clarity about where decision-making lies and what decision has been made
- feedback on consultation outcomes to participants, possibly a formal reporting mechanism
- a range of consultations forms, including e-options and at a local level
- consultations that allow deliberation of the proposal
- clarity about the resources available and the resources needed
- consultations to be as inclusive as possible
- people of all ages to be included and consultations undertaken in appropriate settings.
- testing of proposals against local conditions.

Conclusion

This research suggests that the Working Together for NSW compact was welcomed by many in the community sector as an effort at 'real engagement'. Through the compact the Government recognises the importance of an independent and vibrant community sector in a healthy democracy. The research highlights, however, a number of significant concerns about turning the good intentions in the compact into concrete outcomes, particularly for disadvantaged communities. In many ways the compact raises

more questions than it answers. How would it be implemented? What did it mean in practical terms for funded community sector organisations? How would the parties to the agreement be held accountable for their behaviour under the compact? What grievance and complaints processes were envisaged? If the compact indicated a paradigm shift towards genuine inclusion of community sector agencies in policy-making, what would this mean for consultation processes?

Working Together for NSW is a start; however 'real engagement' requires further work. The research indicates strong support for some form of consultation protocol attached to the compact to further the agreed principles of Working Together for NSW. Consultation not only appears to have instrumental value in terms of the development of good policy but is also viewed as having significant symbolic value. The principles of good practice supported in this research strongly echo those developed by the OECD (2001). A consultation protocol would firstly involve a commitment to facilitate and participate in consultation processes by government and community sector organisations. Well managed, inclusive, consultation processes will act as a foundation for a positive and creative relationship between the government and community sector organisations. Participants envisaged a consultation protocol that would ensure future government/community sector consultations would be open and democratic, enabling meaningful deliberation though providing appropriate time and information. Participants in consultation processes would be accountable for managing the consultation process well and ensuring agreed action arising from the consultation was undertaken. One aspect of managing consultations well would be to clearly communicate with all participants or stakeholders the purpose and potential outcomes from the consultation. Consultations would provide opportunities for participants to evaluate both process and outcomes. Resources would be made available to support both the process of consultation and the action arising from the consultation, including policy or program changes if appropriate.

Compact processes have at least partly arisen to address a legacy of poor relations between government and community sector organisations (Woodwood 2000). Ironically this legacy was identified by this research as a significant barrier to 'real engagement'. Poor previous experiences included the ad hoc nature of consultations, poor follow-through of outcomes, predetermined options, poor organisation and lack of effort to be as inclusive as possible.

Many research participants felt the lack of detail about implementation limited the potential of the compact. Whilst they agreed with the principles articulated in Working Together For NSW it was not clear how these would influence the work of government or community sector agencies, or deliver better outcomes for disadvantaged communities. There is a need for further work on strategies under the broad framework of the compact, particularly in relation to consultation processes, complaints, monitoring and review.

The focus group participants had well-developed ideas about how to give meaning to the compact. They proposed a specific implementation process for policy development under the compact, with the

aim of enhancing deliberation and leading to better policy outcomes. Coincidentally, the proposed implementation process included strategies that might overcome the barriers identified by survey participants. Key elements of the implementation process included: participation in decision-making; equal representation on steering committees; access to research, information and analysis; time; resources; inclusive consultation processes; monitoring and evaluation.

Making the principles meaningful requires greater collaboration not only between government and community sector agencies but also internally within government. It may be that specific strategies are required to ensure all parts of government act in the spirit of the compact. It is not good enough, for example, for a department to 'sign off' on the compact but continue to develop internal policy and program priorities without engaging in consultation. In addition to the way government manages specific consultation processes, there is also a challenge to make 'whole-of-government' processes real. There was a belief among research participants that government consultation was very ad hoc, with little or no internal co-ordination. Much greater cooperation will be required between government agencies to address this issue.

There are considerable resource implications arising from 'real engagement' via compacts and the concomitant consultation processes. From this research 'real engagement' will require local or regional level consultations rather than state level consultations. Ideally research participants would like discussion papers developed on policy proposals, setting out both the proposal and its implications for community members and community sector agencies. This discussion paper would be distributed with plenty of lead-time prior to a face to face consultation on the proposal. Focus group discussions were viewed as a good model for consulting with community sector agencies about policy, enabling greater deliberation in considering policy proposals.

The research indicates there are many parallels with overseas experience of partnership processes between government and community sector agencies. Focus group participants raised concerns that echo with the Irish experience. Murphy, in talking about Ireland, noted that the avoidance of ideological discussion and conflict limits creative approaches to problem solving, and ominously she argues social partnerships 'avoid visioning about the future in order to be pragmatic about the present' (2002, p. 85). In countries such as the United Kingdom, the partnership agreement was accompanied by substantial investment in making the compact meaningful, in the renewal of disadvantaged communities and in research and evaluation. If disadvantaged communities in New South Wales are to benefit from the compact it would seem Working Together for NSW can only be a beginning point of engagement rather than an end point.

The research indicates that the OECD ten guiding principles are strongly supported by those working in community organisations in New South Wales. Working Together for NSW has, to date, failed to meet the guiding principles in relation to: rights; resources; accountability; and evaluation. Very significantly the compact is not 'firmly grounded in law or policy'. Instead the parties are simply

encouraged to use their 'best endeavours'. To enable active participation in policy-making, adequate financial, human and technical resources are required. To date the Government has not address the resource implications of the Compact. Despite the Compact, the government has not ensured open and transparent policy-making amendable to external scrutiny and review. Nor has the government developed tools, information and capacity to evaluate their performance in strengthening their relations with citizens.

This research indicates that the Working Together for NSW agreement is welcomed for providing an overarching framework for government/community sector relations and finding common ground between the sectors. For compacts, such as Working Together for NSW, to enable real engagement in the policy-making process, however, they require significantly more than has been done to date in New South Wales. Whether it becomes 'meaningful' and represents real engagement between government and the community sector remains to be seen.

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