
OUR BOORIS *our way*

INTERIM REPORT

AUGUST 2018

The Our Booris, Our Way Review is seeking to understand the experience of Aboriginal and Torres Strait Islander children and families in the child protection system.

We will be doing this in a holistic way, considering their wellbeing and cultural safety. We believe that our children are best nurtured within our community and we have been talking to, and listening to, our families' stories.

The Our Booris, Our Way Steering Committee acknowledges that Canberra has been built on the lands of the Ngunnawal people. We pay our respects to the Ngunnawal people and acknowledge and celebrate their ongoing culture and contribution to the ACT and region. We would also like to acknowledge the traditional owners of the Wreck Bay Aboriginal Community.

BACKGROUND

We must change the future of Aboriginal and Torres Strait Islander families engaging with the child protection system in the ACT.

In June 2017, Minister Stephen-Smith announced a review into the high numbers of our Aboriginal and Torres Strait Islander children in contact with the child protection system. The Review will consider issues and barriers across the whole child protection system and will make recommendations on how to address these. The Review is of Aboriginal and Torres Strait Islander children and young people in the ACT child protection system, which includes Wreck Bay, as at 31 December 2017.

A co-design process was commenced in October 2017 and established the scope of the review and the intention to establish a wholly Aboriginal and Torres Strait Islander Steering Committee. We are able to make recommendations for improvement at any time through the Review period, and we have already made some as outlined within this report. The process of co-design included the opportunity to make immediate recommendations, this signalled a change in the way the ACT government has engaged with our community.

The Review will be conducted in accordance with the principles of self determination. The Steering Committee is wholly Aboriginal and/or Torres Strait Islander people with professional experience relevant to the Review and personal, or community, experience of the impact of the child protection system on families. The review team is five full time reviewers with an Aboriginal Clinical Lead. The review team will perform the case reviews and report findings and analysis to the Steering Committee for consideration. The Steering Committee first met in February 2018 and meets every month to review progress and discuss potential recommendations.

Following the delivery of this interim report, we will be making further recommendations to change the child protection system to ensure that it will deliver better outcomes for Aboriginal and Torres Strait Islander children today and into the future. A final report to the ACT government will be submitted in twelve months and will focus on major systemic improvement.

HOW THE REVIEW WILL WORK?

The review will:

1. bring together insights from consultations with the local community
2. conduct an examination of similar reports from around Australia
3. complete a detailed analysis of the cases of all 350 Aboriginal and Torres Strait Islander children and young people who were engaged with the child protection system on 31 December 2017.

The Review will not identify any child during the review process, all reports shared with the Steering Committee will be anonymous.

The review team, led by an Aboriginal Senior Clinical Leader, will conduct thorough case reviews and analyse the circumstances for the children and young people to understand their experience. The review team will evaluate whether the Aboriginal and Torres Strait Islander Child Placement Principle which includes prevention, partnership, placement, participation and connection have been followed and upheld.

The Review will draw on consultations and yarning with the community as well as a detailed analysis of child protection policy, practice and data. Children, families, carers and organisations will be invited to present submissions or talk directly with the Steering Committee.

HOW WILL WE KNOW ANYTHING HAS CHANGED?

For the duration of the review the Steering Committee will take an oversight role of the implementation of recommendations with regular updates received from child protection, and we will keep the community informed. The Steering Committee will make recommendations for the future monitoring of implementation.



The Review will consider three groups of Aboriginal and Torres Strait Islander children and young people in contact with the care and protection system. Children and young people:

- Residing at home
- On interim and short-term orders
- Orders to 18 years old.

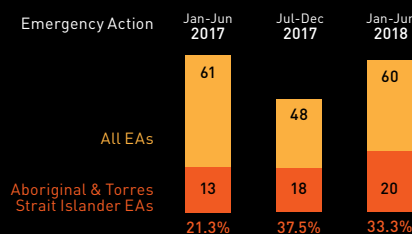


OUR BOORIS TODAY

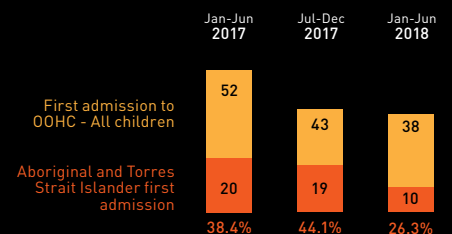
ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND YOUNG PEOPLE IN THE ACT ARE...

EA Emergency Action OOHHC Out-of-Home Care

EMERGENCY ACTION is when police or child protection remove a child believed to be at imminent risk.



EMERGENCY ACTION JAN 2017-2018



FIRST ADMISSION TO OUT-OF-HOME CARE

CURRENT RECOMMENDATIONS

The Steering Committee has made four early recommendations to accelerate improvements to the child protection system so that the community may see change during the Review.

1 | Case allocation

That allocation of cases involving Aboriginal and Torres Strait Islander children are prioritised with a dedicated and experienced team of child protection workers with demonstrated cultural competency and willingness to work with the community.

The current pattern of allocation across geographical region and age groups means that experienced child protection workers with experience working with Aboriginal families are not necessarily allocated these cases. The situation demands highly skilled and sensitive approaches to preservation, protection and restoration.

3 | Revision of Policy and Practice

That Child and Youth Protection Services (CYPS) immediately commence revision of policy and practices to ensure that the Aboriginal and Torres Strait Islanders Child Placement Principle are explicitly designed into policy and practice. Children must be valued in a process that holds cultural rights as central to their identity and safety.

We believe that this will hold children as central and valued within the child protection process and demonstrate closer alignment to our cultural rights as described in the ACT Human Rights Act 2004 [Section 27 (2)].

We note that Minister Stephen-Smith has already signed up to the Family Matters commitment which includes the application and implementation of Aboriginal and Torres Strait Islander Child Placement Principle (September 2017).

2 | SNAICC training on Child Placement Principle

That the ACT Community Services Directorate immediately engage Secretariat of National Aboriginal and Islander Child Care (SNAICC) to train child protection workers on the five Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).

The ATSICPP is strongly supported by the Aboriginal and Torres Strait Islander community in the ACT and we believe that engagement with SNAICC would deliver an uplift in understanding of context, history and the reasons for the Placement Principle. It would also demonstrate a willingness to work with Aboriginal led advocacy organisations.

4 | Family Group Conferencing

That the Directorate provide access and availability of family group conferencing as an essential step for all Aboriginal and Torres Strait Islander families engaging or entering the child protection system.

We note the initial results from the ACT pilot are promising. We also understand that Family Group Conferencing explicitly acknowledges the importance and breadth of Aboriginal and Torres Strait Islander family and community.

12.5x

more likely for Aboriginal and Torres Strait Islander children to be in **out-of-home care** than other children and young people.

Family Matters Report 2017

3%

Aboriginal and Torres Strait Islander children make up less than **3%** of children in the ACT.

28.3%

Aboriginal and Torres Strait Islander children make up **28.3%** of children in **out-of-home care**.

As at 30 June 2017, ROGS 2018

227

There were 227 Aboriginal and Torres Strait Islander children in **out-of-home care** in the ACT of a total 803 children and young people.

As at 30 June 2017, ROGS 2018



PRIORITY AREAS OF FOCUS

In addition to recommendations already delivered to the ACT government, the Steering Committee is focused on further investigating solutions to the following issues. These focus areas will continue to expand and develop during the review as a result of further inquiry and analysis.

Need for oversight

An Aboriginal and Torres Strait Islander Children's Commissioner could, on an ongoing basis, provide comprehensive review and advice to the child protection system on issues of culture and equity.

Absence of an Aboriginal Child Care Association

Advocacy for the rights of Aboriginal and Torres Strait Islander children, young people and families, and providing services premised on human rights, self-determination, cultural respect and safety has been filled, on an unfunded basis, by local Aboriginal Community Controlled Organisations.

Lack of culturally appropriate advocate service

There is a lack of transparency, equality and understanding of the system which leaves children and families without a voice. Aboriginal and Torres Strait Islander children and families need better support to navigate the system.

Independent Aboriginal and Torres Strait Islander voice

Lack of independent Aboriginal and Torres Strait Islander voice, as outlined in the A Step Up for Our Kids Strategy, to advise child protection.

Lack of early intervention and support programs available

Early intervention programs are difficult to access and fragmented with a lack of choice and control in being able to select trusted specialist and culturally appropriate services.

Lack of senior Aboriginal and Torres Strait Islander staff and case workers

There are few Aboriginal or Torres Strait Islander staff within the ACT child protection workforce who are able to influence organisational culture.

Lack of adequate and accessible legal support services

It is difficult to access legal advice specific to child protection matters and little opportunity for appeal of decisions. Restorative justice practices should be considered.

Limited distribution of funding

A Step Up for Our Kids funded a specific group of services leaving other services unfunded. Aboriginal Community Controlled Organisations, and other trusted community organisations, are filling that gap.

Improve quality of cultural care plans

Cultural care plans including genealogy, and appropriate fostering of cultural connection and safety, need to be properly developed for all children and monitored for quality and implementation.

Lack of full child placement principle in legislation

The child placement principle is not explicitly enshrined in legislation and would require amendments to the legislation.

Clarify the role of the Cultural Services Team

Need to facilitate greater engagement and support of the cultural services team within child protection and understanding of the roles and responsibilities of the Cultural Services Team, both internally and externally.

Appropriate support for Aboriginal and Torres Strait Islander kinship carers

It is often difficult for Aboriginal and Torres Strait Islander kin to become kinship carers or access required supports.

Lack of pathways to restoration and support for families

Children, carers and parents all need support to find opportunities and be supported through meeting the requirements for restoration.

Ongoing monitoring of the implementation of Review recommendations

Need to establish oversight body, which is majority Aboriginal and Torres Strait Islander, to represent the community and monitor the implementation of recommendations from the review.

86%

Aboriginal and Torres Strait Islander children and young people in **out-of-home care** have a **cultural care plan** in place. Quality and lack of monitoring is concerning.

ACT Community Services Directorate as at 01 March 2018.

13

Family Group Conferences have been run with the majority of children staying with their families.

0

Data is not available of Aboriginal and Torres Strait Islander children **residing in kinship care** with their Aboriginal and Torres Strait Islander family.

???

Data for this Review is difficult to access and difficult to compare. The lack of reliable data in such a critical area as child protection needs to be addressed.

OUR BOORIS, OUR WAY

steering committee

We would like to present the interim report for the Our Booris, Our Way Review.

We have lost count of the number of reports and recommendations that have been made on child protection, the justice system, and related issues. From the *Bringing Them Home* report in 1997 to the latest Royal Commission in the Northern Territory, there is national awareness of the importance of protecting our children and the impact of intergenerational trauma.

And yet, in spite of the reviews and reports, the lack of progress that has been made to stop the removal of children from our families in the ACT is deeply distressing. The committee has witnessed, and some have experienced firsthand, the frustration of dealing with the statutory system and understand the difficulties in navigating an unfamiliar system.

The suffering and trauma of parents, children and family is very clear. The continuation of policies that do not recognise our community's right to self-determination and culture need to be changed - and recognised in every part of the government environment including legislation, policy and operational practice.

We must stop the processes that continue to discriminate against our families and change policies and practices to ensure families are supported to keep their children at home.

We want our kids to be safe and nurtured. We want the self-determination to find and manage our own solutions and support services.

We know that there are challenges that our families sometimes face and that there are times when we need a bit more help to find safe accommodation, appropriate rehabilitation programs or mental health services. We don't want our families to be punished for their circumstances. We want to be guided to find the right supports and services in order to be safe and confident parents.

This Review is unique in that we are already identifying and advocating for immediate change. We are not waiting until the final report to communicate clearly that this situation must change for the future of our community. We expect to see change in the child protection system for the immediate benefit of Aboriginal and Torres Strait Islander children across the ACT.

We are hopeful that the path the ACT government has taken in this Review, in appointing a wholly Aboriginal Steering Committee to guide the Review, indicates a willingness to accept and implement changes necessary to better support our families to remain together, strong and proud.

Our community needs confidence that past mistakes will not be repeated.



OUR BOORIS *our way*

We acknowledge the many Aboriginal and Torres Strait Islander peoples from across Australia who have made Canberra their home and we celebrate their cultures and their contribution to the ACT and region.

We would like to acknowledge and thank all the people who have generously shared their stories so far - children, parents, grand parents, aunts, uncles, families, carers, Aboriginal Community Controlled Organisations, community sector, and other stakeholders.

We would also like to acknowledge the enormous amount of effort and service that is contributed by the Aboriginal Community Controlled Organisations and the community sector to support our children, families and community. We know that this is done selflessly, often without funding, recognition and respect. That they continue to do so is testament to their commitment to the cohesion, resilience and future of our community.

STEERING COMMITTEE MEMBERS



Steering Committee members at the August meeting (L-R): Leo Nickels, Sharon Williams, Caroline Hughes, Jo Chivers, Barb Causon, Robyn Martin, Nat Brown, Peter Williams and Alana Harris.

The Steering Committee members hold a diverse set of capabilities and lived experience in child protection and related areas like children and women's services, youth justice, legal support, human rights, policy development and implementation and service delivery.

OUR FAMILIES SAY ...

Our families have been sharing their experiences with the Steering Committee. We have heard, and we will continue to listen to our community, to ensure our recommendations address issues of concern.

I love my kids, I just needed some help during a tough period.

Too complicated to become a carer and not enough assistance offered.

Some case workers make judgements without any knowledge of Aboriginal culture or what my family has been through.

Once children are removed the parents are left behind with no support.

A good case worker, who listens and communicates clearly, makes all the difference.

Some of the programs I was referred to are not appropriate.

As a Kinship Carer, it is very hard to get information on what support is available and sometimes people don't even return my calls.

Real power imbalance, especially in case conferences where even my support person was not allowed to speak.

I was judged on my past which was many years ago.

Case workers don't listen, and they don't make it clear what I have to do to keep my kids or get them back.

HOW TO CONTRIBUTE TO THE REVIEW

We would like to invite families to share their experience of ACT Child and Youth Protection services. We are always looking for opportunities to engage with our community.

For further review information, go to the *Strong Families* portal for previous communiques and an electronic copy of this report.

To request a confidential meeting, contact the Chairperson of the Steering Committee, Barb Causon | 0466 794 197

Please be aware that Steering Committee Members are part-time and it may take a few days to respond.

PUBLIC SUBMISSIONS

The Review will be calling for public submissions shortly. Guidance for submissions will be published on the *Strong Families* website below.

Email | ACTreview@act.gov.au

www.strongfamilies.act.gov.au/our-booris,-our-way