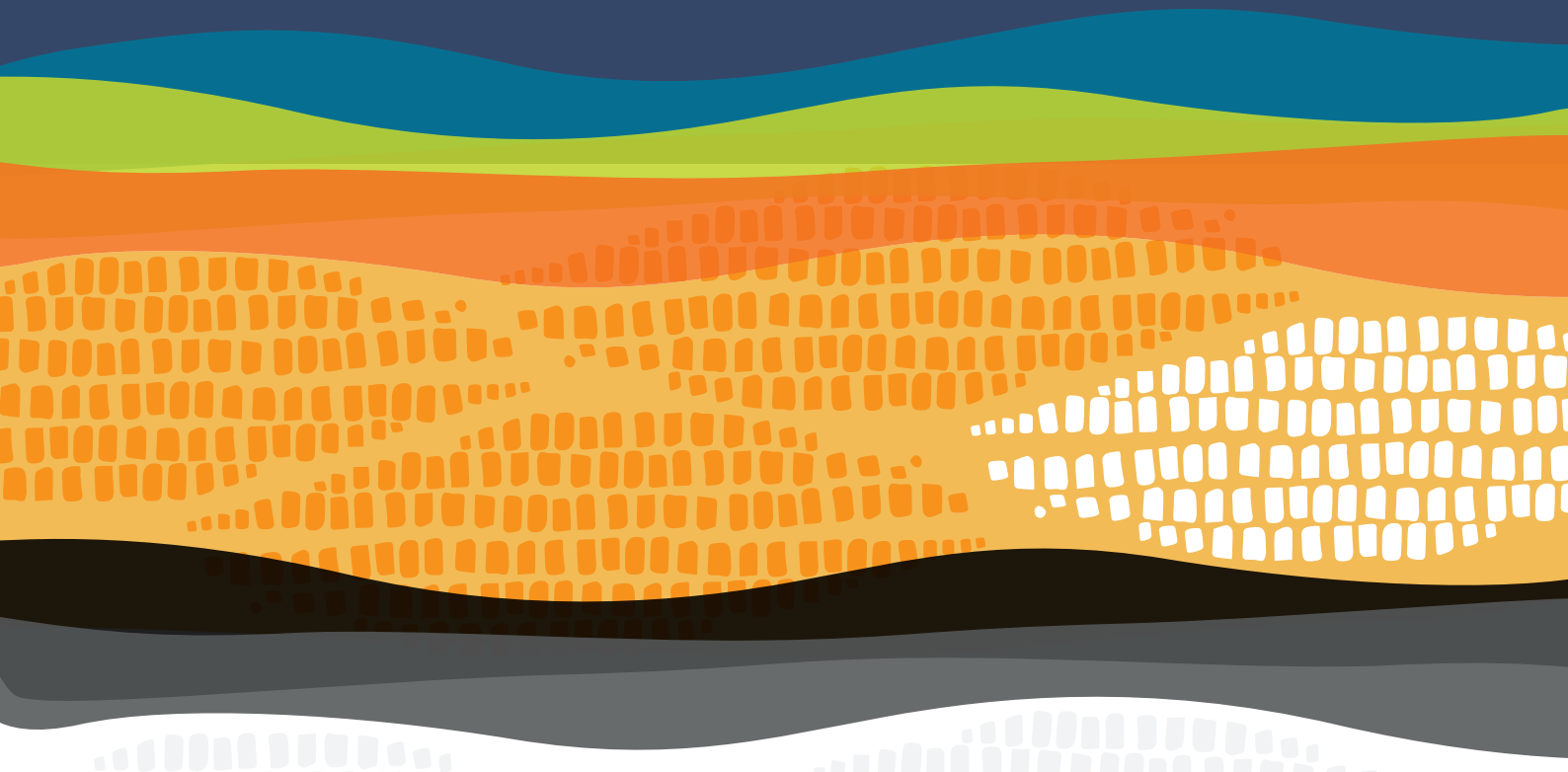
THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE: A GUIDE TO SUPPORT IMPLEMENTATION



SNAICC
National Voice for our Children

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ChildProtectionPeak

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INTRODUCTION

1. WHAT IS THIS RESOURCE AND WHO IS IT FOR?

This resource is primarily designed to support a holistic understanding of the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) and promote the processes, strategies and practices required to progress its implementation.

It is the third in a series of resources being produced by SNAICC – National Voice for our Children to support enhanced implementation of the ATSICPP in line with its intent to keep Aboriginal and Torres Strait Islander children safely connected to their families, communities and cultures. The resource is designed primarily for practice leaders in children and families sectors. It will also be useful for policy makers as it addresses the policy settings that support and enable effective practice. It is useful to read this resource alongside the two other resources in the series, which are available from the SNAICC website:

- *Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle: A resource for legislation, policy and program development*; and
- *Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle*.[1]

Across Australia, a significant number of Aboriginal and Torres Strait Islander agencies support children and families who are at risk of or involved with statutory child protection. These agencies share common goals to keep Aboriginal and Torres Strait Islander children safe, keep families and communities together, and put a stop to the damaging effects of separation that have continued from the experiences of the Stolen Generations. The expert knowledge and experience of these agencies strongly informs this resource.

2. HOW TO USE THIS RESOURCE

This resource provides a range of promising policies and practices, reflective activities, and links to tools and resources supporting processes of professional reflection and development aimed at implementing the ATSICPP. It is important to note that there are thousands of unique and distinct Aboriginal and Torres Strait Islander communities, cultural and language groups, clans, families and kinship networks in Australia. Because of the diversity of Aboriginal and Torres Strait Islander communities there is no *one size fits all* approach to implementation of the ATSICPP in child and family service practice.

This practice resource can be used flexibly to suit the needs of your organisation, department, service and workers. It can be used in a number of suggested ways, including as:

- A guide for practitioners to explore and draw upon in their ATSICPP practice development;
- An information source to inform the development of locally adapted practice resources, training programs and service manuals;
- A toolkit of ideas for good practice for individual practitioners to draw upon; and
- Advice to policymakers to improve implementation of the ATSICPP across child and family service sectors.

This resource provides introductory information about the ATSICPP and addresses its implementation in regards to six practice focus areas. These six areas are aligned to each of the five elements of the ATSICPP and an additional focus area on identifying Aboriginal and Torres Strait Islander children as a pre-requisite to applying all of the other elements.

In interpreting and applying the information detailed within this resource, it is critical to be aware of and reflect upon the interrelation of the elements of the ATSICPP. For example, the partnership and participation elements relate to self-determination through the participation of children, families and community representatives – including Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) – in processes and decision-making. However, further Aboriginal and Torres Strait Islander approaches driven by ACCOs are essential across all elements: the empowerment of families and communities is critical to effective prevention efforts, to quality placement decisions that are aligned with the ATSICPP, and to support long-term cultural connections for children in out-of-home care.

It is important that practitioners consider all five elements of the ATSICPP and its application within each and every aspect of their practice.

3. OVERVIEW OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE

The ATSICPP recognises the importance of connections to family, community, culture and country in child and family welfare legislation, policy and practice, and asserts that self-determining communities are central to supporting and maintaining those connections.

The ATSICPP aims to:

- ensure an understanding that culture underpins and is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children and is embedded in policy and practice;
- recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child welfare matters;
- increase the level of self-determination of Aboriginal and Torres Strait Islander people in child welfare matters; and
- reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.

Adoption of the ATSICPP in legislation, policy and practice across states and territories has been recognised as "the single most significant change affecting welfare practice since the 1970s".[2] The ATSICPP was established in 1984, as a result of years of activism by Aboriginal and Torres Strait Islander peoples, ACCOs and others to address the growing disproportionate rate of Aboriginal and Torres Strait Islander children being adopted by or placed in out-of-home care with non-Indigenous carers, and to prevent past practices from continuing or being repeated.[3]

4. THE FIVE ELEMENTS OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE

The diagram on the right illustrates the five elements of the ATSICPP.

THE FIVE CORE ELEMENTS OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE

PREVENTION

Protecting children's rights to grow up in family, community and culture by redressing causes of child protection intervention

PARTNERSHIP

Ensuring the participation of community representatives in service design, delivery and individual case decisions

CONNECTION

Maintaining and supporting connections to family, community, culture and country for children in out-of-home care

PARTICIPATION

Ensuring the participation of children, parents and family members in decisions regarding the care and protection of their children

PLACEMENT

Placing children in out-of-home care in accordance with the established ATSICPP placement hierarchy:

- with Aboriginal and Torres Strait Islander relatives or extended family members, or other relatives and family members; or
- with Aboriginal and Torres Strait Islander members of the child's community; or
- with Aboriginal and Torres Strait Islander family-based carers.

If the above preferred options are not available, as a last resort the child may be placed with:

- a non-Indigenous carer or in a residential setting.

If the child is not placed according to the highest priority, the placement must be within close geographic proximity to the child's family.

SOURCE: SNAICC – National Voice for Our Children *Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle: A Resource for Legislation, Policy and Program Development (2017)*, p. 3 <https://www.snaicc.org.au/understanding-applying-aboriginal-torres-strait-islander-child-placement-principle/>

5. EMBEDDING ACTIVE EFFORTS IN CHILD PROTECTION LEGISLATION, POLICY, PROGRAMS AND PRACTICE

This resource has been developed to align with a national priority agreed upon by Community Services Ministers to "implement **active efforts** in jurisdictions to ensure compliance with all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle".[4] **Active efforts** are purposeful, thorough and timely efforts that are supported by legislation and policy and enable the safety and wellbeing of Aboriginal and Torres Strait Islander children. This shared national understanding of **active efforts** is necessarily broad and can encompass a variety of strategies to ensure Aboriginal and Torres Strait Islander children's connection to family, culture, community and country.

The **active efforts** concept is drawn from the *Indian Child Welfare Act* (ICWA), which aims to ensure safety and connection for Indigenous children in the United States. The United States' understanding of **active efforts** provides useful guidance on how the concept might be interpreted in the Australian context. The National Indian Child Welfare Association's Guide to Compliance with ICWA stipulates that **active efforts** should be initiated at the investigation point of statutory intervention and may include:

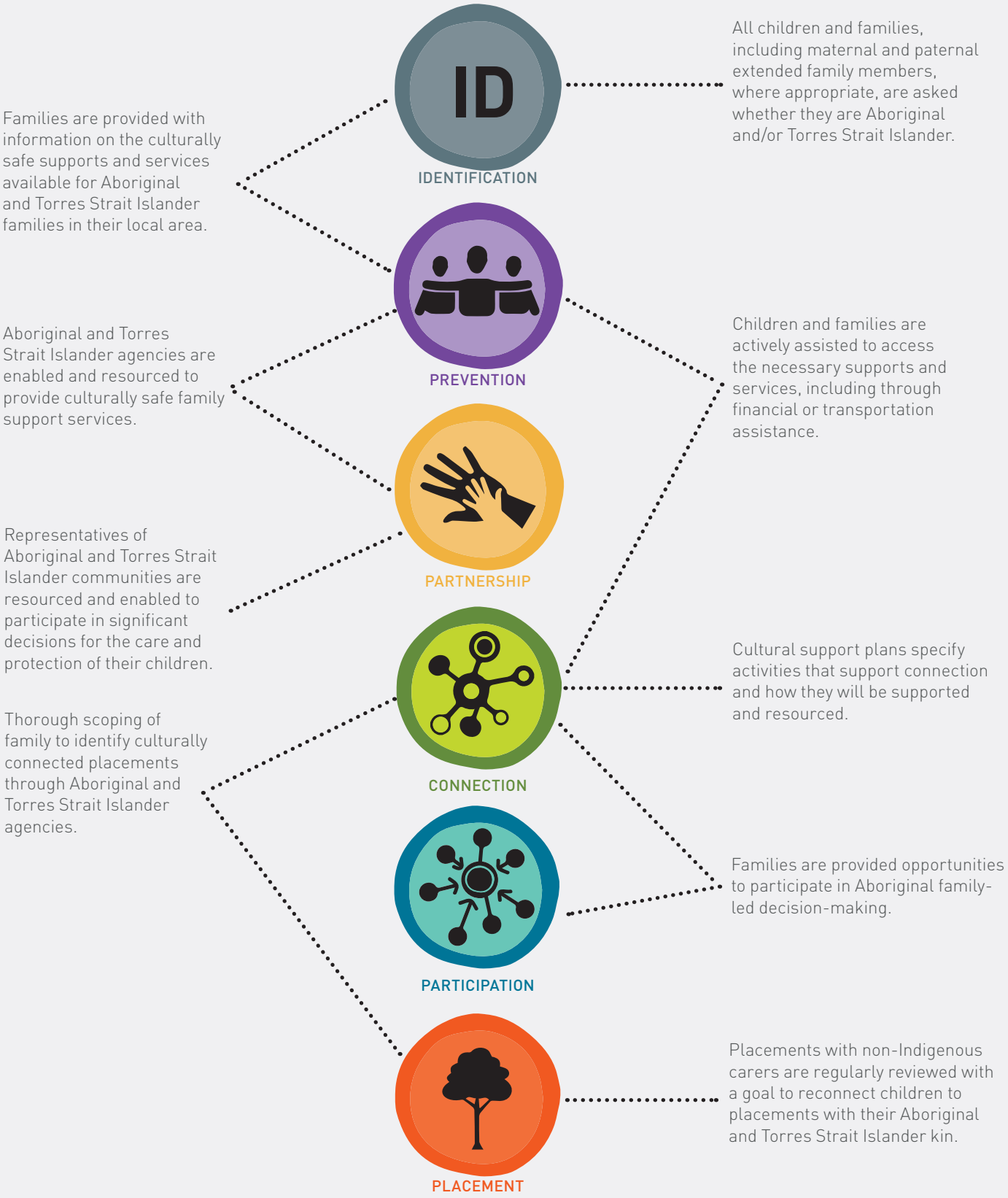
- conducting a strengths-based assessment that takes into account the cultural needs of the child and the lived realities of their community;
- developing a case plan in partnership with a child's family and community;
- providing early intervention supports to families before a child is removed, except in cases of imminent risk; and
- providing services that support the reunification of a child with his or her parent or Indigenous kin after the removal of a child.[5]

Active efforts require practitioners to help families overcome barriers to their participation in services which enable families to stay together or be reunified, including financial and transportation assistance.[6] As part of their obligation in complying with the ICWA, there is a requirement for statutory agencies to clearly document and articulate to the courts the **active efforts** taken prior to seeking an order to remove a child and place them into out-of-home care.

This resource provides guidance on what constitutes **active efforts** across all five elements of the ATSICPP in Australia and provides examples of promising practices in applying **active efforts** within family support, child protection and out-of-home care services and systems. It will be useful for practitioners and policymakers in all states and territories as they work to incorporate **active efforts** within their systems.

See the diagram opposite for examples of **active efforts** and how they support implementation of the elements of the ATSICPP.

EXAMPLES OF ACTIVE EFFORTS



LILLA'S CHILDREN
AND FAMILY

PRACTICE FOCUS AREA 1
IDENTIFICATION

ID

1. IDENTIFYING ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND WHY IT IS IMPORTANT

Aboriginal and/or Torres Strait Islander children have a right to grow up with a communal sense of belonging, a stable sense of identity, to know where they are from, and their place in relation to family, mob, community, land and culture. Protecting these rights requires that Aboriginal and Torres Strait Islander children who come into contact with the child protection system be identified at the earliest possible point of child protection involvement.

Child protection legislation in all jurisdictions contains specific measures recognising the cultural rights of Aboriginal and Torres Strait Islander children who are involved in the child protection system, and the responsibility of statutory agencies in protecting and enabling children to fully exercise this right. In addition, states and territories have a duty to uphold the United Nations Convention on the Rights of the Child, which recognises the importance of and protects a child's connections to culture and community.[7] Having appropriate processes in place for ensuring early identification is integral to full implementation of all five elements of the ATSICPP because knowledge of a child's identity will inform how practitioners work with the child and their family across all phases of child protection intervention, from who is involved in the initial intake and assessment to placement decision-making.

Without correct and early cultural identification Aboriginal and Torres Strait Islander children at all levels of child protection involvement are at risk of being deprived of culturally safe support, case planning and placements. Identification should enable access to services in response to the specific needs of Aboriginal and/or Torres Strait Islander children and families. There must be appropriate legislative and policy frameworks in place that protect and recognise the cultural rights of children and families, while also ensuring the availability of culturally safe supports throughout child protection involvement.

In addition to being a fundamental human right, culture underpins and is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children. For example, Canadian research has directly linked a lack of cultural continuity to increased rates of suicide among Indigenous young people, finding that where a set of cultural connection and practice factors exist, the rate of youth suicide reduces.[8] It is in the best interests of all children, and crucial to their wellbeing, that access to cultural connection is maintained throughout all phases of child protection intervention. This begins with identification.

This practice focus area examines the following key issues on identification:

- Need for adopting appropriate legislative and policy frameworks to support early identification;
- Definition of an Aboriginal and/or Torres Strait Islander child;
- Best practice for identifying Aboriginal and/or Torres Strait Islander children and families; and
- Key practice considerations.

2. ADOPTING APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

LEGISLATION

- Recognises a child's right to enjoy culture with community;
- Recognises the State's role to protect and promote an Aboriginal and/or Torres Strait Islander child's cultural identity; and
- Requires **active efforts** be made to identify all Aboriginal and/or Torres Strait Islander children who come into contact with a child protection agency.

POLICY

- Specifies minimum requirements for identification of Aboriginal and Torres Strait Islander children to occur at least by the completion of any investigation of suspected child harm;
- Requires mandatory completion of the Aboriginal and/or Torres Strait Islander status fields for the child and his or her parents in client recording systems; and
- If a child has been recorded as Aboriginal and/or Torres Strait Islander on their client information file, requires, in addition to senior department oversight and executive approval, consultation with an ACCO to occur prior to de-identification of a child in their file.

PROMISING POLICY

Victoria has implemented new practice and client information recording requirements that:

- require senior oversight and executive approval to de-identify Aboriginality; and
- require consultation with an ACCO.

These requirements were put in place in response to the findings of the Victorian Commission for Children and Young People's systemic inquiry into servicesfor Aboriginal and Torres Strait Islander children in out-of-home care. In its 2016 report, the Commission called for these reforms to ensure both accurate recording and a thorough assessment of the child's cultural identity was made based on consideration of a child's relationships and heritage.

3. WHO IS AN ABORIGINAL AND/OR TORRES STRAIT ISLANDER CHILD?

Aboriginal and Torres Strait Islander peoples are diverse, and individuals and communities choose to define and express their identity in a multitude of ways. The predominant definition (described below), adopted by all Commonwealth departments, is known as the three-part definition. According to Korff (2018) while this definition is commonly accepted, it is important to note that it is a governmental definition, rather than a community-based one.[9] Nonetheless, it provides useful guidance for practitioners.

The Aboriginal and/or Torres Strait Islander status of children is determined by self-identification or by the parent, relatives or other kin. For the purposes of identifying a child's cultural status, an Aboriginal or Torres Strait Islander person is someone who:

- is of Aboriginal or Torres Strait Islander descent;
- identifies as an Aboriginal person or Torres Strait Islander; and/or
- is accepted as such by the Aboriginal or Torres Strait Islander community in which they live.

Self-identification by a child or the child's family is the only requirement for practitioners to begin applying the ATSICPP in their work with children and families.

4. BEST PRACTICE FOR IDENTIFYING ABORIGINAL AND/OR TORRES STRAIT ISLANDER CHILDREN AND FAMILIES

Identification and the reporting of Aboriginal and Torres Strait Islander status is a complex issue for many Aboriginal and Torres Strait Islander peoples across health and social service sectors. Asking a child or parent if they are Aboriginal and/or Torres Strait Islander may be challenging for some practitioners, particularly those who are not Aboriginal and/or Torres Strait Islander themselves, or do not have a lot of experience working with Aboriginal and/or Torres Strait Islander people. These challenges are compounded by the lack of resources available to guide practitioners in how to ask families about their identity in respectful and culturally safe ways. However, for practitioners who work with Aboriginal and Torres Strait Islander families, recognising the importance of culture is at the core of good practice.

It is important to develop a set of practice principles and skills that enable families and young people to feel safe in telling you about their cultural identity so you can make sure that you are working in a way that meets their needs. In this section we explore some of the key principles that should be embedded within your organisation's practice for identifying Aboriginal and/or Torres Strait Islander children.

Research demonstrates that in many cases practitioners fail to ask children and families if they are Aboriginal and/or Torres Strait Islander.[10] It is the responsibility of all practitioners to ask children and their family members if the child is Aboriginal and/or Torres Strait Islander.

It is not possible to tell from appearance alone whether a child is Aboriginal and/or Torres Strait Islander, and this is why it is important to ask. This means that all practitioners have a responsibility to undertake **active efforts** to ensure that all Aboriginal and Torres Strait Islander children who come into contact with child protection are identified at the earliest possible point.

Active efforts for identifying Aboriginal and Torres Strait Islander children can include:

- Asking all children and families, including maternal and paternal extended family members, where appropriate, whether they are Aboriginal and/or Torres Strait Islander;
- Informing all children and families of your obligation to uphold and protect their cultural rights throughout your engagement;
- Providing families with information on the supports and services available for Aboriginal and Torres Strait Islander families in their local area;
- 'Checking in' with children and families throughout engagement to ensure that their cultural needs are being met; and
- Providing families with opportunities to doublecheck that their information, including cultural identity, are correct.

Appropriate recording of a child's status in child protection information databases facilitates the early identification of Aboriginal and/or Torres Strait Islander children. **In line with the recommendations of the Victorian Commission for Children and Young People's review of the ATSICPP, a child's cultural status should be prominently featured on their profile; and all systems should require mandatory completion of Aboriginal status fields.**[11] It is the responsibility of all practitioners to check a child's case file to determine whether or not they are Aboriginal and/or Torres Strait Islander prior to beginning work with the child and family.

4.1 CREATE A SAFE AND RESPECTFUL ENVIRONMENT

Research demonstrates that a lack of cultural safety and fear of racism and discrimination are two reasons why people may choose not to disclose that they are Aboriginal and/or Torres Strait Islander.[12] Fear and mistrust of disclosing to child and family practitioners must be understood within the context of historical removals of children through the Stolen Generations, as well as the continued over-representation of Aboriginal and Torres Strait Islander children in Australia's child protection systems.[13] One of the most important things to do is to clarify with children and families why you are asking if they are Aboriginal and/or Torres Strait Islander. You should be clear that you ask all families who are involved with your service about their cultural identity, and that there are services and initiatives for Aboriginal and Torres Strait Islander children and families, should they choose to identify (further information related to appropriate services and referral processes are detailed in Practice Focus Area 2: Prevention). A key component of this is that practitioners have an awareness of what services and supports are available for Aboriginal and Torres Strait Islander peoples in their regions and will follow through to make sure that families can access these if they choose to.

4.2 FINDING THE RIGHT TIME

Children are often being identified at a much later stage, with some already placed in out-of-home care prior to an ACCO receiving notification that a child has entered care. Ideally, Aboriginal and/or Torres Strait Islander children should be identified at the earliest possible point to ensure they are receiving the appropriate supports. While it is best practice to determine if a child is Aboriginal and/or Torres Strait Islander at *intake* or *entry* to the service, the person who refers a child to a service or who makes a report to a child protection agency may be unsure or may not know about a child's cultural identity.

You should always ask the family if the child is Aboriginal and/or Torres Strait Islander, regardless

of what the report tells you. Alongside creating a safe and respectful environment in which people feel comfortable to identify, the practitioners we spoke with noted the importance of finding the right time to ask children and families if they are Aboriginal and/or Torres Strait Islander. You want to make sure children are identified as early as possible but first visits with practitioners can be stressful and confronting for families, especially those on behalf of a statutory agency. It is important to develop rapport with the families (strategies for doing so are discussed in Practice Focus Area 2: Prevention) so that they feel comfortable having these discussions with you.

Initially some children and families may not feel comfortable identifying as Aboriginal and/or Torres Strait Islander. As practitioners build relationships of trust with families, they may feel more comfortable in identifying. For this reason children and families should be provided with multiple opportunities to identify throughout their engagement with your service. Strategies for doing so include:

- when providing formal documentation to families, ask them to double-check that their details, including cultural identity, are correct; and
- as the case planning process progresses, practitioners should check in with families to make sure that their cultural needs are being met.

4.3 HOW TO ASK

Because Aboriginal and Torres Strait Islander identity means different things to different people, there is not one *right* way to ask. For some Aboriginal and Torres Strait Islander people identity might be spoken about in terms of their connection to country, whilst for others it may be about belonging to a language group. You should seek out the advice of practitioners who are experienced in working with Aboriginal and Torres Strait Islander communities in your area to make sure you are asking in a way that is respectful and culturally safe. Better yet, if your organisation works in partnership with ACCOs (discussed further in Practice Focus Area 3: Partnership) they can provide guidance on the most appropriate ways to ask about a child's identity.

Given the differences in cultures and how people identify, it can be difficult to find the right questions and the right way to ask. The first and most obvious question to ask is:

- Do you identify as Aboriginal or Torres Strait Islander? If yes, do you identify as either or both?

Some follow-up questions that are important to ask, include:

- Are there people in your family who identify as Aboriginal or Torres Strait Islander? How are they related to you?
- Do you identify with a particular tribe or language group?
- Are there any significant Elders and community members that are important in your life? What role do they play?

If a child and/or family declines or objects to answering the question, it is important to inform them of their right to provide this information at a later date if they choose.

4.4 ASKING THE RIGHT PEOPLE

As you work with the child and family you will likely be engaging with extended family and other persons that play an important role in supporting the family and ensuring the child's safety and wellbeing. A child's extended family, their community and others you may speak with whilst you are working with a family can all hold important information about cultural identity. It is important that practitioners remain curious and allow for significant people within a child's life to discuss a child's cultural needs. Within families, people may hold differing views regarding Aboriginal and Torres Strait Islander identity. For example, some family members may identify while others do not. It is possible that in cases where a child or their carer(s) have not identified as Aboriginal and/or Torres Strait Islander, other family members inform you that the child is. It is important that you are sensitive and accepting of this, and apply the ATSICPP in your work with the child.

REFLECTIVE EXERCISE

Improving practices for identifying Aboriginal and Torres Strait Islander children

Think about your service's practice for identifying Aboriginal and Torres Strait Islander children, and your own experiences in working with Aboriginal and Torres Strait Islander families. Who have you spoken with? What next steps did you take once the child's identity was confirmed?

5. KEY PRACTICE CONSIDERATIONS

5.1 WHAT TO DO IF A CHILD IDENTIFIES BUT THE PARENT AND/OR FAMILY DOES NOT?

A child's right to culture exists independently of whether or not one or more of their parents or family members identify or not. If a child is old enough to self-identify as Aboriginal and/or Torres Strait Islander and they choose to identify, then they should be identified as such throughout their involvement in child protection services regardless of whether or not their parents identify. Similarly, if a child is not old enough to identify, but it is known that they have Aboriginal and/or Torres Strait Islander heritage, or family members who do identify, then the ATSICPP should be applied.

Tensions can arise where different members of a child's family have different views on and different value for a child's Aboriginal and/or Torres Strait Islander identity. For example, there can be situations where non-Indigenous family members are in conflict with a child's Aboriginal or Torres Strait Islander family members and have a view that the child should not connect with her or his culture. While these situations need to be handled with sensitivity and care, it is important to remember that a child's right to culture persists and practitioners have a responsibility to support it. Nobody has the right to de-identify a child on her or his behalf.

Determining whether a child is old enough to make their own decisions about how they identify can be a difficult task. It will depend on a subjective assessment of their age and level of maturity. In line with the evidence on the importance of connection to cultural identity to children's wellbeing, practitioners should always aim, where there is any doubt, to support a child's opportunity to learn about and connect with their culture so that they can make informed decisions about their choice to identify.

5.2 WHAT TO DO IF THE CHILD IS LIVING FAR FROM THEIR COUNTRY OR IS DISCONNECTED FROM IMPORTANT CULTURAL AND FAMILY RELATIONSHIPS?

There will be times when Aboriginal and Torres Strait Islander children are living far from their country and extended family. Many Aboriginal and Torres Strait Islander people were forcibly removed from their ancestral lands to live elsewhere while others have chosen to relocate for a wide range of personal, economic and other social reasons, while usually still retaining strong connections to their country. An Aboriginal and/or Torres Strait Islander child may belong to more than one community, and can have connections to where they come from, where their family are, and where they live and go to school.

Dislocation and disconnection can also mean that Aboriginal and/or Torres Strait Islander children may not know where their families are from, or may not have connections to their country. The extent of cultural connection can vary, and some children may not feel as if they have a strong understanding of their culture or knowledge of their familial ties. However, a child's Aboriginal and/or Torres Strait Islander identity is not dictated by their current level of connection to family, community, culture and country and they still hold the same rights to culture as children and young people who report maintaining strong connections to their cultures.

While this may be challenging for practitioners, Aboriginal and Torres Strait Islander agencies are experienced in engaging with children and families who are disconnected from their families, communities, culture and country. The box below describes some of the strategies utilised by agencies to support cultural connection and pride. While reflecting on this Learning from Practice area, it is useful to consider the agencies in your area that can help support children and families who are far from their country or disconnected from their culture.

REFLECTIVE EXERCISE

Working with families who are disengaged from their Aboriginal and Torres Strait Islander culture

One of the significant impacts of recent history for Aboriginal and Torres Strait Islander people is that many have become disconnected from their families, communities, culture and country, especially as a result of forced re-locations and forced child removal. Because of racism and stigma used against Aboriginal and Torres Strait Islander people by elements of mainstream society, many Aboriginal and Torres Strait Islander people may also not identify with their culture because they experience feelings of shame.

Reconnection to culture, community and country is vital to the healing journeys of Aboriginal and Torres Strait Islander people, providing opportunities for them to understand and be proud of their cultural heritage, and draw support from their community. However, this journey cannot be forced or rushed. Children also benefit from connection to and pride in their culture, even when their carers may not practice and connect to culture. This creates a difficult and complex problem for family support workers trying to support the best interests of children.

The Victorian Aboriginal Child Care Agency's Stronger Families team has put significant work into reflecting on how they can support families where the parents are not strongly engaged with culture. Below are some strategies they have identified to work respectfully with children and families to support their connections

Where there is obvious disengagement with culture, build a strong relationship first before raising it for conversation.	Invite children, parents and carers to participate in group activities run by Aboriginal agencies, giving them the opportunity to explore cultural connection through fun and socialisation.	Share your own positive views on the strengths of Aboriginal and Torres Strait Islander cultures to counter negative stereotypes and views.
Discuss the family's views about culture with them to help you understand how they view themselves in relation to their culture.	Listen to the family to find out how far they are ready and prepared to go with exploring culture — don't push them or they may disengage further.	Recognise that the journey to reconnect with culture is long and difficult — you may only be able to support in a small way.

Questions for reflection

1. How can you support Aboriginal and Torres Strait Islander families you work with to connect and draw strength from their cultural heritage without violating their right to decide when, how, and if they engage with their culture?
2. What strategies could you use to support children to develop a strong sense of cultural identity and pride if their parents are not strongly engaged with culture?

PRACTICE FOCUS AREA 2
PREVENTION

1. WHAT IS PREVENTION?

The first element of the ATSICPP is the most critically important for minimising child protection involvement and upholding the rights of Aboriginal and Torres Strait Islander children to grow up within their own family and community. The Prevention element encompasses:

- primary prevention activities that improve the health and wellbeing of children, families and communities;
- early intervention or secondary level activities, that provide family support services for children and families who are experiencing vulnerabilities or facing personal or social barriers in meeting their needs; and
- tertiary or statutory intervention for children and families where maltreatment has been identified and aims to prevent it re-occurring, and promote preservation and restoration/reunification.

Creating the conditions that allow for families and children to thrive requires a whole of government approach that is much more than child protection policies and programs. It also depends upon income support, wages and tax policies, health, housing, justice, education, and other social programs. For the purposes of this resource, the focus is on best practice for early intervention at the secondary level with children and families who are at risk of involvement with statutory child protection systems and tertiary intervention for children and families where protective concerns have been substantiated. At this stage of the child protection continuum, the focus is on putting in place supports that enable children to remain safely at home or be reunified with their parents.

It is important that child safety and wellbeing policies build and invest on prevention and early intervention approaches that address the underlying causes of child protection intervention. Under this approach, governments should take steps to ensure that the quality, culturally safe services required to realise the rights of Aboriginal and Torres Strait Islander children to grow up in their families and communities are accessible.

Protecting the rights of children to be brought up in their families requires:

- the adoption of appropriate legislative and policy frameworks;
- a full range of culturally safe universal early childhood, education, health and other social services;
- targeted and intensive supports to promote healing and family functioning, and address specific parental issues including trauma, substance misuse, mental health issues, family violence and poverty;
- adequate and appropriate housing;
- culturally safe family violence prevention, legal and support services;
- alternative intake and referral pathways to early intervention prior to families engaging with child protection systems; and
- an integrated and holistic service system that provides vulnerable families with the opportunity to readily engage with the full range of culturally safe service supports they require.

ACTIVE EFFORTS

The concept of **active efforts**, discussed in the introduction section of this resource, is a useful framework for thinking about prevention and early intervention with Aboriginal and Torres Strait Islander families, and specific actions for maintaining or reuniting children with their families. For practitioners working with Aboriginal and Torres Strait Islander children and families, **active efforts** may include:

- Conducting a culturally safe, comprehensive assessment of a child and family's needs and circumstances, with a focus on family preservation (or reunification) as the most desirable goal;
- Identifying and providing an integrated service response that provides for the full range of a child and family's needs. This can include resources such as housing, financial, transportation, mental health, drug and alcohol supports, child care services, as well as actively assisting the child and family to access these supports;
- Identifying and utilising alternative referral pathways at notification and intake, including to ACCO-run support services, to divert children and families from further child protection involvement; and
- Children and families are actively assisted to access the necessary services, including though financial or transportation assistance.

This practice focus area examines the following key issues on prevention:

- Need for adopting appropriate legislative and policy frameworks to support prevention;
- Understanding strengths of Aboriginal and Torres Strait Islander child rearing practices;
- Drivers for child protection involvement;
- Practice principles essential for delivering quality family supports;
- Matching supports to child and family needs; and
- An integrated service delivery model: A holistic approach to addressing the needs of Aboriginal and Torres Strait Islander families.

2. ADOPTING APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

LEGISLATION

- Recognises the primary role of parents and family in the care and wellbeing of a child;
- Recognises a child's right to enjoy culture with community;
- Recognises the State's role to work in partnership with Aboriginal and Torres Strait Islander peoples to support family and community to care for children;
- Requires referrals to family support services on notification to a child protection agency;
- Restricts removal of child to only instances in which there is an "unacceptable risk of harm" or as a "last resort" or similar;
- Specifies minimum requirements for the provision of family preservation and reunification supports at early stages; and
- Recognises Aboriginal and Torres Strait Islander community-controlled organisations' (ACCOs) roles to provide family support services.

PROMISING LEGISLATION

The *Indian Child Welfare Act 1978* is United States federal law that governs the removal and out-of-home care placement of Indigenous children. The Act, and its accompanying regulations, supports an early intervention approach to protecting the best interests of the child. For example, regulations under the Act give clear legal definition to requirements to support the safety and wellbeing of Indigenous children and define **active efforts** that must be taken to support a family to stay together or to reunify.

The regulations contain specific reference to:

- family preservation as the preferable choice, unless there is a "risk of imminent physical damage or harm";
- the State's duty to make **active efforts** to promote family preservation through the delivery of remedial and rehabilitative services; and
- the State's duty to demonstrate to the court that **active efforts** have been provided but unsuccessful prior to seeking an order for removal of the child.

POLICY

- Prioritises increasing investment in prevention and early intervention, including universal child and family services and intensive and targeted family support services;
- Utilises flexible funding models in program design and development to allow for tailored responses to local needs;
- Pursues integrated family support services and service systems;
- Recognises that community-controlled approaches are more likely to be effective and prioritises the role of ACCOs to provide early intervention services; and
- Recognises and values Aboriginal and Torres Strait Islander worldviews of child-rearing and child development in practice and policy development.

3. UNDERSTANDING STRENGTHS OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILD REARING PRACTICES

Research demonstrates that family support services are most impactful when programs incorporate cultural knowledge and are focused on the strengths of families.[14]

It is important that recognition of and respect for Aboriginal and Torres Strait Islander child rearing practices are underlying elements of practice, as well as in policy and program development in early intervention and prevention. When practitioners are not attuned to differences in child rearing, they may misinterpret parental strengths as practices that place the child at risk.

The table (page 16) has been adapted from SNAICC's *Stronger Safer Together* resource. The information is primarily drawn from a range of sources that are profiled in SNAICC's *Growing Up Our Way* resource, which provides a collation of literature on Aboriginal and Torres Strait Islander child rearing practices. The table also draws on the final report of the SNAICC (2004) *Indigenous Parenting Project* and an article by Lahoar and colleagues (2014) on the strengths of Aboriginal and Torres Strait Islander child rearing practices.

4. DRIVERS FOR CHILD PROTECTION INVOLVEMENT

Effective prevention and early intervention rests upon a comprehensive understanding of the issues affecting Aboriginal and Torres Strait Islander families. The continued over-representation of Aboriginal and Torres Strait Islander children at all levels of the child protection system is linked to poverty, low socio-economic status, and differences in child-rearing practices.

Across jurisdictions neglect is the most common type of substantiated abuse for Aboriginal and Torres Strait Islander children.[15] This indicates that many families do not have the resources and supports needed to provide for a child's health and wellbeing, putting families at risk of child protection involvement. Families living in poverty are also more likely to experience higher levels of parental stress, substandard housing, homelessness, substance misuse, and family violence, all of which are risk factors for neglect.[16] Socio-economic and community level disadvantage contribute to the vulnerability of children and families, which can bring them to the attention of child protection and family support services.

It is important that practitioners recognise the different causes of child abuse and neglect that exist within Aboriginal and Torres Strait Islander communities to ensure that supports are tailored to the unique needs of Aboriginal and Torres Strait Islander children and families. Intergenerational trauma, caused by the Stolen Generations and other policies and practices that separated children from their families – and families from their lands and country – continue to impact upon the health and wellbeing of individuals and communities.

4.1 WHAT FACTORS IMPACT UPON CHILD PROTECTION DECISION-MAKING?

A range of factors will affect where a practitioner draws the line and assesses that the factors that have brought a family to the attention of the statutory agency make it too risky for a child to remain in the family environment. All practitioners probably believe that they are fairly balanced in their views. In reality all practitioners bring biases, value judgements and particular attitudes which impact on their assessments. External factors, including laws and agency policies, will also likely have an impact.

COMMON ABORIGINAL AND TORRES STRAIT ISLANDER CHILD-REARING PRACTICES	MISCONCEPTIONS THAT CAN ARISE FROM NOT UNDERSTANDING CULTURAL DIFFERENCES IN CHILD REARING
Children are provided space and encouraged to explore and take risks from a young age to develop responsibility, independent learning and lifeskills.	Parents are not protecting their children from harm by allowing them to roam freely and expose themselves to risk.
Care is provided by many family and community members with different responsibilities. Other community members provide support for parents and many watchful eyes to keep children safe.	Children are not forming positive attachments with a primary carer. They are not being watched over by their parents to keep them same.
Children are respected members of a community who are encouraged to express their independent views and take on caring roles for siblings and other community members.	Children are not adequately disciplined because they don't respond to the authority of adults. Children are neglected by parents because they are cared for by siblings.
Multiple family and community members provide food for children, not only parents.	Children are neglected because there is not enough healthy food in the home.
Large numbers of extended family members come to stay in the family home when they are travelling for community and cultural business — often contributing to cultural and community connection for children.	Children are being exposed to unacceptable levels of risk because of so many adults in their lives that could be unsafe for them. The home is chaotic and unstable.
Children share rooms, beds and mattresses with siblings, cousins and other family members as a normal part of family life and/or because of inadequate space in the house.	Children are being exposed to unacceptable risks from the family members they share beds and rooms with. Children aren't being provided with comfortable sleeping arrangements.
Children are taught to respect their Elders and Elders play an important role in passing on cultural knowledge and traditions, and providing care for children.	Parents are not playing a strong enough role in their children's upbringing because grandparents and other Elders are having to step in.

We know that changes to the rationale underlying child protection decision-making often occur as a response to societal and political pressures on child and family services.[17] It is essential that practitioners are aware of the factors that impact upon their decision-making.

Examples of factors that influence decision-making thresholds include:

ATTITUDES AND BELIEFS

A worker may believe that children are better off with their families of origin in almost all circumstances, or at the other extreme, they may believe that children need to be rescued from dysfunctional families. Usually a workers beliefs will lie somewhere between these extremes.

AGENCY ROLE AND POLICIES

A family support agency that is working constructively with the family towards change may be more inclined to view the family as capable of and likely to change. A child protection agency that is focused on the risk to the child and thinking about the consequences of their failure to act may be more likely to recommend out-of-home care.

EXTERNAL FACTORS

Media attention on high-profile cases of child harm may influence practitioner bias towards removing children. Statistics that show the high proportion of Aboriginal and Torres Strait Islander children in out-of-home care might lead a worker to be reluctant to contribute further to this problem by recommending removal.

CULTURAL COMPETENCE

A worker who is blind to the cultural caring strengths within a family and community may be more likely to identify that the environment is unsafe. By comparison, a worker who is aware of kin and community supports for the family may recognise that the risk is lower.

The influence of worker bias on decisions can be reduced through full and proper assessment of the holistic strengths, needs and risk for the family, including cultural factors. Open and honest discussion between family support and child protection workers of all of these factors can promote collaborative practice and better decision-making that reflects ACTUAL RISK for children rather than PERCEIVED RISK of an individual worker.

In making decisions about the level of risk for Aboriginal and Torres Strait Islander children, some specific factors that can influence judgements include:

- the worker's level of understanding of Aboriginal and Torres Strait Islander cultural child rearing practices;
- whether workers follow protocols and legislation that require them to consult with ACCOs on cultural matters;
- judgements that may equate a family's situation of poverty with child neglect, rather than focusing on addressing issues of socio-economic disadvantage for the family;
- a view that Aboriginal and Torres Strait Islander communities are generally unsafe; and
- a view that Aboriginal and Torres Strait Islander people are more likely to cause harm to children.

Best practice is that Aboriginal and Torres Strait Islander families, communities and ACCOs are involved in all significant decisions about children. However, we know that sometimes decisions are made without appropriate consultation, while in other cases consultation occurs after a child has been removed.[18]

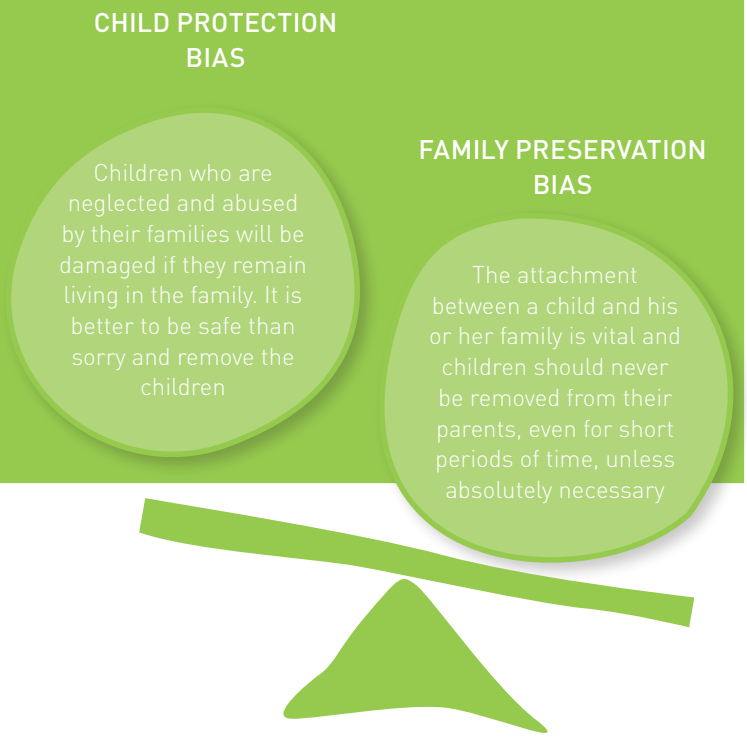
The idea of a *child protection pendulum* is often used as a way to describe shifts in child protection decision-making, which at one end is overly focused on supporting families at the expense of child safety, while on the other is overly focused on risk at the expense of supporting family preservation or reunification.[19] An important reflective practice for any practitioner is to think about the factors that influence the decisions they make, and specifically the decisions they make about Aboriginal and Torres Strait Islander families. Honest reflection about these biases can help promote an understanding of how and why decisions are made. The decision to place a child in out-of-home care can only be made after all **active efforts** to keep a child safely at home have been exhausted.

REFLECTIVE EXERCISE

Is your decision-making biased?

The diagram below describes two conflicting biases that commonly impact on decisions that workers and agencies make about the level of risk for children. Reflect on whether you lean towards one or the other.

Have a discussion about why each of these biases is important. If they are both important, how can you balance the competing factors to decide what is an acceptable level of risk for a child to be exposed to?



5. PREVENTION IN PRACTICE: WHAT PRACTICE PRINCIPLES ARE ESSENTIAL TO DELIVERING QUALITY FAMILY SUPPORT?

Preservation, which is comprised of activities that focus on supporting families to stay together, is an essential component of child and family practice. For practitioners, delivering effective early intervention is about helping families address the protective concerns that risk bringing them to the attention of a statutory agency and reducing the need for more intrusive interventions. In this section, we explore strategies for engaging with Aboriginal and Torres Strait Islander families.

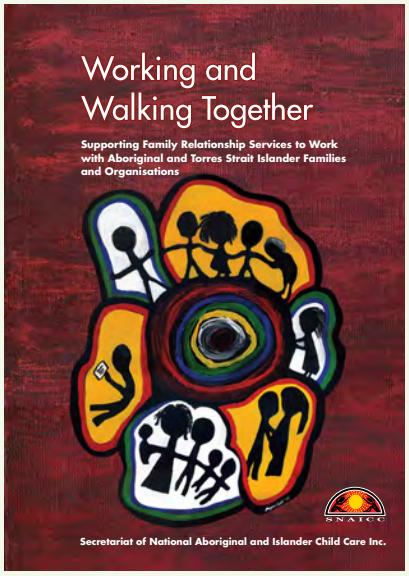
The best practice elements documented in this section largely been drawn from the SNAICC (2016) resource *Stronger Safer Together* and the SNAICC report (2015), *Moving to Prevention Research Report: Intensive Family Support Services for Aboriginal and Torres Strait Islander Children.*

5.1 WORKING WITH ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES

To be effective, practice models must be aware of and adapted to the unique cultures, histories and lived experiences of the families that the service is seeking to support. Working effectively with Aboriginal and Torres Strait Islander communities requires a practice framework that recognises:

- the innate value and continuing strengths of Aboriginal and Torres Strait Islander cultures that have provided love, nurturance, and care for children in Australia for tens of thousands of years;
- that many issues affecting Aboriginal and Torres Strait Islander families are connected to the legacy of intergenerational trauma caused by experiences of colonisation, including forced child removal. Responses must engage deeply with processes of individual and community healing;
- that the ongoing marginalisation of Aboriginal and Torres Strait Islander peoples in Australian society, including contemporary child removals, continues to impact upon the wellbeing of Aboriginal and Torres Strait communities; and
- that Aboriginal and Torres Strait Islander peoples have a wealth of cultural knowledge and connection that makes them best placed to lead and inform responses to the child welfare issues that are impacting their communities.

Family in Aboriginal and Torres Strait Islander Cultures, extracted from SNAICC (2010) *Working and Walking Together*



Family is the cornerstone of Aboriginal and Torres Strait Islander culture, spirituality and identity. As an Aboriginal or Torres Strait Islander child grows up, maintaining their connections to family and community forms the basis of the development of the child's identity as an Aboriginal or Torres Strait Islander person, their cultural connectedness and their emerging spirituality.

Family is often more broadly defined within Aboriginal and Torres Strait Islander culture than within Western cultures. Those involved in children's lives, and helping to raise them, commonly include grandparents, aunts, uncles, cousins, nieces and nephews, and members of the community who are considered to be family.

Relationships within Aboriginal and Torres Strait Islander families are understood as a way of including people in *parenting* a child rather than distinct roles. Traditional Aboriginal and Torres Strait Islander family practices have strict rules and laws for people to live by. The keeping of the laws provides the family group with a strong sense of cultural identity and belonging.

Past government policies of assimilation that included removing children from their families and preventing people from remaining in their communities curtailed the passing of cultural knowledge from one generation to another. However, Aboriginal and Torres Strait Islander kinship structures have never disappeared.

Aboriginal and Torres Strait Islander children who are cut off from their family, culture and spirituality are at great risk of psychological, health, developmental and educational disadvantage. They suffer as children and later as adults from the grief and loneliness of not belonging.

5.2 BUILDING TRUSTING RELATIONSHIPS AND PARTNERSHIPS WITH FAMILIES

This section describes a number of effective strategies that can be used to build initial engagement and effective supportive relationships with Aboriginal and Torres Strait Islander families.

Persist and be patient to establish initial engagement

Developing a relationship that is built on mutual trust takes time. Aboriginal and Torres Strait Islander family support agencies emphasise the need to be persistent and patient. The obligation is on the service to persist and be patient in establishing a relationship with family members, as this is the foundation block to a positive relationship.[20] The reflective exercise box (page 20) highlights one helpful strategy that can be useful in the initial engagement phase.

Engage with purpose

It is important to make clear to families what the purpose of the service is, what your role is, and what you are offering to do to support. Building an effective supportive relationship with the family requires letting them know and demonstrating that you are there to work with them to build on their strengths and address issues that are affecting their capacity to care for their children. Purposeful engagement includes following a strong process of engaging, assessing needs, setting goals with the family, and working towards and reviewing those goals.

Families want their engagement with caseworkers to have a clear purpose, be helpful and timely, because they know they have problems that they need help to resolve, and have likely made previous attempts with other services to resolve issues. When interventions have a purpose, family members can see that changes are possible and happening.

Manageable caseloads

A key to positive engagement with families is to work with a manageable caseload. A small caseload allows practitioners to spend the time and emotional energy

to work intensively with families, including putting energy into engaging and relationship building with the child and their family. Caseloads will not always be in your direct control, but it is important for discussions about what level of caseload is effective to be ongoing, with teams, management, and funders.

Learning from engagement ideas that work for others and planning your strategies

The reflective exercise on the following pages provides a range of engagement practice ideas from Aboriginal and Torres Strait Islander family support agencies. Drawing on your own knowledge, it is a tool for learning from practice and planning strategies.

REFLECTIVE EXERCISE

Engaging and empowering families

The table below presents some ideas from family support workers about how they go about successfully connecting, building relationships with, and supporting Aboriginal and Torres Strait Islander families. The table on the opposite page provides a space for you to plan your own strategies building on these or from your own practice knowledge.

WHAT OTHER FAMILY SUPPORT WORKERS SAY WORKS	REACH OUT AND CONNECT	LISTEN, LEARN AND BUILD TRUST	RESPECT AND EMPOWER	TRACK AND CELEBRATE CHANGE
	Be persistent and consistent. Families may have seen many workers come and go, so it will take time to accept and trust you.	Yarning will be important to build relationships. Let the family tell their story at their pace as they come to trust you.	Recognise families as the experts in their own lives and encourage them to identify the issues and propose solutions.	Review plans that families have made with you and highlight the changes and successes.
	Plan your visits with the family. Don't show up unannounced or they may think you are like the child protection worker — there to investigate.	Remember that each family is different. Listen to their unique story and don't judge them based on your experience with others.	Let families review the notes and plans you write. Give them the chance to confirm them or to say 'no, that's not right.'	Document changes and family strengths. One idea is for you or the family to photograph activities and events.
	Remember to respect a person's home and privacy. Always ask if it's okay to come in and ask before providing help.	Help the family out with their immediate practical needs and tasks. Once they see you are there to help they will be more willing to talk.	Always follow-through on what you say you will do for the family and let them know you expect the same.	Ask families to tell their stories of change so that they recognise and acknowledge their own successes.
	Meet families in places that are safe and comfortable for them. Give them control over the time and place.	Be upfront with families about the service, including what support you can provide and how long you will support for.	Listen to children to hear their perspective on what they want to change in the family and support them to talk to parents.	Request the family's permission to share successes with the child protection service.

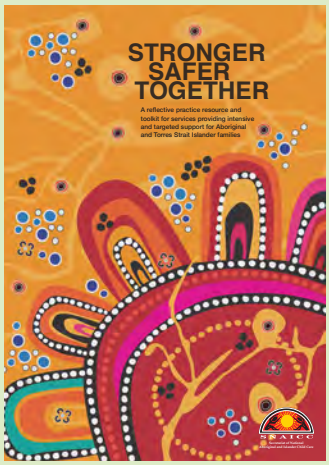
WHAT I KNOW WORKS OR WHAT I WANT TO TRY	REACH OUT AND CONNECT	LISTEN, LEARN AND BUILD TRUST	RESPECT AND EMPOWER	TRACK AND CELEBRATE CHANGE

5.3 IDENTIFYING THE NEEDS OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND FAMILIES

This section focuses on best practice for identifying the needs of Aboriginal and Torres Strait Islander children and families. The *needs assessment* asks what needs to change to ensure the parents and extended family are able to keep their children safe, healthy, nurtured and loved. The needs assessment addresses the long-term functioning of the family and informs goal setting and case planning.

Through their discussions with families and other agencies, it is important that practitioners can describe what they see as the strengths in the family and identify the areas of family life that need to change to improve the child's well being. Poor-quality housing, overcrowding, financial strain and other forms of adversity could be classified as *risk factors* and identified as issues that need to change. But being faced with these adversities does not necessarily cause child abuse and neglect. It is important not to confuse the challenges associated with poverty and child maltreatment, nor make families responsible for lifting themselves out of poverty. An important task for both family support and child protection workers is to distinguish families who can provide a safe and nurturing family environment for their child in spite of adversity, from families who are unable or unwilling to do so.

USEFUL RESOURCES



The SNAICC (2016) resource *Stronger Safer Together* outlines a guiding framework for needs and strengths assessment with Aboriginal and Torres Strait Islander families. This important resource presents a holistic set of family needs and strengths factors that should be considered when assessing the needs of Aboriginal and Torres Strait Islander children and families, including:

- The cultural needs of children;
- Cultural strength of parents, carers and families;
- Emotional connection between child and carers;
- Wellbeing for parents and carers;
- Parenting skills and parenting values; and
- Practical needs and barriers.

6. MATCHING SUPPORTS TO CHILD AND FAMILY NEEDS

Families experiencing multiple and complex needs require a broad range of supports, from assistance with everyday practical tasks, to therapeutic supports that address deeper needs and problems, and advocacy supports that help them to navigate the web of different services and relationships in their lives.

For Aboriginal and Torres Strait Islander families, connecting them with services that are culturally safe and acceptable, and respond to their identified needs, can help to engage them with supports they may never have known of or accessed before. The needs of families need to be addressed in a holistic way, and with an appropriate mix of responses to their unique circumstances.

Effective referral practice

Effective referral practice requires workers to find the right match between family needs and goals and assist the family to connect to these supports. The diagram below represents a way of breaking this down into a two-step process.

ASSESS	
What supports does the family need? (established through assessment)	Can our service provide the support without referral?
What other service and informal supports are available in the community?	Are the available supports culturally acceptable for the family?

CONNECT	
Make the referral and provide necessary information to the service	Support clients to make and keep appointments
Explain the other service to the client	Advocate with the other service to provide support and recognise cultural needs

Among the most significant challenges can be finding a service that is culturally safe for and acceptable to the family. For non-Indigenous agencies, developing effective working relationships with local Aboriginal and Torres Strait Islander organisations will be a critical step in connecting children and families to supports that meet their needs.

REFLECTIVE EXERCISE

Potential referral services

The grid below provides examples of referral services that other intensive family support workers have found useful to support their clients. Are these services available in your community? If you don't know, how could you find out?

Aboriginal and Torres Strait Islander health organisations	Paediatricians and allied health practitioners
Chronic illness specialists	Drug and alcohol programs
Specialist trauma response services	Family violence support services
Legal services	Housing services
Cultural groups and activities	Disability support services
Respite care	Family law and mediation services
Mums 'n' Bubs programs	Men's health programs
Aboriginal and Torres Strait Islander healing programs	Psychologists, psychiatrists and counselling
Parenting support programs (eg. Triple P, Parenting Under Pressure)	Family residential programs
Playgroups and other early childhood services	Job skills and employment programs
Sports and recreation clubs and activities	Education and homework support programs

REFLECTIVE EXERCISE

What supports can families access?

Think about some of the typical needs of families that access your service and the additional service supports they require beyond what you can provide. Make a list of needs and a list of matching services available in your community alongside it. This could be developed into a referral pathways tool for regular use and updating by your team.

7. INTEGRATED SERVICE DELIVERY: A HOLISTIC APPROACH TO ADDRESSING THE NEEDS OF ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES

7.1 WHAT IS INTEGRATED SERVICE DELIVERY?

Access to the right service – at the right time, from the right provider, and for as long as needed – is essential to the success of early intervention strategies. **The *early* in early intervention means both early in the child's life, and at the early stages of a problem emerging.**

A key challenge in early intervention is establishing a service system that leads to early identification of at-risk families, which incorporates both universal *and* targeted supports to address the needs of families. This approach helps to ensure that statutory child protection involvement is a "last-resort response".[21]

Integrated service delivery refers to the process of building collaboration between services to develop a service response that addresses the unique needs of families. Integrated service delivery is a continuum that ranges from collaboration among service providers to support individual families at the direct practice level, to full integration through the merging of independent services into a single integrated entity.

Early intervention should provide a mix of practical, educational, therapeutic and advocacy supports to children and families. Complex needs require multifaceted responses. Service delivery models work best when they provide a range of supports that broadly fall into the following categories:

- **Therapeutic:** Direct service provision of therapeutic interventions for children and family members, or referral to partnered mainstream service providers, using a range of specialist providers and service provision models;
- **Practical & Educational:** Teaching parents and caregivers life skills like financial management, household skills, nutrition; parenting skills such as managing daily routines and engaging with schools and other service providers; and
- **Advocacy:** Negotiating access to the services families need, and ensuring that the family's perspectives, rights and wishes are represented when decisions are made.

In contrast to approaches which involve multiple organisations, agencies, individuals, timeframes and locations, integrated services are commonly described as centred around the child and their family, with services organising to respond to needs in specific family and community contexts.[22]

These processes aim to:

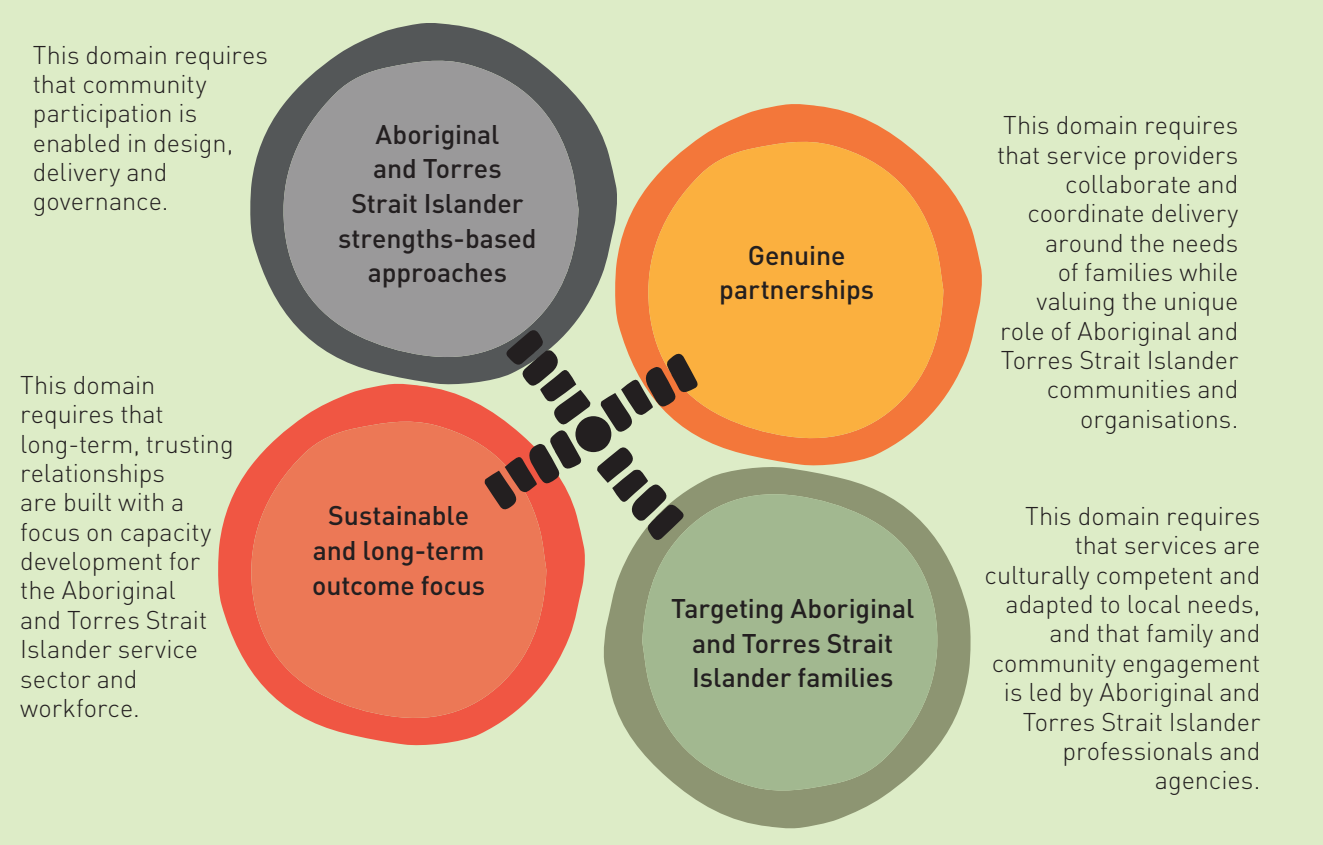
- increase Aboriginal and Torres Strait Islander children and families access to a broad range of child and family support services by reducing the access barriers present in mainstream service systems, which commonly present as culturally unsafe, complex, fragmented and difficult to navigate;
- respond to family needs early in the life cycle by integrating a range of supports within, or on referral from, universally available early childhood service contexts; and
- create multiple entry points into the integrated service system, thus ensuring that families receive the supports needed at the right time.

Families experiencing the highest levels of vulnerabilities are often those who face the biggest barriers in finding and accessing the supports they need. Complex needs usually require assistance from multiple sources. A lack of social networks, confidence, and familiarity with systems can all make navigating the complex world of support services challenging. Long wait lists and complicated referral processes that require families to tell their stories multiple times are further barriers.

Service integration has multiple benefits, especially for vulnerable families, to ensure that they are able to access the services that they need at the times that they need them the most. In an integrated system, services that are universally available, such as early childhood education and care, can draw families into the service system and facilitate their access to additional supports and activities as wanted and required.

7.2 HOW IT WORKS IN PRACTICE

The Aboriginal and Torres Strait Islander agencies that informed SNAICC's research on integrated services noted that there are specific system elements required to meet the needs of Aboriginal and Torres Strait Islander families. The integral components are demonstrated in the figure below.[23]



The promising practice profile below provides one example of an integrated service model of support for Aboriginal and Torres Strait Islander children and families.

PROMISING PRACTICE

Cullunghutti Aboriginal Child and Family Centre

(extracted from *SNAICC Aboriginal and Torres Strait Islander Child and Family Centres: Changing Futures with Our Children and Families NSW Profiles*, available at *www.snaicc.org.au*)

Aboriginal Child and Family Centres (ACFC) are a model of integrated early years service delivery that aim to connect vulnerable families to an array of services designed to meet locally determined priorities and needs, and provide primary prevention and early intervention activities.

ACFCs focus on developing capacity for local community governance and participation in service design and delivery. ACFCs have Aboriginal and Torres Strait Islander boards and receive input and guidance from parents, the community and local elders in different ways, including open days, feedback forms and regular services.

An emphasis on service integration and collaboration is evidenced through the ACFCs' strong partnerships with other community-controlled organisations, mainstream service providers and government departments.

As a trusted *one-stop shop* for Aboriginal and Torres Strait Islander families who would otherwise be unlikely to access any other service supports, ACFCs have a significant role in improving the safety, health and wellbeing of families and communities. For example, Cullunghutti ACFC, located in NSW, provides a range of social, health and education services to children and their families, including:

- Childcare;
- Early Childhood Learning Programs;
- Paediatrician;
- Allied Health Services;
- Family and Parenting Support;
- Housing, Centrelink and Legal Assistance;
- Elders Group;
- Cultural Programs;and
- Community Events.

The broad range of services and supports available to children and families who access Cullunghutti ACFC reduce practical and geographical barriers that might prevent them from accessing the full range of supports required to meet their needs and address issues that may bring them to the attention of child protection services.

7.3 STRATEGIES FOR EFFECTIVE COMMUNICATION AND COLLABORATIVE WORKING RELATIONSHIPS BETWEEN ABORIGINAL COMMUNITY-CONTROLLED ORGANISATIONS AND STATUTORY CHILD PROTECTION AGENCIES

It is well known that statutory child protection agencies across Australia experience challenges engaging effectively with Aboriginal and Torres Strait Islander families. These challenges relate significantly to high levels of community distrust of these agencies, connected to the experiences of the Stolen Generations. Aboriginal and Torres Strait Islander agencies that participated in SNAICC's research on family support were clear that these feelings of distrust are by no means confined to history. Many Aboriginal and Torres Strait Islander people living today are part of or directly affected by the Stolen Generations. Many community members view the current high levels of Aboriginal and Torres Strait Islander child removal as a continuation of those practices.

As a result, it is not surprising that the Aboriginal and Torres Strait Islander agencies identify the relationship between their services and the statutory agency as a critical and complex relationship to manage in order to provide effective support to families.[24] The relationship between the family support service and statutory agency is likely to impact upon practice, capacity for effective engagement with families, and the outcomes for families in a variety of ways. These may include:

- effectiveness of referral pathways impacting whether you reach the families that need the service;
- information sharing impacting how much you know about the family situation to support effective initial engagement;
- varying perceptions of strengths and risks for the family; and
- the level of trust and respect for the expertise of Aboriginal and Torres Strait Islander services provided by child protection workers and agencies.

Good working relationships between services and statutory agencies are needed, but take considerable work to develop and maintain. In this context, Aboriginal and Torres Strait Islander family support workers identify that the respect of government child protection workers for their knowledge and expertise on the situation and needs of the family is variable. Child protection agencies have clear obligations in implementing good practice – and, in many cases, in legislation – to respect this cultural knowledge and expertise.

In regions where formalised processes for integrated service provision have not yet been implemented, practitioners can still incorporate collaborative practice principles when working with families. This will help ensure that families have equitable access to the quality support services required to enable all opportunities for family preservation or reunification.

The table below provides examples of some practices that have been identified by family support workers as useful for promoting collaborative working relationships between their services and child protection agencies.

1. INTER-AGENCY COLLABORATION

- Partnership agreements and protocols could be established between the family support and child protection agency to make roles and collaborative practice clearer;
- Having a single team or manager within the child protection agency assigned to work with the family support service can assist to build understanding and collaborative practice over time;
- Establishing a dispute resolution procedure that involves staff at different levels of both organisations can promote accountability for collaborative practice, and help to resolve issues where the views of one agency are not respected and valued; and
- Cultural competence education and development for the child protection agency is critical to have the right understanding and attitudes to work with Aboriginal and Torres Strait Islander family support agencies.

2. COLLABORATING ON INDIVIDUAL CASES

- Identify common goals between services and assess where goals are conflicting or unrealistic;
- Informal communication to maintain a close working relationship is important beyond the formal requirements of the service model or legislation; and
- Child protection workers need to be aware of their authority and develop strategies to address power imbalance – to listen, learn from and value the perspectives of family support workers to improve their practice and decision-making.

3. SHARING INFORMATION

- Develop and negotiate a referral form for child protection agencies to complete with all the information that family support services need to work effectively with families – including important cultural information;
- Family support agencies identify that, as far as possible, they should be working off the same information as the child protection agency and that a common database can assist this; and
- Aboriginal and Torres Strait Islander family support agencies and workers can play a role to share cultural information to overcome knowledge gaps for non-Indigenous child protection workers that might impact how they view a case.

PRACTICE FOCUS AREA 3
PARTNERSHIP

1. GENUINE PARTNERSHIP WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES AND ORGANISATIONS TO SUPPORT SELF-DETERMINATION

While partnerships have long been recognised as important to developing effective and culturally-competent services, many Aboriginal and Torres Strait Islander people have had negative experiences of tokenistic relationships labelled as partnerships. This has led to a level of mistrust that governments and mainstream services may use partnerships to "tick boxes" of cultural competence and community engagement, without engaging with the deeper commitment to sustainable relationships and local community empowerment.

Genuine partnerships matter because they support the creation of an environment in which Aboriginal and Torres Strait Islander peoples and communities achieve **self-determination** – the collective right of peoples to determine and control their own destiny. The *Bringing them Home Report* explained self-determination in the following way:

> Self-determination requires more than *consultation* because consultation alone does not confer any decision-making authority or control over outcomes. Self-determination also requires more than *participation* in service delivery because in a participation model the nature of the service and the ways in which the service is provided have not been *determined* by Indigenous peoples. Inherent in the right of self-determination is Indigenous *decision-making* carried through into implementation.[25]

In this context, self-determination includes ensuring that services and practice are configured so that Aboriginal and Torres Strait Islander people lead the service design and delivery and the decision-making for their children. Partnerships that support self-determination extend beyond consultation to provide the resources that genuinely give power to Aboriginal and Torres Strait Islander community representatives to design and implement policy and programs and make the decisions about children at all stages of child and family welfare decision-making.

This practice focus area examines the following key issues on partnership:

- Partnerships in the context of the ATSICPP: Representative participation;
- Need for adopting appropriate legislative and policy frameworks to support partnerships;
- Spotlight on procurement and tendering policy and process; and
- How to build and maintain genuine partnerships with Aboriginal and Torres Strait Islander people and organisations.

2. PARTNERSHIPS IN THE CONTEXT OF THE ATSICPP: REPRESENTATIVE PARTICIPATION

Partnerships with Aboriginal and Torres Strait Islander peoples and organisations need to be developed through **active efforts** and a shared commitment to building deeper, respectful and more genuine relationships (see the Introduction of this resource for a further explanation of **active efforts**).

In the context of the ATSICPP partnership means ensuring the involvement of Aboriginal and Torres Strait Islander community representatives, external to the statutory agency, in all service design, delivery and individual child-protection case decision-making. At the individual level, this includes case decisions at intake, assessment, intervention, placement and care, and judicial decision-making processes.

Partnerships need to support the achievement of representative participation. Representative participation requires more than just participation in service delivery, it means that:

> **Aboriginal and Torres Strait Islander peoples select their own representatives in decision-making and participate through their own institutions and procedures.**

Sherry Arnstein's participation continuum, below, shows how representation in decision-making and genuine partnership requires more than consultation and tokenistic efforts.[26] Instead, it requires a shift in power dynamics by which the party with control over decisions cedes authority and enables the influence of other groups who have previously been excluded. To support the achievement of representative participation, governments and non-Indigenous organisations need to be culturally competent (see further below in this section for more information on developing your cultural competence).

Arnstein's participation continuum:

NON-PARTICIPATION	TOKENISM	CITIZEN-POWER
Manipulation: People placed on advisory committee for the purpose of educating them or securing their support. **Therapy:** Focus on curing people of their 'pathology' rather than focussing on racism and victimisation that create 'pathologies'.	**Informing:** One way flow of information with no opportunity for feedback/negotiation. **Consultation:** Inviting opinions with no assurance that they will be taken into account. **Placation:** Hand-picked participants, or individual representatives in decision-making authorities.	**Partnership:** power re-distribution through negotiation and agreed shared planning and decision-making processes. **Delegated Power:** dominant decision-making authority granted over a particular plan or program. **Citizen Control:** full control of policy and management and able to negotiate how outsiders influence and change decisions.

In the context of the ATSICPP representative participation requires:

- Aboriginal and Torres Strait Islander organisations to lead holistic, integrated prevention, early intervention and out-of-home care service delivery based on their knowledge of local needs;
- Resourced roles to inform the design of child and family welfare policy and service models at local, state and federal levels; resourced roles to inform case-based child protection decisions;
- Empowered community-based organisations to facilitate family decision-making processes for all families where child safety concerns are identified;
- Community-based representative child safety structures that promote safety and wellbeing, input to decision-making about the welfare of children and families, and drive local early intervention and prevention strategies;
- Building the capacity of Aboriginal and Torres Strait Islander organisations and professionals in the sector to deliver the full range of services required; and
- Adequate, culturally safe legal representation opportunities and a resourced legislative role for participation in all child protection decisions.

To create environments where representative participation occurs in child protection decision-making, governments and non-Indigenous organisations need to:

- Negotiate in good faith with Aboriginal and Torres Strait Islander peoples from the beginning and throughout decision-making, with the aim of reaching agreement;
- Provide Aboriginal and Torres Strait Islander peoples the financial and technical resources, time and information so that they can reach decisions without external coercion or manipulation;
- Ensure that Aboriginal and Torres Strait Islander peoples are given the respect and opportunity to provide input on the nature and importance of culture in decisions, and contribute to processes that maintain connection for children to family, community and culture; and
- Provide Aboriginal and Torres Strait Islander children with the opportunity to participate in decisions that affect them in line with their capacity, age and maturity and receive culturally appropriate support to do so.

ACTIVE EFFORTS TO SUPPORT THE RIGHTS OF REPRESENTATIVE PARTICIPATION COULD INCLUDE...

- Supporting community child protection groups, e.g. by linking them to cultural advisors who can act as intermediaries between the community and government child protection services;
- Investing in training and support for community leaders to participate in child protection committees and provide confidential input for child protection cases; and
- Supporting the creation of roles for Aboriginal and Torres Strait Islander agencies to support family participation. These roles could:
  - Coordinate family group conferencing or Aboriginal Family-led Decision-Making; and
  - Provide support to families, independently of child protection services, including during home visits and meetings with families.

PROMISING PRACTICE

Lakidjeka Aboriginal Child Specialist Advice and Support Services (ACSASS) Program

ACSASS has been operating in Victoria since 2005 and was established to implement legislative requirements for the participation of Aboriginal agencies in child protection decision-making.

The objectives of ACSASS include: to ensure an Aboriginal perspective in risk assessments; improve decision-making for Aboriginal children; and improve engagement of Aboriginal families and communities in child protection.

Some of the ways ACSASS does this includes: providing cultural advice to Department of Health and Human Services staff; facilitating family and community involvement in decision-making; advising on decisions regarding the implementation of the ATSICPP; and supporting case planning and cultural support planning.

3. ADOPTION OF APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

Legislation and government policy provide a framework that encourages and supports the achievement of self-determination and the building of strong relationships in practice.

LEGISLATION

Best practice legislation to support partnership:

- Recognises and promotes self-determination as an overarching principle of any Act that relates to the care and protection of Aboriginal and Torres Strait Islander children;
- Requires participation of independent representative ACCOs in all significant decisions about children;
- Provides for delegation of case management, custody and guardianship functions and powers to ACCOs; and
- Requires ACCOs to approve permanent care decisions, including whether a permanent care order (or similar) is pursued through court proceedings.

POLICY

Best practice policy to support partnership:

- Commits to genuine partnership in co-design of legislation and policy;
- Promotes ACCO and Aboriginal and Torres Strait Islander peak bodies' participation in system and service design;
- Prioritises and strategises to build ACCO capacity for participation and service delivery; and
- Incorporates ACCO-led evaluation and continuous improvement to develop an evidence base drawn from cultural and community knowledge.

REFLECTIVE EXERCISE

Review the legislation and policy in your jurisdiction, and your own department, agency or organisational policies, against these principles and consider:

- To what extent do they align with these best practice standards?
- What are the barriers to aligning policy with these standards? How could they be addressed?
- How can you influence decision makers to bring about legislative and policy change?
- Which Aboriginal and Torres Strait Islander organisations, people and communities can you engage with to support the creation of best practice policy and legislation?
- How can you collaborate with ACCOs on this (e.g. write joint policy submissions or conduct joint advocacy campaigns)?

4. SPOTLIGHT ON PROCUREMENT AND TENDERING POLICY AND PROCESS

An important way of transferring control to ACCOs is by ensuring that they receive the contracts to design and deliver services. Many tendering processes have moved away from non-competitive needs-based funding to competitive tendering processes. This has often resulted in already under-resourced ACCOs having to compete for funding with better-resourced non-Indigenous organisations, which may have dedicated grant writers and significant experience applying for grants. As a result, ACCOs may not be able to compete, and in some instance may just not apply due to the onerous nature of the process. This leads to non-Indigenous organisations often winning these grants, with services for Aboriginal and Torres Strait Islander people being delivered by non-Indigenous organisations – which moves further away from achieving **self-determination**.

To overcome this, government and other funders need make **active efforts** to:

- Move away from open competitive tendering, and either determine funding in consultation with ACCOs based on need, or create restricted tendering processes that are only open to ACCOs.
- Design funding selection criteria that support self-determination by prioritising ACCOs, and that reflect the importance of cultural-safety in service delivery.
- In instances where an ACCO has applied for funding but does not meet all of the criteria, work with the ACCO to identify non-Indigenous organisations it could partner with to deliver the service, using a capacity development approach, and help to facilitate partnership discussions.

Non-Indigenous organisations need to make **active efforts** to:

- Develop and implement organisational policies of not competing for tenders when they know that there are ACCOs who are capable of delivering services. If a service has developed its cultural competence (see further below) then it should have an understanding of whether there are ACCOs who could deliver a service, or how to find out.
- Before applying for a grant, reach out to relevant ACCOs to find out whether and how they could potentially partner (see the section on sharing resources below).
- Educate their funders. If funders initiate tendering processes that don't support self-determination, non-Indigenous organisations need to use their influence to explain why this is inappropriate, and encourage change.

PROMISING PRACTICE

Queensland's Our Way strategy and Changing Tracks

In 2017 the Queensland Government, in partnership with Family Matters and community organisations, released *Our Way: A generational strategy for Aboriginal and Torres Strait Islander Children and Families.* The strategy outlines a 20-year plan to end the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care.

Alongside this the Queensland Government released *Changing Tracks: An action plan for Aboriginal and Torres Strait Islander Children and Families,* the first in a series of action plans under the strategy, which outlines the programs and investments the government is making to achieve the goals outlined in *Our Way*.

One of the first key actions of Changing Tracks has been to invest $150 million over five years to create Aboriginal and Torres Strait Islander Community Controlled Family Wellbeing Services. This was done through a closed tender process, so that only Aboriginal Community Controlled Organisations could apply for the funding.

PROMISING PRACTICE (CONT)

Queensland's Our Way strategy and Changing Tracks

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak has called *Our Way*:

> "An exemplar of a joint collaborative effort across the levels of legislation, policy, practice, processes and programs to genuinely commit to tangible strategies, targets and measures to eliminate Aboriginal and Torres Strait Islander over-representation in out-of-home care."

5. HOW TO BUILD AND MAINTAIN GENUINE PARTNERSHIPS WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND ORGANISATIONS

The framework below provides a way of understanding and thinking about partnership development. The outer boxes describe the four key domains that inform all the processes that take place in the inner-circle to achieve the core objective at the centre of the diagram.

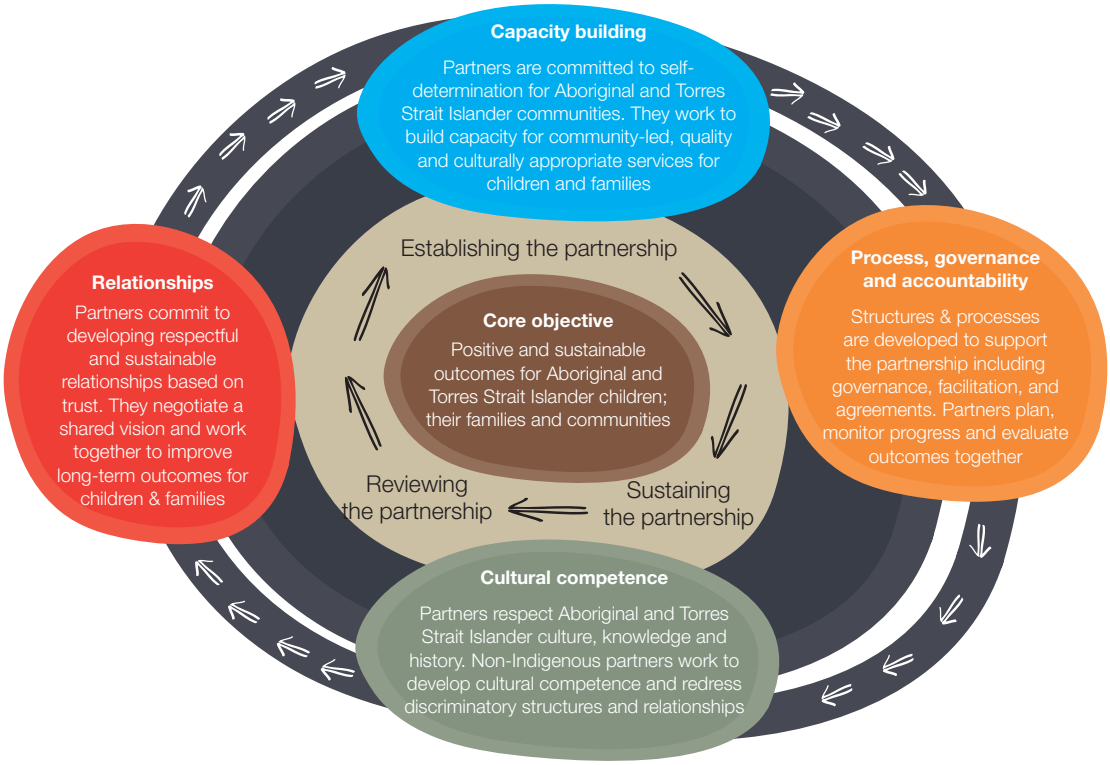
The **four key strategies** outlined below expand further on how you can use this framework to build and maintain genuine partnership.

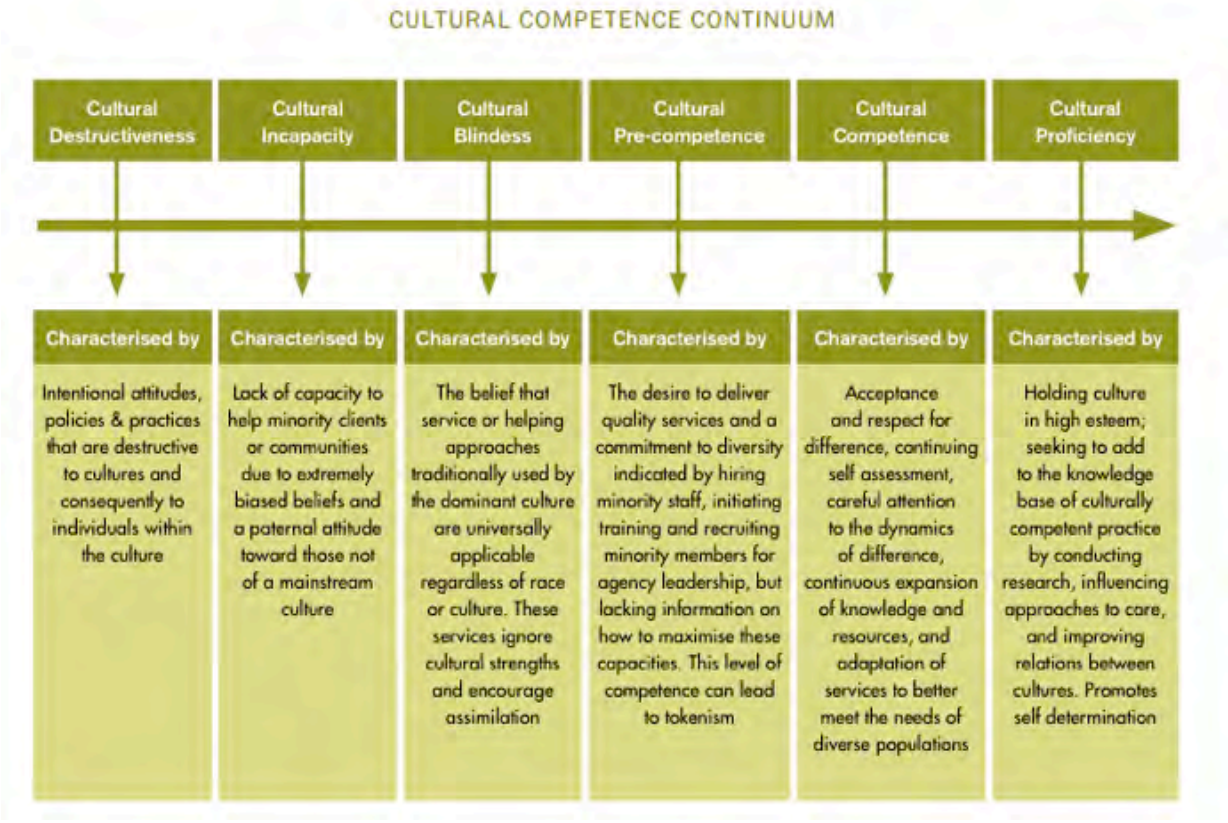
STRATEGY 1: BUILD YOUR AND YOUR DEPARTMENT OR ORGANISATION'S CULTURAL COMPETENCE

In genuine partnerships governments and non-Indigenous organisations have a responsibility to develop culturally competent professional practice. As part of a partnership agreement, Aboriginal and Torres Strait Islander organisations have a role in teaching about their cultures and supporting the other party to learn.

One of the key outcomes of a partnership should be to build the cultural capability of non-Indigenous parties. There are a number of resources that governments and other non-Indigenous organisations can refer to when starting their cultural competence learning (see the Further Resources section below). However, genuine cultural competence develops primarily through ***relationships*** with Aboriginal and Torres Strait Islander people and communities.

Remember: Developing cultural competence is a continuous learning journey, not a destination. It requires a change in attitudes and practices through which individuals and organisations demonstrate genuine respect and value for a culture that is not their own. The continuum below provides a way to think about a cultural competence journey:[27]





REFLECTIVE EXERCISE

In reflecting on your cultural competence, consider:

- How have you learned about Aboriginal and Torres Strait Islander culture, customs, history and language?
- Which organisations and people have helped you to learn?
- Who could you learn more from? Are there relevant cultural awareness programs you can attend?
- How have you supported and encouraged other people to learn?
- Which stage of the cultural competence continuum do you think that you are at?

PRACTITIONER TIP: A culturally competent practitioner listens to and respects the knowledge of culture and community of Aboriginal and Torres Strait Islander representatives by giving special weight to their views and advice. This is demonstrated by recording their advice and any reasons to depart from it in affidavits and case notes.

STRATEGY 2: SPEND TIME BUILDING RESPECTFUL RELATIONSHIPS OF TRUST WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND COMMUNITIES AND THEIR ORGANISATIONS

Connect. Partnership development takes time, resources and commitment. Take the time to get to know people within the Aboriginal and Torres Strait Islander community, to understand community leadership structures and the role of community organisations, and to listen to Elders.

Listen to Aboriginal and Torres Strait Islander people and communities. Consult with the local Aboriginal and Torres Strait Islander community through their own representative organisations and leadership structures. Listen to the needs that they identify and respond by working with them to provide supports that they request.

Genuinely listening to and acting on the recommendations from the people you speak to requires you to use your cultural competency skills. This includes being aware of and using common protocols for engagement with an Aboriginal or Torres Strait Islander community.

Stick around. Strong partnerships and the building of trust that underpins them take time to develop. To build the trusting relationships that enable you to work effectively with communities to support their wants and needs, you need to commit to working with them for a sustained period of time. One way that you can signify your intention to engage in long-term collaboration is to create a partnership agreement**,** which clarifies the partnership objectives and the commitment of all parties.

However, agreements rarely drive the relationship. Their quality reflects the process of relationship building, and the open and honest negotiation that underpin the agreement. Good partners recognise that special attention is needed to incorporating ACCO perspectives in agreements, including recognition from mainstream partners of the important leading role of ACCOs in identifying needs, and designing and delivering responses for Aboriginal and Torres Strait Islander children and families.

STRATEGY 3: LISTEN AND LEARN FROM ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES TO DETERMINE HOW YOU CAN HELP BUILD CAPACITY FOR COMMUNITY-LED RESPONSES

Governments and non-Indigenous organisations need to listen to the needs and aspirations of communities to determine when, where and how they can use their resources to support the priorities of communities.

Good partnership means not duplicating or competing with existing child and family supports in the Aboriginal and Torres Strait Islander community. Before embarking on a new program or policy, use the abovementioned strategies to engage in a respectful and meaningful dialogue with Aboriginal and Torres Strait Islander organisations so that you **understand the existing community strengths and needs.**

Doing this should inform you about whether a new program or policy is needed and, if so, what partnership support – if any – Aboriginal and Torres Strait Islander organisations need to design and deliver it. When doing this, make sure you look beyond your own immediate environment to actors in the broader network. For example, make sure you include family violence and health services in your analysis.

Taking the time to listen to and learn from Aboriginal and Torres Strait Islander peoples about what supports they need from partners is crucial for achieving **self-determination**. Genuine listening and learning should put governments and non-Indigenous organisations in a position where they can answer the question: what financial and other resource support can we provide to ensure the implementation of Aboriginal and Torres Strait Islander programs and policies?[28]

IMPORTANT: Don't assume that an ACCO will necessarily need or want your support. Begin a dialogue with the ACCO and genuinely listen to determine whether you can provide any worthwhile assistance.

Inter-agency partnerships

If, after engaging with relevant Aboriginal and Torres Strait Islander organisations and peoples, they have determined that your government department or organisation can partner to support self-determination, you can begin to work with them to determine how to do this.

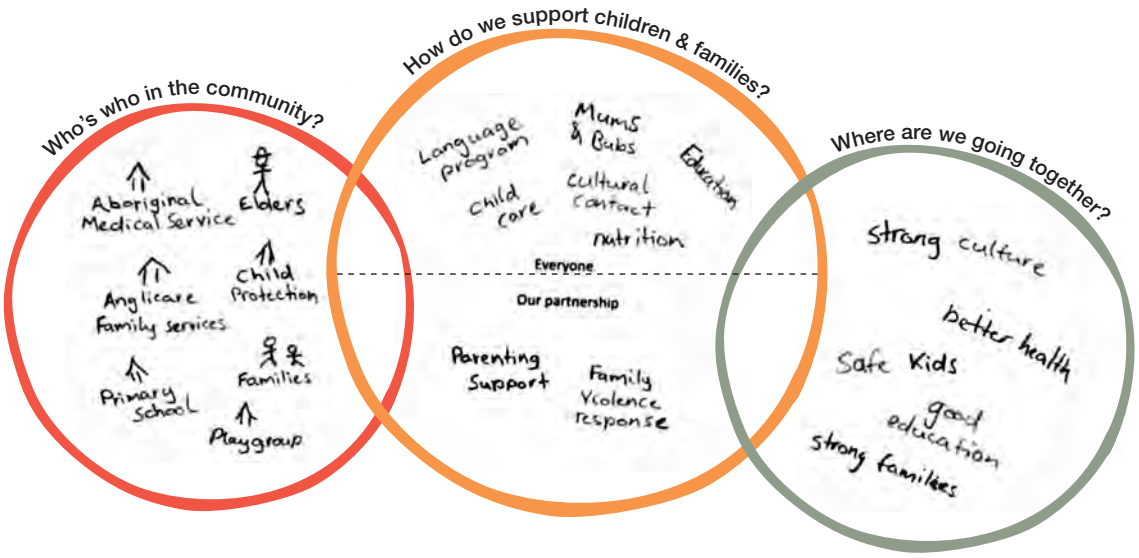
This may involve some degree of inter-agency partnership. Inter-agency partnerships can take many different forms, depending on their purpose and the actors involved. A low-level, less integrated partnership might just involve networking or the sharing of a few resources. A partnership with a high-level of integration might involve the formal co-delivery of a project or program or the auspicing of one organisation by another.

Ultimately, the main aim of any partnership needs to be the eventual complete **transfer of power and service delivery to Aboriginal and Torres Strait Islander organisations** so that self-determination is achieved. As a result, when establishing your partnership, begin to plan how you will build community capacity and how you will exit the partnership once capacity has been built and the complete transfer of power has occurred.

REFLECTIVE EXERCISE

Partnership Mapping.

This can be a useful activity when first establishing your partnership. It helps you to understand where your partnership sits in the context of other relationships and the different stakeholders involved, and helps partners to share ideas of what the partnership could be and where you would like it to go. The below example conducts partnership mapping through asking some basic prompting questions. Create the diagram anyway that you think best fits your partnership and your community.



TYPES OF SUPPORT

Generally speaking, mainstream organisations can provide capacity building support to Aboriginal and Torres Strait Islander community-controlled organisations at multiple levels, including by supporting:

- **People** – training and employment opportunities for local Aboriginal and Torres Strait Islander people.
- **Organisational structure** – assistance with governance, organisational design and individual job descriptions.
- **Organisational systems** – assistance with planning, decision-making, knowledge management and administrative systems.
- **Organisational leadership** – supporting organisations to create and sustain a vision that helps them to achieve their purpose.

A strong partnership can also develop ***shared capacity*** in which both partners work together to support capacity building according to their identified needs. This approach **puts the needs of the community first**, and views resources in the sector as *community resources* that exist to meet the needs of families. These kinds of partnerships can lead to opportunities for collective innovation and advocacy for service development and the creation of joint strategies, integrated service models and approaches (see the Prevention section of this resource for more about integrated service delivery).

Below are some examples of the kinds of resources that can be shared by partners:

PROMISING PRACTICE

Tangentyere Council Aboriginal Corporation Kinship Care Program

Tangentyere Council Aboriginal Corporation (TCAC) in Alice Springs has partnered with Territory Families (TF) and the Department of Housing and Community Development (DHCD) to develop and implement a Kinship Care Program. A key aim of the program is to increase the number of kinship carers and placements, so that children in out-of-home care grow up safely in a setting that ensures continued connection to their family, language and culture.

Through the partnership, the parties work collaboratively to:

- Build service capacity to find suitable kinship carer placements for Aboriginal children who are in the child protection system;
- Attract, recruit and retain Aboriginal kinship carers, including those able to offer short-term respite care;
- Improve the application process for potential Aboriginal kinship carers by identifying barriers, co-designing solutions and determining strategies for system reform; and
- Improve the knowledge and understanding of kinship care arrangements and support systems amongst Tangentyere staff and town campers.

TCAC leads the work of identifying and locating children, finding family, completing assessments, and supporting people to become approved kinship carers. TF have supported this by providing TCAC with access to information about all young people in out-of-home care in Central Australia, as well as providing training to TCAC staff in assessment and approval processes. DHCD provide priority support to carers where housing issues may impede upon a potential care placement.

The project is guided by a steering committee made up of representatives from every town camp in Alice Springs who draw on their strong understanding of familial and traditional kinship connections to steer project direction and assist in identifying suitable kinship carers within a child's family and community.

REFLECTIVE EXERCISE

- Beyond saving money, what could be the benefits to your organisation or department of sharing resources?
- Are there resources you have that could be better allocated to support partnership goals?
- How can you make **active efforts** to resource and support capacity development of community-controlled agencies to have a role in child protection?

OUTCOMES ARISING FROM BUILDING YOUR COMPETENCY AND THE CAPACITY OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND ORGANISATIONS

Building your cultural competence and relationships along with building the capacity of Aboriginal and Torres Strait Islander people and organisations should lead to changes in what programs look like and how they are delivered. This should be reflected in outcomes that demonstrate increased involvement of and leadership by ACCOs in the child protection system, such as:

- The regular use of ACCO-operated Aboriginal and Torres Strait Islander family-led decision-making (AFLDM) or similar approaches that enable family and community participation in decision-making;
- ACCOs being increasingly provided with custody and guardianship for Aboriginal children;
- ACCO participation in child protection decision-making through consultation and decision-making programs;
- ACCOs having increasing coverage and capacity to deliver services;
- ACCOs providing case management, including out-of-home care management for all children;
- ACCOs assess, train and review the cultural competency of community service organisations; and
- ACCOs and/or Aboriginal and Torres Strait Islander community representatives provide oversight of service delivery.

REFLECTIVE EXERCISE

Review your programs and consider:

- To what extent are they being co-designed and delivered with ACCOs?
- At what stage of program design and delivery are you engaging with ACCOs?
- What is the role of ACCOs in individual case management, consultation and decision-making, and how well does this align with achieving these outcomes?
- Where ACCOs are not resourced and available to participate, what other strategies do you use for building relationships and consulting with the Aboriginal community that the child comes from?

Suggestions for how to make active efforts to achieve these outcomes:

- Identify areas where you can increase ACCO involvement and begin discussions with partner organisations about how this could be achieved; and
- Set your program and organisational outcomes with reference to the above outcomes, so you can continuously monitor and report on the extent to which you are achieving best practice.

PROMISING PRACTICE

Grandmothers Against Removals (GMAR) and the Guiding Principles

Grandmothers Against Removals (GMAR) formed in Gunnedah, NSW to advocate against the removal of Aboriginal children from their families and for greater community involvement in decision-making.

Over a 12-month period GMAR worked with the New England FACS District Office and the NSW Ombudsman to develop a set of *Guiding Principles for Strengthening Participation of Local Aboriginal Community in Child Protection Decision Making* to improve the collaboration between FACS and Aboriginal communities on child protection matters.

This led to the establishment of the Guiding Principles Yarning Circle (GPYC), a state-wide advisory group established to oversee the implementation of the Guiding Principles and determine methods for their effective monitoring and evaluation. The Guiding Principles provide for the establishment of local advisory groups who engage with local Aboriginal people to – amongst other things – identify and assess the appropriateness of service models for Aboriginal people, build the capacity of community to care for children (such as through increasing the number of kinship carers) and provide feedback to the NSW Government Family and Community Services on individual cases and systemic issues.

STRATEGY 4: ESTABLISH THE PROCESSES, GOVERNANCE STRUCTURES AND ACCOUNTABILITY REQUIRED FOR EFFECTIVE AND SUSTAINABLE PARTNERSHIPS

A strong and enduring partnership requires both parties to have good governance. Particular attention is needed on how the Aboriginal and Torres Strait Islander community is represented in the governance of the partnership. This will differ depending on the context of your community and partnership. Sometimes it will be appropriate for the community to be represented through the relevant community-controlled organisation, and sometimes it will be important for other community leaders and Elders to be included. The Aboriginal and Torres Strait Islander organisation in your partnership will be able to advise you on how Aboriginal and Torres Strait Islander governance works where you are.

In establishing a partnership governance structure, pay careful attention to issues of **control and power balance**. In many cases, and often for reasons relating to histories and continuing realities of discrimination, Aboriginal and Torres Strait Islander parties have been disadvantaged in partnership negotiations. They are likely to have less resources and less initial service delivery capacity than governments and larger mainstream organisations, and as a result, less bargaining power.

Also pay particular attention to how commitments to **self-determination** and **community capacity building** are reflected, and how the governance structure seeks to address historical and continuing discrimination and resulting **power imbalance**.

Taking a bottom-up, **collaborative and participatory approach to the evaluation of your partnerships,** and any programs that arise from them, is important for ensuring that you are collaborating and sharing power. Participatory models of evaluation enable communities to be involved in defining the criteria for what makes a successful program and partnership and contributing to any future changes. The Australian Institute for Family Studies report *Evaluating the Outcomes of Programs for Indigenous Families and Communities* has some useful guidance.[29]

BUILDING DEPARTMENTAL, ORGANISATIONAL AND SECTOR-WIDE PROCEDURES THAT SUPPORT THE ROLE OF ACCOS

In addition to the building of processes, governance structures and accountability for partnership, department, organisations and sectors should develop and implement procedures that ensure the involvement in and leadership of ACCOs in child protection. These might be captured through **practice standards, procedure manuals and consultation guides**, which should encompass and enable the following:

- The establishment of procedures that, starting at notification, enable timely and informed ACCO participation in all significant decision-making;
- The establishment and implementation of guidelines that support the delegation of custody and guardianship to ACCOs;
- The recording of outcomes of ACCO participation, including reasons if advice is not followed, to support monitoring and advocacy; and
- Establishing processes that ensure ACCOs are invited to attend court, to enable their participation.

REFLECTIVE EXERCISE

Review your departmental and organisational systems and procedures and consider:

- Do you have procedure manuals or practice standards that support best practice program delivery with Aboriginal and Torres Strait Islander people and organisations?
- Were they developed in partnership with local Aboriginal and Torres Strait Islander organisations?
- What strategies can you use to align existing procedures with the above?
- What mechanisms can you put in place for the regular review of your procedures in consultation with your Aboriginal and Torres Strait Islander partners?

PRACTITIONER TIP: Team leaders play an important role in ensuring practitioners partner well. Build it into your practice to regularly check with practitioners that they are involving ACCO's in decision-making processes from the earliest possible opportunity.

USEFUL RESOURCES

Want to know more about building and maintaining partnerships? The following resources can help:

- *SNAICC's Partnership Audit Tool* provides guidance and exercises to assist you in establishing partnerships and reviewing their strength.
- *SNAICC's Partnership Training Manual* is an interactive guide that aims to support and sustain genuine inter-agency partnerships in service delivery for Aboriginal and Torres Strait Islander children and families.
- *SNAICC's Opening Doors Through Partnerships* report provides practical approaches to developing genuine partnerships that address Aboriginal and Torres Strait Islander needs. The report profiles case studies of good partnership development from across Australia.
- *Victorian Aboriginal Child Care Agency's Building Respectful Partnerships* - The Commitment to Aboriginal Cultural Competence in Child and Family Services is a practice guide on building Aboriginal cultural competence.
- *SNAICC's Whose Voice Counts? Aboriginal and Torres Strait Islander Participation in Child Protection Decision Making* outlines the central importance and elements of Indigenous participation to quality and effective child protection decision-making for Indigenous children.

PRACTICE FOCUS AREA 4
PLACEMENT

1. WHAT IS THE PLACEMENT ELEMENT?

The placement element of the ATSICPP seeks to ensure that a child in out-of-home care is able to maintain the highest level of connection possible to their Aboriginal and/or Torres Strait Islander family, community, culture and country. Proper application of the placement hierarchy requires child protection decision-makers to exhaust all possible options at one level of the hierarchy before considering a lower-order placement.

No placement should be made unless the child's family and community representatives have participated in decision-making, and it can be demonstrated, to ensure all possible higher-order placement options have been considered. Community representatives should be able to provide independent advice to the courts on the most appropriate care options (strategies for family and community participation in placement decision-making are discussed in Practice Focus Area 5: Participation).

Full implementation of the placement element requires efforts across legislation, policy, programs, processes and practice. It is essential that policies and procedures be in place to ensure proper implementation of the placement hierarchy, as well as staff capacity to effectively implement it. A thorough process of family mapping and searching for and finding family carers should be integrated into child protection practice to inform initial placements, placement changes and regular placement review. Mapping and finding processes are also essential for ensuring that all significant persons in a child's life have an opportunity to be involved in decision-making processes about the child's care. Procedures must also include thorough requirements to ensure children's Aboriginal and/or Torres Strait Islander status is identified at the earliest possible opportunity so that placements with strong connections to culture are explored.

This practice focus area examines the following key issues on placement:

- The ATSICPP placement hierarchy;
- Adopting appropriate legislative and policy frameworks to support placement ;
- Best practice for placement decision-making;
- Ensuring compliance with the placement hierarchy;
- A framework for assessing cultural needs during placement review; and
- Processes for supporting identification of kinship placements.

2. THE ATSICPP PLACEMENT HIERARCHY

Placement of an Aboriginal or Torres Strait Islander child in out-of-home care is prioritised the following way:

- with Aboriginal or Torres Strait Islander relatives or extended family members, or other relatives or extended family members, or
- with Aboriginal or Torres Strait Islander members of the child's community, or
- with Aboriginal or Torres Strait Islander family-based carers. If the above preferred options are not available, as a last resort the child may be placed with:
- a non-Indigenous carer or in a residential setting.

There is an enduring responsibility for practitioners to actively seek out placements within the child's family and community throughout their time in out-of-home care. In cases where the child is not placed with their extended Aboriginal or Torres Strait Islander family, the placement must be within close geographic proximity to the child's family.

3. ADOPTING APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

LEGISLATION

- Specifies placement hierarchy in line with best practice;
- Requires **active efforts** be made to adhere to placement hierarchy, or similar language such as "wherever possible";
- Requires – prior to placement – non-kin carers demonstrate commitment and capacity to support family, community, cultural and country connections; and
- Requires – prior to placement – ACCO participation in placement decision-making.

POLICY

- Emphasises preference for high-priority placements and continuing review of lower-priority placements;
- Recognises and promotes participation of family and ACCOs in placement decision-making; and
- Promotes the role of ACCOs in kinship carer and other placement identification, assessment and support.

4. BEST PRACTICE FOR PLACEMENT DECISION-MAKING

Research on placement decision-making argues that the process is often based on an interpretation of personal, societal and political factors of the time, rather than a thorough understanding of the individual child's needs.[30] Organisational factors – including time, resources and practitioner's level of autonomy – all lead to variation in decision-making processes.[31] These factors can all impact upon the capacity of practitioners to locate a placement that complies with the ATSICPP. Despite the pressures practitioners may be experiencing at the point of removal, it is still their responsibility to undertake **active efforts** to adhere to the placement hierarchy.

In Australia, the debate has often pitted cultural rights in opposition to safety, but culture and child safety are not mutually exclusive, and are in fact mutually complimentary – culture contributes to safety and wellbeing. **If a child is removed to ensure their safety, they must have the most appropriate placement with processes, supports and accountabilities in place to ensure their safety and enable cultural continuity and connection. Having appropriate placement decision-making processes in place to support this is essential.**

According to the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP):

> "In the context of reclaiming and defining Aboriginal Kinship Care, the [Placement Element] means that the child's first placement by the statutory agency away from their parents should be planned, made with the child and family's participation, and involve community representatives, so that it is the right placement…If placement with relatives or extended family members is not possible at that time, kin should be identified and enabled so that the child/ren transition to their care to be raised in culture and community."[32]

REFLECTIVE EXERCISE

The factors impacting placement decision-making

Think about your organisation's process for deciding on placements for children in out-of-home care:

- What are some of the characteristics of your agency that influence the process?
- What are the broader political and social factors that influence these decisions?

Despite some of the challenges associated with placement decision-making, practitioners have a responsibility to demonstrate that **active efforts** have been made to adhere to the placement hierarchy. The box below provides guidance on specific, recordable actions that can be taken to ensure that children are in a placement that ensures the highest possible level of connection to family, community, culture and country.

Active efforts toward compliance with the placement hierarchy:

- Families are provided opportunities to participate in placement decisions through Aboriginal family-led decision making;
- Thorough scoping of family to identify culturally connected placements through Aboriginal and Torres Strait Islander agencies; and
- Assessment of placement options conducted and exhausted in order of hierarchy – these reviews to be recorded.

When decisions pertaining to placement are made, precedence must be given to placing siblings together. For children in out-of-home care, sibling co-placement provides a sense of stability and is essential not only for the maintenance of familial connection, but also connection to community and culture.

In circumstances where a child must be placed with a non-Indigenous carer, practitioners have a responsibility to make sure that the child's carer is committed to ensuring that the child's cultural needs are met throughout the placement and provided with the appropriate supports to do so. Aboriginal and Torres Strait Islander children have specific cultural and spiritual needs beyond this: to know where they come from, know who they are, know who they belong to and where they belong. They have a need and right to practice and maintain cultural values, beliefs and practices. All these needs must be understood in the context of a community that shares that culture.

4.1 ABORIGINAL AND TORRES STRAIT ISLANDER DEFINITIONS OF KINSHIP CARE

There are concerning inconsistencies in the definition of kinship care across jurisdictions. The use of a broad interpretation of "kin" means that in some jurisdictions Aboriginal and Torres Strait Islander children are being raised by non-Indigenous, non-family members deemed by the State to be, for example, part of their social network or a person of significance to the child. The degree of separation from family and culture that can result from such a placement cannot rightly be deemed as compliant with the intent of the ATSICPP placement element.

There is no one definition for Aboriginal and Torres Strait Islander kinship. According to QATSICPP, *"consideration of who is kin to a child is the decision and responsibility of family and those with cultural authority for the child."*[33] Some community-controlled organisations define Aboriginal kinship as the "biological bloodlines that have been passed on from generation to generation."[34] Alternatively, other community-controlled organisations espouse more expansive definitions that view kinship as not limited to biological relationships, but as also including culturally defined relationships that reflect specific cultural bonds and obligations.[35]

Child and family service workers must meaningfully adopt Aboriginal and Torres Strait Islander definitions of kin within their practice, which will be enhanced through the meaningful participation of families, communities and Aboriginal and Torres Strait Islander community-controlled organisations within placement decision-making (as discussed further below).

4.2 RECOGNISING AND PROMOTING THE PARTICIPATION OF FAMILIES AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED ORGANISATIONS

To ensure all possible higher-order placement options have been considered, decisions regarding the placement of Aboriginal and/or Torres Strait Islander children into out-of-home care must be made in consultation with:

- the child's family;
- an Aboriginal and Torres Strait Islander community-controlled organisation; and
- community representatives.

Decisions to place an Aboriginal and/or Torres Strait Islander child should only be made with the appropriate and timely review of the child's individual circumstance, and with the informed support from an appropriate ACCO. The preference is for placement decisions to be made through formal participatory processes for enabling culturally safe family and ACCO participation, like Aboriginal and Torres Strait Islander family-led decision-making or family group conferencing (as discussed in Practice Focus Area 5: Participation).

The participation of Aboriginal and Torres Strait Islander peoples in placement decision-making is facilitated by the existence of strong partnerships between child and family services and Aboriginal and Torres Strait Islander families and communities. Relationship building and developing strategies that support and sustain culturally respectful relationships should be considered the cornerstone to successful culturally competent engagement with Aboriginal and Torres Strait Islander people and organisations. Such partnerships should be based on equity and are not a way for non-Indigenous services to "tick the Aboriginal box". Strategies for developing strong partnerships are discussed in more detail in Practice Focus Area 3: Partnership.

Involving Aboriginal and Torres Strait Islander people from the very start of the placement decision-making process, before any key decisions have been made, is recognised as both respectful and necessary for genuine participation. Aboriginal and Torres Strait

Islander peoples have often described being excluded from decisions that are critical to maintaining connection to culture for children in out-of-home care, including ongoing case planning processes, and decisions that prioritise reunification or reconnection with family.

The involvement of Aboriginal and Torres Strait Islander agencies in placement decisions is recognised in legislation and program requirements as a core priority in some states and territories, however services identify variable levels of involvement in these decisions. Barriers include:

- the lack of resourced roles to enable agencies to participate in decision-making;
- information blockages where the Aboriginal and Torres Strait Islander agency's advice on placement options is not passed on to placement services and out-of-home care agencies (as no direct relationship exists); and
- limited capacity for involvement in ongoing case planning and review for children in out-of-home care.[36]

Genuine participation of Aboriginal and Torres Strait Islander organisations and families in placement decision-making requires representative consultation, which includes both independent cultural input and direct support for families and children to participate. Some of the processes that support genuine participation are outlined later in this practice area.

REFLECTIVE EXERCISE

Strengths and challenges in building effective partnerships for child protection decision-making

Reflect on your organisation's experiences in collaborating with Aboriginal and Torres Strait Islander community and organisations around child protection decision-making:

- Are you demonstrating a commitment to building relationships based on equity and shared decision-making?
- How willing is your organisation to learn from Aboriginal and Torres Strait Islander organisations?
- How does your organisation ensure that the perspectives of children and families inform placement decision-making?

4.3 ACTIVE EFFORTS TO LOCATE AND SUPPORT KINSHIP AND FAMILY CARERS

As discussed earlier in this practice area, in all cases **active efforts** must be made to adhere to the placement hierarchy. Practitioners have a duty to actively engage with the child's family, community and local relevant ACCOs in locating a child's kin. Kinship and family scoping programs, ACCO-led programs for placement identification and assessment, and reconnection for children in lower-level placements are all important resources to draw upon in identifying potential kinship placements for children placed in out-of-home care.

Some people believe that there is a shortage of Aboriginal and Torres Strait Islander carers because there are more children in care than there are kin able to care for them. While this may be one factor, a lack of resources, as well as culturally inappropriate assessment tools, and difficulty in meeting eligibility criteria, are also barriers for potential kinship carers.[37] In their submission to the Queensland Child Protection Commission of Inquiry in 2012, Winangay Resources Incorporated described the following challenges in placing an Aboriginal and/or Torres Strait Islander child in kinship care:[38]

> "When a decision is made to place a child within their extended Aboriginal family, workers are faced with significant challenges. In relation to the assessment of the potential carer, the tools the workers are obliged to utilise are generally variations of the assessment tools for foster carers. These tools fail to capture the complexities of Aboriginal kinship care, are culturally insensitive and are predicated on an erroneous assumption that the child is not known to the carer and is a stranger to the potential carer."

Research has highlighted the additional strain on Aboriginal and Torres Strait Islander families and communities that results from providing additional care when also experiencing higher-levels of poverty and disadvantage.[39] This strain is compounded by lower-levels of support provided to kinship carers as compared to foster carers.[40] Some of the challenges carers report facing include feeling unprepared to deal with complex needs; feeling unsupported; dealing with crisis, such as a child or parent's death; having to work with government and community agencies; and the complex relationship with the child's biological parents.[41]

The provision of support to carers throughout the entirety of the placement is essential. In research conducted by the Australian Institute of Family Studies and SNAICC (2007), Aboriginal and Torres Strait Islander carers said that if the children in their care were adequately supported, they felt supported. For themselves, carers said they needed:

- adequate financial support;
- practical and emotional support; and
- respectful relationships with the department.

(EMERGING) PROMISING PRACTICE

Victoria's new model of kinship care

Victoria has recently announced a new model of kinship care to be introduced in 2018. The new model demonstrates a strong commitment to prioritising the role of ACCOs in developing processes for culturally safe kinship carer assessment and support. The model includes a new First Supports Program that will be delivered by ACCOs and is aimed at supporting kinship placements. Participating ACCOS will:

- provide up to 110 hours of family services to kinship families;
- complete an assessment of the kinship placement within six weeks of commencement;
- provide flexible brokerage to support in the establishment of a placement; and
- refer families and children to other services and supports as needed.

As part of the model, the Victorian Department of Health and Human Services is also working in partnership with ACCOs to design an Aboriginal family finding component. This will ensure that ACCOs have a central role in leading kinship and family scoping for Aboriginal and Torres Strait Islander children, thus increasing opportunities for identifying placements that are compliant with the placement hierarchy.

In addition to departmental support, carers want access to programs that directly support them but operate independently. According to Aboriginal and Torres Strait Islander carers, these programs operate best when staff:

- advocate for carers in dealing with child protection departments when necessary;
- provide needs-based comprehensive, responsive support;
- empower carers by enabling knowledge-sharing and skill-building; and
- empower carers through community, such as support group meetings and community events.

PROMISING PRACTICE

The Aboriginal Child, Family and Community Care State Secretariat's (NSW) (AbSec) Aboriginal State-Wide Foster Care Support Service (ASFCSS)

AbSec operates an advice and advocacy service that aims to improve the information, support and training opportunities for carers of Aboriginal children and young people in NSW. AbSec services include:

- Maintaining a register of foster and kinship carers for Aboriginal children and young people;
- Network opportunities for Aboriginal and non-Indigenous foster and kinship carers;
- Accurate and culturally appropriate needs-based training;
- Foster care telephone advice line; and
- Assistance, advice and support to out-of-home care agencies about recruitment of carers.

For more information see:
https://www.absec.org.au/foster-care.html

USEFUL RESOURCE

In addition to programs that support carers, SNAICC's *Supporting Carers* web portal contains information on how carers can look after themselves and manage stress while supporting children in their care: http://www.supportingcarers.snaicc.org.au/.

5. PLACEMENT REVIEW AND PERMANENCY PLANNING FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN

Requirements to conduct regular placement reviews as part of a child's case plan are embedded within child protection legislation across Australia. The NSW Office of the Children's Guardian highlights that placement reviews are an opportunity to assess whether:

- the goals and objectives outlined in the child or young person's case plan have been met;
- the goals and objectives are still relevant and appropriate;
- there is an ongoing need for the child or young person to receive wraparound services; and
- additional wraparound services are required.[42]

Placement reviews, either as a standalone action or as part of a broader case plan review, are seen as a vehicle for advancing stability for children in out-of-home care. Legislative reforms across Australian jurisdictions have increasingly embedded permanency measures in child protection law and policy with the key aim of promoting stability through longer-term care arrangements for children. Permanency measures tend to reflect an underlying assumption that a child in out-of-home care experiences a void of permanent connection that needs to be filled by the application of permanent care orders. This understanding is flawed in its failure to recognise that children begin their out-of-home care journey with a permanent identity that is grounded in cultural, family and community connections. This is not changed by out-of-home care orders. For an Aboriginal and/or Torres Strait Islander child, their stability is grounded in the permanency of their identity in connection with family, kin, culture, and country. Establishing this sense of stability should be a priority when assessing and placing a child in out-of-home care.

The theory underpinning many permanency planning reforms asserts that the sooner an enduring attachment with a carer can be established, the greater stability can occur, and that this is a better outcome for a child's wellbeing.[43] However, Aboriginal and Torres Strait Islander people commonly question this narrow construct of attachment theory that centres stability on the singular emotional connection between a child and carer. Stability for Aboriginal and Torres Strait Islander children also stems from being grown up and cared for within extended family and kin networks "that form the foundation of their identity, culture and spirituality."[44] This understanding of attachment further highlights the importance of ensuring that Aboriginal and Torres Strait Islander children are placed with kin as soon as possible to maintain their sense of stability.

A National Permanency Work Plan being progressed by Community Services Ministers recognises that a sense of belonging, identity and connection to culture and community is an important component of achieving improved permanency and stability. For Aboriginal and Torres Strait Islander children, this can be achieved through full implementation of the ATSICPP.[45] **Regular reviews of a child's placement are a key practice component of the ATSICPP.** There must be regular and comprehensive reviews of lower-level placements with a goal to reconnect with a prioritised placement – these reviews should be recorded. Placement reviews should be conducted in partnership with either a recognised local entity and/or placement service (where available).

6. A FRAMEWORK FOR ASSESSING CULTURAL NEEDS DURING PLACEMENT DECISION-MAKING

A key factor for practitioners to consider in assessing potential placement options is whether or not a child's specific cultural and spiritual needs will be met. The SNAICC (2012) resource *Aboriginal and Torres Strait Islander Children's Cultural Needs* describes some of the important cultural needs of Aboriginal and Torres Strait Islander children. This important resource was informed by extensive research that reviewed literature and consulted Aboriginal and Torres Strait Islander agencies and professionals assessing the wellbeing of Aboriginal and Torres Strait Islander children. The cultural needs diagram (page 49), extracted from the resource, provides a starting point for understanding what the cultural needs of Aboriginal and Torres Strait Islander children are, thinking about ways to assess whether they are being met and how they can be better supported either in a potential or current placement. **Assessments of a child's cultural needs should be led by, or conducted in partnerships with, Aboriginal community-controlled organisations.**

REFLECTIVE EXERCISE

Assessing the cultural needs of Aboriginal and Torres Strait Islander children

Extracted from SNAICC (2012) Aboriginal and Torres Strait Islander Children's Cultural Needs, available at http://www.supportingcarers.snaicc.org.au/wp-content/uploads/2015/03/02932.pdf

Obtain a copy of the SNAICC resource, Aboriginal and Torres Strait Islander Children's Cultural Needs. Read through it and reflect on the different needs represented in the diagram. Brainstorm a list of ways you think you could observe or find out if a child's cultural needs are being met. How could you tell? Who would you ask?

7. PROCESSES FOR SUPPORTING IDENTIFICATION OF KINSHIP PLACEMENTS

7.1 GENOGRAMS AND FAMILY MAPPING

When identifying potential placements for a child, it is important to map in a regular, detailed and meaningful way the child's family, culture, community and country to create comprehensive genograms.[46]

A genogram is a pictorial representation of one's family, typically tracing back three or four generations. A genogram is different to a family tree in that it not only seeks to explore a person's family background but may also reveal values and attitudes that have been attained over generations.

Best practice includes: conducting mapping at the early stages of care proceedings and continuing to do so throughout the various stages; meeting with the child, their family, individuals with cultural authority for the child and ACCOs to accurately ascertain kinship relationships and potential carers; recording strong family ties; and conducting the work in a sensitive manner as mapping exercises can reveal traumatic experiences, such as deaths in the family, that may be overwhelming for the child and their family.[47]

PROMISING PRACTICE

Family mapping and genograms in Aboriginal family-led decision-making processes

The family and those with cultural authority for an Aboriginal and Torres Strait Islander child should be the primary source of information to determine a child's care placement.

In Victoria, Aboriginal family-led decision-making programs have been used to ensure that Child Protection, the Aboriginal Child Specialist Advice and Support Service (an ACCO) and families work collaboratively to determine kinship and family networks through creating genograms and family mapping for the purpose of identifying potential kinship placements. Aboriginal family-led decision-making draws on traditional Indigenous consultative methods to create safe spaces where families can make decisions in the best interest of Aboriginal children, grounded in culture and family.

REFLECTIVE EXERCISE

Have you worked on genograms/family mapping with families and how was this activity conducted/facilitated? How can genograms be completed in a way that is sensitive and does not traumatise or re-traumatise families involved?

USEFUL RESOURCES

- For information on Aboriginal family-led decision-making in Victoria, refer to the Department of Health and Human Services' resources: http://www.cpmanual.vic.gov.au/advice-and-protocols/specialist-resources/family-led-decision-making.
- For information on the Aboriginal family-led decision-making trials in Queensland, and to access the evaluation of the trials, visit SNAICC's webpage on these documents: https://www.snaicc.org.au/snaicc-report-aboriginal-torres-strait-islander-family-led-decision-making-trials-queensland-jan-2016-jun-2017/.
- For information on genograms, refer to the Queensland Government's interview resource on genograms: https://www.csyw.qld.gov.au/resources/childsafety/foster-care/fcagenogram.pdf.

7.2 ASSESSING POTENTIAL KINSHIP CARERS

Once potential kinship carers have been identified in a specific case, it is important to assess the capacity of the identified individuals to care for the Aboriginal and/or Torres Strait Islander children in a safe and supportive environment that nurtures their cultural connections and identity.

Assessments should be conducted in a culturally safe and timely manner. Timely assessment of potential carers at the top of the placement hierarchy is vital to ensure that children are placed within family, community and culture, and to minimise the experience of placement with strangers, which may contribute to the trauma experienced by Aboriginal and Torres Strait Islander children and young people as a result of removal.

7.3 ABORIGINAL AND TORRES STRAIT ISLANDER WORKERS ASSESSING POTENTIAL CARERS

Provided with the appropriate resources and training – including understanding of and capacity to assess potential placement risks – Aboriginal and Torres Strait Islander people and organisations are best placed to lead the assessment of potential carers. These organisations and individuals can capitalise on their intrinsic cultural knowledge to conduct assessments in a culturally safe manner. Further, some Aboriginal and/or Torres Strait Islander workers conducting assessments will have an existing understanding of the capacity of a potential carer family, including knowledge of the potential carer's childhood and family history, as well as the quality of the relationship that the child has with the potential carer. As a result, they may be better placed to help identify and mitigate any possible risks that might exist. This prior knowledge may mean that the worker does not need to ask the applicant directly about issues they already know.

Where non-Indigenous workers are involved in conducting assessments, it is important that they have cultural competency and cultural awareness training.

7.4 CULTURALLY SAFE ASSESSMENT PRACTICES AND TOOLS

When conducting assessments, culturally safe practices and tools must be utilised. This means that workers conducting assessments should adopt an appropriate communication style, avoiding closed, intrusive questions in favour of storytelling techniques and open-ended questions. This creates a safe space where a potential carer feels they can trust their assessor and speak openly about her or his capacities, challenges and support needs. The starting point is not, "What are the questions?" but, "What information do we need to find out?" Therefore, the focus is on listening and gathering relevant information.

In the same way, assessment tools used should be culturally safe, non-threatening and use plain language. Assessment tools should be geared towards

gathering information from potential carers on strengths and capacities to be effective carers, and identifying supports/resources that may be needed for a potential carer to take on the responsibility. The Winangay resources have been evaluated as being culturally safe tools that can be used when conducting assessments of potential and existing carers.[48]

The workers conducting assessments, and the tools they use, should encompass a problem solving, supportive and enabling approach, instead of a rigid approach where potential carers and their households are assessed against strict criteria. It is also important that practitioners comply with legislative and best practice standards on carer assessments while taking on an enabling approach.

7.5 ONGOING ASSESSMENT

After a child has been placed in out-of-home care, ongoing assessment of the carer/placement should continue to be conducted in a culturally safe manner, using appropriate assessment resources.

REFLECTIVE EXERCISE

Think of some open-ended questions you could ask a potential carer when assessing their suitability to look after a particular child.

PROMISING PRACTICE

An example of how to build good rapport with a potential carer or existing carer that you are assessing

> *"...Connecting with people at their place is often the way we build trust. Telling a grandmother a little of my own experiences as a grandmother helps them to identify with our mutual roles. This can say to the carers, "I'm not just an officer." And I think it has helped [carers] to see that we've all got stories, and that even though we present as a [departmental] worker, we each have our own stories. Not all workers want to do this but for me and for our other leaders, it has worked very well. Carers are then more comfortable sharing a little bit about their stories instead of being afraid to share anything in case we are judging them. I find that a particularly strong way of starting. This helps to prepare for the importance of every child having the right to their own story – their connections, their own identity."*

Source: Higgins, J.R. and Butler, N. (2007). Assessing, training and recruiting Indigenous carers. 'Promising Practices in Out-of-Home Care for Aboriginal and Torres Strait Islander Carers, Children and Young People' (booklet 2). Melbourne: Australian Institute of Family Studies, p 29.

USEFUL RESOURCES

- For information on *Winangay* resources, culturally safe kinship carer assessment tools, visit: http://winangay.com/resources/.
- For information on Aboriginal and Torres Strait Islander carers, refer to SNAICC's resource: *Assessing, training and recruiting Indigenous carers.*

SNAICC

PRACTICE FOCUS AREA 5
PARTICIPATION

1. WHAT IS PARTICIPATION AND WHY IS IT IMPORTANT?

Aboriginal and Torres Strait Islander children, parents and family members are entitled to participate in all child protection decisions affecting them, including intervention, placement and care, and judicial decisions.

Aboriginal and Torres Strait Islander children and families have the best knowledge about the caring strengths and risks that exist in their own families and communities. Involving family members in decision-making can assist to widen circles of support for parents and children, identify placement options with family and community, and ensure families take responsibility for plans of their own making to address safety concerns.

Encouraging and supporting the participation of all children and family members in these significant decisions and decision-making processes means that their expert knowledge, views and preferences can be heard and listened to. Decisions in which people are involved are more likely to be accepted and understood; families are more likely to take responsibility for issues and *buy in* to interventions decided upon. Involving family members reflects their important role in raising their children and increases the likelihood of and mechanisms for identifying supports and options to address care and protection issues. This is also a matter of procedural justice: in the administration of law, a fair procedure is one that affords those who are affected by a decision an opportunity to participate in the making of decisions.

Ensuring the rights of Aboriginal and Torres Strait Islander children and families to participate in decisions affecting them requires:

- the adoption of appropriate legislative and policy frameworks;
- high cultural competency of professionals to engage families in child protection decision-making processes;
- family participation in case planning; and
- quality family decision-making processes.

Taking into account the wishes of a child specifically requires:

- practitioners and service systems valuing the voice of the child and their right to participate;
- availability of independent child advocates in court proceedings, ensuring adequate representation for Aboriginal and Torres Strait Islander children; and
- adequate procedures and professional capacity to support participation of children in child-protection decision-making.

This practice focus area examines the following key issues on participation:

- Need for adopting appropriate legislative and policy frameworks to support participation;
- Cultural competency of practitioners;
- Family participation;
- Formal processes for family participation; and
- Child participation.

2. ADOPTING APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

LEGISLATION

- Requires that views of a child, parents and family members be considered by decision-makers;
- Requires Aboriginal and Torres Strait Islander family-led decision-making (AFLDM), family group conferencing, mediation or similar family participation processes as early as possible and for all significant decisions;
- Requires the court to ensure proceedings are comprehensible to a child, parents and family members;
- Recognises right to legal representation for children and families in court proceedings, including access to independent children's advocates to represent and support children in proceedings; and
- Limits judicial decision-making if children and/or parents are unrepresented.

Example of promising legislation: In 2017, Queensland passed amendments to child protection legislation. Section 6AA (2) (b) of the *Child Protection Reform Amendment Act 2017* (QLD) stipulates that an independent Aboriginal and Torres Strait Islander entity must be engaged to facilitate the participation of a child and her or his family members in significant decisions for the child. These are the most comprehensive legislative requirements in the country to support the participation of Aboriginal and Torres Strait Islander children, families, communities and agencies in child protection decisions.

POLICY

- Provides for culturally safe family group conferencing, mediation and/or other participation, supported and delivered by ACCOs – for example, AFLDM; and
- Promotes the role of ACCOs in supporting families to participate in decision-making, including in family group conferencing, AFLDM or similar.

3. CULTURAL COMPETENCY OF PRACTITIONERS

Aboriginal and Torres Strait Islander community-controlled organisations and professionals should have primary roles in providing cultural support and advice during decision-making processes, as well as in the facilitation of family and child participation in these processes. Aboriginal and Torres Strait Islander professionals are best positioned to carry out this work because they can communicate in culturally safe ways, may already be aware of community members who should participate in decision-making processes, and are able to foster trusting relationships with family and community members.[49]

Where non-Indigenous professionals are carrying out this work, they should have high cultural competency to engage meaningfully with and support participation of families and children in child protection decision-making processes. There should be mechanisms in place at the organisational level to ensure that cultural competency training is conducted.

To work effectively requires understandings and practice adaptations that recognise:

- the innate value and continuing strengths of Aboriginal and Torres Strait Islander cultures that have provided love, nurturance and care for children in Australia for tens of thousands of years;
- that many issues affecting Aboriginal and Torres Strait Islander families, including poverty, substance misuse and domestic violence, are connected to the legacy of intergenerational trauma caused by experiences of colonisation, including forced child removal. Responses must engage deeply with processes of individual and community healing; and
- that Aboriginal and Torres Strait Islander peoples have a wealth of cultural knowledge and connection that makes them best placed to lead and inform responses to the child and family welfare issues that are impacting their communities.

"Cultural competence" does not mean that anyone can become "competent" in a culture that is not their own. Cultural competence, when understood in a more meaningful way, is not about reaching a particular standard of knowledge or practice that can be ticked off as competent. Rather, it is about the continuous journey of cross-cultural learning that can only happen through deep and genuine relationships with Aboriginal and Torres Strait Islander people.

USEFUL RESOURCES

For further information on cultural competency and cultural competency training, refer to:

- SNAICC's *Stronger, Safer, Together* resource.
- SNAICC's *Working and Walking Together* resource: https://www.snaicc.org.au/wp-content/uploads/2016/01/02497.pdf.

4. FAMILY PARTICIPATION

Family participation should occur at all stages of the child protection continuum: from the moment parents or carers first need additional support to keep children safe in their care and prevent removal, through to the point of reunification and post reunification of children and young people that have been removed from their families. **Active efforts** should be taken to meaningfully include families in decision-making. What this means in practice is outlined below.

Families are best placed to inform decisions about how their children can best be safely cared for, and best placed to inform decisions about their children's case planning, cultural care planning, the identification of kin, the development of genograms and so on. However, establishing trust and rapport first is imperative to enabling the full participation of family. This includes having a non-judgmental approach and allowing family time to understand and react to concerns, to understand the process they are asked to participate in, and to focus on the strengths and the supports the family has and can grow in order to maintain the safety, wellbeing, family and cultural connections for their children.

While government child protection agencies are traditionally accustomed to working with children, their parents and their carers, when working with Aboriginal and Torres Strait Islander families, it is important to take a broader, holistic approach. This means working with extended family and community members, such as aunts, uncles, Elders and others with cultural authority for the child in question. It is important to consult families on who they would like to be involved. It is also important to recognise that this process takes time and requires trust, as well as respect for cultural protocols that may be unique to the family or community.

One way to include families and community members, including Elders, in relevant decision-making processes is to hold informal yarning circles to gather their views. Service providers and other important people in a family's life could also be invited to discussions once family have had the opportunity to yarn privately. Being guided by family about who should be involved, and when, is vital. When formal meeting processes subside, if properly supported and enabled, cultural ways of doing can arise and be strengthened within the family and the community.

Remember to:

- give space and time for cultural protocols to emerge when engaging with family members;
- seek input from close family members on whether they want other family to be approached by the worker or if they prefer to seek involvement of others themselves;
- when conducting meetings with families, acknowledge country as this is an important way to create a culturally safe space;
- be clear on why family and others who are important to the family/child are participating in the informal sessions and find out what each person can do to support the child's needs;
- stay focused on keeping children safe and connected to family, culture and community; and
- keep meetings focused on problem solving and goal setting that directly relate to the best interests of the child, rather than laying blame.

Source: The Bouverie Centre, LaTrobe University

The *6 C's* model, depicted above, was created by The Bouverie Centre at LaTrobe University in Victoria to assist practitioners to work more effectively with families. This model can be used to explore families' connection to family, country and culture through an open yarning style.

When engaging with families, practitioners should focus on curiosity, culture, constraint, context, circularity and connectedness to help families open up and meaningfully participate.

- **Culture** (wrist): practitioners should focus on big culture (history of community) and little culture (the family's story);
- **Curiosity** (thumb): if practitioners stay curious and non-judgmental, families will open up;
- **Constraint** (forefinger): focus on discussing what is getting in the way of change;
- **Context** (middle finger): find strength and good things in the family's life to change the story;
- **Circularity** (third or ring finger): avoid circular reasoning, which is when you attempt to make an argument by beginning with an assumption that what you are trying to prove is already true. Look at what has happened to the child or parent or community, rather than laying blame; and
- **Connectedness** (pinkie): stay connected in conversation.

While yarning circles and other informal modes of incorporating families in decision-making are crucial, best practice encompasses the use of family-led decision-making models. These are more formal processes used in some states and territories where a child protection agency or another agency convenes meetings attended by the family, family support workers, the child, as well as other relevant parties with the objective of finding solutions to child safety and wellbeing concerns and/or planning for appropriate care arrangements in the child's best interests.

Family support workers and Aboriginal and Torres Strait Islander community-controlled organisations can assist to inform family members about these processes and support the family to fully participate in them. How these processes work in practice will be discussed below.

USEFUL RESOURCE

For more information on meaningful participation, refer to SNAICC's resource *Whose Voice Counts*: https://www.snaicc.org.au/wp-content/uploads/2015/12/03197.pdf. Formal processes for family participation.

5. FORMAL PROCESSES FOR FAMILY PARTICIPATION

In addition to informal processes, it is important that formal processes of family participation are drawn upon. These include participation through Aboriginal and Torres Strait Islander family-led decision-making processes, such as family group conferencing, and participation in court proceedings.

5.1 ABORIGINAL AND TORRES STRAIT ISLANDER FAMILY-LED DECISION-MAKING

What is AFLDM

Aboriginal and Torres Strait Islander family-led decision-making (AFLDM) draws on traditional Indigenous consultative methods to create spaces where "families feel supported to make culturally-based, family-driven decisions in the best interest of Aboriginal children."[50]

These processes aim to:

- promote **self-determination**, participation and shared decision-making at different phases of the child protection continuum;
- deepen families' understanding of child protection processes and the reasons for the involvement of child protection services;
- empower families to make informed choices about the child's best interest and put decision-making around child protection concerns in the hands of the child's immediate and extended family;
- empower families and their support networks to think and plan creatively for their children and utilise family strengths and resources to resolve child protection worries; and
- redress the power imbalance in child protection decision-making by providing accessible and culturally safe forums where families feel comfortable actively participating and working in partnership with the statutory organisations.

These processes are underpinned by the recognition that families are more likely to implement plans that support the wellbeing and safety of children when they have actively participated in creating solutions, and where common understandings are developed between families and government bodies. The AFLDM process and the principles underpinning it are consistent, whereas the support provided to a family to reach their goals will include a mix of family, community and service providers.

How it works in practice

AFLDM can take place at various stages of the child protection continuum, from the early intervention stage where there is no requirement for ongoing departmental contact/intervention, to the stages where relevant parties are working towards identifying potential carers or discussing reunification possibilities. Evidence indicates that utilisation of AFLDM processes at the early stages would have a greater impact on keeping children safer sooner because there is more time to work with families.[51]

The different phases of the process include: referral and information gathering, family engagement and preparation for a meeting, the meeting itself (which includes discussion time between all the attendees, private family time, agreeing to the family plan), implementation of the plan, and review of implementation.

The process emphasises the importance of kinship and community connections in finding solutions to worries or concerns regarding the safety and wellbeing of the child. Family concerns are heard in addition to other identified concerns, and family choices are endorsed in a family plan.

Plans developed using the AFLDM process are realistic and more likely to be achieved than case plans established by the statutory authority because families contribute their perspectives, commit to providing their available support, time or other resources, and family members can say whether something will likely work or not.

Parties typically present at a meeting include:

- the child, their family and those with cultural authority for the child, such as an Elder of that family or community. Where a mother or father is incarcerated, it is important to think about how their participation could be facilitated;
- the child's carer (if there is one);
- Aboriginal community-controlled organisations;
- statutory child protection agencies;
- support workers; and
- the meeting convener(s).

The goal of the meeting is to provide a safe space and ample time for family to reach a plan to facilitate the safe care and connection of the child.

The process works well when:

- preparation is undertaken by the convenor with family and the child protection agency separately, to outline the process and content to be expected at the meeting. This includes discussing any contentious or critical information;
- led by an Aboriginal and/or Torres Strait Islander convenor;
- **active efforts** are taken to ensure the child's needs are the focus of the meeting and their views are included with as much importance as the adults who are part of the process;
- families have adequate private time to discuss their solutions and create a family plan without professionals present;
- there is a shift of power from government agencies and processes to the family, and to strengthening the cultural authority and leadership of families and communities;
- family plans are endorsed at the meeting and, consequently, implementation is enabled immediately. This includes having a child protection agency representative present with authority to endorse family decisions; and
- the family and community agree to take ownership of family plans and agree to be accountable for their implementation.

Practice example:

- Referral received via email – convenor meets with department in person to discuss concerns, previous history on file (previous case plans, genograms, etc.);
- Engaging and preparing family (may take many visits) – introduce self, the AFLDM process and convenor role; acknowledge previous child safety history and describe current worries in a way that the family can best understand (may be in language); ask for family's story of what is difficult now and requires addressing, as well as who they can request support of; request preferred times and places for meeting. Culturally safe venues should be prioritised, for example, a venue on country, or at an Elder's home;
- Prepare child safety – liaise with child safety on meeting date, time, location based on family preferences; clarify worries and any bottom lines or non-negotiables, raising possible family solutions to determine if they will adequately meet worries and report back to family;
- Facilitate meeting – using 3-stage process: information sharing, private family time, agreeing to the family plan. Provide all parties a copy of the plan. Agree at end of meeting when to reconvene for a review meeting. Remember to acknowledge country at the beginning of the meeting;
- Plan is implemented by parties as documented on the plan; and
- Review implementation and outcomes – contact all parties to set up meeting in accordance with family's preferences as done previously; case is either closed if child now has safe care and connections, or case remains open with the family plan extended and adapted as needed and another review meeting set.

The principles that underpin the AFLDM process are:

1. ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES, CHILDREN AND COMMUNITIES PARTICIPATE IN DECISION-MAKING

- Aboriginal and Torres Strait Islander children are best cared for in their family, kin and cultural networks;
- Supporting families and communities to stay together promotes healing and the protection of future generations;
- Children have a right to participate in decisions made about their own care, in accordance with their age and maturity;
- Family is a culturally defined concept – participants in the decision-making process should be defined by the Aboriginal and Torres Strait Islander families, children and communities; and
- Families should be given the opportunity to make decisions without coercion, including having time to meet on their own without professionals present.

2. SUPPORT THE OUTCOMES OF FAMILY-LED DECISION-MAKING

- Plans are more likely to be followed through when they are made and owned by the child's family and community; and
- When a plan developed by the family group meets safety needs of the child then all professionals should give preference to the family group's plan over other identified plans and provide resources to progress it.

3. ENABLE THE ROLE OF ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY-CONTROLLED ORGANISATIONS

- Aboriginal and Torres Strait Islander community-controlled organisations have cultural and community knowledge that strongly assists the facilitation of family-led decision-making. The independent representative role of Aboriginal and Torres Strait Islander community-controlled organisations needs to be recognised, respected and acknowledged; and
- Child protection services have statutory obligations to ensure safety for children – these obligations need to include collaboration with Aboriginal and Torres Strait Islander community-controlled organisations and families to ensure safety concerns are clearly identified and addressed in decision-making.

USEFUL RESOURCES

For more information on family-led decision-making processes, including family group conferencing, refer to the following resources:

- SNAICC's webpage on supporting carers, specifically the section on family group conferencing: http://www.supportingcarers.snaicc.org.au/rights-of-the-child/family-group-conferencing/.
- Evaluation of AFLDM trials held in Queensland: https://www.snaicc.org.au/wp-content/uploads/2018/05/Evaluation_Report_ATSIFLDM-2018.pdf.
- Victorian Government's resource on family-led decision-making: http://www.cpmanual.vic.gov.au/advice-and-protocols/specialist-resources/family-led-decision-making.
- SNAICC's report on the AFLDM trials in Queensland (2017): https://www.snaicc.org.au/wp-content/uploads/2018/02/SNAICC_Final_Report_ATSIFLDM_Trials_Qld-Jan._2016-Jun._2017-Feb._2018.pdf.

5.2 PARTICIPATION IN COURT PROCEEDINGS

In addition to engaging with AFLDM processes, families and children should be able to participate in court proceedings. Best practice includes ensuring that families and children adequately understand the court processes, proceedings, etiquette and outcomes; providing children with independent children's advocates, ensuring adequate representation for Aboriginal and Torres Strait Islander children; and creating an environment where families and children feel culturally safe and comfortable to express their views.

PROMISING PRACTICE

"Marram-Ngala Ganbu" (Koori Family Hearing Day) in the Family Division of the Broadmeadows Children's Court

The Family Division of the Broadmeadows Children's Court in Victoria runs a program called "Marram-Ngala Ganbu", meaning "we are one" in the Woiwurrung language.

The program has a weekly *Koori Family Hearing Day* where Aboriginal children and families involved in the child protection system can participate in court proceedings that are less formal than standard proceedings, allowing children and families to participate without feeling intimidated. All participating parties are seated in a culturally safe environment, around a bar table adorned with a traditional possum skin cloak. Families and children are supported by an Aboriginal court worker who acts as a connector between them and the magistrate.

The program aims to facilitate participation of Aboriginal families and children in a manner that is respectful of their cultural identity and needs. There is potential to expand this model to other courts in Victoria.

6. CHILD PARTICIPATION

6.1 WHAT IS CHILD PARTICIPATION AND WHY IS IT IMPORTANT?

The Convention on the Rights of the Child, which Australia has ratified, states that children have the right to participate in all matters that directly or indirectly affect them.[52] Meaningful participation means that children understand the relevant matters concerning them, are supported to express their views if they wish to, and that their views are recorded and taken seriously in a manner that does not harm their wellbeing. For an Aboriginal and/or Torres Strait Islander child in the child protection context, this means creating opportunities for the child to express her or his views about their concerns; fears; hopes for the future; identity; connection to family, culture and

community; feelings about siblings; who they would like to live with; and which adults they trust and feel safe with, as well as adults they do not trust or do not feel safe with.[53]

What participation looks like in practice will differ depending on the age and maturity of the child in question. Asking a child or young person the same types of questions throughout engagement with them (whether that be over weeks, months or years) will help build trust and create consistency for the child or young person to know what to expect to be asked about and what they can raise with you. Being a stable, consistent and supportive person in their life is important for their participation.

According to Professor Helen Milroy (Indigenous psychiatrist and trauma expert), "a positive, enduring relationship with someone who believes in you" is what really makes a difference to young people who have experienced trauma.[54]

Participation is not only a right of the child; it also enables decision makers to make informed choices about what is in the best interest of a specific child.

6.2 HOW CAN CHILD PARTICIPATION BE FACILITATED?

For meaningful participation to occur, children need to be able to express their views in a child friendly, enabling environment and to people they are comfortable speaking to. Ways of facilitating participation should build on existing structures, knowledge, practices and traditions. For example, for children who decide not to directly participate in formal processes, such as family-led decision-making processes, informal yarning sessions could be used to ascertain these children's views.

Where an adult is speaking on behalf of a child, it is best to think about selecting an adult that is already known to and trusted by the child, rather than introducing a new person into their life. This may be a member of the community with cultural authority for the child who can express the child's views at a family-led decision-making process. Schools often have Aboriginal Education Officers or Indigenous Cultural Consultants that may have a strong relationship with the child and be nominated by the child or family to support the child's participation.

Children will first need to have the process explained of how decisions will be made about them and what options they have for putting their views forward. This should be done in a way that takes into account the child's age, maturity and evolving capacities. Child friendly language should be used when explaining these processes; jargon or technical terms should be clearly explained. Suggestions for discussion include: the reasons for having the processes, what will occur during the processes, possible outcomes or changes to their life that could occur as a result, and ways they can participate (including telling a trusted adult what they want and need, and asking that person to present those views for them, or with them, at meetings; putting their wishes on paper, in writing or drawings; or recording their voiced wishes to share with others, with their permission).

Aboriginal and Torres Strait Islander children and young people in the child protection system may have experienced trauma directly, through abuse, neglect or exposure to violence, and/or may experience trauma through secondary exposure.[55] Secondary exposure occurs when a child witnesses the effects of historical and ongoing dispossession, racism and marginalisation experienced by Aboriginal and Torres Strait Islander peoples, such as psychological distress experienced by parents or grandparents. This trauma and intergenerational trauma may affect a child's capacity to participate, as the child might feel unable to express her or his feelings, or might not know how to manage their emotions. Therefore, when engaging with Aboriginal and Torres Strait Islander children and young people experiencing trauma, it is important to engage in a trauma-informed way. This means connecting with the child or young person and helping them develop a language to tell their story.

Ultimately, children and young people should be supported and their self-confidence built up so that they feel comfortable asking questions and expressing their views in both informal and formal settings within the child protection context. Remember to be clear about whom you will share certain information with.

Facilitating participation of younger children

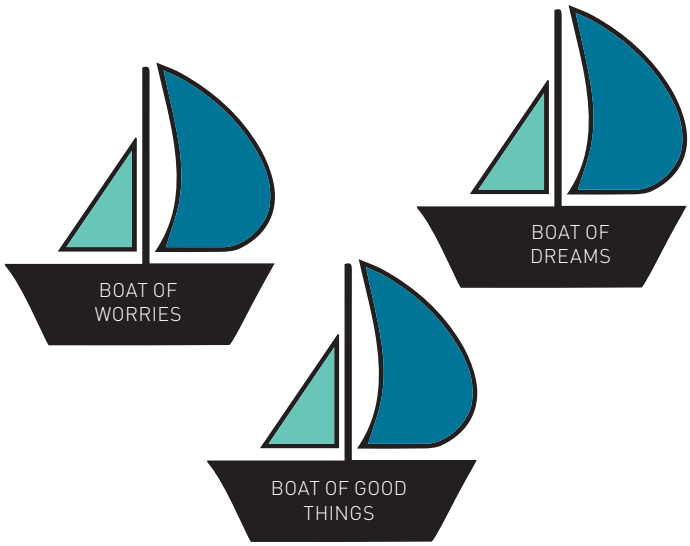
How practitioners facilitate participation of children will depend on the child's age and level of maturity. There is not one right approach to engaging Aboriginal and Torres Strait Islander children in a culturally safe way, though some suggestions are outlined in this section.

For younger children, it may be more useful to ask for their views in more informal settings and using props or play-based engagement. Informal settings could be spaces decorated with Aboriginal and Torres Strait Islander art and the flags to create safe environments

for children to express their views. When they express their views, it is important to ask them for permission to reveal their views to others to promote trust and make children feel safe and comfortable.

Play-based or creative activities can help children to understand what is being asked of them and to assist them to articulate their views. For example, *Signs of Safety* is a child protection practice framework used with children to gain their viewpoints and wishes of safety at home. It is a framework used in Queensland and Western Australia.

The *three houses* activity, forms part of the *Signs of Safety* toolkit. It is an activity where children are asked to share the good things, things that worry them and their dreams for the future in three respective boxes shaped as houses. Practitioners can then ask children for permission to relay this information back to their parents, extended family and other stakeholders. This is a meaningful way to convey children's feelings to family who may have been unaware of how their actions and how things at home have been impacting the children. This tool can be adapted to different contexts and cultures. For example, in the Torres Strait, some community workers use an image of three boats rather than three houses.



This image is influenced by Torres Strait Islander community workers' culturally safe adaptation of the three houses tool.

Facilitating participation of older or more mature children

When supporting older children/adolescents it is important that the trusted person (usually the caseworker or advocate) responsible for facilitating participation shows the young person that she/he is committed to and interested in the young person's life.

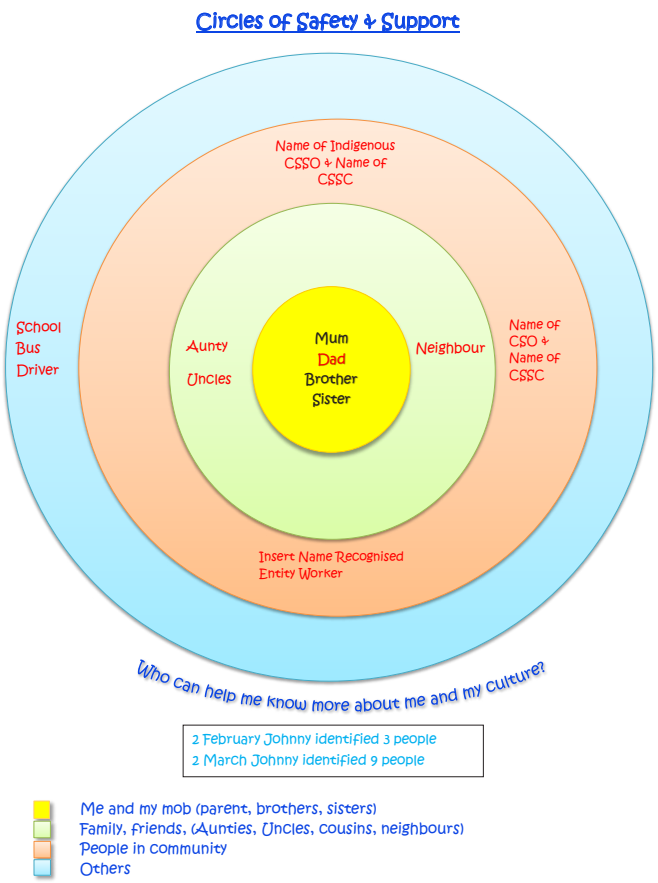
As one practitioner stated:

> "It is about building that relationship. If you don't have that relationship you're not going to be able to balance anything. Once you have got that relationship he/she is going to allow you to speak more openly and to have more of a say in what's going on. And they will accept your judgement more. And if you can't form that relationship they are going to spend their time telling you where to go and they will not engage with the services."[56]

In addition to building trust, ways to engage young people in the various processes include brainstorming with them to identify and list current challenges they are facing, as well as goals for the future and possible solutions. Reverse role-plays, where the young person acts as the caseworker and provides potential solutions that may work for her or his family could be another effective strategy for ascertaining views and for letting the young person know that their ideas are respected. Furthermore, ***scaling*** can be another useful activity for engaging the young person. Specifically:

> "I ask 'how are you in terms of getting along with your mum — on a scale of one to ten?' and 'how would you get to six or seven?'; 'was there ever a time in the past that you were on a higher number?' and then you ask them what was happening then and how could it be like that again?"[57]

During formal processes, young people can participate by actively engaging in the development of their cultural care plans and genograms. When involving a child in the development of her or his cultural care plan, it could be a useful exercise to ask the child to identify who can teach her or him more about culture by creating *circles of safety and support*. See the diagram below for an example.



Source: Berna Thurgate, Kinship Connection Officer, South East Region, QLD, "Me and My Mob" (2017).

REFLECTIVE EXERCISE

You are Child X's support worker.
Child X is 7 years of age.

You are concerned that one of the child's parents cannot safely care for the child. How would you approach asking the child about that adult? How would you approach the same issue with a child who is 15 years old?

USEFUL RESOURCES

For more information on child and adolescent participation, refer to the following resources:

- The Western Australian Government's *Signs of Safety Child Protection Practice Framework:* https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/SignsOfSafetyFramework2011.pdf.
- NSW Department of Community Services' *Effective casework practice with adolescents: perceptions and practices of DoCS staff:* https://www.facs.nsw.gov.au/__data/assets/pdf_file/0006/321639/research_casework_adolescents.pdf.
- *Kids Matter: toolkit for engaging with Aboriginal and Torres Strait Islander children experiencing trauma*: https://www.kidsmatter.edu.au/sites/default/files/public/Trauma_InfoSheet_4_web.pdf.

REFLECTIVE EXERCISE

Practice ideas to engage children and young people

Reflect on the below strategies for engaging Aboriginal and Torres Strait Islander children and young people. Are these strategies useful for your practice? Can you think of other strategies? Write down any additional strategies you have in the boxes below.

REACH OUT AND CONNECT	LISTEN, LEARN AND BUILD TRUST	RESPECT AND EMPOWER
Be persistent and consistent. Children may have seen many workers come and go, so it will take time to accept and trust you.	Let the child tell their story using props or play-based activities, depending on their age.	Recognise the value of having children express their views and encourage them to identify issues and propose solutions using age–appropriate methods.
Remember to respect a child's privacy and space. Always ask if it's okay to help before providing help.	If the child is older, let them tell their story using other techniques, such as role-play or scaling.	Support children to talk to their parents or guardians.
Meet children in places that are safe and comfortable for them.	Ask the child for permission before sharing their views with others and remember to be clear about whom you will share certain information with.	Empower children to voice their opinions using trauma-informed practices.

PRACTICE FOCUS AREA 6
CONNECTION

1. WHAT IS CONNECTION AND WHY IS IT IMPORTANT?

The aim of the connection element of the ATSICPP is to ensure that Aboriginal and Torres Strait Islander children, particularly those in out-of-home care, are supported to maintain connections to their family, community, culture and country, especially children placed with non-Indigenous carers.

To ensure Aboriginal and Torres Strait Islander children in out-of-home care do not endure the same sense of loss of identity and dislocation from family and community as the Stolen Generations, it is critical to actively support them to maintain or to re-establish their connections to family, community, culture and country. A crucial way to assist with this is to resource and support ACCOs to ultimately take over custody and guardianship functions for Aboriginal and Torres Strait Islander children in the child protection system and to ensure that ACCOs are the primary service providers in the space.

Protecting children's rights to maintain cultural connection requires that:

- the appropriate legislative and policy frameworks are in place;
- the placement hierarchy is respected and timely placements at the top-end of the hierarchy are facilitated so that children are placed in homes where they maintain connection to culture and community;
- when children are placed in care that:
  - cultural plans are developed, resourced, and implemented for every child,
  - carers and case managers make a commitment to maintaining cultural connections for children in their care and are held accountable to this commitment,
  - cultural care arrangements are regularly reviewed and updated to ensure an enduring commitment to maintaining connections is demonstrated;
- reunification is considered early, and plans and culturally safe supports put in place to support reunification where it is identified as possible;
- options for reunification and reconnection are regularly reviewed, supported and advanced wherever possible;
- decisions relating to permanency of care do not cause harm by severing the potential for future cultural connections for Aboriginal and Torres Strait Islander children; and
- Aboriginal and Torres Strait Islander family and community members are recognised as the relevant cultural authority for Aboriginal and Torres Strait Islander children.

This practice focus area examines the following key issues on connection:

- Need for adopting appropriate legislative and policy frameworks to support connection;
- Connection through timely, appropriate placements;
- Cultural plans, support to carers and accountability; and
- Reunification.

2. ADOPTING APPROPRIATE LEGISLATIVE AND POLICY FRAMEWORKS

LEGISLATION

- Recognises a child's right to enjoy culture with community;
- Recognises a child's right to be cared for by family and connected to them;
- Allows contact with family to be court ordered;
- Prioritises family reunification without unreasonably restrictive time limits;
- Specifies minimum requirements for the provision of family reunification supports;
- Requires a cultural plan for all children in out-of-home care that is implemented and regularly reviewed;
- Specifies safeguards in relation to permanency of care provisions that maintain connections to family, community, culture and country; and
- Provides for delegation of case management, custody and guardianship functions and powers to ACCOs.

Example of promising legislation: Section 18 of the *Victorian Children, Youth and Families Act 2005* enables the Secretary to "authorise the principal officer of an Aboriginal agency to perform specified functions and exercise specified powers in relation to a protection order in respect of an Aboriginal child."

How this legislation has been implemented in a positive way is discussed later in this section when we highlight Victoria's commitment to transitioning case management of all Aboriginal children to Aboriginal and Torres Strait Islander community-controlled organisations by the end of 2021.

POLICY

- Emphasises the importance of maintaining and developing connections to family, community, culture and country;
- Recognises and promotes the importance of family participation and ACCO-led processes for developing and reviewing cultural plans;
- Commits to implementation of cultural plans; and
- Prioritises and supports safe and timely family reunification.

3. CONNECTION THROUGH TIMELY, APPROPRIATE PLACEMENTS

A timely placement at the top-end of the placement hierarchy with family and/or kin should be found for children in the child protection system in order for their connection to family, community and culture to be meaningfully realised. Children should be placed together with their siblings so that these relationships remain strong and connection to family is supported. See Practice Focus Area 4: Placement for further information and examples of promising programs and practices that facilitate timely and effective placements, including with kinship carers.

While placements should provide a sense of permanency and stability for children, decisions relating to permanency of care should not cause harm by failing to guarantee family and cultural connections for Aboriginal and Torres Strait Islander children. For Aboriginal and Torres Strait Islander children, stability is grounded in the permanence of their identity in connection with family, kin, culture, and country; it does not rely exclusively on developing particular bonds with a single set of parents or carers, or on living in one house. There are differences in family life across nations, groups and families, but many long-practiced Aboriginal and Torres Strait Islander models of child rearing hold that children are cared for by various members of extended families, often moving between the homes of these family members.

Thus, programs and practices should endeavour to have no permanent care orders (or similar) made in relation to children in placements disconnected from family, community, culture and country. It is crucial to avoid permanency planning that would remove a child from their culture and family. As such, where permanency planning does take place, plans should prioritise the maintenance of relationships with family and cultural networks, and be developed by ACCOs.[58]

4. CULTURAL PLANS, SUPPORT TO CARERS, AND ACCOUNTABILITY

Cultural plans (sometimes referred to as cultural care plans or cultural support plans) should be developed, resourced, implemented, monitored and reviewed for every Aboriginal and Torres Strait Islander child who is subject to ongoing intervention. They are particularly important for children separated over a longer term, including through permanency planning.

4.1 WHAT IS A CULTURAL PLAN?

A child's cultural plan is an integral part of their overall case plan. It is a planning tool that examines ways to ensure that the child is connected to culture and community while subject to intervention, and is tailored to each child's specific needs and circumstances. It gives the child the opportunity to build a nurturing network around them and, in this way, develop their identity and sense of belonging. The cultural plan should be developed when the first case plan is drafted and should be reviewed and amended regularly to meet the child's changing cultural needs. Cultural plans are living documents, because cultural identity is informed though ongoing experiences.

4.2 WHO SHOULD BE INVOLVED IN DEVELOPING CULTURAL PLANS?

Cultural planning should start with and be guided by the child, family, kin, community (especially Elders and those with cultural authority for the child) and ACCOs. Keep in mind that family may be extensive, and in addition to parents and siblings may include grandparents, aunties, uncles and cousins. It is also important to note that the child may be more involved in the development of their cultural plan as s/he becomes older or more mature. Others who should participate in the development of the plan include: the carers, child safety officers (where applicable) and any other person who has been identified as important in the child's life.

Further, ACCO participation in the development, implementation, and monitoring of cultural plans is crucial and these organisations must be supported and resourced to carry out these functions. In some jurisdictions, CEOs of ACCOs are required to sign off on cultural plans before they are implemented. This is an important way to make sure that cultural plans have the requisite detail and accuracy to help children meaningfully stay connected to culture, community and country.

Aboriginal and Torres Strait Islander family-led decision-making should also ideally be used as a forum to develop, review and update cultural plans. A recent evaluation of AFLDM trials held in Queensland found that one outcome of this process was the improved quality of cultural plans.[59] For more information on AFLDM, refer to the section on formal processes for family participation in Practice Focus Area 5: Participation.

PROMISING PRACTICE

Victoria has implemented a new model of cultural planning for Aboriginal children in out-of-home care. This model seeks to ensure that Aboriginal people and organisations have the primary role in developing and approving cultural plans for Aboriginal children in the child protection system. As part of this model, a state-wide coordinator for Aboriginal cultural planning has been appointed, dedicated cultural advisor positions within ACCOs have been established, and it is now a requirement that all cultural plans for Aboriginal children be approved by ACCO CEOs before they are implemented.

Since the new model commenced in 2016, there have been 550 cultural plans endorsed by ACCO CEOs (at September 2018). The feedback from ACCO CEOs has been that they have seen an improvement in the quality of the plans, with a much greater focus on the child's voice.

In **New South Wales**, the cultural planning process mandates that there be at least four consultations with family, community, or Aboriginal and Torres Strait Islander organisations in the drafting of a cultural plan. AbSec has also established a comprehensive training package to support practitioners in understanding their responsibility for cultural planning for Aboriginal children and young people to support practice in this area.

4.3 WHAT SHOULD BE INCLUDED IN CULTURAL PLANS?

Plans should be comprehensive and practical, specifying the activities that will support a child's cultural connection, when they will happen, who will be responsible for ensuring they happen, and how they will be resourced. Specific content you may wish to incorporate in a cultural plan includes:

- the child's family genogram, specifically, information about the child's clan, language, ethnic, cultural, island and/or community group;
- information about the parents' and siblings' clan, language, ethnic, cultural, island and/or community group;
- plans for the child's return to country (if they live away) and who may facilitate and fund the trips, as well as how often the child will return;
- programs and activities that will support the child's connection to family, culture and community. Planning for activities should be guided by the child and their family and can include: attending healing

camps, participating in community activities (such as NAIDOC Week), and regular visits and phone calls with family;

- a mentor who can support the child's connection to culture;
- supports that are required by the carer to support the child's cultural activities (financial and other); and
- people who can support and develop the child's cultural identity. People who may be involved in the implementation of the child or young person's cultural plan may include parents, grandparents, aunties, uncles, cousins, other extended family members, friends of the child, or family, community Elders and other community members. These people may make different levels of commitment in terms of supporting the child or young person's cultural care.

REFLECTIVE EXERCISE

Reflect and note down ways you could find out more about an Aboriginal and Torres Strait Islander child's cultural needs. Who could you ask to get more information? What kinds of questions could you ask them?

One example includes asking a member of the child's family or community for more information about the child's country and language group.

PROMISING PRACTICE

In **Western Australia**, the *Care Team Approach Practice Framework* is a government initiative that aims to maintain and support a child's care arrangement and their continued connection to parents, siblings, their wider family, network, community and culture by appointing a care team for each child, responsible for ensuring that the child stays connected. An Aboriginal practice leader must be consulted when identifying care team members for an Aboriginal child, and where possible the majority of people in the child's care team should be Aboriginal.

In **Victoria**, the Victorian Aboriginal Child Care Agency's (VACCA) *Return to Country* program is an important imitative seeking to reconnect Aboriginal children in out-of-home care with their communities and country. The program facilitates: the meeting of children and young people with Elders; the sharing of knowledge; visits to sacred sites; and learning about songs, stories, art, tracks, places, landforms, plants, animals and natural resources.

For more information about the program, visit VACCA's *Return to Country* webpage: https://www.vacca.org/about-us/return-country-framework/.

USEFUL RESOURCES

For information on culture – as well as cultural planning, including examples of cultural plans – refer to the following resources:

- The Queensland Government's practice manual on developing cultural plans for Aboriginal and Torres Strait Islander children. This manual includes an example of a completed cultural plan: https://www.communities.qld.gov.au/resources/childsafety/practice-manual/pr-developing-cultural-support-plan-atsi.pdf.
- The cultural plans section of the Victorian Department of Health and Human Services' Child Protection Manual: http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/aboriginal-children/cultural-plans.
- The Victorian Department of Health and Human Services' cultural plan templates: http://www.cpmanual.vic.gov.au/advice-and-protocols/specialist-resources/cultural-plans/cultural-plan-templates.
- SNAICC resource, *Aboriginal and Torres Strait Islander Children's Cultural Needs*.

4.4 HOW CAN CARERS BE SUPPORTED TO IMPLEMENT CULTURAL PLANS?

All carers should be supported financially and otherwise to effectively implement cultural plans. Local ACCOs should be supported and resourced so that they can provide adequate training, supervision and support to carers, including non-Indigenous carers who require cultural competency training.

When costing cultural plans, the cost of implementing cultural activities and trips should be taken into account so that carers and other individuals responsible for the plan's implementation have the required financial support.

PROMISING PRACTICE

In **New South Wales**, AbSec's model, *Caring for Carers*, is yet to be fully implemented but provides a promising framework on how carers can be assisted to support Aboriginal and Torres Strait Islander children in their care. The model has a two-pronged approach, focusing on localised support and state-wide support. At the local level, carers are provided ongoing supervision by accredited Aboriginal and Torres Strait Islander agencies, and carers can participate in facilitated peer-support programs. At the state level, carers have access to a support line and information services, and can participate in an annual state-wide gathering of carers, allowing them to discuss challenges and share knowledge, including on how best to support children in their care to stay connected to culture and community.

Further information on AbSec's Caring for Carers model: https://www.absec.org.au/images/downloads/AbSec-Feb2017-Caring-for-carers.pdf.

REFLECTIVE EXERCISE

Ideas for supporting non-Indigenous carers to help Aboriginal and Torres Strait Islander children stay connected

Reflect on the following strategies for supporting carers and write down your own ideas in the empty boxes below.

A staff member from an Aboriginal and Torres Strait Islander community-controlled organisations could introduce the carer to the child's community.	The carer could be given an Aboriginal and Torres Strait Islander mentor, such as another carer or an ACCO staff member, who could attend community events with the carer for the first time.	The carer could be provided information and resources about the child's specific cultural group(s), including the history and culture of the child's community.
The carer could be provided information about local cultural events that s/he could take the child to.	The carer could be given information on Aboriginal and Torres Strait Islander services/ contacts that the carer could contact to ask questions or seek assistance from (eg. Aboriginal and Torres Strait Islander health service).	Carers could be connected with other Aboriginal and Torres Strait Islander and non-Indigenous carers caring for Aboriginal and Torres Strait Islander children through peer support groups.

USEFUL RESOURCES

Carers and practitioners looking for resources on how to help children connect to their culture and community can refer to the following resources:

- SNAICC's resource on Aboriginal and Torres Strait Islander Children's Cultural Needs: https://www.snaicc.org.au/wp-content/uploads/2015/12/02932.pdf.
- *Deadly Story* Portal. Deadly Story is an Aboriginal cultural information portal for children and young people in out-of-home care. The portal aims to increase an Aboriginal child or young person's knowledge of and connection to culture, which can be internalised to facilitate self-esteem, resilience, pride in their culture, and healing. The portal provides access to a variety of resources and activities, depending on whether the user is a child/young person, carer or practitioner. https://www.deadlystory.com/.

4.5 MONITORING AND REVIEW OF IMPLEMENTATION OF CULTURAL PLANS

There should be periodic reviews (at least annually) of a child's cultural plan to ensure that it remains relevant and effective in terms of supporting the child's connection to culture and community. Further, carers and others involved in the implementation of the plan should be supported and held accountable for effective implementation. Currently, there is minimal monitoring of implementation, thus it is crucial that oversight mechanisms be set up in each state and territory to ensure plans are developed, implemented, monitored, reviewed and updated, as well as to identify which supports are needed to improve implementation and outcomes.

5. PRIMARY GOAL IS REUNIFICATION

5.1 WHAT IS REUNIFICATION?

The key way to ensure that children placed in out-of-home care are connected to family, culture and community is through their safe reunification with family. When a child is placed in out-of-home care, legislative and policy priorities across jurisdictions dictate that reunification is the primary objective for achieving stability for the child (unless it is determined that reunification is not achievable or otherwise in the child's best interest). Reunification is a process that involves assessment, the provision of appropriate services to support families to address protective concerns, and engagement and collaboration with the child, parents and extended family to ensure the child's safe and timely return within the family. The hurt that Aboriginal and Torres Strait Islander peoples experienced in recent history (through colonisation and the Stolen Generations for example) make this an especially sensitive issue, and reinforces why returning the child to their family and community is so integral.

Once reunification is recognised as an objective, plans are put in place within a case plan for goals and tasks that parents and others need to undertake for reunification to occur. These goals should be decided upon in partnership with parents and families. Once goals and, importantly, actions to realise them are agreed upon, the family should receive the supports they need to make the changes necessary for their child to be returned. How reunification can be safely facilitated is discussed later in this section.

Currently, there is an absence of accurate, publicly available data in all states and territories on the reunification rates of Aboriginal and Torres Strait Islander children in out-of-home care. However, research indicates that post 12 months in care the rate of reunifications significantly drops.[60] Therefore, to enable effective reunification, there needs to be targeted interventions prior to and immediately upon removal of children, as well as increased support to families once children are returned. This is done to support families to address the protective concerns that initially led to the placement of children in out-of-home care and promote stability upon the child's return.

It is vital that ACCOs are supported and resourced to be primary service providers of culturally safe, specialist and holistic reunification/family support services to Aboriginal and Torres Strait Islander families.

5.2 HOW CAN REUNIFICATION BE FACILITATED?

Adequate, early and ongoing planning for reunification

It is important that reunification is considered early (from the time a child enters the child protection system), and plans and culturally safe supports

are put in place to support reunification where it is identified (as possible). Options for reunification should be regularly reviewed, supported and advanced wherever possible. Reunification planning meetings should take place regularly with the family and other relevant stakeholders in attendance, as a key component of case planning and case plan review. These meetings, ideally taking the form of Aboriginal family-led decision-making, should engage the role of independent Aboriginal and Torres Strait Islander agencies to provide a culturally safe and supportive environment that enables families to work through issues and find their own effective solutions to ensure quality care for their children. More information on how AFLDM processes work in practice can be found in the Practice Focus Area 5: Participation.

At each meeting, participants should discuss and note down goals that must be achieved by the parents for reunification to occur, how the goals can be achieved, the supports required, the time frame within which certain goals may need to be fulfilled, as well as progress made and challenges to fulfilling certain goals.[61] These goals should be reviewed and adjusted depending on changing circumstances. It must be noted that a lack of service availability and delays in service provision for families, including waiting lists for housing and other critical services, limit capacity for families to reunify within mandated timeframes. These concerns are particularly evident in remote and isolated locations.

Given that families face complex problems and at times do not have immediate access to the supports they need, timeframes for reunifications should be flexible before permanent care orders are considered. Decisions about reunification should be based on the best interest of the child rather than strict timelines.

Family contact can also assist with progressing the potential for reunification. A high level of quality and safe contact between children and their parents has been found to be associated with a greater prospect of successful reunification.[62]

USEFUL RESOURCE

For guidance on how to support families wanting to reunify with their children to develop specific and achievable goals, refer to SNAICC's Stronger Safer Together resource: https://www.dss.gov.au/sites/default/files/documents/11_2016/snaicc_stronger_safer_together_report.pdf.

Reunification in practice: promising programs/ practice

Reunification requires interagency, targeted, culturally safe supports. The primary focus of reunification programs is to ensure that families get the holistic support they need, whether it be assistance with securing adequate housing, assistance with overcoming substance abuse issues, or support to address family violence so that children in out-of-home care can be reunified with their families. For mothers who may be experiencing family violence, early referral to specialist services for women is particularly important.

Practitioners should be working with families to provide and refer them to services that will help them address concerns that led to the removal of a child in the first place.

It is important that practitioners understand the complex reasons why an Aboriginal or Torres Strait Islander child was removed so that reunification supports are targeted to the unique needs of her or his family. This understanding is best enabled when ACCOs with in-depth knowledge of the family's cultural and community context are the primary service providers of reunification support programs. Where this is not possible, non-Indigenous service providers should ensure that they provide culturally safe support and that staff have had cultural- competency training.

The elements of intensive reunification supports are the same as elements of preventative supports. There should be specific focus on:

- building strong partnerships with family members;
- accurately identifying the needs of Aboriginal and Torres Strait Islander children and families;
- matching services to child and family needs;
- providing a mix of practical, educational, therapeutic and advocacy supports to children and families;
- ensuring family/child participation in decision-making and case/reunification planning; and
- providing services in culturally competent and respectful ways.

Best practice around realising these elements is highlighted in Practice Focus Area 2: Prevention.

When working on reunification efforts, practitioners should be taking **active efforts** to support families to reunify. This means taking affirmative and timely steps to achieve reunification. In practice, this might mean identifying relevant services and actively assisting a

family to access them by, for example, reminding the family of their appointments and helping the family arrange transport, rather than simply making a referral.[63]

PROMISING PRACTICE

Promising Practice: Transfer of case management of Aboriginal children to Aboriginal and Torres Strait Islander community-controlled organisations

By virtue of Section 18 of the *Victorian Children, Youth and Families Act 2005*, the Victorian Government has committed to gradually transferring case management of Aboriginal children to Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs), with the intention to transfer case management of all Aboriginal children by the end of 2021. At June 2018, 28 per cent of Aboriginal children on a contactable order in out-of-home care in Victoria were managed by an ACCO.

As part of this process, the Victorian Aboriginal Child Care Agency (VACCA) launched its *Nugel* program in November 2017. At the time of publication, the program is managing 32 children and will expand to 72 children in October 2018. Nugel provides out-of-home care services to children in their care by capitalising on their intrinsic cultural knowledge to deliver holistic services. The program pursues reunification plans centered around the themes of cultural safety, family empowerment and community engagement. Families and children are provided with holistic services, including healing services.

Further information on Nugel: https://www.vacca.org/foster-carers/nugel/.

USEFUL RESOURCES

For information on promising preventative and reunification services and reunification generally, refer to the following resources:

- SNAICC's resource, Moving to Prevention: http://www.snaicc.org.au/moving-to-prevention-intensive-and-targeted-family-support/.
- SNAICC's Supporting Carers web portal: http://www.supportingcarers.snaicc.org.au/rights-of-the-child/reunification/.

Supporting children and families after reunification

Support to families and children does not cease after reunification and should continue to be provided where necessary. Examples of ongoing supports include:

- regular home visits, based on assessment of family's support needs;
- actively advocating for the family to ensure the family has access to timely, appropriate and specialist services (eg. referral or help to access other agencies); and
- assistance to identify and manage the changes the family wants to make.

USEFUL RESOURCE

The Djooraminda Reunification Service in Western Australia is an example of a culturally safe service providing assistance to Aboriginal and Torres Strait Islander families post reunification: https://www.centrecare.com.au/services/metropolitan-services-metro/indigenous-specific-metro/indigenous-reunification-metro/.

5.3 FACTORS TO TAKE INTO ACCOUNT WHEN MAKING DECISIONS ABOUT REUNIFICATION

When making decisions about whether to authorise a reunification, practitioners in partnership with families, community and Aboriginal and Torres Strait Islander organisations should consider:

- the child's best interest;
- potential for harm and future risk;
- the child's development needs;
- parental capabilities (keeping in mind traditional child rearing practices and the great benefits they bring);
- supports needed once reunification occurs; and
- the child's attachments and views.

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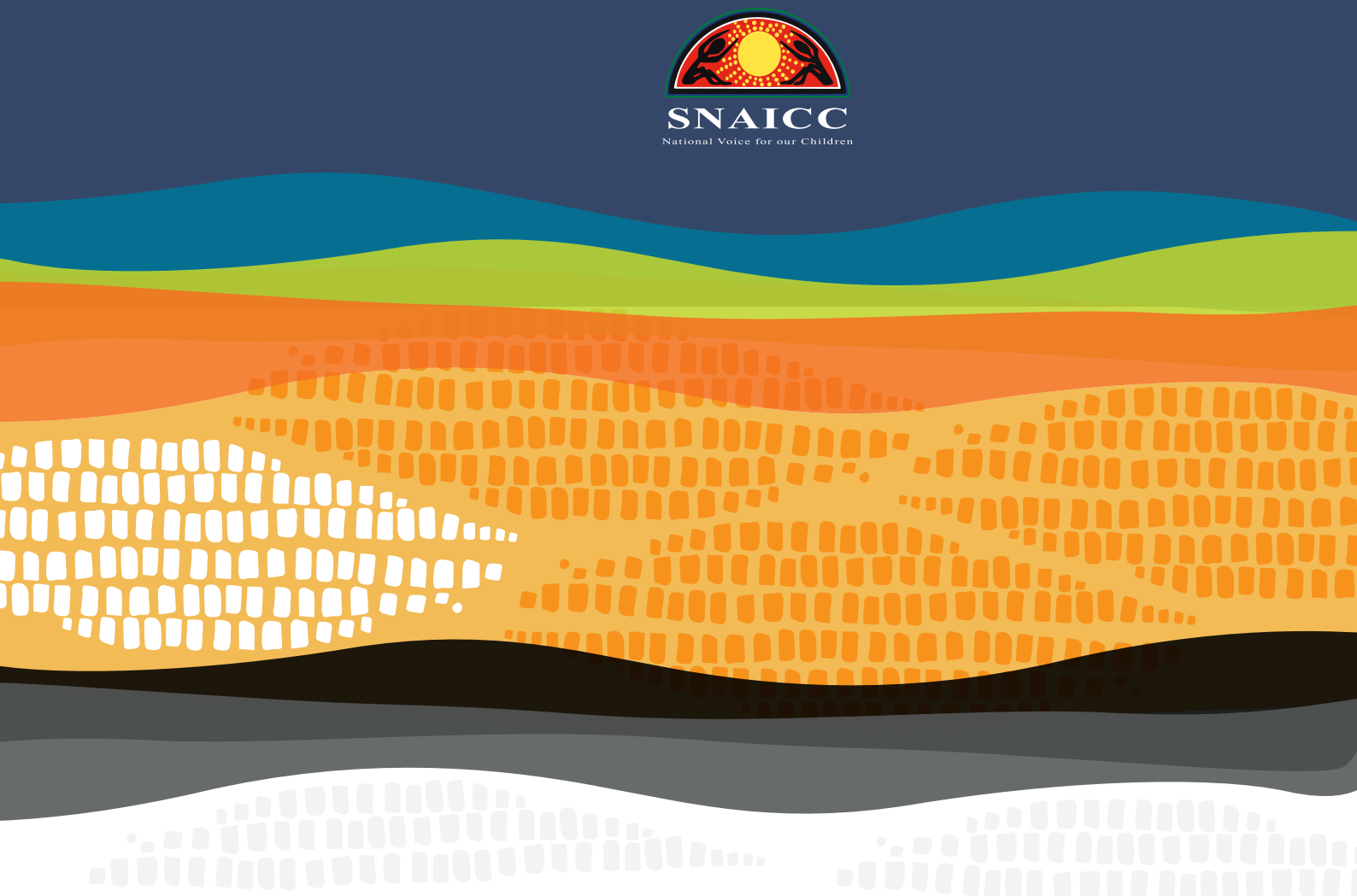
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