

Terms of Reference	
Name	Inter-jurisdictional working group (“IJWG”) on access to physical and sexual abuse (PSA) insurance for non-government service providers.
Timeframe/term	The IJWG was established in October 2021 and will remain operational until such time that collaboration and information sharing about PSA insurance for out-of-home care (OOHC) and youth homelessness providers between jurisdictions is no longer required.
Background	<p>Commercial insurers have withdrawn PSA insurance cover for OOHC and youth homelessness services from the market due to the increasing number of civil claims for PSA and size of settlements. The lack of available cover jeopardises the viability of OOHC and youth homelessness service provision in many jurisdictions.</p> <p>This is a national issue and may impact other sectors over time such as disability and education.</p> <p>In August 2021, the Community Services Ministers (CSM) established the IJWG to identify feasible long-term options to respond to the issue of Government-funded NGOs providing OOHC and youth homelessness services having difficulty obtaining PSA insurance and to facilitate state/territory and Commonwealth based responses.</p> <p>Analysis of potential options completed by Finity Consulting in September 2022 on behalf of the IJWG, determined there was no likelihood of commercial insurers returning to the market and recommended states and territories provide insurance or indemnity for PSA claims. Recommendations for the design and implementation of state and territory schemes was finalised for consideration of the IJWG and individual jurisdictions in February 2023.</p> <p>In July 2023, the CSM agreed to ongoing information sharing and collaboration between jurisdictions via the IJWG to work towards consistency, where possible, on the design of state and territory insurance or indemnity schemes.</p>
Purpose	The purpose of the IJWG is to facilitate collaboration and information sharing between jurisdictions and work towards consistency, where possible, on the design of state and territory responses to the lack of available PSA insurance for government funded OOHC and youth homelessness services.
Scope of work	<p>The IJWG will:</p> <ul style="list-style-type: none"> • collaborate to achieve consistency, where possible, on the design of potential state and territory insurance or indemnity schemes • share updates on work individual jurisdictions are doing to develop potential solutions, including temporary arrangements • share learnings and information about critical or emerging PSA insurance issues impacting government funded NGOs • consult with jurisdictions to assess need and test ideas, as required. • While the focus of the IJWG is OOHC and youth homelessness services, the IJWG may become aware of and discuss information concerning other sectors such as disability and education. Relevant information may be shared with other agencies where it could support those agencies in their own work on PSA insurance matters.

Chair and Members	<p>Chair:</p> <ul style="list-style-type: none"> Director Policy and Practice, Partnerships, Department of Communities and Justice, NSW <p>Membership: Membership comprises representatives, at officer level, from the Commonwealth and state and territory departments with responsibility for family and children services, some jurisdictions may also nominate representatives from their Treasury department and other relevant departments such as government insurance agencies.</p>
Confidentiality obligations	<p>Members of the IJWG may have access to or receive Confidential Information. As such the Commonwealth, state and territory agencies represented in this IJWG by their delegates, agree:</p> <ul style="list-style-type: none"> Confidential Information means any information that is disclosed by any agency to any member or representative of the IJWG, that concerns or is related to the business of the IJWG, and which is: <ul style="list-style-type: none"> by its nature confidential and not otherwise known outside of the IJWG identified by the disclosure as confidential or ought to have been known by the recipient to be confidential all Confidential Information will be kept strictly confidential and will only be used for the purpose of the work being undertaken by the IJWG, to brief senior officers within the respective agencies or their Ministers or as otherwise permitted by the IJWG. all necessary precautions will be taken to prevent unauthorised access, use, loss or disclosure of Confidential Information. where an agency is aware that there is unauthorised disclosure, access, loss or use of Confidential Information, they must inform the IJWG Chair as soon as reasonably practicable.
Meeting arrangements	
Meeting frequency	<p>The IJWG will meet bi-monthly however additional meetings may be arranged as required on an ad-hoc basis.</p> <p>Agenda items may be resolved out of session as needed, coordinated by the Secretariat.</p>
Meeting format	<p>Meetings will be conducted via teleconference, unless otherwise required.</p>
Time meetings are held	<p>Meetings will be held at a time that fits within business hours of all jurisdictions, noting that SA, NT and WA are in different time zones to NSW, TAS, VIC and QLD.</p>
Administration and Secretariat	
Secretariat	<p>Policy and Practice, Partnerships, NSW Department of Communities and Justice C/- NGOindemnityscheme@dcj.nsw.gov.au</p>
Meeting administration	<p>The Secretariat is responsible for meeting logistics, coordination of meeting papers, and the documenting and tracking of actions arising from meetings.</p> <p>Agendas and meeting papers will be attached to the meeting invitation in advance of each meeting.</p>
Jurisdictional updates	<p>Jurisdictional updates should be provided out-of-session, as needed.</p>

Reporting	The IJWG will report directly to the Community Services Ministers' (CSM) Meeting and provide updates to the Children and Families Secretaries (CAFS).
Sector updates	High level updates will be developed as required, to inform sector stakeholders, including OOHC and youth homelessness peak bodies and service providers on the progress of the IJWG. Updates will be endorsed by the IJWG and published on the IJWG page on the NSW Department of Communities and Justice website.
Relevant Documents	<p>Community Services Ministers' Meeting 27 August 2022 Agenda Paper Item 4: Non-government Organisation (NGO) insurance for abuse claims.</p> <p>Community Services Ministers' Meeting 19 July 2023 Agenda Paper Item 7: Non-government Organisation (NGO) insurance for abuse claims</p>
Amendments to the ToR	Any fundamental or significant changes to this document need to be agreed to by all members of the IJWG.