Koorie Kids: Growing Strong in their Culture

FIVE YEAR PLAN FOR ABORIGINAL CHILDREN IN OUT OF HOME CARE

A joint submission from Victorian Aboriginal Community Controlled Organisations and Community Service Organisations

November 2013

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About this submission

This submission, *Koorie Kids: Growing Strong in their Culture* was developed jointly by Victorian Aboriginal Community Controlled Organisations and Community Service Organisations providing out of home care following a series of workshops convened by the Commissioner for Aboriginal Children and Young People held between September and October 2013. All participating organisations are accredited according to Department of Human Services standards.

The Centre for Excellence in Child and Family Welfare also contributed to the development of the submission.

At Appendix 1 is a list of workshop participants and at Appendix 2 is a list of invited organisations.

Workshop facilitation and consultancy assistance was provided by Rapid Impact and Naughton&Co.

Foreword

In 2011-12, one in eleven Aboriginal children in Victoria experienced an out of home care placement, compared to one in 164 for non-Indigenous children.[1]

This data indicates a major crisis facing the Victorian community and Government – the rapid escalation in the number of Aboriginal children and young people in Victoria subject to removal from their family's care.

At current levels, the rate of Aboriginal child removal in Victoria exceeds levels seen at any time since white settlement. This demands an immediate 'call for action' from the Victorian Government.

The data suggests further deterioration in this trend with more increases expected in Aboriginal child removal in Victoria over the coming years. The Victorian rate of Aboriginal children in out of home care is now amongst the highest in Australia and significantly higher than comparable international jurisdictions.

For those Aboriginal children currently in longer term out of home care placements, recent data indicates clear non-compliance with statutory requirements. An audit[2] completed in August 2013 of 194 Aboriginal children in out of home care and subject to cultural support planning legislative requirements found that only 15 children (eight per cent) had a completed Cultural Support Plan.

The data shows growing numbers of Aboriginal children in care, Aboriginal children staying in care longer and a failure to meet basic legislative and practice requirements.

In blunt terms, the current approach to the protection of Aboriginal children in Victoria is failing.

There are however good examples of Aboriginal services doing high quality, professional work now with vulnerable children and families and delivering good results. DHS areas with well-established Aboriginal Community Controlled Organisations (ACCOs) are characterised by falling rates of Aboriginal children entering out of home care, clearly pointing to the potential benefits of a stronger role for ACCOs in preventing admissions and supporting earlier reunification.[3] Over the last decade four Department of Human Services areas experienced declines in admissions of Aboriginal children to out of home care, (Outer Gippsland by minus 61 per cent, Mallee by minus 54 per cent, Goulburn by minus 44 per cent and North Eastern Melbourne by minus 1 per cent), all areas characterised by well-established ACCOs actively engaged in their communities. Building on this positive and promising practice will be a critical imperative.

[1] Productivity Commission (2012) Table 15A.17 *Report of Government Services*
[2] Department of Human Services(2013) *Information about cultural support plans for child protection clients*

[3] See later chapter in this submission - *Aboriginal children in out of home care - snapshot*, p. 13, for further information on trends in admissions of Aboriginal children to out of home care

But across most of the State the available services are too few in number and don't form part of a comprehensive, integrated suite of services at local area level.

The data highlights that the future costs of doing nothing, of continuing to do business how we've always done business, will far exceed the costs associated with new policy directions and the necessary additional investment in prevention, early intervention, reunification and out of home care services for vulnerable Aboriginal children and their families. The costs of doing nothing will be reflected in escalating costs of health, justice and correctional services due to the known long term poor outcomes and pathways of children placed in out of home care.

Underpinning the plan must be a serious and sustainable focus on tackling the underlying causes of the growth of Aboriginal children in care. Aboriginal children in Victoria represent a small population of just under 16,000 children. Most are already known to service providers. But the first significant service intervention these children and families experience, too often, may be admission to out of home care. This just does not make sense. So much more could be done to reduce the growth of Aboriginal children in out of home care if there were wider availability of well-designed and evidence informed prevention and early intervention services.

How will future generations judge this legacy of Aboriginal child removal and poor care? How will the institutions, administrators and services responsible for oversight and delivery of services be viewed? More important, what impact will such a high rate of child removal have on the health and wellbeing of the current and future generations of Aboriginal children and families?

In this context, the Victorian Government's commitment to develop a comprehensive, complementary *Five Year Plan for Aboriginal Children in Out of Home Care* (the *Five Year Plan*) is commended. It will require new approaches that galvanises commitment and action across all areas of the department and Government and large-scale, sustained new investment over many years.

The agreement to establish a high-level taskforce, *Taskforce 1000,* to inform development of the *Five Year Plan* by June 2014 is also welcomed. The complementary plan will build on the directions described in *the Five Year Plan for Children in Out of Home Care* which will be released in late 2013.

Victoria should be well placed to reduce the rate of Aboriginal child removal. It has sound legislation and generally sound strategy and policy settings but there is a recurring pattern of repeated failure to adequately resource and effectively implement these good intentions. The last major review[4] of Aboriginal children in out of home care was completed by the Department of Human Services in 1998. It reached a number of conclusions including, the over-representation of Aboriginal children in out of home care, the need to strengthen prevention and early intervention services, the need to strengthen case planning, the need to build the capacity of ACCOs and improve staff training and development. At the time of the review in 1998 there were 328 Aboriginal children in out of home care. In the fifteen years since the review was completed the number of Aboriginal children in out of home care has more than tripled to 1,028[5]. This suggests a serious failure of both strategy and implementation.

[4] Department of Human Services (December 1998) *Statewide Review of Out-of-Home Care Services for Aboriginal Children and Young People*
[5] Productivity Commission (2012) Table 15A.17 *Report of Government Services*

Disappointingly, there has been a ten per cent fall over the past decade in the number of Aboriginal children in placements provided by ACCOs.[6] In contrast, during the same period, placements provided by the Department of Human Services have increased by 268 per cent and placements provided by mainstream community service organisations (CSOs) increased by 156 per cent.[7] The data also highlights that in 2012 seven per cent of Aboriginal children in out of home care were in placements provided by ACCOs, compared to 22 per cent in 2002. On current trends there is a clear risk that the Aboriginal community and more specifically ACCOs will be marginalised in the provision of out of home care for Aboriginal children.

The submission asserts that reversing these trends must be addressed as a matter of urgency. Clear targets and timelines are required to ensure that, within the life of *the Five Year Plan,* all Aboriginal children in out of home care are in placements provided by or contracted by ACCOs.

This submission, *Koorie Kids: Growing Strong in their Culture,* describes the shared views of ACCOs and CSOs that participated in the preparation of the submission providing out of home care in Victoria and the Centre for Excellence in Child and Family Welfare.

Seven key priorities with supporting actions are identified across the following domains:

1. Outcomes
2. Cultural needs
3. Capacity building
4. Care, authority, case contracting and case management
5. Service provision and continuum
6. Aboriginal carers
7. Compliance and accountability

The submission broadly endorses the submission from mainstream CSOs on the *Five Year Plan for Children in Out of Home Care*, whilst noting the distinct and separate needs of Aboriginal children. It outlines a set of principles, priorities, actions and funding recommendations for consideration by the Victorian Government. It is our understanding that the broad directions proposed in this submission will be reflected in the *Five Year Plan for Children in Out of Home Care.*

While there is much that we know about the drivers of growth in Aboriginal children in out of home care, this submission points to a number of significant gaps in our current knowledge. The lack of quality data and access to data is a potential serious impediment to the development of the evidence base and reform actions in the *Five Year Plan.* The submission calls for much greater openness and transparency regarding the sharing of data. There is also particular concern in the sector that not all Aboriginal children in out of home care have been identified as such. This merits immediate investigation and analysis.

[6] Department of Human Services data (October 2013) Excel spreadsheet, *Aboriginal Children in Out of Home Care*, *Snapshot provider type* worksheet, NB: The Department of Human Services consider that this data may, for a variety of reasons, understate the actual number of Aboriginal children in placements provided by ACCOs and therefore this data should be treated with caution.
[7] Op cit

The submission acknowledges Government's commitment to an ambitious reform agenda for community services through the *Service Sector Reform* and *Services Connect* initiatives. Aboriginal people experience multiple interactions with Government and community services organisations. Duplication, delay and frustration and the frequent absence of a culturally appropriate response are a common experience in the current fragmented and poorly integrated service system. We together – Government and community services providers – have a shared responsibility to change the way our business is conducted so that services are more coordinated, easy to navigate and responsive.

Executive Summary

Koorie Kids: Growing Strong in their Culture describes the shared views of 13 Aboriginal Community Controlled Organisations and a number of mainstream Community Services Organisations delivering out of home care services in Victoria. The Centre for Excellence in Child and Family Welfare also participated in the preparation of the submission and has endorsed its recommendations.

The submission was developed in a series of workshops, convened by the Commissioner for Aboriginal Children and Young People, held in September and October 2013.

The available data presented in the submission paints a disturbing picture of one in eleven Aboriginal children experiencing an out of home placement in 2011-12. Projections indicate that on unchanged policy settings this ratio will deteriorate further in the next three years.

Regrettably, the rate of Aboriginal child removal in Victoria now exceeds that seen during the *Stolen Generation* era.[8] The implications for this generation of Aboriginal children are potentially as profound as the *Stolen Generation* – lost culture, lost family, lost community.

The submission calls on the Victorian Government to expedite the *Five Year Plan* as a matter of urgency and to ensure that the *Taskforce 1000* group is fully resourced. The *Five Year Plan* needs to be more than a broad directions plan statement. To be credible it should incorporate clear targets and timelines for the achievement of the plan.

The submission provides specific recommendations on what should be the key elements and themes in the *Five Year Plan* including a set of policy and practice principles, priorities, supporting actions and immediate funding priorities. These are outlined below:

Policy and Practice Principles to inform the Five Year Plan

The following policy and practice principles are proposed to inform the *Five Year Plan*:

- Aboriginal services for Aboriginal people
- Vulnerable Aboriginal children need a service system built on social justice principles
- Protecting Aboriginal children is everyone's responsibility
- Protecting Aboriginal children begins with prevention
- A culturally competent child and family welfare service system
- A child-centred service system
- A family focussed system
- Vulnerable Aboriginal children need immediate responses
- Vulnerable Aboriginal children need a strongly connected and integrated service system

[8] There were an estimated 150 Aboriginal children in Victoria in out of home care in 1956/57. On June 30 2012 1028 Aboriginal children were in out of home care.
See: *Bringing them home* (1997) Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Commonwealth of Australia

- Vulnerable Aboriginal children need therapeutic responses
- Support evidence based practice as we are more likely to get better outcomes

Priorities

The following seven priorities should form the backbone of the *Five Year Plan.* They are consistent with Government's *Service Sector Reform* project and the *Services Connect* reforms.

Priority One Develop an Aboriginal child and youth focused cultural outcomes framework from entry to exit which embeds Aboriginal children's rights around self determination

Priority Two Create a comprehensive approach to address the cultural needs of Aboriginal children in Out of Home Care

Priority Three Build the capacity of Aboriginal families and communities to care for their children

Priority Four Place all Aboriginal children in Out of Home Care under the care, authority and case contracting/management of an Aboriginal Community Controlled Organisation

Priority 5 Extend and enhance the coverage of the Aboriginal child and welfare sector so Aboriginal children can access early intervention, home based, residential and permanent care within the broader suite of out of home care services in the area they live

Priority Six Grow and better support Aboriginal Carers

Priority Seven Ensure compliance to meet the intent of legislative requirements in the *Children, Youth and Families Act 2005* as it relates to Aboriginal Children. A detailed set of actions is proposed under each priority. Further information on each action is provided in the submission.

Funding Priorities 2013-2014

The submission also recommends urgent consideration of the following funding priorities in 2014-2015:

1. Commence the process of placing all Aboriginal children in out of home care under the care, authority and case contracting/management of an ACCO. Currently seven per cent of Aboriginal children in out of home care are placed with ACCOs. The aim should be, consistent with the approach now employed in New South Wales[9], to progressively transfer all Aboriginal children from the care of mainstream CSOs and the Department of Human Services to the care[10] of ACCOs, according to the following targets and timelines:

   30 June 2015 – 15 per cent of Aboriginal children in out of home care placed with ACCOs
   30 June 2016 – 30 per cent of Aboriginal children in out of home care placed with ACCOs
   30 June 2017 – 50 per cent of Aboriginal children in out of home care placed with ACCOs

[9] NSW Government (2012) *Transition Program Office Policy Paper 1: Transition Cohort Priorities,* http://www.community.nsw.gov.au/docswr/_assets/main/lib100062/tpo_policy_paper_1_transition_cohort_priorities_final_april%202012.pdf; accessed 11 October 2013

[10] *"… to the care of ACCOs*" includes arrangements where an ACCO may contract a mainstream CSO to provide out of home care.

30 June 2018 – 75 per cent of Aboriginal children in out of home care placed with ACCOs
30 June 2019 – 100 per cent of Aboriginal children in out of home care placed with ACCOs

2. Invest in and expand the ACCO workforce and organisational capability
3. Fully resource ACCOs to develop and embed cultural domains into each Aboriginal child's Best Interest planning and out of home care practice, commencing with:

- Funding ACCOs to develop and oversee practice in relation to cultural case planning for Aboriginal children in out of home care, including the develop of Cultural Support Plans
- Funding ACCOs to develop and provide cultural connection programs and outcomes for vulnerable children and disconnected Aboriginal children, young people and families – including activities such as:
  - Return to Country Cultural Support workers
  - Cultural camps, activities and festivals
  - Ensuring every Aboriginal child and young person in out of home care has a cultural support person

Consultation

This submission was discussed and developed over a series of workshops, convened by the Commissioner for Aboriginal Children and Young People held in September and October 2013.

All ACCOs providing child and family services in Victoria were invited to participate in the workshops and 13 out of the 16 Victorian ACCOs attended at least one workshop. This demonstrates a very high level of engagement and participation in the development of the submission.

A number of mainstream CSOs and the Centre for Excellence in Child and Family Welfare also participated in the development of the submission.

The views expressed in this submission reflect the shared view of all organisations that participated in this process.

A full list of participating organisations is provided in Appendix 1.

Aboriginal Children and Young People in Out of Care – a snapshot

The Productivity Commission reports that in the 2011-12 financial year, 1,424 Aboriginal children experienced at least one out of home care placement in Victoria during the year, equivalent to one in eleven Aboriginal children in Victoria[11] in that year.

The number of Aboriginal children in out of home care in Victoria now greatly exceeds levels reported at the height of the *Stolen Generations* era. According to the *Bringing them home* report[12]:

Until 1985 the Victorian police were empowered to forcibly remove children under the child welfare laws. Until the mid-1950s, this power does not seem to have been used to a great extent against children in Indigenous communities.

However, while the McLean inquiry was underway, police suddenly took action to remove children from Indigenous communities in Gippsland, the Western District and the Goulburn Valley under the newly passed Child Welfare Act 1954. Shortly after McLean visited Mooroopna, 24 of the 107 children noted by him were taken. Many of these children were taken to Ballarat Orphanage. According to Barwick,

> *During 1956 and 1957 more than one hundred and fifty children (more than 10 per cent of the children in the Aboriginal population of Victoria at that time) were living in State children's institutions. The great majority had been seized by police and charged in the Children's Court with `being in need of care and protection'. Many policemen act from genuine concern for the `best interests' of Aboriginal children, but some are over-eager to enter Aboriginal homes and bully parents with threats to remove their children. Few Aboriginal families are aware of their legal rights, and accept police intrusion at any hour of the day or night without question. This ignorance of legal procedure has also prevented parents from reclaiming children committed as Wards of State when their living standard has improved (quoted by Victorian Government final submission on page 52).*(quoted in Part Two: Chapter 4 Victoria)

Growth of Aboriginal children in Out of Home Care

The Victorian rate of Aboriginal children in out of home care is amongst the highest in Australia and significantly higher than comparable international jurisdictions:

[11] Productivity Commission (2012) *Report of Government Services, Table 15A.17*

[12] *Bringing them home* (1997) Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Commonwealth of Australia

Figure 1 Children in Out of Home Care: Rate per 1000 children (0-17 years) in the population[13]

2011-12	*NSW*	*Vic*	*Qld*	*WA*	*SA*	*Tas*	*ACT*	*NT*	*Aust*
Indigenous	83.4	66.4	42.2	51.6	55.0	25.1	68.0	20.7	55.1
Non-Indigenous	7.1	4.2	4.9	3.4	5.4	7.4	5.3	3.7	5.4
Unknown	na	na	na	na	na	na	na	na	na
All children	10.5	5.1	7.4	6.1	7.2	8.7	7.0	11.2	7.7

Figure 2 Aboriginal Children in Out of Home Care: Local and International Comparisons

Jurisdiction	Rate per 1000 Children
Inner Gippsland[14]	114.1
Victoria	66.4
Australia	55.1
Canada[15]	36.0
New Zealand (Maori)[16]	7.1

As Figure 1 below shows, the growth over the last decade is more than double the growth rate for non-Indigenous children. Growth rates for Aboriginal children and non-Indigenous children were similar between 2003 and 2007 but have accelerated since then. In 2003, Aboriginal children represented 12.5 per cent (507) of the 4,046 children in care. In 2012, Aboriginal children represented 16.6 per cent (1028) of the 6,207 children in out of home care. By 2015, on recent growth trends and unchanged policy settings, the number of Aboriginal children in out of home care is expected to rise to 1,330 - representing 160 per cent growth since 2002.

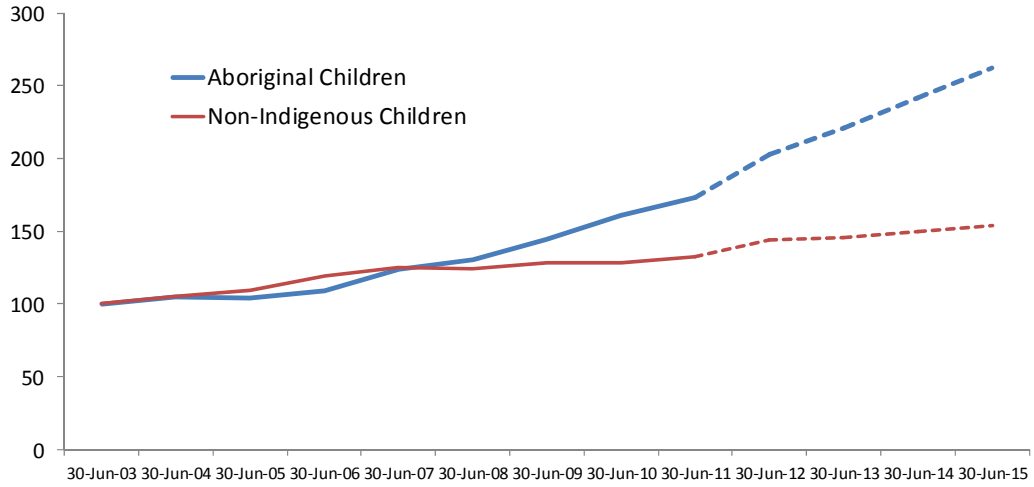
[13] Productivity Commission (2012*) Report of Government Services, Table 15A.17*

[14] Refers to the Department of Human Services Inner Gippsland area. The reported rate of 114.1 per 1,000 children is from departmental data reported in *Five year plan for Aboriginal children in out-of-home care,* PowerPoint presentation*,* 9 September 2013, Department of Human Services

[15] *2011 National Household Survey (2012) Aboriginal Peoples in Canada: First Nations People, Metis and Inuit, Statistics*, Canada

[16] Estimate only based on reported incidence of Maori children in out of home care in 2012 (1,942 or 50% of total population in care) and New Zealand 0-17 Maori population of 273,770 in 2012: http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/maori-population-estimates.aspx; accessed 15 October 2013

Figure 3 Growth (June 2003 = 100) of Aboriginal and non-Indigenous Children in Out of Home Care: Victoria, June 2003 - June 2012[17] and Projected Growth 2012 to



2015[18]

Summary	Start (2002)	End (2012)	Growth	Projected (2015)	Growth
Aboriginal Children in OoHC	507	1028	102.8%	1331	163%
Non-Indigenous Children in OoHC	3539	5106	44.3%	5459	54%

That over 1,000 children from a relatively small population in Victoria comprising approximately 40,000 Aboriginal children and adults, are placed in out of home care each year is deeply concerning. In contrast only 5,000 out of a population of more than five million non-Indigenous Victorian children and adults are placed in out of home care.

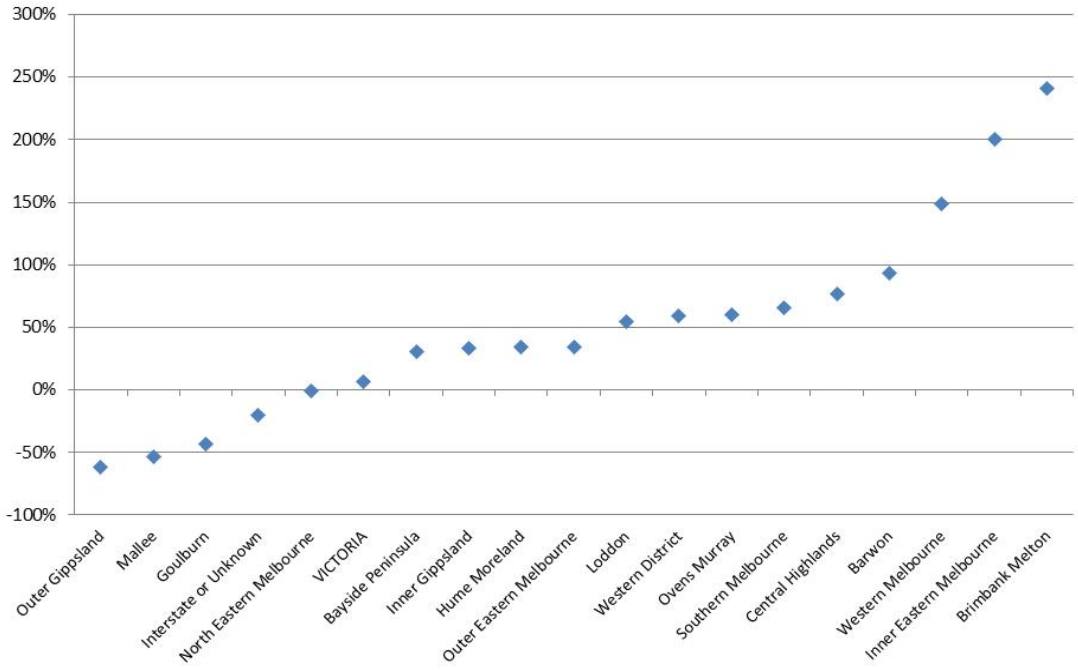
Whilst growth of Aboriginal children in out of home care at a statewide level has been significant, the data also points to significant variation across the 17 DHS areas. Figure 4 below shows the percentage growth in admissions to out of home care between 2000 and 2003 and 2009 and 2012.[19]

Figure 4 Growth in Admissions of Aboriginal Children to Out of Home Care by Department of Human Services areas: 2000-2003 compared to 2009-2012[20]

[17] Productivity Commission (2012) *Report of Government Services*, adapted from Victorian data in Table 15A.20,

[18] Linear projection based on growth between 2009 and 2011

[19] A three year average of Aboriginal children admitted to care has been used due to the relatively small size of the
'admitted to out of home care' population.



[20] Department of Human Services data (October 2013) Excel spreadsheet, *Aboriginal Children in Out of Home Care Victoria*, *Admissions* worksheet

Figure 5 Admissions of Aboriginal Children to Out of Home Care by Department of Human Services areas: 2000-2003 to 2009-2012[21]

DHS Area	*Annual admissions to care 2000 to 2003 (average per year)*	*Annual admissions to care 2009 to 2012 (average per year)*	*Growth*
Outer Gippsland	49.3	19.0	-61%
Mallee	90.0	41.7	-54%
Goulburn	61.0	34.3	-44%
Interstate or Unknown	16.3	13.0	-20%
North Eastern Melbourne	46.3	46.0	-1%
VICTORIA	471.0	501.7	7%
Bayside Peninsula	21.0	27.3	30%
Inner Gippsland	37.3	49.7	33%
Hume Moreland	12.7	17.0	34%
Outer Eastern Melbourne	19.3	26.0	34%
Loddon	27.0	41.7	54%
Western District	13.0	20.7	59%
Ovens Murray	11.7	18.7	60%
Southern Melbourne	11.7	19.3	66%
Central Highlands	13.0	23.0	77%
Barwon	15.7	30.3	94%
Western Melbourne	11.7	29.0	149%
Inner Eastern Melbourne	6.7	20.0	200%
Brimbank Melton	7.3	25.0	241%

Figure 5 shows that over the last decade four Department of Human Services areas experienced declines in admissions of Aboriginal children to out of home care, (Outer Gippsland by minus 61 per cent, Mallee by minus 54 per cent, Goulburn by minus 44 per cent and North Eastern Melbourne by minus 1 per cent), all areas characterised by well-established ACCOs actively engaged in their communities.

In statewide terms, growth in admissions of Aboriginal children to out of home care was seven per cent over the last ten years – well below underlying population growth, indicating that the growth of Aboriginal children in out of home care is predominantly due to children staying in care longer.

For those Aboriginal children currently in longer term out of home care placements, recent data indicates clear non-compliance with statutory requirements. An audit[22] completed in August 2013 of 194 Aboriginal children subject to cultural planning legislative requirements found that only 15 children (eight per cent) had a completed Cultural Support Plan.

[21] Department of Human Services data (October 2013) Excel spreadsheet, *Aboriginal Children in Out of Home Care Victoria*, *Admissions* worksheet

[22] Department of Human Services (2013) *Information about cultural support plans for child protection clients*

The data reflects a serious failure to comply with statutory requirements and practice which falls well short of departmental standards and guidelines for children in out of home care.

Role of Aboriginal Community Controlled Organisations

The *Protecting Victoria's Vulnerable Children Inquiry* report[23] states*:*

A clear strategy is required to establish a transparent process that seeks to delegate the guardianship of Aboriginal children removed from their families to Aboriginal communities.

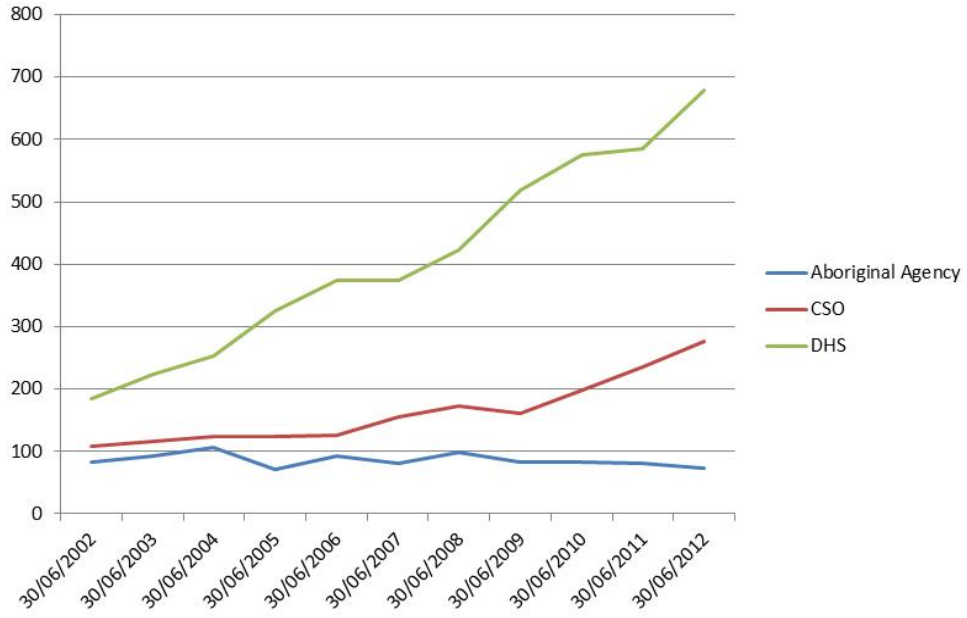
… Therefore, it is considered that a progressive plan of transferring responsibility for the out-of-home placements of Aboriginal children in non-Aboriginal placements to ACCOs will both enhance self-determination and provide a practical means to strengthen the cultural links for those children.

… Recommendation 36 The Department of Human Services should develop a comprehensive 10 year plan to delegate the care and control of Aboriginal children removed from their families to Aboriginal communities (p.310)

Yet the last decade in Victoria, far from producing an expanded role for ACCOs has seen a progressive decline in absolute and real terms in their role in the provision of out of home care. Currently, as shown in Figure 7 only seven per cent of Aboriginal children in out of home care are in placements provided by ACCOs, compared to 22 per cent in 2002.

[23] Department of Premier and Cabinet, Victoria (2012) *Report of the Protecting Victoria's Vulnerable Children Inquiry Volume 2*

Figure 7 Aboriginal Children in Out of Home Care by Provider Type: 30 June[24]



While the provision of placements by ACCOs has declined over the last ten years, placements for Aboriginal children provided by the Department of Human Services and mainstream CSOs have risen significantly, by 268 per cent and 156 per cent respectively. If these trends continue it is likely that the Victorian Aboriginal community and their ACCOs will play at best a marginal role in the provision of out of home care for Aboriginal children. This is clearly undesirable and likely to lead to poorer outcomes for Aboriginal children in the care of the State.

Data Limitations

Open, transparent sharing of data will be essential to the work of the *Taskforce 1000* group. In developing the *Five Year Plan* the *Taskforce 1000* group will need to devote significant attention to better understanding the demand drivers and the child, family, system and societal characteristics that underpin the decade long rapid growth of Aboriginal children and young people in Victorian out of home care.

While the quantitative data on 'raw' demand levels in out of home care is at a good level of detail, less is known about the particular characteristics and circumstances of Aboriginal children entering and leaving out of home care and their families.[25] Developing this qualitative data should be a key

[24] Department of Human Services data (October 2013) Aboriginal children in out of home care Victoria, Worksheet: *Snapshot provider type.* NB: The Department of Human Services consider that this data may, for a variety of reasons, understate the actual number of Aboriginal children in placements provided by ACCOs and therefore this data should be treated with caution.

[25] The New Zealand Families Commission has undertaken detailed work in this area, see for example, , Cramm, F, for the Families Commission—Kōmihana ā Whānau (January 2012*) Research Report: Safety of Subsequent Children, Maori Children and whānau, A review of selected literature* http://www.familiescommission.org.nz/sites/default/files/downloads/SoSC-Maori-and-Whanau.pdf; accessed 16 October 2013.
See also: Hendricks, K and Stevens K, Families Commission Research and Evaluation Team, Research Report, (January 2012) *Safety of Subsequent Children, International literature review*:

priority for future research and analysis so as to better inform the most appropriate service responses.

http://www.familiescommission.org.nz/sites/default/files/downloads/SoSC-international-literature-review.pdf; accessed 16 October 2013

Policy and Practice Principles

The submission proposes that the *Five Year Plan* should be informed by an agreed set of policy and practice principles developed through the *Taskforce 1000* process. Victoria's Aboriginal policy and guidance is generally well-regarded but there is a recurring pattern of repeated failure to adequately resource and effectively implement these good intentions. There needs to be a stronger focus on actual implementation and robust performance management and operational practices which demonstrably make the links between the intended policy settings and service delivery and practice.

The policy and practice principles should build on the established service delivery principles set out in the *Children, Youth and Families Act, 2005* (CYFA) and the *Child Wellbeing and Safety Act, 2005*.

The Victorian Government's *Aboriginal Inclusion Framework*[26]aims to provide all Victorian Government policy makers, program managers and service providers with a structure for reviewing their practice and reforming the way they engage with and address the needs of Aboriginal people in Victoria. The four principles outlined in the *Aboriginal Inclusion Framework –:* 'Aspirations, Accountability, Engagement and Inclusiveness and Partnership – a whole of community approach' – informed extensive discussions during the development of this submission.

The Victorian Aboriginal Justice Agreement Phase 3[27] also contains important principles that are applicable to the development of the *Five Year Plan*, in particular Principle Five and Principle Seven:

Principle 5. Be honest, transparent and accountable in all facets of the AJA and its implementation, as it is essential to the maintenance of partnerships and achievement of outcomes.

Principle 7. Strengthen community justice responses by supporting the right of Koorie communities to participate as equal partners in the development, delivery and evaluation of all justice-related policies and programs specifically impacting the Koorie community

This submission supports the principles proposed in the Victorian Aboriginal Child Care Agency's (VACCA) submission[28] to the *Protecting Victoria's Children Inquiry.*[29] Underlying all the principles is the fundamental importance of self-determination and social justice for Aboriginal people, including children's need to connect to culture. These principles are:

- Aboriginal services for Aboriginal people
- Vulnerable Aboriginal children need a service system built on social justice principles
- Protecting Aboriginal children is everyone's responsibility

[26] Secretaries Leadership Group (2011) *Victorian Government Aboriginal Inclusion Framework*, http://www.childprotectioninquiry.vic.gov.au/images/stories/submissions/victorian-aboriginal-child-care-agency.pdf; accessed 22 October 2013

[27] Department of Justice, Victoria (2013) *Victorian Aboriginal Justice Agreement Phase 3, A partnership between the Victorian Government and Koori community*

[28] Victorian Aboriginal Child Care Agency (May 2011*) Protecting Victoria's Vulnerable Children, Response to the Inquiry by the Victorian Aboriginal Child Care Agency*

[29] See: Department of Premier and Cabinet, Victoria (2012) *Report of the Protecting Victoria's Children Inquiry*

- Protecting Aboriginal children begins with prevention
- A culturally competent child and family welfare service system
- A child-centred service system
- A family focussed system
- Vulnerable Aboriginal children need immediate responses
- Vulnerable Aboriginal children need a strongly connected and integrated service system
- Vulnerable Aboriginal children need therapeutic responses
- Support evidence based practice as we are more likely to get better outcomes

Additional information and a detailed commentary on these principles is provided in Appendix 3 of the VACCA submission.

Outcomes

There is a growing consensus across both Government and community services providers that the focus of service delivery and funding arrangements for services for Aboriginal children and young people should be inclusive of a stronger focus on achieving positive cultural outcomes across the domains of safety, connection to culture, stability and resilience.

Article 30 of the United Nations Convention on the Rights of the Child states:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.[30]

As evidenced earlier, there is clear evidence that positive cultural outcomes are not being achieved in Victoria for Aboriginal children in out of home care,[31] with only 15 of 194 Aboriginal children in out of home care and subject to cultural support planning legislative requirements having a completed Cultural Support Plan.

The submission concurs with the concerns about poor compliance with statutory Best Interests plans expressed by the then shadow Minister for Community Services in 2010:

It was revealed that these plans were not being completed in not 10 per cent of cases, not even 50 per cent of cases but in 80 per cent of cases. That is 1100 children who have had their neglect and abuse proven by the court and who have not received a best interest case plan completed in an appropriate time frame [32]

The *Five Year Plan* should focus strongly on improving the known poor outcomes for Aboriginal children in out of home care. The submission recommends the following priority is included in the *Five Year Plan* and in the five year plan for all children:

Priority One Develop an Aboriginal child and youth focused cultural outcomes framework from entry to exit which embeds Aboriginal children's rights around self determination

Actions to support Priority 1 include:

[30] Article 30, Convention on the Rights of the Child, United Nations

[31] Department of Human Services(2013) *Information about cultural support plans for child protection clients*

[32] Victorian Hansard (2010*) Appropriation 2010-11 Bill*, Ms Wooldridge (p. 2129)

1.1 Develop an integrated *Aboriginal Children's Out of Home Care Cultural Outcomes Framework*, from the perspective of an Aboriginal child, young people and community

The development of a comprehensive *Aboriginal Children's Out of Home Care Cultural Outcomes Framework* will be critical to inform all other actions under the *Five Year Plan*. The framework should clearly set out the additional and specific outcomes required for all Aboriginal children in and exiting out of home care. This is consistent with and builds on the *Human Services Aboriginal Strategic Framework 2013-2015,* which states:

The overriding focus of this Framework is to improve outcomes for Aboriginal peoples.[33]

There is already promising progress in moving to stronger outcomes focus for vulnerable Victorian children. The recently released *Child and Families Outcomes Survey 2012*[34] provides useful information on how children receiving services from Victoria's Child Protection, Placement and Family Services are faring. Survey domains include children's and young people's health, stability and development and how they, and their parents and carers, experience services. This provides useful information to inform the development of a specific Aboriginal outcomes framework. A major focus of the Aboriginal outcomes framework should underpin children's connection to culture and community, for these connections are critical to Aboriginal children's safety, identity and wellbeing.

The importance of the Aboriginal community actively participating in the development of child protection policies and services for Aboriginal children cannot be underestimated. This is supported by recent research.[35] The development of the Aboriginal outcomes plan will also be an indicator of the Department of Human Services strong and real commitment to work in partnership with Aboriginal peoples.[36]

1.2 Review and integrate the diversity of plans, processes, tools, guidelines, assessment and reporting mechanisms for each Aboriginal child/young person's age and stages against the OOHC Outcomes Framework:

- Cultural Support Plan
- Re-unification Plan
- Educational Plan
- LAC
- Best Interest Plan
- AFLDM
- Leaving/Continuing Care Plan/15+ Care and Transition Plan

[33] Department of Human Services (March 2013) *Human Services Aboriginal Framework, Strong families, strong communities: positive future. Improving the wellbeing of Aboriginal peoples by building on strength and resilience*, *2013 -2015*

[34] Queensland University of Technology and the Social Research Centre, Department of Human Services, (July 2013) *Child and Families Outcomes Survey 2012 Final Report*

[35] Secretariat of National Aboriginal and Islander Child Care, (September 2013), *Whose Voice Counts, Aboriginal and Torres Strait Islander participation in child-protection decision-making*

[36] Department of Human Services (March 2013) *Human Services Aboriginal Framework, Strong families, strong communities: positive future. Improving the wellbeing of Aboriginal peoples by building on strength and resilience*, 2013 -2015

The wide number and inconsistently applied plans for Aboriginal children in out of home care require review with a view to integrating the existing tools and reporting processes. The 'one plan' approach promoted in the *Services Connect* reforms is the preferred approach and must be applied to the Best Interests planning arrangements for Aboriginal children in out of home care.

1.3 Develop agreed approaches and practices for all out of home care agencies and the Department of Human Services to be clear about which children in their care are Aboriginal at any point in time

The submission recommends work is undertaken on the collection and recording of Aboriginal status for all children entering out of home care, with widespread concern in the sector that current identification processes are not sufficiently robust to ensure that all Aboriginal children in out of home care are accurately identified as such. There is concern that currently available out of home care data may, due to poor identification processes, understate the real number of Aboriginal children in out of home care.

Significant research has occurred in the health area to improve the accurate identification of Aboriginal health patients and this work could usefully inform strategies to better identify Aboriginal children and families involved with child protection and family services. [37]

1.4 Develop one cultural support plan for every Aboriginal child to inform the practice of all Government and non-government agencies and is in line with the child or young person's developmental age and stage.

When more than one area of government and/or community services are involved with an Aboriginal child in out of home care only one agreed cultural plan should be in place. Consistent with the *Services Connect* reforms this will reduce duplication, improve the quality and implementation of the plan and ensure a consistent approach is adopted by service providers.

Evidence of outcomes

A robust performance and reporting framework is required to monitor performance against the agreed outcomes. The reporting framework should be consistent with the approach used in the Victorian Aboriginal Affairs Framework.[38]

The submission recommends that at a minimum the following measures and annual or biennial targets should be included in the Aboriginal outcomes framework and incorporated in the *Five Year Plan*:

The presence of culture as a protective factor

- 100% of Aboriginal children and young people with guardianship orders have a cultural support plan within 12 months of entry into care
- All Aboriginal children and young people in out of home care have a cultural support plan which is reviewed annually

[37] See for example: Australian Institute of Health and Welfare (2010) *National Best Practice Guidelines for collecting Indigenous status in health datasets*

[38] Victorian Aboriginal Affairs Framework 2013-2018 (2013), *Building for the future: a plan for 'Closing the Gap' in Victoria by 2031*

- All Aboriginal children and young people have their own developing “Lifebook”
- All Aboriginal children and young people have a re-unification plan within the first year of placement
- Within the first year of care, every Aboriginal child and young person has a confirmation of Aboriginality and an accurate genealogy
- Self-determination measures that are age and developmentally appropriate
- Every non-Aboriginal carer, within or outside an ACCO, has cultural training

Service reflective of culture

- All Aboriginal children and young people are managed by an Aboriginal service
- 75% of Aboriginal children and young people are placed with Aboriginal carers and families
- Every Aboriginal child and young people has access to therapeutic assessment and support
- Every Aboriginal child and young people has access to their native title rights
- Every Aboriginal child and young person has an access to Aboriginal Family Led Decision-making (AFLDM)

A successful transition back into community

- All Aboriginal children and young people subject to protective orders are transferred back to the local ACCO’s care/authority
- Every Aboriginal young person exiting care has access to ongoing support and accommodation

Improved wellbeing (refer to Victorian Aboriginal Affairs Framework targets)

- Less than 5% of pre-natal notifications relate to pregnant Aboriginal women
- 50% reduction of Aboriginal children and young people in out of home care, comparable to non-Aboriginal
- A suite of health, educational and individual wellbeing indicators are developed
- 50% rising to 75% of Aboriginal young people aged 20–24 who have completed at least Year 12 or equivalent

Cultural needs

The Australian Human Rights Commission describes cultural safety in the following terms:

… cultural safety and security requires the creation of:

- *environments of cultural resilience within Aboriginal and Torres Strait Islander communities*
- *cultural competency by those who engage with Aboriginal and Torres Strait Islander communities.*[39]

According to the Victorian Aboriginal Child Care Agency (VACCA) the concept of cultural safety:

- *[I]s used in the context of promoting mainstream environments which are culturally competent. But there is also a need to ensure that Aboriginal community environments are also culturally safe and promote the strengthening of culture.*[40]

As stated in the Aboriginal Cultural Competence Framework:

Emerging mainstream child and family service approaches emphasise the role of culture within a holistic and ecological framework. The holistic approach means looking at the whole child and not just the presenting problem, looking at the whole extended family and not just the parents, and looking at the whole community and not just the family. In social work theory this is consistent with the ecological perspective which suggests that all people are living beings who interact with their environments. Culture is a key mediator between people and their social environments. (p 17)[41]

The Search Begins

They had taken away my family!
The child within me cried,
The stolen life, the agony
Of many a year gone by.

The cover up; the pretence.
The falsehood: All those lies.
Didn't they know I'd find out the truth one day,
And now I just ask WHY?

All their words and all their kindness
Can never fill the pain.
Can I ever trust the people,
That I believed in, once again?

The stole me from a lifetime,
My heritage. My home.
My family. My identity.
My spirit all alone.

But to let them win, would be a sin.
To give up would be a crime.
I must search on. I must fight on.
To find what is rightfully mine.

To find my heritage; my family.
My home and identity.
To find the person who was lost to me.
Me… the Aborigine!

Pauline McLeod

[39] Australian Human Rights Commission (2011) Social Justice Report,
[40] R Frankland, M Bamblett, P Lewis and R Trotter (2012) *This is Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency, p 12.
[41] Victorian Aboriginal Child Care Agency, (2008) *Aboriginal Cultural Competence Framework*, (see also Garbarino, J*, The human ecology of child maltreatment: a conceptual model for research*, Journal of Marriage and the Family, Vol. 39, 1977, pp. 721-736).

The poem *The Search Begins*[42] describes the deep pain caused by a child's separation from their family, culture and community and the courage and resilience shown by individuals seeking to reclaim their identity.

The annual *Create Report Card*[43] reported that nationally only '*10% of the ATSI children and young people who did the survey were aware of a cultural support plan developed for them'* (p7).The submission reinforces that addressing cultural needs is vital to improving outcomes for Aboriginal children in out of home care and recommends that the following priority is included in the *Five Year Plan*:

Priority 2 Create a comprehensive approach to address the cultural needs of Aboriginal children in Out of Home Care

Actions to support Priority 2 include:

2.1 Fully resource ACCOs to develop and embed cultural domains into each Aboriginal child's Best Interest planning and out of home care practice, commencing with:

- Funding ACCOs to develop and oversee practice in relation to cultural case planning for Aboriginal children in out of home care, including the development of Cultural Support Plans
- Funding ACCOs to develop and provide cultural connection programs and outcomes for vulnerable and disconnected Aboriginal children, young people and families – including activities such as:
  - Return to Country Cultural Support workers
  - Cultural camps, activities and festivals
  - Ensuring every Aboriginal child and young person in out of home care has a cultural support person
  - Improve access to Genealogy records for agencies that place Aboriginal children and young people

The submission considers that the effective implementation of cultural plans is currently inhibited due to the lack of adequate resources, appropriate services, operational deficits and the lack of skills within the child protection workforce to undertake Cultural Support Plans.

[42] Pauline McLeod (1995)*The Search Begins*, in Link Up, Carol Kendal, C., Bruce Clayton-Brown, Read, P., NSW Aboriginal Corporation,

[43] Create Foundation (2013) *A National study: Young person report card*

The families of many Aboriginal children in out of home care are from 'country' outside Victoria and ensuring family and community connections are established and/or maintained is critical to attending to the child's current and future cultural needs. There is an urgent need to fund Return to Country Cultural Support workers to ensure this important work is conducted effectively. Similarly every Aboriginal child in out of home care should have a clearly identified cultural support person and resources made available to ensure that the costs associated with connecting to culture are met.

There is now growing knowledge and information available to understand an Aboriginal child's family history but accessing this information is problematic or not possible. The Koorie Heritage Trust has done significant work on the genealogical records of Aboriginal peoples and discussions should occur across government to overcome barriers in accessing this important information.

2.2 Develop Aboriginal specific reunification standards and guidelines to inform DHS, CSO and ACCO practice

The submission recommends that Aboriginal specific reunification standards and guidelines are developed to inform and improve the practice of practitioners and services undertaking reunification work with Aboriginal children in out of home care and incorporated in the Best Interests plan. Current reunification practice involving Aboriginal children is often contested by involved services and practitioners and a clear set of agreed reunification practice guidelines would greatly assist in strengthening practice and reducing disputation.

Capacity building

Key supporting outcomes in the Council of Australian Governments endorsed *National Framework for Protecting Australia's Children* emphasise the importance of family and community in protecting children, including:

Supporting outcome 1. Children live in safe and supportive families and communities

Supporting outcome 2. Children and families access adequate support to promote safety and intervene early

Supporting outcome 5. Indigenous children are supported and safe in their families and communities[44]

This submission strongly endorses this approach and recommends that the following priority is included in the *Five Year Plan*.

Priority 3 Build the capacity of Aboriginal families and communities to care for their children

Actions to support Priority 3 include:

3.1 Research the key drivers of entry into care, length of stay and exit pathways to develop targeted, tailored response services and evaluation frameworks

Further research and analysis of the characteristics of Aboriginal children in out of home care is required to inform improved services and service design. The wide disparities in the rates of placement involving Aboriginal children across the 17 Department of Human Services areas also merit rigorous examination. For example, what are the local practices and system characteristics driving a placement rate of 114 Aboriginal children per 1000 children in the Inner Gippsland area compared to a placement rate of 51 per 1000 children in the Goulburn area?[45] Likewise, what can explain 200 per cent plus rises over the last decade in admissions of Aboriginal children to out of home care in the Brimbank Melton and Inner Eastern areas, compared to falls of 61 per cent in Outer Gippsland and 54 per cent in Mallee in the same period?[46]

[44] An initiative of the Council of Australian Governments (2009) *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, Commonwealth of Australia
[45] See Department of Human Services (2013) *Stability Planning and Permanent Care Project*, *Data about Aboriginal children in out of home care from initial case reviews*, Powerpoint presentation dated July 2013
[46] See Department of Human Services data (October 2013) Excel spreadsheet, *Aboriginal Children in Out of Home Care Victoria*, *Admissions* worksheet,

3.2 Invest in expanding and evaluating successful, evidence-based approaches that build family capability e.g. Cradle to Kinder

3.3 Develop an integrated early intervention and prevention response to family violence that is Aboriginal-child and young person focused

Reducing the growth in Aboriginal children in out of home care will require significant investment in services tailored to two specific Aboriginal client groups. First, more support is needed for children (and families) still in the care of their families. While there is a broad range of effective support services available at different levels of intensity there is simply not enough to meet the obvious demand. Many Aboriginal families who would benefit from a family support intervention and many need long term support are not getting the support they need due to lack of service availability.

An obvious current gap is the patchwork of services available antenatally and postnatally for new Aboriginal mothers. With approximately 1,000 live Aboriginal births per year in Victoria it should be possible to ensure that every Aboriginal woman confirmed pregnant is offered a comprehensive package of support antenatally and postnatally. This would support earlier identification and intervention in new families requiring support rather than waiting for problems to emerge that require child protection intervention. Where such supports exist there is positive evidence that such services can make a difference.[47]

Second, where an Aboriginal child is in out of home care, much greater investment is required in services that support and enable earlier reunification. Ongoing post-reunification support for these children and their families is also essential to prevent re-entry to out of home care.

Furthermore, Aboriginal children are remaining longer in care due to poor practice by the Department of Human Services; for example, there is a lack of focus on children in kinship care being reunited with their parents, the poor and under usage of Aboriginal Family Led Decision Making and delays in organising tailored care packages. These all contribute to lengthy and unnecessary long stays in out of home care.

The submission also recommends a stronger focus on services for Aboriginal families experiencing family violence. Communities funded through the department's *Strong Culture, Strong Peoples, Strong Families* Community Initiative Funds are a positive initiative but more needs to be done. With much of the 14.7 per cent growth in child protection reports in Victoria in 2012-13 attributed to rises in reports from Victoria Police relating to family violence[48], there is a strong case to increase family violence services that can support Aboriginal families including specific services for the children and young people in the family.

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[47] See, for example, the *Bumps, Babes and Beyond* program delivered by the Mildura Aboriginal Corporation where no Aboriginal new mother supported by the program has had their child reported to child protection.
[48] *The Age*, (18 October 2013) *Children at risk falling between the cracks in protection*, p10.

Care, authority, case contracting and case management

The Aboriginal Child Placement Principle was given legislative force in the CYFA. Sections 10(3)(c) make clear the intent of the principle:

Section 10(3)(c) acknowledges that connections with family and community must be considered in assessing the best interests of Aboriginal children.

Section 10(3): In addition to subsections (1) and (2), in determining what decision to make or action take in the best interests of the child, consideration must be given to the following, where they are relevant to the decision or action—

(c) the need, in relation to an Aboriginal child, to protect and promote his or her Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community; [49]

Department of Human Services data[50] indicates that only eight per cent of Aboriginal children in care requiring a cultural support plan had a completed plan, a clear breach of the statutory requirement under s.176 of the CYFA to prepare a cultural support plan for each Aboriginal child placed in out of home care under a guardianship to Secretary order or long-term guardianship to Secretary order.

Only seven per cent[51] of Aboriginal children are in out of home care placements provided by ACCOs. The remaining 93 per cent are in placements provided by mainstream CSOs or the department.

The legislative intent of section 18 of the CYFA 2005 is to authorise designated Aboriginal agencies to perform the functions and exercise the powers of the Secretary regarding a child on a protection order. The implementation of Section 18 has been painfully slow and decisive action is required now to give effect to the legislation. Accordingly, the *Five Year Plan* should include the following priority:

Priority 4 Place all Aboriginal children in Out of Home Care under the care, authority and case contracting/management of an Aboriginal Community Controlled Organisation

Actions to support Priority 4 include:

[49] CYFA 2005
[50] Department of Human Services (2013) *Information about cultural support plans for child protection clients*
[51] Department of Human Services data (October 2013): Excel spreadsheet, *Aboriginal Children in Out of Home Care*, *Snapshot provider type* worksheet NB: The Department of Human Services consider that this data may, for a variety of reasons, understate the actual number of Aboriginal children in placements provided by ACCOs and therefore this data should be treated with caution.

4.1 Transfer, adapt and fund the shift of responsibilities, resources, decision-making and service provision for Aboriginal children and young people from CSOs and DHS to ACCOs

4.2 Ensure all new entries and transfers of Aboriginal children and young people go directly to an ACCO or an ACCO in partnership with a CSO (referencing the NSW transition arrangements)

4.3 Establish a central and area governance structure with ACCO, mainstream providers, Department of Human Services (DHS) and other relevant partners to oversee a staged transfer of responsibility and resources

4.4 Use an agreed staged approach to fully implement Section 18

Consistent with Recommendation 36 of the *Protecting Victoria's Vulnerable Children Inquiry report*[52] a clear strategy should be articulated in the *Five Year Plan* to give full effect to Priority 4 within the life of the plan.

The O'Farrell Government in New South Wales has put in place a detailed plan to achieve within five to ten years the transfer of responsibility for all out of home care to community service organisations. In regard to Aboriginal children in out of home care, the New South Wales Government has made explicit commitments:

> *Principle 5: Ultimately, all Aboriginal children and young people in OOHC will be cared for by Aboriginal carers, supported by Aboriginal caseworkers employed by local Aboriginal managed agencies.*
>
> *Principle 6: All Aboriginal children and young people in OOHC must be placed in a culturally appropriate setting with a strong preference for placements in Aboriginal community controlled organisations or in non-Aboriginal agencies working in partnership with a local Aboriginal agency, with a view to developing capacity and independence.*[5354]

A similar, clearly articulated commitment in the *Five Year Plan* will also greatly assist in the full implementation of Section 18. This submission recommends the following targets and timelines:

> 30 June 2015 – 15 per cent of Aboriginal children in out of home care placed with ACCOs
> 30 June 2016 – 30 per cent of Aboriginal children in out of home care placed with ACCOs
> 30 June 2017 – 50 per cent of Aboriginal children in out of home care placed with ACCOs
> 30 June 2018 – 75 per cent of Aboriginal children in out of home care placed with ACCOs
> 30 June 2019 – 100 per cent of Aboriginal children in out of home care placed with ACCOs

[52] Department of Premier and Cabinet, Victoria (2012) *Report of the Protecting Victoria's Vulnerable Children Inquiry Volume 2*

[53] NSW Government (2012) *Transition Program Office Policy Paper 1: Transition Cohort Priorities*, http://www.community.nsw.gov.au/docswr/_assets/main/lib100062/tpo_policy_paper_1_transition_cohort_priorities_final_april%202012.pdf; accessed 11 October 2013

[54] See also: , NSW Government (2012) *Transfer and Placement of Aboriginal Children and Young People* http://www.community.nsw.gov.au/docswr/_assets/main/lib100062/tpo_policy_paper_2_transfer_and_placement_of_aboriginal_cyp_final_28%20june%202012.pdf

This is a realistic and achievable timeline that provides a constructive framework to progressively reduce the number of Aboriginal children admitted to and in out of home care.[55]

A central and area-based governance structure with strong accountability and transparency processes should be established with clear targets and timelines in each area to oversee a staged transfer of responsibility and resources.

[55] In those areas where there is an established ACCO providing out of home care it should be possible to achieve the proposed targets earlier.

Service provision and continuum

Every Aboriginal child known to child and family services, irrespective of where they live in Victoria, should have access to a full continuum of early intervention and placement services. But under current arrangements, this is rarely possible due to the fragmented, ad hoc nature of service provision. It is also evident in the data clearly showing significant variability in the rates of Aboriginal children admitted to and in out of home care across the 17 DHS areas.[56]

The *Service Sector Reform* project offers opportunities to address these challenges and this submission broadly endorses the service sector reform directions. A similar intent should also be reflected in the *Five Year Plan* through the inclusion of the following priority.

Priority 5 Extend and enhance the coverage of the Aboriginal child and welfare sector so Aboriginal children can access early intervention, home based, residential and permanent care within the broader suite of out of home care services in the area they live

Actions to support Priority 5 include:

5.1 Prioritise service investment in the Aboriginal child and family welfare sector

5.2 Provide an additional weighting on the base price for Aboriginal out of home care services to reflect the complexity of need and service delivery

From a very low baseline, investment in the Victorian Aboriginal child and family sector has expanded slowly and unevenly over the last decade. There is a strong sense among service providers that investment in Aboriginal specific services is often tokenistic and rarely at a funding level that is realistic or sustainable. There is a lack of consideration regarding the associated costs of keeping a child or young person connected to culture which sits outside the line items covered within the base funding. Due to the significant difference in the ratio of Aboriginal children in care compared to non-Aboriginal children in care, there needs to be a greater sense of urgency about investment in the Aboriginal child and family welfare sector and the submission recommends two key actions are required.

First, there should be an explicit commitment that when new funds are available, investment in Aboriginal child and family welfare services will be prioritised.

[56] Department of Human Services (9 September 2013) *Five year plan for Aboriginal children in out-of-home care,* Powerpoint presentation

Second, the additional costs of service delivery faced by Aboriginal service providers should be recognised in the funding arrangements. Many other areas of government and jurisdictions now recognise these additional costs. The Victorian Department of Health, for example, provides an additional 30 per cent payment on the Weighted Inlier Equivalent Separation (WIES) payment for each Aboriginal and Torres Straits Islander patient receiving a service from a health provider.[57] This is to recognise the additional complexities of Aboriginal patients.

The Commission for Sustainable Child Welfare in Ontario, Canada recently recommended that the Ontario Government adopt a new funding allocation model for Aboriginal services that reflects the additional costs of service delivery by Aboriginal service providers.[58] The Commission also recommends a new population based allocation model for Aboriginal services comprising fixed and variable components. Such an approach would merit further consideration in the Service Sector Reform Project.

5.3 Invest in the ACCO workforce, management, program and quality systems to strengthen ACCOs

Much of the *Five Year Plan*'s success will depend upon the capacity and capability of ACCOs. ACCOs are uniquely placed to deliver quality services to their community. In many ways ACCOs have the capacity to deliver on service outcomes that have not been achieved by mainstream agencies. Whilst there has been a significant growth in the Aboriginal child and family sector, largely the funds and resources to assist vulnerable Aboriginal families sit within mainstream services and governments.

The submission contends that this needs to change as these practices over many decades have failed to stem the growing rates of Aboriginal children in out of home care. No Aboriginal service gets it right all the time yet the failure of mainstream services to engage and achieve positive change in the lives of our community often goes unnoticed.

No set of organisational arrangements without appropriate systems and processes that are adequately funded are able to deliver on outcomes. However, with these in place, ACCOs specific organisational arrangements and community understandings of the Aboriginal communities which they serve will reduce the rates of entry into out of home care for Aboriginal children.

ACCOs governance structures which are embedded in their communities provide them with a detailed understanding of the community, its strengths and its challenges. Unlike may mainstream organisations whose Board members have limited knowledge of their constituents, ACCO Board members clearly do. This is reflected in the pivotal role ACCOs play within the community: ACCOs host community events, ensure Aboriginal children in their care are included in the life of the community and directly hear the voice of service users. These are many of the features highlighted

[57] See section 1.1.6 Department of Health, Victoria (2013) *WIES Co-Payments, Victorian health policy and funding guidelines 2013–14 Part three: Technical guidelines* http://docs.health.vic.gov.au/docs/doc/0B695E8B0682B457CA257BC60019186C/$FILE/Victorian%20Health%20Policy%20and%20Funding%20Guidelines%202013-14%20Part%20three-%20Technical%20guidelines.pdf; accessed 15 October 2013

[58] Commission to Promote Sustainable Child Welfare, Ontario, Canada (August 2012) *Recommendations to the Minister of Children and Youth Services*, http://www.sustainingchildwelfare.ca/assets/FINAL-Recommendations-on-Aboriginal-Funding-August-22-2012.pdf; accessed 15 October 2013

in Professor Shergold's recent report[59] to the Victorian Government that are the key underpinnings to effective service arrangements.

A recent study from Canada by Michael Chandler and Travis Proulx[60] has pointed out that as measures for self-determination and culturally-based services increase in Aboriginal communities, youth suicide dramatically decreases; self-determination plays a pivotal role in the reduction of Aboriginal youth suicide. We can extrapolate this to increasing overall health of Aboriginal communities. The importance of self-management and self-determination is reflected in ACCO Board structures and membership and provides a set of organizing governance principles that is foundational to quality service delivery to Aboriginal communities especially its most vulnerable members.

Traditionally and even today children are at the centre of community life and their wellbeing and safety is taken very seriously by the community. Unfortunately, the impact of past policies and practices as well as poverty continues to have an impact on many Aboriginal families.

The use of narrative approaches rather than clinical approaches is gaining increasing attention as a more effective means of both client engagement and assessment. ACCOs have a long tradition of working in this manner. Furthermore, the importance of personal relationships, sharing the same history, cultural values and community obligations of our clients is central to effective engagement of our most vulnerable community members. To achieve positive change and addressing trauma and racism is seen by ACCOs as integral to intervening successfully in child and families lives. A well resourced Aboriginal child and family sector can both concentrate efforts to address individual issues and broader community areas which can be toxic for vulnerable families. Getting it right for vulnerable Aboriginal children is inherently complex; if it were simple we would not be faced with the current usage rates of out of home care for Aboriginal children.

For the Aboriginal children in care, relevant cultural support plans, confirmation of Aboriginality, maintenance of native title rights are key features of practice and discussion within Aboriginal services as it is part of a central focus of seeing cultural and community connection as central to promote safety and wellbeing. This is not the case in mainstream services where the centrality of culture is not privileged.

The need to strengthen Aboriginal organisations has been recognised in the *Positioning Aboriginal Services for the Future Project* and in recent budgets, for example through the Strengthening *Aboriginal Organisations* initiative and the statewide *Aboriginal Community-Controlled Organisation Workforce Capability Training Strategy.*

Continued and further investment is required, particularly in workforce development.

5.4 Develop culturally-based mental health and suicide prevention services and tools for Aboriginal young people whose social-emotional wellbeing and mental health is seriously at risk

[59] Professor Peter Shergold AC (2013*) Towards a more effective and sustainable community services system – A discussion paper*

[60] Chandler, M. J., & Proulx, T. (2006*) Changing selves in changing worlds: Youth suicide on the fault-lines of colliding cultures*. Archives of Suicide Research. 10, 125-140.

While there is a range of specialist mental health services for young people across Victoria, none have a dedicated and culturally appropriate focus on mental illness and suicide prevention among Aboriginal young people. The *Victorian Aboriginal Suicide Prevention and Response Action Plan 2010-2015*[61] strongly recommended the creation of a youth suicide prevention program for two regions across Victoria that would focus on suicide prevention, early intervention and community support for Aboriginal young people. No action has been taken on this recommendation yet. The ongoing and very high levels of youth suicide and serious mental health issues amongst Aboriginal young people calls for the development of a specialist service response that can better attend to these young people's needs.

5.5 Ensure DHS is providing current data on Aboriginal children and young people, particularly those presenting to Child FIRST and out of home care

Effective service planning relies on accurate, up to date and localised data on vulnerable children and their families. While the quality of statewide data is improving, there is a serious absence of data at the local area level. To ensure the most appropriate and suitable services can be developed, governance bodies established to implement the *Five Year Plan* should have access to the best available data. The submission considers this is crucial to its success and this should be clearly articulated in the *Five Year Plan*.

5.6 Create a specific Aboriginal adolescent response to reduce out of home care demand and length of stay

Victorian Aboriginal children are 16 times more likely to be in care than non-Indigenous children[62] but there are no specific Aboriginal service responses available for this group. Such a service is urgently required to provide better support for Aboriginal young people at risk of entering care and to support the earlier reunification of Aboriginal young people in care.

5.7 Ensure current reviews of permanent care include a focus on the needs of Aboriginal children in care and considers an expansion in post care permanent care services delivered by ACCOs

[61] Department of Health, Victoria (2010) *Victorian Aboriginal Suicide Prevention and Response Action Plan 2010-2015*

[62] Based on Productivity Commission data showing that in 2011-12, one in ten Aboriginal children in Victoria experienced an out of home care placement, compared to one in 164 for non-Indigenous children. Source: Productivity Commission (2012) *Report of Government Services Table 15A.17*

Aboriginal carers

Carers play a vital but undervalued role in Victoria's out of home care system. Aboriginal carers face additional challenges from providing care in a cultural context and from higher levels of disadvantage within the Aboriginal community.

As stated in the *Protecting Victoria's Vulnerable Children Inquiry* Report[63]:

…[G]iven that the number of children per adult is much higher in the Aboriginal community than in the non-Aboriginal community, and given the much higher proportion of Aboriginal children in care, this inevitably means it will be harder to find Aboriginal caregivers for Aboriginal children. (p.310)

Research conducted by the Australian Institute of Families identified the following factors associated with the shortage of Aboriginal and Torres Straits Islander carers:

- *there are more Aboriginal and Torres Strait Islander children in care than there are Indigenous adults able to care for them*
- *current carers are ageing and retiring and are not being replaced by new carers*
- *there is a risk of overload and burnout of current carers; and*
- *alternative placement types such as respite and emergency placements are needed.*[64]

The *Five Year Plan* should include a focus on strengthening the supports and services available to Aboriginal carers that supports a move to more professional, trauma informed models of therapeutic care. This will also require improvements in the supports available to Aboriginal carers. Better supports will increase the size and retention of the carer pool and enhance carer practice and the safety and wellbeing of Aboriginal children in their care. The submission recommends the following priority is included in the *Five Year Plan*.

Priority 6 Grow and better support Aboriginal Carers

Actions to support Priority 6 include:

6.1 Adequately and equitably fund caregiver payments for kinship carers based on the child and young person's need (complex, intensive, general)

[63] Department of Premier and Cabinet, Victoria (2012) *Report of the Protecting Victoria's Vulnerable Children Inquiry Volume 2*

[64] Bromfield, L.M, Higgins, J.R, Higgins, D.J, & Richardson, N, (2007) *Why is there a shortage of Aboriginal and Torres Strait Islander Carers? Perspectives of professionals from Aboriginal and Torres Strait Islander organisations, non-government agencies and government departments,* Australian Institute of Family Studies

Currently, the caregiver payment system does not recognise the varying needs of Aboriginal children in kinship care placements. This should be addressed by making available to kinship carers the graduated caregiver payments available to foster carers. This will improve the recruitment and retention of Aboriginal kinship carers and reduce pressure on the already over-stretched foster care system

6.2 Fund a State-wide Aboriginal carer network (including permanent carers)

6.3 Grow the pool of Aboriginal carers, including specialist carers, by:
- Identify all carers looking after Aboriginal children (ACCOs, DHS, Community Service Organisations and allied health professionals) and identify the development and support they require to effectively carry out their role
- Developing a culturally appropriate recruitment and retention strategy

6.4 Resource ACCOs and other stakeholders to provide assessment and training for carers of Aboriginal children and young people

6.5 Promoting to the community the value and positive benefits of becoming a carer through a targeted and sustainable marketing approach in the Aboriginal community[65]

The submission recommends a range of practical measures, outlined above, to grow and better support Aboriginal carers.

[65] See: 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

Compliance and Accountability

Section 176 of the CYFA 2005 states:

(1) The Secretary must prepare a cultural plan for each Aboriginal child placed in out of home care under a guardianship to Secretary order or long-term guardianship to Secretary order.

(2) A cultural plan must set out how the Aboriginal child placed in out of home care is to remain connected to his or her Aboriginal community and to his or her Aboriginal culture.

There is clear and persistent evidence of non-compliance with the statutory obligations under Section 176 with departmental data showing poor compliance with Section 176 requirements regarding Cultural Support Plans[66].

Similarly, Victoria performs poorly on compliance with the Aboriginal Child Placement Principle with less than 50 per cent of Aboriginal children in care placed with relatives/kin in 2012.[67] The submission considers this is a serious failure. It must be urgently addressed now and included as a priority in the *Five Year Plan*.

Priority 7 Ensure compliance to meet the intent of legislative requirements in the *Children, Youth and Families Act 2005* as it relates to Aboriginal Children

Actions to support Priority 7 include:

7.1 Establish and audit a KPI Monitoring and Performance Framework in line with legislative requirements to ensure DHS and sector compliance

Accurate and transparent reporting of compliance with the legislative provisions in the CYFA 2005 is a critical first step in improving compliance. This should be accompanied by the regular provision of this data to ACCOs, enabling timely response to emerging issues and challenges in service provision and compliance with standards and statutory requirements. Performance data should be provided on an area and statewide basis and clear targets and timelines set for the achievement of 100 per cent compliance with relevant standards.

7.2 Introduce across the system competency based cultural competence training, supported by ongoing professional development activities for all registered child and family services and Department of Human Services staff

[66] Department of Human Services(2013) *Information about cultural support plans for child protection clients*
[67] Productivity Commission (2012) *Report of Government Services Table15A.22*

Induction arrangements and ongoing professional development for DHS and CSO staff should include a much stronger focus on compliance with statutory obligations as they relate to Aboriginal children.

7.3 Develop and publish performance against a Cultural Compliance Regulatory Framework and Cultural Risk Management system

7.4 Enhance the safety of all children and young people by expanding the quality of care process and incident reporting mechanisms to include cultural abuse and neglect.

Cultural abuse is poorly monitored and responded to in Victorian out of home care services. Children in out of home care are subjected to cultural abuse and neglect are at serious risk of disconnection from their cultural needs. The submission recommends that cultural abuse is included as distinct category of abuse in quality of care processes and incident reporting arrangements. This would provide better data on the prevalence of cultural abuse and assist in developing relevant service responses.

Appendix 1 Workshop Participants

Organisation	Attendee
Anglicare Victoria	Dani Ascenzo
Ballarat & District Aboriginal Cooperative Ltd	Dianne Clark
Bendigo & District Aboriginal Cooperative Ltd	Georgina Riseley
Bendigo & District Aboriginal Cooperative Ltd	Eileen Ballangarry
Bendigo & District Aboriginal Cooperative Ltd	Raylene Harradine
Berry Street	Julian Pocock
Centre for Excellence in Child and Welfare Inc.	Deb Tsorbaris
Centre for Excellence in Child and Welfare Inc.	Marilyn Webster
Dandenong & District Aborigines Cooperative Limited	Nicole Bloomfield
Dandenong & District Aborigines Cooperative Limited	Andrew Gardiner
Department of Human Services	David Clements
Department of Human Services	Debra Axleby
Department of Human Services	Stephen Phelan
Department of Human Services	Bronwyn Morphett
Department of Human Services	Tina Covillo
Department of Human Services	Mary Mckinnon
Gippsland & East Gippsland Aboriginal Cooperative Ltd	Alyson Ferguson
Gunditjmara Aboriginal Cooperative Ltd	Marcus Clarke
MacKillop Family Services	Cheri Minniecon
MacKillop Family Services	Nick Halfpenny
Mallee District Aboriginal Services	Nahtanha Davey
Mallee District Aboriginal Services	Rudolph Kirby
Mallee District Aboriginal Services	Donna Hunt
Mungabareena Aboriginal Corporation	Matt Burke
Murray Valley Aboriginal Cooperative Limited	Greg Sloan
Murray Valley Aboriginal Cooperative Limited	Mark Matthews
Quantum	Tanya Nolan
Ramahyuck District Aboriginal Corporation	Morgan Soloman
Rumbalara Aboriginal Cooperative Limited	Julieanne James
Salvation Army Westcare	Paul Rigg
St Luke's Anglicare	Steve Phillis
St Luke's Anglicare	Grant Gibson
Victorian Aboriginal Child Care Agency Cooperative Limited	Connie Salamone
Victorian Aboriginal Child Care Agency Cooperative Limited	Muriel Bamblett
Wathaurong Aboriginal Cooperative Limited	Craig Edwards
Wathaurong Aboriginal Cooperative Limited	Tony Meagher
Wathaurong Aboriginal Cooperative Limited	Tracey Currie
Wesley Mission Victoria	Sally Walker
Wimmera Uniting Care	Dianne O'Connor
Winda-Mara Aboriginal Corporation	Michael Bell
Winda-Mara Aboriginal Corporation	Vin Gannon
Commission for Children and Young People (CCYP)	Andrew Jackomos
CCYP	Ray Carroll
CCYP	Yildiz Araz
CCYP	Brooke Johnson
CCYP	Bernie Geary
Facilitator	Sue Kelsall
Contractor	Mick Naughton

Appendix 2 Aboriginal Community Controlled Organisations and Community Service Organisations invited to workshops

Anglicare Victoria
Ballarat & District Aboriginal Cooperative Ltd
Bendigo & District Aboriginal Cooperative Ltd
Berry Street
Cara Inc
Commission for Children and Young People
Centre for Excellence in Child and Welfare Inc.
Dandenong & District Aborigines Cooperative Ltd
Gippsland & East Gippsland Aboriginal Cooperative Ltd
Goolum Goolum Aboriginal Cooperative Ltd
Gunditjmara Aboriginal Cooperative Ltd
MacKillop Family Services
Mallee Accommodation & Support Program
Mallee District Aboriginal Services
Mungabareena Aboriginal Corporation
Murray Valley Aboriginal Cooperative Ltd
Njernda Aboriginal Corporation
Quantum Support Services
Ramahyuck District Aboriginal Corporation
Rumbalara Aboriginal Cooperative Ltd
Salvation Army Westcare
St Lukes – Loddon Mallee
Uniting Care - Gippsland
Victorian Aboriginal Child Care Agency Cooperative Ltd (VACCA)
Wathaurong Aboriginal Cooperative Ltd
Wesley Mission Victoria
Wimmera Uniting Care
Winda-Mara Aboriginal Corporation