

**Submission
No 5**

**EXAMINATION OF THE AUDITOR GENERAL'S PERFORMANCE AUDIT
REPORTS AUGUST 2019 - JUNE 2020**

Organisation: Department of Communities and Justice

Date Received: 3 February 2021

IMPLEMENTATION OF RECOMMENDATIONS

NSW Department of Communities and Justice (DCJ) Supporting the District Criminal Court

Rec. No.	NSW Department of Communities and Justice should, by June 2020:			
1	<p>Develop a strategic framework for improving and managing court data, including:</p> <ul style="list-style-type: none"> • a strategy for court data • a policy governing court data quality • assigning formal responsibility for data quality • proposed actions to improve the quality of court data, including the development of a data dictionary for JusticeLink • proposed actions to improve the use of courts data 			
Agency Response	<p>Accepted</p> <p>Courts, Tribunals and Service Delivery (CTSD) has established a Data and Analytics Unit and work has commenced to recruit resources and the relevant technologies required to meet the reporting and analytics needs of the Division.</p> <p>CTSD will develop a strategic framework for the management of court data including the management of data quality within the Division.</p>			
ACTIONS		Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
1.1	Develop a strategic framework for the management of court data and data quality.	Director, Data and Analytics Unit, CTSD	June 2020	<p>Completed</p> <p><i>A data quality framework has been developed for DCJ. The data quality framework has been tested, adopted and implemented by CTSD. A 2020-21 Strategic Plan for the Data and Analytics Unit will guide the development and implementation of a broader data management strategy.</i></p>

IMPLEMENTATION OF RECOMMENDATIONS - Supporting the District Criminal Court

Rec. No.	NSW Department of Communities and Justice should, by June 2020:			
2	Formalise the responsibilities of the courts data team and ensure that it is appropriately resourced to carry out its responsibilities.			
Agency Response	<p>Accepted</p> <p>CTSD has established a Data and Analytics Unit. The staffing structure and operating model has been approved. Work has commenced to recruit resources and the relevant technologies required to meet the reporting and analytics needs of the Division.</p> <p>CTSD will formalise the responsibilities of the Data and Analytics Unit to align with the needs and responsibilities of the Division.</p>			
	ACTIONS	Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
2.1	Formalise the responsibilities of the Data and Analytics Unit.	Executive Director, Strategy Reform and Support, CTSD	June 2020	Completed <i>The responsibilities of the Data and Analytics Unit have been incorporated into the 2020-21 Strategic Plan for the Data and Analytics Unit.</i>

Rec. No.	NSW Department of Communities and Justice should, by June 2020:
3	Align its internal benefits realisation guidance with the NSW Government's Benefits Realisation Management Framework
Agency Response	<p>Partially Accepted</p> <p>Based on the commentary in the Report, the Department has assumed that this recommendation relates specifically to the Early Appropriate Guilty Pleas reform. The Department considers that the EAGP Reform Monitoring and Evaluation Framework is consistent with the NSW Government's Benefits Realisation Management Framework.</p> <p>Before the reform was approved and funded, the Department developed a comprehensive business case in consultation with partner Justice agencies. The business case clearly identified benefits aligned to the Department's strategic goals. Well in advance of reform implementation, the EAGP Steering Committee approved the <i>EAGP Reform Evaluation and Monitoring Framework</i>, a comprehensive benefits realisation plan, which:</p> <ul style="list-style-type: none"> - Identified appropriate KPIs including: detailed Output KPIs to measure the anticipated reform outcomes; detailed Input KPIs to measure the reform levers that together produce the reform outcomes, and; a range of 'Tracking Metrics' (designed to ensure additional metrics could be investigated if necessary, but were excluded from the monitoring metrics to prevent unnecessarily complex reporting). - Identified IT system requirements for data collection, which were implemented in advance of the reform commencing. - Established a clear plan over time for monitoring and evaluation of the reform, including the timeframes in which monitoring of particular KPIs and evaluation activities would become meaningful. - Included both an outcome evaluation and early process evaluation – embedding a continuous improvement approach to benefits realisation throughout the early implementation of the reform as well as a robust outcome evaluation. - Established a strong post-implementation governance framework to manage benefits realisation. <p>Following the commencement of the reform the <i>EAGP Reform Evaluation and Monitoring Framework</i> continues to be a living document supported by strong governance:</p> <ul style="list-style-type: none"> - An officer level working group meets every three months to monitor the implementation of the reform and identify and resolve issues as they arise. - The EAGP Steering Committee (which includes senior representatives from all agencies affected by the EAGP Reform) meets every three months, with secretariat support provided by the Department. - KPIs are monitored and reported to the Steering Committee on a dashboard every three months. - There is active and ongoing management of issues arising in the monitoring phase, including data capture and quality issues – with further changes to Justice Link being implemented in December 2019. - A formation process evaluation is currently underway. <p>Nevertheless, the Department considers some adjustments could be made to respond to Audit Office findings.</p> <p>The Department will ask the Steering Committee to consider further changes to the EAGP Reform Monitoring and Evaluation Framework.</p>

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ACTIONS		Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
3.1	Asking the EAGP Steering Committee to consider amending the <i>EAGP Reform Evaluation and Monitoring Framework</i> to formally include economic evaluation as part of or in conjunction with the BOCSAR evaluation already planned to be finalised in early 2021	Director, Courts, Access to Justice and Regulatory; Policy, Legalisation and Reform Branch, Law Reform and Legal Services Division	June 2020	<p>Completed</p> <p><i>At its meeting of 10 December 2019, the Steering Committee approved a recommendation to: (a) formally include economic evaluation as part of or in conjunction with the BOCSAR evaluation already planned to be finalised in early 2021.</i></p> <p><i>In September 2020, the EAGP Steering Committee agreed that the economic evaluation of the EAGP reform should proceed, and will be informed by BOCSAR's findings and build on its insights about benefits realisation. The economic evaluation is currently being scoped by DCJ and is expected to be completed in the second half of 2021.</i></p>
3.2	Asking the EAGP Steering Committee to consider amending the <i>EAGP Reform Evaluation and Monitoring Framework</i> to formally assign responsibility for some input KPIs to particular agency leads, noting that it remains the Department's view that responsibility cannot meaningfully attributed to any single agency for any of the output KPIs and some of the input KPIs	Director, Courts, Access to Justice and Regulatory; Policy, Legalisation and Reform Branch, Law Reform and Legal Services Division	June 2020	<p>Completed</p> <p><i>At its meeting of 10 December 2019, the Steering Committee approved a recommendation to: (b) formally assign responsibility for some input KPIs to particular agency leads.</i></p> <p><i>A revised Framework incorporating these amendments was endorsed by the EAGP Steering Committee on 10 March 2020.</i></p>

Rec. No.	NSW Department of Communities and Justice should, by June 2020:			
4	Measure all benefits stated in the Early Appropriate Guilty Pleas business case			
Agency Response	<p>Not Accepted</p> <p>The Department is measuring 8 of the 9 benefits identified in the EAGP business case.</p> <p>The one benefit not being measured is Reduction in bed pressure on the correction system due to reduced average time in custody.</p> <p>As previously advised to the Audit Office, the Department has determined not to measure this benefit for the following reasons:</p> <ul style="list-style-type: none"> • This benefit was only 6% of the anticipated NPV (net present value) of the reform. • The calculation of this benefit was based on an analysis of the increase in prison time served due to a sentence of 'time served' being handed down after an extended delay, while the defendant has been remanded in custody. It is unlikely that this analysis can be repeated because of a number of compounding factors that have arisen since the analysis in the Business Case was undertaken. These include introduction of the 'Table offences' reforms and an unexpectedly higher rate of EAGP cases finalising summarily (leading to a larger proportion of offences being finalised in the Local Court, where matters resolve more quickly than the District Court). • The impact of these factors on this measure is likely to swamp the relatively small benefit predicted as a result of the EAGP Reform. <p>This decision is consistent with the following principles of the NSW Government Benefits Realisation Management Framework:</p> <ul style="list-style-type: none"> - Principle 8 – Benefits are dynamic; they need to be regularly reviewed and updated - Principle 9 – Keep the number of benefits monitored and reported to a sensible, manageable number <p>As noted at p.10 of the Framework, it is important to ensure priority is given to those benefits that provide the best business value and are most likely to be realised. Overly complex reporting may not be commensurate with the value of the benefits to be realised.</p> <p>It is also noted that, beyond the EAGP reform, the Department is closely monitoring the status of CSNSW beds a result of the Strategy and Reduce Reoffending and the Prison Bed Capacity Program.</p>			
	ACTIONS			Person responsible
4.1	No action	N/A	N/A	

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Rec. No.	NSW Department of Communities and Justice should, by December 2020:			
5	Investigate additional key performance indicators to measure its support activities, such as the accuracy of its data entry and its own contribution to the efficiency of the court.			
Agency Response	<p>Partially Accepted</p> <p>The new data unit in CTSD will investigate the reporting of court support activities by other comparable states and determine the need for additional performance indicators for NSW.</p>			
ACTIONS		Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
5.1	Investigate reporting of court support activities of comparable states and determine the need for additional performance indicators for NSW.	Director, Data & Analytics Unit, CTSD	Dec 2020	<p>Ongoing</p> <p><i>This action is now being considered in the development of program indicators for the Outcome Budgeting plan for the State outcome: Efficient and Effective Legal System led by the Stronger Communities Cluster.</i></p>

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Rec. No.	NSW Department of Communities and Justice should, by December 2020:			
6	Report performance in the court system annually against its key performance indicators in its annual report.			
Agency Response	<p>Partially accepted</p> <p>As identified in the report, the Department uses the Productivity Commission Report on Government Services, the NSW District Court Annual Review and the annual Bureau of Crime Statistics and Research (BOCSAR) Criminal Court Statistics Report to publish information about District Court performance.</p> <p>The District Court Annual Review reports annually on: trial registrations, trial finalisations, pending trials, median finalisation time, average length of trial, and time standards (and others). BOCSAR reports annually on: charges, defendants, finalisations, penalties, median court delay and appeals (amongst other metrics). ROGS reports annually on: lodgements, finalisations, expenditure, income, backlog indicators, clearance rates and numbers of judicial officers and staff and other metrics).</p> <p>The Department is concerned about the appropriateness of including additional detailed statistical information in the Department's Annual Report, which could result in duplication across the existing publications. In addition, the Department's Annual Report covers a financial year period, which would introduce a different reporting time period than other reports. This may increase confusion about court performance.</p> <p>However, in line with the previous recommendation and action item, the Department will give consideration to this recommendation. This will include discussing with stakeholders (such as the head of jurisdiction) about whether reporting should be expanded, and what is the most appropriate publication for this reporting.</p>			
ACTIONS		Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
6.1	Subsequent to the completion of action 5.1 and the identification of additional performance indicators, give consideration to expanding the current reporting.	Director, Data and Analytics Unit, CTSD	Dec 2020	<p>Ongoing</p> <p><i>As per 5.1, this action is now being considered in the development of program indicators for the Outcome Budgeting plan for the State outcome: Efficient and Effective Legal System led by the Stronger Communities Cluster.</i></p>

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Rec. No.	NSW Department of Communities and Justice should, by December 2020:			
7	Evaluate options for improving the delivery of technical support to regional and rural courts and commence implementation of the preferred option			
Agency Response	<p>Accepted</p> <p>As identified in the report, the Department's Information and Digital Services (IDS) does not have a regional workforce base. Instead, IDS contracts with local service providers. Regional registrars liaise with staff and judicial officers at a local level and respond to technology issues. All staff in CTSD are able to receive remote technical support, either over the phone or via video conferencing.</p> <p>Recently, the Department has contracted with a third party vendor to provide support to Courts in regional areas for priority 1 (critical) and priority 2 (high) incidents for desktop, DAT and network switches.</p> <p>At a systemic level, court registries conduct regular Court User Forums, where local users can meet to discuss issues, including issues related to technology. There is also a District Court technology committee, established under the Chief Judge's District Court's Strategic Plan 2018-2021, where issues can be raised. The Strategic Plan includes a commitment to reviewing its processes to maximise the benefits of technology.</p> <p>A new role has been created called Director, Frontline Divisional Services, CTSD intended to drive the day to day functional delivery of Information Technology and digital services. This role is structurally based within IDS, to provide a closer working relationship between IDS and CTSD for technology support.</p>			
ACTIONS		Person responsible	Date to be actioned by	STATUS (completed, on track, delayed) and COMMENT
7.1	Consult with CTSD on regional technology support and responses	Director Frontline Divisional Services CTSD	June 2020	<p>Completed</p> <p><i>IDS has implemented an updated organisational structure, engaged new remote staffing, engaged a new vendor and receives ongoing support for out of warranty hardware.</i></p> <p><i>Initiatives relevant to this recommendation include:</i></p> <ol style="list-style-type: none"> 1. <i>A Field Services regional support person stationed in the Newcastle government area to assist with on-site support on the north coast and north west NSW.</i> 2. <i>An existing arrangement with Information Management Integration Solutions (www.imi.solutions) to provide remote support throughout NSW.</i> 3. <i>Engagement of a second partner, Counterparts Technology (www.counterparts.com), to provide remote support.</i> 4. <i>An addendum to the current Lexmark print supply contract for Lexmark to continue supporting aged, out of warranty equipment.</i>

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				<p><i>Following the COVID-19 pandemic, IDS will look at pop-up support stations and rotating remote visits to regional areas throughout the year.</i></p>
7.2	Identify alternative approaches to improve IT support to regional areas, such as pop up IT services and proactive checks, potentially utilising internal workforce	Director, Operations and End User Services, IDS	June 2020	<p>Completed</p> <p><i>IDS has implemented an updated organisational structure, engaged new remote staffing, engaged a new vendor and receives ongoing support for out of warranty hardware.</i></p> <p><i>Initiatives relevant to this recommendation include:</i></p> <ol style="list-style-type: none"> 1. <i>A Field Services regional support person stationed in the Newcastle government area to assist with on-site support on the north coast and north west NSW.</i> 2. <i>An existing arrangement with Information Management Integration Solutions (www.imi.solutions) to provide remote support throughout NSW.</i> 3. <i>Engagement of a second partner, Counterparts Technology (www.counterparts.com), to provide remote support.</i> 4. <i>An addendum to the current Lexmark print supply contract for Lexmark to continue supporting aged, out of warranty equipment.</i> <p><i>Following the COVID-19 pandemic, IDS will look at pop-up support stations and rotating remote visits to regional areas throughout the year.</i></p>
7.3	Implement any identified alternative approaches (if required)	Director, Operations and End User Services, IDS	Dec 2020	<p>Completed</p> <p><i>IDS has implemented an updated organisational structure, engaged new remote staffing, engaged a new vendor and receives ongoing support for out of warranty hardware.</i></p> <p><i>Initiatives relevant to this recommendation include:</i></p> <ol style="list-style-type: none"> 1. <i>A Field Services regional support person stationed in the Newcastle government area to assist with on-site support on the north coast and north west NSW.</i> 2. <i>An existing arrangement with Information Management Integration Solutions (www.imi.solutions) to provide remote support throughout NSW.</i> 3. <i>Engagement of a second partner, Counterparts Technology (www.counterparts.com), to provide remote support.</i> 4. <i>An addendum to the current Lexmark print supply contract for Lexmark to continue supporting aged, out of warranty equipment.</i>

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