

OCHRE

*Opportunity, Choice, Healing, Responsibility, Empowerment*

# SOLUTION BROKERAGE

## POLICY AND OPERATIONAL FRAMEWORK

the coordinated management of critical issues and opportunities  
to bring about improved outcomes in Aboriginal communities



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# Purpose

Opportunity, Choice, Healing, Responsibility and Empowerment (OCHRE), the Aboriginal affairs plan for NSW, introduced cross-government solution broker function for Aboriginal Affairs. The Solution Brokerage Policy and Operational Framework (Solution Brokerage Framework) outlines whole-of-government operational and accountability arrangements for the delivery of solution brokerage. The Framework provides context and defines what solution brokerage is, how it will operate and the requirement of NSW government agencies to actively participate. The Framework is underpinned by the premise that Aboriginal communities must have a voice in determining what and how services are delivered in their communities and the following principles:

- Aboriginal people and communities have a spiritual, social, cultural and economic relationship with Country or place.
- Aboriginal leaders and communities understand their own needs. They have the drive and ability to manage their own solutions.
- Healing the injury and hurt caused by past government policy.
- Respectful consultation and negotiation between government and Aboriginal communities, with the free, prior and informed consent of those communities.
- Local solutions for local problems, with ideas and help from outside when wanted.
- Responsibility, accountability and transparency in decision-making.
- Continuous improvement and adjustment when needed.

# Background: why a new approach

In April 2013, the NSW Government approved OCHRE, the NSW Aboriginal affairs plan, developed in response to recommendations by the Ministerial Taskforce on Aboriginal Affairs (the Taskforce). OCHRE outlines new cross-government accountability and governance arrangements, including a new “Solution Broker” role for Aboriginal Affairs.

## Context

OCHRE and the Taskforce followed reports from the NSW Auditor General and NSW Ombudsman. The Auditor General found that the capacity of Aboriginal Affairs to drive change and influence service delivery at the regional and local level under *Two Ways Together* was limited by the lack of seniority of Aboriginal Affairs staff. The Auditor General also found that *Two Ways Together* failed to deliver on the ground improvements because of weak cross-government accountability arrangements. The Ombudsman similarly found Aboriginal Affairs had limited capacity to fulfil its coordination role and was unable to exert sufficient leverage on partner agencies. Aboriginal Affairs’ role in monitoring implementation of the *Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities* was hampered by the agency’s inability to exert sufficient influence over larger agencies.

Despite these limitations, solution brokerage has been part of the Aboriginal Affairs’ way of doing business and has achieved significant positive outcomes. The Auditor General attributed the NSW Government’s improved understanding of the needs of Aboriginal communities to Aboriginal Affairs’ expanded regional presence through the Partnership Community Program since 2009, and recommended that Aboriginal Affairs work with more communities to broker solutions. The Taskforce consultations in 2012 found widespread community support for elevating the role of Aboriginal Affairs within government so that it could drive solutions to local and regional issues.

## Rationale

International best practice research shows that solution brokerage will require clear, prescriptive and flexible mechanisms to work effectively. The extensive body of research shows that governments generally do not collaborate effectively, without binding requirements, of their own accord.

Research indicates that effective solution brokerage requires an environment of real authority to direct and coordinate action in both government and non-government agencies. The source and scope of delegated authority to the solution broker must be unambiguous, provide clear authority for senior local staff and shift bureaucratic cultures to support collaboration<sup>1</sup>.

Collaboration must also be based on formal relationships and agreed, clearly defined and understood roles, responsibilities and objectives; and be underpinned by commitment, resources and accountability from appropriate agencies<sup>2</sup>.

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<sup>1</sup> Hunt 2012.

<sup>2</sup> Gray 2002, cited in Stewart, Lohoar & Higgins 2011.

Solution brokerage in the Aboriginal affairs context also requires embedded cultural appropriateness, a strengths-based approach in engaging with Aboriginal communities, and use of culturally appropriate and consultative strategies, including the need for cultural awareness training for agency staff<sup>3</sup>.

The NSW Public Service Commission's collaborative blue print and international good practice research identifies a number of principles that underpin effective collaboration and solution brokerage, including:

- Leadership with authority;
- Clear roles and responsibilities;
- Focus for services and program delivery (rather than establishing additional bureaucratic structures);
- Mutually agreed and clearly defined problems;
- Collaboration, fairness of conduct and distribution of benefits;
- Right people, right place and right time;
- Sufficient trust to ensure significant innovation and risk taking both politically and financially ;
- Investment in long term change, even if that means success in the short term is elusive;
- Commitment to participation, effective coordination and support of aligned activities;
- Open-mindedness and flexibility to learn from other stakeholders; and
- Commitment of investment of adequate resources.

## Mandate

Aboriginal Affairs will use existing government processes and networks to raise and resolve interagency policy and service delivery issues through: Regional Leadership Groups (RLGs); Regional Managers Network (RMN); Department of Premier and Cabinet Regional Coordinators; OCHRE Senior Executive Committee (SEC); the Secretaries Board; and the Cabinet Standing Committee on Social Policy.

Premier's Memorandum ([M2015-02](#)) provides the mandate for Aboriginal Affairs to coordinate solution brokerage across government and requires NSW Government agencies to work flexibly with Aboriginal Affairs and implement Solution Brokerage Response Plans.

The Premier's Memorandum:

- Defines solution brokerage and Solution Brokerage Response Plans; and
- Authorises Aboriginal Affairs to:
  - Independently declare "issues" for solution brokerage;
  - Notify agencies of declaration;

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<sup>3</sup>Hunt 2012.

- Negotiate, and oversee the implementation of solution brokerage response plans;
- Take necessary action to resolve disputes locally to the greatest extent possible, with agencies having a positive obligation to comply with reasonable requests from Aboriginal Affairs;
- Seek approval of Tier 3 Solution Brokerage Response Plans by the Secretaries Board; and
- Report regularly on Solution Brokerage Response Plans to the Secretaries Board.; and
- Requires NSW Government agencies to participate in solution brokerage.

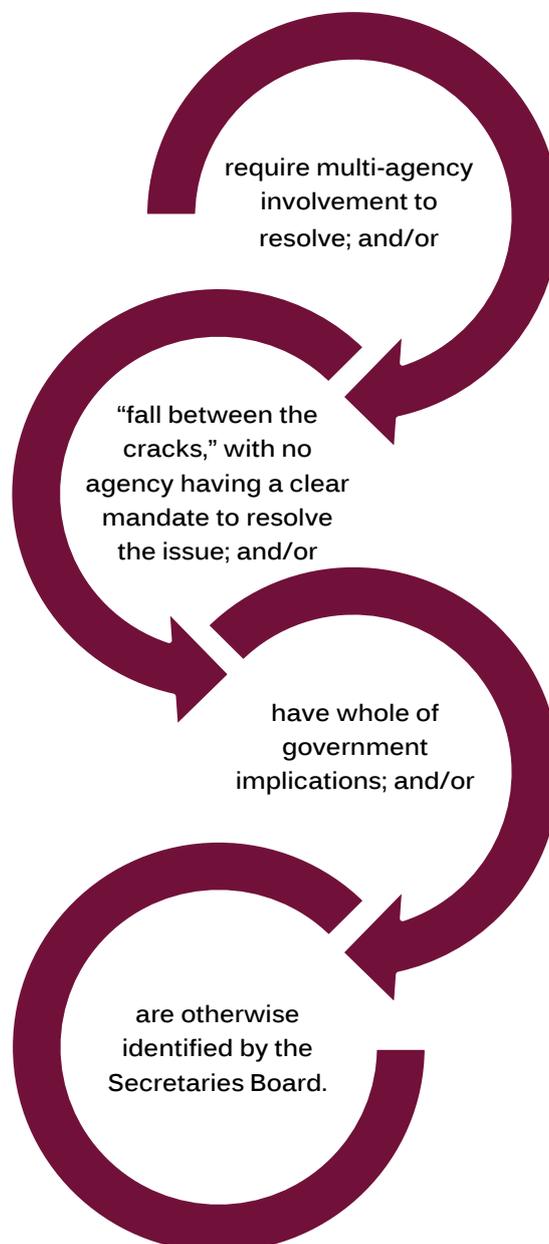
There are constraints in relying on an administrative mandate, like Premier's Memoranda, and past experience highlights the need for a comprehensive communications plan and an on-going change management process to ensure the mandate is effective beyond the short-term, and provides lasting authority to direct and influence change across public sector agencies and non-government bodies. This will require cultural change in many agencies to successfully drive this approach. The Department of Premier and Cabinet will lead a whole-of-government change plan to support greater cross-cluster collaboration and innovation.

# Solution Brokerage

## What is it?

Solution brokerage is the coordinated management of critical issues and opportunities to bring about improved outcomes in Aboriginal communities. It includes service and policy integration and coordination to ensure policy reforms deliver their full potential and do not have unintentional consequences for, or are at odds with, other reforms.

It requires agencies to work together and collaborate with Aboriginal communities, NGOs and other tiers of government to find practical solutions to issues that:



## How will it operate?

The authority to invoke the solution broker functions is vested in the Head of Aboriginal Affairs.

Aboriginal Affairs can receive requests for solution brokerage from any third party (Aboriginal communities, government agency, NGO, or community organisation) or identify potential issues for solution brokerage in the course of its business.

Criteria must be met before a solution broker issue can be declared.

Solution brokerage will operate in a clear project management framework, delegating authority to the officer in charge, assigning cross-agency project teams with clearly defined roles, establishing Solution Brokerage Response Plans with resources, milestones, accountabilities and start and end dates.

Solution Brokerage Response Plans will be approved by an appropriate approving body and will clearly articulate agreed lines of authority and responsibilities for cross-agency project teams formed to address the solution broker issues. Through solution brokerage Aboriginal Affairs will be able to direct cross-agency resources in accordance with approved Solution Brokerage Response Plans.

Where an outcome cannot be achieved within, or by the redirection of, existing resources, it may be necessary for Solution Brokerage Response Plan resourcing to be considered by the Expenditure Review Committee or through normal budget process.

Solution brokerage action is time limited, with a fixed end date, rather than a long-term “fix-it” role for specific on-going service delivery or program issues.

Solution brokerage should not be invoked to review past activities or investigate complaints – these functions are covered within the roles of the NSW Ombudsman and NSW Auditor General.

Also solution brokerage should not supersede agency change management and innovation to address service delivery dysfunction, nor provide an opportunity for agencies to “dump” intractable problems. Instead, solution brokerage is positive, proactive, although at times reactive, and scoped to improve service function, innovation and coordination.

Aboriginal Affairs' solution brokerage function is distinct from the agency's core business of general advocacy work. Solution brokerage will, however, compliment and provide greater leverage to the agency's general advocacy and facilitation roles.

## Criteria

Care and discretion must be exercised in taking on the solution brokerage functions. Aboriginal Affairs' limited resources need to be applied in the most effective and efficient manner and not get tied up in other agency core business.

The criteria to declare a solution brokerage issue is that it must:

require multiple agency engagement to resolve the issue or maximise the opportunity;

be 'significant' (defined as the potential to bring about significant benefit or significant harm);

be able to be managed to a point where a sustainable solution can be put in place and maintained in the short to medium term (within 6 months);

be able to be managed within existing workload and resource levels; and

be a current issue (it is not the role of solution brokerage to investigate past action or review past performance as these review functions sit within the role of the NSW Ombudsman and NSW Auditor General).

Terms within this criterion list are subject to discretion and interpretation. For example, the test of significance must be broadly defined to accommodate a variety of circumstances. Aboriginal Affairs, in declaring issues, must assess priority granted to the issue relative to issues with similar levels of importance and the availability for resources to manage the solution broker process. This will require Aboriginal Affairs to consult with relevant agencies before declaring issues. If it becomes evident that a sustainable outcome cannot be achieved within existing resources the matter may need to be referred through the normal budget process or to Expenditure Review Committee. Issues that are assessed as not meeting the solution brokerage criteria will be either referred to the appropriate line agency for action or listed on a register for review.

## Categories

Adopting a solution broker role to coordinate whole-of-government solutions seeks to redress the problem of numerous State and Commonwealth agencies and Non-Government Organisations (NGOs) who are delivering services in Aboriginal communities in a way that community members complain is confusing, at cross purposes, wasteful and does not enhance capacity in the local community. The levels of trust, support and knowledge that Aboriginal Affairs regional staff have and the fact that they are a majority Aboriginal workforce, means that the agency is uniquely placed to adopt this role. The solution broker role covers three broad categories:

### Coordination

- This includes both service and policy integration to drive improvement. For service coordination, a number of existing agency and NGO resources may be coordinated to provide a community outcome. At a policy level it can involve the coordination of a number of separate but interconnected policy reform processes for which there is a want of integration.

In instances where outcomes can not be brought to resolution within existing resources it may be necessary to resolve resourcing through the budget process or the Expenditure Review Committee.

### Emergency response

- In these instances, government needs to identify priority responses, work with community leaders, coordinate delivery of outcomes and monitor and direct resources. In general, this requires an agency to lead with authority.

### Problem solving and advocacy

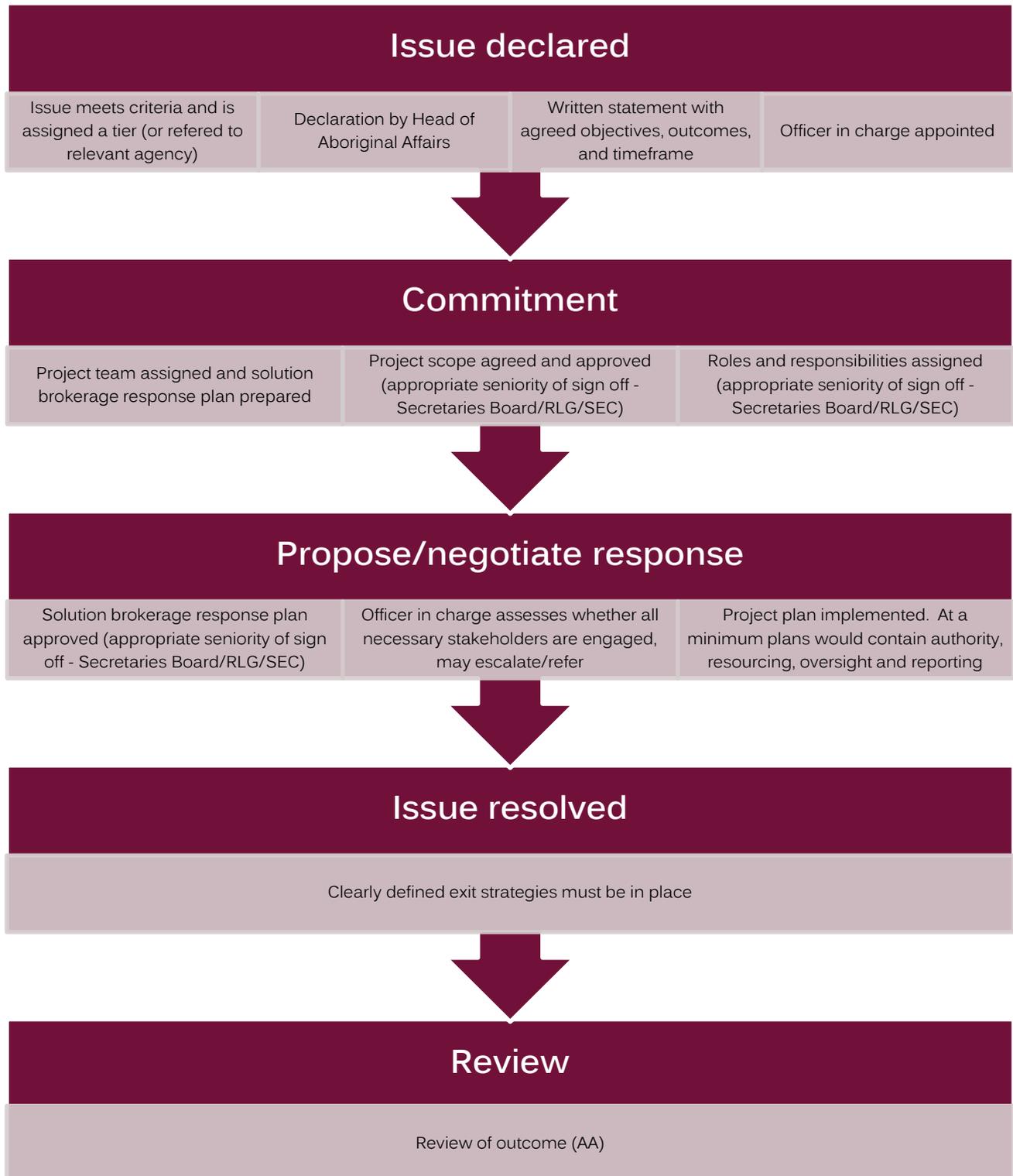
- Often Aboriginal community leaders are volunteers and many find the nest of government agencies, corporations and NGOs, impenetrable and unresponsive. This leads to unresolved problems and significant frustration. In these instances, the solution broker role could focus on coordination and problem solving.

The implementation of solution brokerage will be underpinned by an **action based research model** so that experience, detailed examples and modelling can inform continuous improvement and on-going roll-out.

# Implementation

## Framework

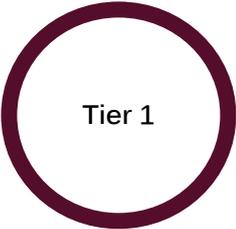
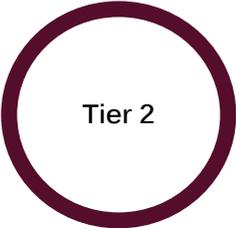
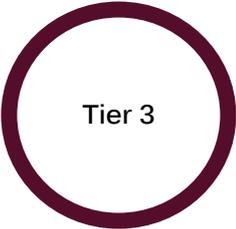
Below is a broad outline of the process for managing declared solution brokerage issues. This operating model is informed by emergency response procedures (such as the Rural Fires Act 1997). The referral steps may vary depending on whether the issue is tier One, Two or Three.



## Tiers

A three tiered approach to solution brokerage has been adopted to enable tailored responses to the complexity and scale of the issue.

The highest tier, Level Three, is for major policy reform integration, extraordinary or state-wide issues or issues that require directed agency response. Tier Two issues will be more complex local or regional issues and addressed through regional governance mechanisms, and Tier One will be local or place specific issues that will be addressed through engagement with Aboriginal communities and other local stakeholders.

	Scale	Officer in charge	Approving body**
 Tier 1	Local/place specific issues	AA senior regional coordinator*	RLG
 Tier 2	More complex or regional issues	AA senior regional coordinator or senior executive*	RLG or SEC
 Tier 3	Extraordinary or state-wide issues, or issues which require a directed agency response	AA senior executive or Head of Aboriginal Affairs*	Secretaries Board

\*Staff from agencies outside Aboriginal Affairs may be nominated as Officers in Charge (if agreed by approving body).

\*\* Approving bodies may decide it is necessary for a smaller, subgroup of relevant agencies to meet out of session to approve Solution Brokerage Response Plans.

## Declaration

Aboriginal Affairs is responsible for assessing whether any particular issue satisfies the solution brokerage criteria and declaring that a solution brokerage approach is warranted. The decision to declare an issue for solution brokerage is made independent of other agencies, including the Department of Education and Communities. However Aboriginal Affairs will consult with relevant agencies prior to declaring issues.

The declaration includes a written statement from the Head of Aboriginal Affairs which:

names the issue;

gives reasons why the issue meets the solution brokerage criteria;

identifies the tier into which the issue fits; and

identifies the officer in charge and the approving body.

## Officer in Charge

All declared solution brokerage issues will have an Officer in Charge assigned who will be responsible for managing and coordinating the response. They will oversee the development and implementation of a Solution Brokerage Response Plan, working with a project team of government and non-government stakeholders. The Officer in Charge through an approved Plan will be able to direct agency staff within the project team. The Solution Brokerage Response Plan will outline agreed lines of authority and responsibility.

For Tier One issues, in most instances, Aboriginal Affairs' Regional Coordinators will be the Officer in Charge and take a lead role in brokering cross-government solutions, oversee the project plan, and, where relevant, the project team. They will need to rely on local knowledge and relationships to engage stakeholders and resolve issues. This level of solution brokerage is a natural extension of the existing Aboriginal Affairs role to facilitate and advocate community identified priorities. Tier 1 issues are likely to be highly localised and, if of sufficient strategic importance, may warrant Regional Leadership Group (RLG) approval of the Response Plan. The Officer in Charge will report to the RLG.

Tier Two issues are those more complex matters or matters that cannot be resolved locally, and need to be escalated to a more senior level. The Officer in Charge will be an Aboriginal Affairs senior executive and will be responsible for the Solution Brokerage Response Plan and directing the project team if one is assigned. The Officer in Charge will report to the Head of Aboriginal Affairs and the RLG, or Senior Executive Committee depending on the nature of the issue.

Tier Three issues will require high level negotiation and coordination to bring about change, or have a state wide focus. They may also cover major policy reform and integration in an area of importance in Aboriginal affairs. The Officer in Charge will likely be the Head of Aboriginal Affairs (or devolved to a senior executive if appropriate) and will manage the project team assigned to respond to the issue. This may involve forming an interagency policy coordination group to consolidate the various policy reforms, and pursue opportunities for positive reforms in Aboriginal affairs. The Head of Aboriginal Affairs will report to the Secretaries Board on progress and outcomes of Tier 3 Solution Brokerage Response Plans. Staff from other NSW Government agencies may be nominated as Officers in Charge.

Solution Brokerage Response Plans will include:

**ISSUE:** summary of issue; desired outcome; measure of success; start and end date.

**BACKGROUND/CONTEXT:** when declared, nominated tier.

**APPROVAL:** approving body and assigned officer in charge.

**ACTIONS:** actions; milestones; timeline, resources; responsibilities

**RESOURCING:** assigned cross-agency project team; roles and responsibilities; project reporting lines of authority; other resources (including financial).

# Accountability

Solution brokerage requires NSW Government agencies to participate in the response to the declared issue and, at times, lead activities in accordance with the approved Solution Brokerage Response Plan. Solution brokerage will operate in a project management framework that requires collaboration with Aboriginal communities, NGOs and other tiers of government.

The Secretaries Board will oversee solution brokerage, which will be included as a regular item on the Secretaries Board agenda. The Cabinet Standing Committee on Social Policy will receive quarterly solution brokerage progress reports from the Minister for Aboriginal Affairs.

Authority to participate in declared solution brokerage issues is mandated by an appropriately senior approval body. Solution Brokerage Response Plans will clearly delegate authority from senior management levels to project teams, which may not necessarily align with the line management structure. This approval process enables resources to be assigned, clear roles and responsibilities to be agreed and establishment of monitoring and evaluation arrangements.

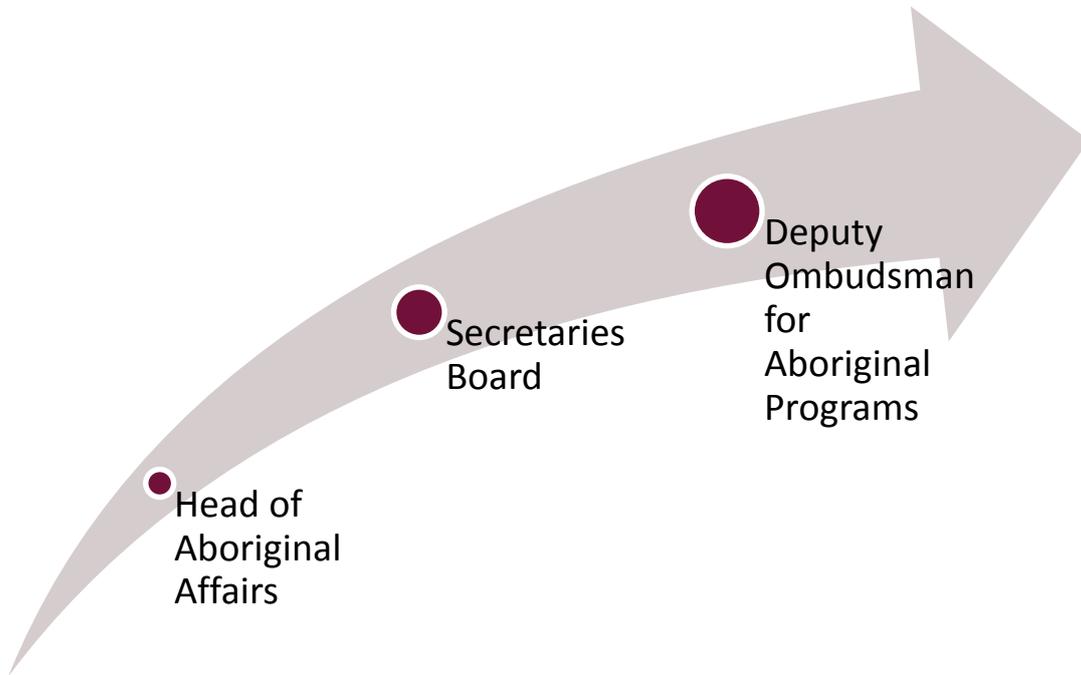
The approval body will vary depending on the tier, and may be the Secretaries Board, the Senior Executive Committee, relevant agency heads, or the Regional Leadership Group. The Head of Aboriginal Affairs will approve the declaration of solution brokerage issues.

## Reporting

The Secretaries Board would oversee implementation of OCHRE, including receiving performance reports from Aboriginal Affairs on the solution brokerage scheme. The Minister for Aboriginal Affairs will provide quarterly reports on solution brokerage to the Cabinet Standing Committee on Social Policy. Additionally, the Deputy Ombudsman for Aboriginal Programs would report to Parliament on issues identified and recommendations for improving the implementation of OCHRE, which may include solution brokerage. The combination of executive oversight (the Secretaries Board) and possible parliamentary oversight (Deputy Ombudsman for Aboriginal Programs) will encourage the active participation of agencies.

## Escalation mechanisms

Issues may require escalation due to lack of agency participation, slow progress, the need for additional resourcing or oversight or that the issues has not been able to be resolved.



### Head of Aboriginal Affairs

Aboriginal Affairs will take necessary action to resolve disputes locally to the greatest extent possible, with agencies having a positive obligation to comply with the reasonable requests of the Head of Aboriginal Affairs.

The Head of Aboriginal Affairs will be an escalation point within government direct to the Secretaries Board.

### Secretaries Board

Where intractable disputes arise between agencies in relation to Tier Two and Tier One issues, they will be escalated by the Head of Aboriginal Affairs to the Secretaries Board for determination. Every attempt must be made to resolve disputes between Government and community locally prior to escalation. This may involve mediation between agencies and communities. Once an issue is escalated to the Secretaries Board, a timeline and project plan for resolving the matter will be developed.

### Deputy Ombudsman for Aboriginal Programs

The Ombudsman, and by delegation the Deputy Ombudsman for Aboriginal Programs, monitors and assesses the implementation of OCHRE, including the operation of the solution brokerage scheme. For intractable issues, where existing solution brokerage mechanisms have been exhausted, the Deputy Ombudsman for Aboriginal Programs may exercise their powers under the *Ombudsman Act 1974*, including their conciliation and reporting powers.

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