

**2023**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**Our Booris Our Way Review - Six-monthly Update - July - December 2022**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Families and Community Services  
May 2023**



# Our Booris Our Way Review

Six-monthly Update

July – December 2022



# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

## ACKNOWLEDGEMENT

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the Canberra region and recognises any other people or families with connection to the lands of the ACT and region. The ACT Government respects the continuing culture, and the contribution that Aboriginal and Torres Strait Islander people make to the life of this city and surrounding region.

The ACT government would also like to acknowledge, the value of traditional parenting practices and communal culture in child rearing. In particular, grandparents, aunts and uncles, hold a significant and respected position in families and play an important role in the development of a child or young person's sense of identity, belonging and culture.

We believe that the experience of Aboriginal and Torres Strait Islander culture is a strength and protective factor in our work with families. We also understand that for thousands of years, Aboriginal and Torres Strait Islander parents, families and communities have provided safe, strong and loving care for their children, based on cultural wisdom, shared knowledge and traditions which uphold the belief that children have a sacred value to their community.

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# Our Booris, Our Way Review

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## Minister Foreword

*Minister Rachel Stephen-Smith*

Minister for Aboriginal and Torres Strait Islander Affairs

Minister for Families and Community Services

I want to firstly convey my thanks to the self-determined Our Booris, Our Way Implementation Oversight Committee for their ongoing commitment and generosity in sharing their expertise and experience as they hold us to account in implementing the recommendations. They have been robust and unwavering advocates for early responses and enduring better practices in our ACT care and protection system.

I acknowledge some recommendations are taking longer than others to progress. I also acknowledge the frustration conveyed by the Committee and I reiterate the commitment of the ACT Government to work hard to implement the recommendations from the review. We know this work is critically important to the ACT Aboriginal and Torres Strait Islander community as well as the broader Canberra community.

The Our Booris, Our Way recommendations are key commitments for the ACT under the Aboriginal and Torres Strait Islander Agreement 2019- 2028, National Agreement on Closing the Gap and Safe and Supported: the National Framework for Protecting Australia's Children 2021-31 (Safe and Supported).

The Safe and Supported represents a commitment to systemic change from all Australian governments, including the ACT Government, to build stronger futures for Aboriginal and Torres Strait Islander people through empowering their children, young people, families and communities. The ACT Government's work on implementing the Our Booris, Our Way recommendations makes a critical contribution to this framework and its action plans.

The ACT Government recognises Aboriginal and Torres Strait Islander children continue to be over-represented in the child protection system and acknowledges this is unacceptable and must change. We are working hard alongside the Our Booris, Our Way Implementation Oversight Committee to implement recommendations from the Review Report and reduce the number of children coming into care, improve their experience while in care and work towards restoring them, wherever possible, to their families.

The Government is deeply committed to delivering on the recommendations from the Our Booris, Our Way review. These recommendations have been further reinforced through the Next Steps for our Kids 2022-2030: ACT Strategy to Strengthen Families and Keep Children and

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Young People Safe (Next Steps). This strategy contains six domains and the first domain is Our Booris, Our Way and its systemic response to address the overrepresentation of Aboriginal and Torres Strait Islander children, young people and families. The Next Steps for Our Kids Snapshot report shares key data over the same 6 month period as this report (July- December 2022). It helps all of us understand how we are tracking, where we are trending in the right direction and where we need to focus our efforts to improve the system and the young lives connected to it. There are three areas of progress over the last 6 months I would like to particularly acknowledge.

Firstly, the passage of the Aboriginal and Torres Strait Islander Commissioner Bill on 29 November 2022 addresses a key recommendation and is a milestone in our reform effort. The establishment of this new role will provide cultural support and advocacy to Aboriginal and Torres Strait Islander children, young people and their families while holding the Government accountable. The Government will undertake a national recruitment process for the role in partnership with the Aboriginal and Torres Strait Islander community and the new Commissioner will be appointed in 2023.

I would also like to highlight the establishment of the Aboriginal Services Development Unit. Led by an Aboriginal Executive, the branch will support and partner with the Aboriginal Community Controlled Organisation (ACCO) sector, engaging ACCO's to sustainably lead self-determined solutions for Aboriginal and Torres Strait Islander people across the ACT, and build relationships within Government ensure ACT Government Directorates implicitly recognises the expertise and right to self-determination of Aboriginal and Torres Strait Islander people through ACCOs. The branch will support the development and enhancement of current, emerging and new ACCO's across the ACT region and will provide high level strategic policy development, facilitate service design.

A final area of progress I am keen to share is the work CSD is doing to establish a Care and Protection First Nations Team. The aim of this team is to bring experienced workers together with families and communities to ensure children and young people are safe and well. The Team will be empowered to develop a new way of working that includes setting their caseloads and service arrangements with other providers.

As I provide you with this fifth update of our effort from July- December 2022, I reiterate that we remain committed to being guided by the Our Booris, Our Way Implementation Oversight Committee, and other Aboriginal and Torres Strait Islander community representatives to undertake the major systemic reform that is needed to reduce the numbers of Aboriginal and Torres Strait Islander children in the child protection system, improve their experiences within out of home care and improve pathways to restoration to families.

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## Chairperson Foreword

*Natalie Brown*

Chair, Our Booris, Our Way Implementation Oversight Committee

Four out of Seven current members of the Our Boori's, Our Way Committee began this journey more than five years ago as part of the Review into the cases of 307 Aboriginal children in the ACT Child Protection System.

The recommendations that we are still striving to implement are our own words.

We remember the children and families then as we do now. We know them, we see them, we hear them, we are them.

The review was robust and comprehensive. The recommendations were both based on clear and substantial evidence as well as Aboriginal-led decision making.

Combining these two factors placed the Report and Recommendations at the peak of current approaches to improving much needed outcomes for our children and families. The release of The Report at the Legislative Assembly on 17 December 2019 released tears and feelings of pain but also of hope.

Yet we faced ferocious indifference when it came to a commitment to action to implement the recommendations. We did see this coming, as throughout the review many attempts were made to diminish our voices and decisions. This is why one of our recommendations was to have an Implementation Oversight role.

There was a failure to recognise systemic racism and therefore its impacts. When children and young people, as well as families pointed to it, their voices were diminished. That positioning rendered the Directorate unable, as well as, for a few, unwilling to change their approaches. Our differences as people and parents and family members were still viewed through a cultural lens fundamentally based on deficit models. Models that have no place in this or any other space.

Thankfully there has been change. We are starting to feel heard. The Our Boori's, Our Way Committee are finally able to see the start of real progress and want to send a clear message that we must maintain momentum and accelerate active efforts on other recommendations. Recommendations such as growing Aboriginal-led decision making and addressing the inequity in access to legal representation.



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The most critical needs still remain the increased provision of meaningful and early supports and services for families so that children do not have to enter the out of home care system to receive the assistance they need. There is significant research evidencing the ineffectiveness of mainstream approaches in addressing Indigenous trauma, attachment, and parenting needs. To have real and meaningful impact, supports and services need to be accessible and Aboriginal-led and they must address key social determinants including housing, health, education and justice. All Directorates are therefore responsible for collaborating to drive these changes. Yet we are not yet seeing this.

Aboriginal and Torres Strait Islander workforce and leadership shortages need to be urgently addressed by ACT Government as well as addressed and embedded into any contractual arrangements with providers, existing and future.

Likewise, evaluation processes must be embedded to capture data, and must provide causal explanations and evidence on outcomes including prevention efforts, so that we know what does work and can do more of it.

I look forward to working together for a better future for children and young people, their families, and communities.

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## Executive Summary

Aboriginal and Torres Strait Islander children and young people continue to be overrepresented in the ACTs Child and Youth protection system, and the recommendations of the Our Booris Our Way hold the solutions to addressing the system failures that drive this outcome.

In this fifth progress report, the ACT Government's efforts from July to December 2022, along with our next steps, are shared. Key highlights in this six monthly period include the establishment of an Aboriginal Services Development Unit that will support the development and enhancement of current, emerging and new Aboriginal Community Controlled Organisations across the ACT region.

The setting up of an identified Secretariat Team to support the Our Booris, Our Way Implementation and Oversight Committee. Complementing this team is the Implementation team that is working with the Directorates to deliver on the intent of the recommendations.

The Aboriginal and Torres Strait Islander Commissioner Bill was passed on 29 November 2022. This role will bring cultural support and advocacy to our Aboriginal and Torres Strait Islander children, young people and their families while holding the Government accountable. The Government will undertake a national recruitment process for the role in partnership with the Aboriginal and Torres Strait Islander community and the new Commissioner will be appointed in 2023. In the meantime, Barbara Causon, former Chair of the Our Booris, Our Way Implementation Oversight Committee, has been appointed as the Aboriginal and Torres Strait Islander Children's Advocate to support children and families.

The Aboriginal Legal Service continues to work hard to stand up the care and protection legal and advocacy service. They have been recruiting staff, working with stakeholders on referral pathways and developing materials to share with the community about what the service is and how to access it.

The Children and Youth Protection Service is also working hard to establish a First Nations Family Support Team. This team will develop new ways of working so they can come together with families and communities to ensure children and young people are safe and well.

CSD has also been working closely with the Chair on the recruitment of identified staff to various key roles.

CSD provides data to the Committee through a quarterly Data Report. CSD continue to work with the Committee on the current data and its presentation and to consider what additional data could be included in the report.

The new 2022-2024 Commissioning Roadmap was launched in December 2022 and outlines the strategic approach for commissioning that supports self-determination through fostering the growth of Aboriginal Community Controlled Organisations (ACCO) within the Canberra community and cultivating culturally responsive services across Canberra to improve equitable access and choice for Aboriginal and Torres Strait Islander peoples.

Significant effort continues to be expended training staff on the Aboriginal and Torres Strait Islander Child Placement Principle with 80% of staff trained.

Family Group Conferencing awareness and participation continues to increase.

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Australian Catholic University (ACU) and Curijo have established a research project on understanding the experiences of kinship carers and ways in which they can be supported to provide care and improve outcomes for themselves and the children or young people in their care. A focus of the project will be on identifying the needs of kinship carers, particularly in the first twelve months.

The Committee has been very strong on the need for more active efforts on restoration to parents and kin. In responding to their feedback, and following the review conducted by the Children and Youth Protection Services (CYPS) Restoration Panel, a Restoration Taskforce has been established. The Taskforce works with families, CYPS staff and ACT Together to carefully consider individual circumstances relating to restoration.

A new initiative called 'Spotlight on Practice' has been developed that engages CYPS staff in ongoing learning and reflection about good practice with Aboriginal and Torres Strait Islander children, young people and families.

CSD has been examining how to improve family connection practices within CYPS and with ACT Together. A Monitoring and Review Framework has been used to uplift practice in a range of areas with ACT Together including family connections and contact arrangements. The framework has been in place for over 12 months and has monitored and reviewed 125 children with a focus on ensuring family connection is frequent, facilitates high quality relationship building and is in natural settings to facilitate the growth and maintenance of family relationships. Overall, findings show a demonstrated improvement in maintaining connection with the child's and young person's own culture and community.

# Our Booris, Our Way Review

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## Introduction

This fifth progress report covers the period July to December 2022. It shares the active efforts of the ACT Government to implement the recommendations from the Our Booris Our Way review.

In 2017, the Government commissioned a review into the over-representation of Aboriginal and Torres Strait Islander children in the child protection system in the ACT.

This was to be a systemic review into the child protection system and to provide a better understanding of how we – government and the community – can reduce the number of Aboriginal and Torres Strait Islander children in care and ensure children remain connected to community and culture, supporting parents and families to safely care for their children.

Most importantly, Our Booris, Our Way Steering Committee was a wholly Aboriginal and Torres Strait Islander co-designed and led review, and a national leading example of practical self-determination.

The [Our Booris, Our Way Review](#) made 28 recommendations and eight (8) sub-recommendations (totaling 36 recommendations) to government, iteratively over a two-year period with the final report presented to government in December 2019.

The [Government](#) has made a firm commitment to fully implement the agreed recommendations of the Our Booris, Our Way Review in collaboration with the Aboriginal and Torres Strait Islander community. We have backed up this commitment with funding in the 2021-22 Budget bringing the overall investment to \$18.6 million from 2018-19 to 2023-24.

In June 2020, the Our Booris, Our Way Implementation Oversight Committee was established to monitor implementation and provide a cultural lens to guide the systemic reform necessary to meet the expectations set out in the review. The Oversight Committee meets monthly to consider various elements of the work, with detailed quarterly updates provided by relevant Directorates.

During this 6 month period the Implementation Oversight Committee have met with CSD, JACS and CMTEED at 6 monthly meetings where each recommendation and its progress has been reported on and discussed at least twice.

Each recommendation, along with the government position and response to that recommendation, is contained in Attachment A. Each recommendation provides an update on key activities and outcomes achieved during the period.

# Our Booris, Our Way Review

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## Our Booris Today

### What the data tells us

As at 31 December 2022, there were 258 Aboriginal and Torres Strait Islander children and young people in out of home care.

Of the 258 children and young people:

- 153 children and young people on Long-term Orders (with care residing with the Director General)
- 41 children and young people on Long-term Orders (3rd Party Parental Responsibility)
- 33 children and young people on Short-term orders (< 2 years)
- 23 children and young people on Interim Orders or Emergency Actions
- 8 children and young people had no care and protection orders in place (over 18 post care supported placements)<sup>1</sup>
- No children and young people were on a Voluntary Care Arrangements.

*Table 1 – Aboriginal and Torres Strait Islander children and young people in out of home care, by order type as at December 2017 and December 2022*

Order Type	As at Quarter 2, December 2017-18		As at Quarter 2, December 2022-23	
	Count	Percentage	Count	Percentage
<b>Order Type</b>	258		258	
<b>Long term orders (with DG)</b>	169	65%	153	59%
<b>Long-term Orders (3rd Party Parental Responsibility)</b>	27	10%	41	16%
<b>Short-term orders (&lt; 2 years)</b>	33	13%	33	13%
<b>Interim Orders or Emergency Actions</b>	23	9%	23	9%
<b>No Care and Protection orders (over 19 post care-placements)</b>	3	1%	8	3%
<b>Voluntary Care Arrangements</b>	3	1%	0	0%

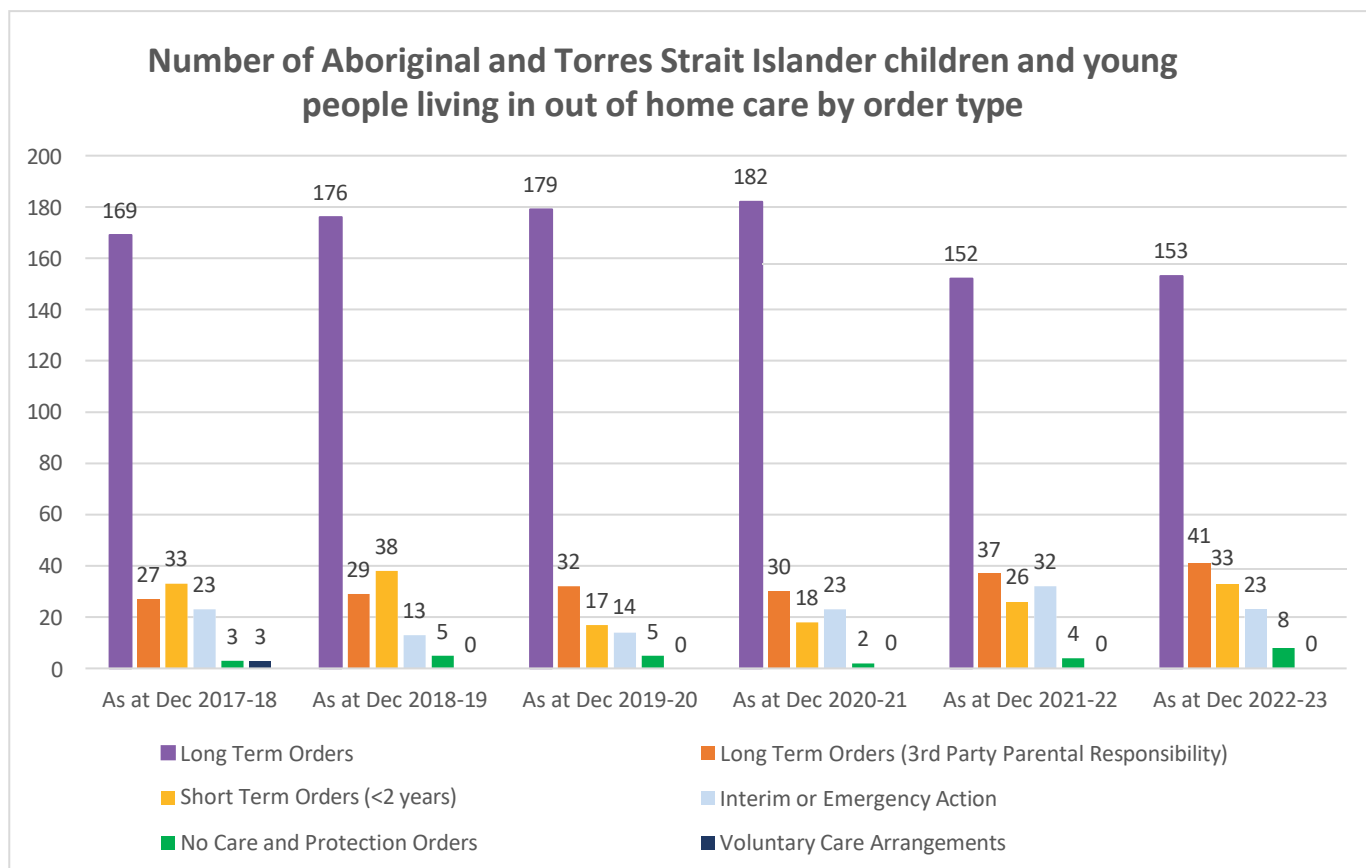
Data Source: Next Steps for Our Kids Snapshot Q2 2022/23

<sup>1</sup> This category includes young people aged 18 years-old and above who are living in post-care supported placements

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Figure 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders from December 2017-18 to December 2022-23



Data Source: Next Steps for Our Kids Snapshot Q2 2022/23

As of 31 December 2022, there were 258 Aboriginal and Torres Strait Islander children and young people in out of home care.

Of the 258 children and young people:

- 148 (59 per cent) were living in a kinship care placement (please see Recommendation 20 for a breakdown of kinship care);
- 59 (23 per cent) were living in a foster care placement;
- 41 (16 per cent) were living in an Enduring Parental Responsibility placement; and
- 10 (4 per cent) were living in a residential care placement.

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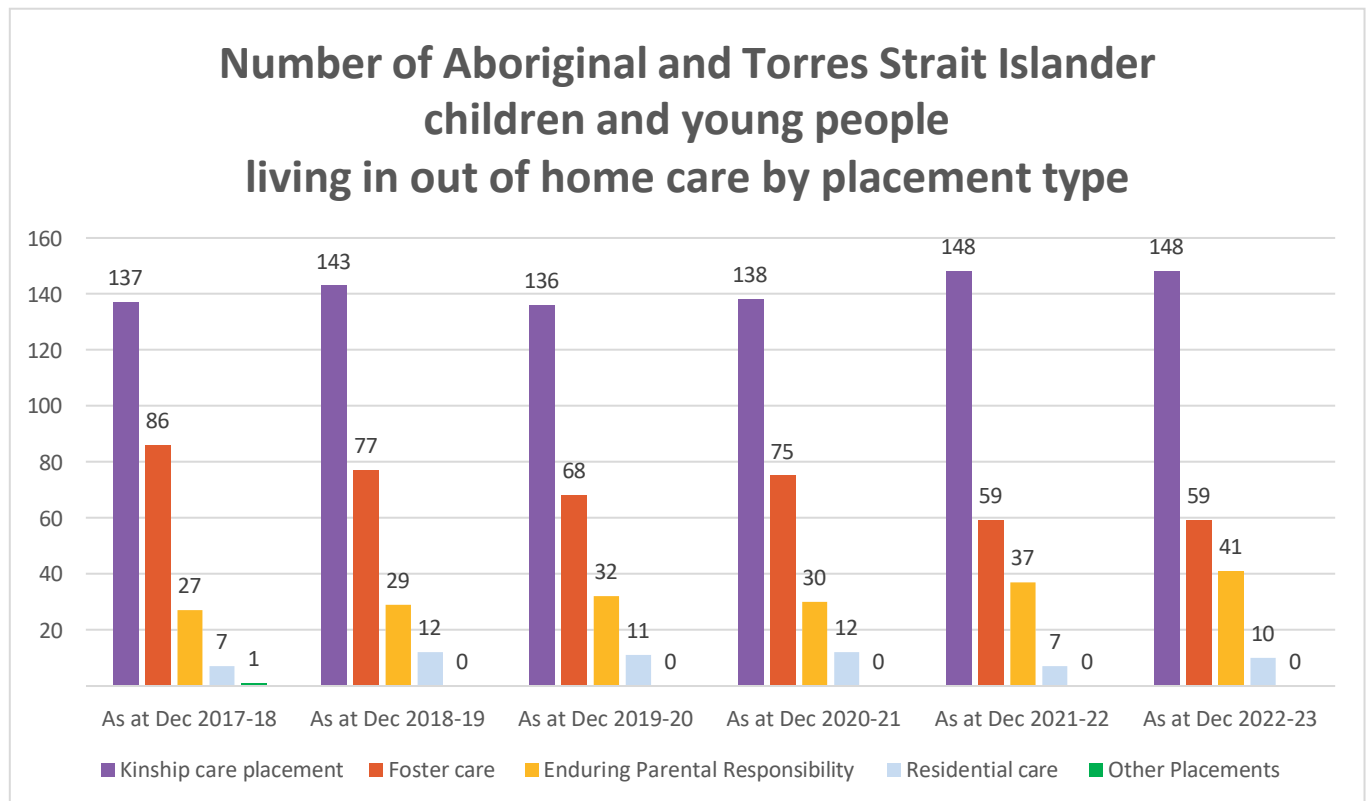
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Table 1 – Aboriginal and Torres Strait Islander children and young people in out of home care, by placement type as at 30 June 2017 and 31 December 2022

	As at Quarter 2 December 2017-18		As at Quarter 2 December 2022-23	
<b>Placement Type</b>	258		258	
<b>Kinship Care</b>	137	53%	148	57%
<b>Foster care</b>	86	33%	59	23%
<b>Enduring Parental Responsibility</b>	27	10%	41	16%
<b>Residential care</b>	7	3%	10	4%
<b>Other Placements</b>	1	0.4%	0	0%

Data Source: Next Steps for Our Kids Snapshot Q2 2022/23

Figure 2 – Aboriginal and Torres Strait Islander children and young people in out of home care at December 2017-18 and 31 December 2022-23



Data Source: Next Steps for Our Kids Snapshot Q2 2022/23

## RECOMMENDATION 1

### Allocation of Aboriginal and Torres Strait Islander children's cases to experienced and culturally intelligent case workers

*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 awareness and willingness to work with the community.*

*Presented by the OBOW Steering Committee June 2018. Agreed by the ACT Government August 2018.*

#### ACTIVITIES JULY – DECEMBER 2022

In the past 6 months, CSD has changed its approach to this recommendation by committing to establishing and commencing recruitment for a First Nations Family Support Team.

The First Nations Family Support Team will be made up of dedicated and culturally-competent staff and will contribute to the development of a new practice framework led by the Aboriginal and Torres Strait Islander Child Placement Principles. This team's core remit will be co-designed by the team, with community partners and families. The remit may include to:

- prevent families from entering the child protection system keeping children and young people connected to their family, community, and culture,
- partner with families, community members and ACCOs to find appropriate service responses to support them, including opportunities to engage ACCOs to provide submissions (advocacy support) for children and families under s10 of the Children and Young People Act 2008,
- support parents to participate in decision making about the care, protection and safety of their children, and empower children to be heard about what happens to them, and
- ensure, if an out-of-home-care response is required, that wherever possible, the young person is placed in Aboriginal and Torres Strait Islander kinship care.

Child Youth Protection Service (CYPS) began establishing the team in October 2022. It was agreed with the Committee to recruit the leadership to the team first, as this will be a crucial factor to the team's success.

The leadership recruitment process, involving the Our Booris, Our Way Chair, has identified suitable candidates and CYPS is in the process of finalising the recruitment. The team is being established with two senior Aboriginal leaders – an Operations Manager and a Principal Practitioner. Following this step, an expression of interest process will be run to identify family support workers and CYPS have set aside a maximum of 6 positions to enter the team from this process.

CYPS remain committed to the Cultural Development program and have seen ~80% of CYPS staff trained in the 6-module course.

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## IN THE NEXT 6 MONTHS

- Finalise recruitment and onboard the First Nations Family Support Team.
- An Aboriginal and Torres Strait Islander Case Direction and Discussion Group will be stood up to direct case work for families. This group will oversee decisions made by CYPS about Aboriginal and Torres Strait Islander children and young people.
- Continue the Cultural Development Program training for 2023 with sessions to be run in February, May, August and October.

## RECOMMENDATION 2

### Engagement of SNAICC for training on embedding Child Placement Principle

*That the ACT Community Services Directorate immediately engage SNAICC to train child protection workers on implementing the five Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP) within their practice.*

*Presented by the OBOW Steering Committee June 2018. Agreed by the ACT Government August 2018.*

#### ACTIVITIES JULY – DECEMBER 2022

SNAICC Training on the Child Placement Principle is a core component of the Cultural Development Program and is mandatory training for all CYPS staff and CYPS leadership to complete in the first twelve months of employment.

Training attendance is regularly monitored. CYPS has seen the total percentage of operational staff fully trained by SNAICC to 80%.

**The OBOW Implementation Oversight Committee have agreed that this recommendation is at a monitoring stage.**

## IN THE NEXT 6 MONTHS

- SNAICC training will be run in April and October 2023. CYPS is funded to provide two sessions per year and will be approaching staff who have not completed the training yet.

## RECOMMENDATION 3

### Policy and practice review to explicitly embed the Child Placement Principle

*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 Principles 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.*

*Presented by the OBOW Steering Committee June 2018. Agreed by the ACT Government August 2018.*

#### ACTIVITIES JULY – DECEMBER 2022

Policies and procedures continue to be reviewed each quarter to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle are embedded, applied and defined in policy and practice. Each review involves consultation with a number of internal and external stakeholders before being finalised and available to all staff.

A key step in this process is the use of the Cultural Impact Statement which enshrines a CYPS and Bimberi Residential Services commitment to apply a cultural lens to all policies, practice and implementation.

#### IN THE NEXT 6 MONTHS

- CYPS will continue to identify and review policies and procedures in accordance with the document review schedule.

## RECOMMENDATION 4

### Universal access to Family Group Conferencing

*That the Directorate provide (universal) 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.*

*Presented by the OBOW Steering Committee June 2018. Agreed by the ACT Government August 2018.*

#### ACTIVITIES JULY – DECEMBER 2022

The focus of CSD in the last 6 months has driven a proactive campaign to promote the benefits of Family Group Conferencing (FGC), ensuring all Aboriginal and Torres Strait Islander families have the opportunity to engage in FGC at any stage of their involvement with CYPS.

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Total operational staff now trained in FGC is 80%. Between July and December 2022 the FGC team held 140 consults with CYPS and ACT Together staff, accepted 27 referrals, and completed 13 FGC's.

Since the community awareness program (see [Meet FGC facilitators Margy and Belinda video](#)) the FGC team have seen an increase in requests directly from families requesting Family Group Conferencing.



The FGC team continue to build ways to increase the use of FGCs including attending Care team meetings of young people in Bimberi, working with families who need pre-natal support, and with parents who are currently at the Alexander Maconochie Centre (the AMC).

A third FGC facilitator was recruited in December 2022 and commenced in January 2023. With this recruitment completed the FGC team have scheduled 4 practice forums for FGC staff to maintain and build their skills and knowledge on family-led decision making.

Month/Year	FGC Completed	FGC Consultations	FGC Referrals accepted
July 2022	2	23	4
August 2022	1	24	5
September 2022	2	30	4
October 2022	3	28	4
November 2022	2	29	6
December 2022	3	6	4

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## IN THE NEXT 6 MONTHS

- Children, Youth and Families Division<sup>2</sup> (CYF) will continue to strengthen data collection around FGCs to support an evaluation.
- Explore pathway to support access to Family Group Conferencing at the point of entering (intake) CYPS is underway.
- CYPS will continue to work with ACT Together, who manage children on long term orders, to strengthen the referral pathways to FGC.

## RECOMMENDATION 5

### Ensure full intent of Aboriginal and Torres Strait Islander Child Placement Principle is Reflected in the Children and Young People Act 2008

*The child placement principle needs to be explicitly enshrined in legislation. We recommend that the Directorate commence foundation, consultation and research work required to ensure the Aboriginal and Torres Strait Islander Child Placement Principles (CPP) are appropriately described in the Children and Young People Act. This will require, at a minimum, changes to both Sections 10 and 513 of the Children and Young People Act.*

*Presented by the OBOW Steering Committee December 2018. Agreed by the Act Government May 2019.*

## ACTIVITIES JULY – DECEMBER 2022

Over the reporting period CSD has been reviewing the *Children and Young People ACT 2008* (CYP Act) in preparation for legislative changes. This work includes integrating the Aboriginal and Torres Strait Islander Child Placement Principle into the CYP Act. Preparation for this has involved a comprehensive process of consultation and a report from SNAICC with recommendations on embedding the Child Placement Principle into legislation, policy and practice. SNAICC provided the final report to CSD in October 2022 and it was also passed to the committee in October 2022.

The CYP Act is proposed to be amended in two stages in 2023 and 2024. The first stage will include some amendments to embed the Child Placement Principle.

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<sup>2</sup> Child and Youth Protection Services is part of Children, Youth and Families Division.

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## IN THE NEXT 6 MONTHS

- A government response to the SNAICC report on integrating the Child Placement Principles into the *Children and Young People's Act 2008* will be developed and released. The first stage of legislative reform to the Children and Young People Act will be put to the Assembly.

## RECOMMENDATION 6

### Feasibility study Aboriginal Child Care Association

*That a comprehensive analysis of an Aboriginal Child Care Association is conducted.*

*Presented by the OBOW Steering Committee December 2018. Agreed in principle by the ACT Government May 2019 and agreed 2020.*

### ACTIVITIES JULY – DECEMBER 2022

The Feasibility Study was conducted and concluded in 2020.

Recognising the need for increased service provision through Aboriginal and Community Controlled Organisations, the Government has committed to re-allocate funding from the child protection and out of home care service system to support Aboriginal Controlled Community Organisations to provide services to Aboriginal and Torres Strait Islander children and their families who are in contact with the Child Protection System.

A key step forward in the last 6 months has been the establishment of the Aboriginal Service Development Branch. The Branch will bring together the development of the ACT's ACCO-sector across Children and Families, Domestic and Family Violence and Housing to build an empowerment model supporting Government to work with the ACT Aboriginal and Torres Strait Islander community and the ACCO sector.

The Branch will also lead work to support new, emerging and established ACCOs to engage in the procurement of out-of-home care services, to deliver the strategic approach outlined in Next Steps for Our Kids 2022-2030.

CSD has also provided establishment funding to support Yerrabi Yurwang Child and Family Corporation to set-up the organisation and take steps towards becoming a registered Care and Protection Organisation in the ACT.

### IN THE NEXT 6 MONTHS

- CSD will continue to work closely with existing ACCOs on options for establishing an ACCO to support Aboriginal and Torres Strait Islander children and families engaged with the child protection system.
- The Aboriginal Services Development Unit will continue:
  - conducting a deep dive and meet with external and internal stakeholders including (but not limited to); ACT and surrounding ACCOs, committees, advisory groups and internal CSD Stakeholders

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- undertake a stakeholder mapping exercise to inform and understand opportunities for Aboriginal Service Development gaps (or perceived gaps)
- develop a Communications and Engagement plan that is informed by community inputs, key dates and the Stakeholder Mapping exercise underpinned by the principles of 'Everyone has a voice' and 'no one gets left behind'.

## RECOMMENDATION 7

### Aboriginal and Torres Strait Islander Children's Commissioner

*The ACT appoint an Aboriginal and Torres Strait Islander Children's Commissioner with these and additional capacity to specifically intervene and engage in child protection processes. The Commissioner, on an ongoing basis, would provide monitoring, advice and advocacy on systemic and individual cases. The Commissioner would be able to advise and influence government on a broad spectrum of issues that impact our children across both government and non-government services including for example, education, health, housing, child protection and provide independent advice on issues of culture and equity. They would also have the specific ability to engage as a party to case conferences and provide alternative pathways to resolution than court orders.*

Presented by the OBOW Steering Committee December 2018. Noted by the ACT Government May 2019 and agreed in principle July 2020.

#### ACTIVITIES JULY – DECEMBER 2022

The Aboriginal and Torres Strait Islander Children and Young People Commissioner Bill 2022 passed the Legislative Assembly on 29 November 2022. The legislation establishes the Commissioner as an independent statutory authority with a mix of individual and systemic advocacy functions, based on the proposal developed through the co-design process.

The Government has referred the Commissioner to the Remuneration Tribunal for a determination which will set out the remuneration, allowances and other entitlements for the office holder. A remuneration determination is required before a selection process is commenced and the role is advertised publicly.

In November 2022, Ms Barbara Causon commenced as the interim Aboriginal and Torres Strait Islander Children and Families Advocate with the Justice and Community Safety Directorate. This new role will support the intent of this recommendation on an interim basis while the Commissioner role is being established.

**This recommendation is considered by the Committee to have been implemented.**

#### IN THE NEXT 6 MONTHS

- A national recruitment process to appoint the inaugural Commissioner will begin in the first half of 2023. The selection process will involve the ACT Aboriginal and Torres Strait Islander community, as required by the establishing legislation.
- The Advocate will continue working with families and setting up the infrastructure to support an incoming Commissioner.

## RECOMMENDATION 8(A)

### Culturally appropriate advocate service

*Guidance be published and made immediately accessible to Aboriginal and Torres Strait Islander families engaged with the child protection system around the nature and role of support people as purposefully and deliberately engaged in meetings.*

*Presented by the OBOW Steering Committee December 2018. Agreed by the ACT Government May 2019.*

### ACTIVITIES JULY – DECEMBER 2022

CSD continues to provide guidance for staff working with Aboriginal and Torres Strait islander families to ensure they understand the role of advocate and support people in child protection processes.

A key supporting document that assists families and advocates to know what to do when CYPS is involved can be found here:

[Supporting Aboriginal and Torres Strait Islander children and families with child protection \(act.gov.au\)](https://www.act.gov.au/ocys/children-and-youth-protection-services/compliments-and-complaints/decision-reviews-for-parents-and-carers)

In the past six months CYF, have also developed an internal review of decisions pilot. The launch of the pilot included a culturally appropriate factsheet for the pilot which has now been published at:

<https://www.communityservices.act.gov.au/ocys/children/child-and-youth-protection-services/compliments-and-complaints/decision-reviews-for-parents-and-carers>

One of the advocacy services referenced in the fact sheets includes legal services. The Cultural Services Team has met with the Aboriginal Legal Service (ALS) on numerous occasions and developed a referral pathway, using the ALS referral form. The Cultural Services team has supported numerous families with referrals to the ALS in regard to restoration matters.

### IN THE NEXT 6 MONTHS

- CSD will look to strengthen the referral pathway with Aboriginal Legal Services.

## RECOMMENDATION 8(B)

### Access to legal representation and advocacy

*Funding be made available, as a matter of urgency, to professional legal and advocacy services that are culturally appropriate to ensure that Aboriginal and Torres Strait Islander families are able to access formal legal services.*

*Presented by the OBOW Steering Committee December 2018. Agreed by the ACT Government May 2019.*

### ACTIVITIES JULY – DECEMBER 2022

In the 2022-23 Budget the ACT Government funded a Child Protection and Legal Advocacy Service for two years (\$743,000) to be delivered by the Aboriginal Legal Service (ALS). This service will have two lawyers and support staff.

JACS is in the process of finalising the funding deed and the ALS is recruiting to the roles and undertaking consultation with a broader range of stakeholders about the service and setting up the processes to refer families to the service. This has included discussion with lawyers from CYPs, the Children's Court, Legal Aid and other service providers.

Legal support is also being provided through legal Aid and the Women's legal Centre – Mulleun Mura.

### IN THE NEXT 6 MONTHS

- Execute the funding deed.
- Finalise recruitment of lawyers and support staff to the service.
- Start providing the legal service to the community.
- Continue talking to organisations and the community about the service and how to access it.

## RECOMMENDATION 9 & 9(A)

### Recommendation 9: Early support programs available

*Community feedback has strongly advocated for the need of services that provide positive support to families, early and during voluntary engagement with the child protection system.*

*Presented by the OBOW Steering Committee December 2018. Agreed by the ACT Government May 2019.*

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

## Recommendation 9(A): Accessible and appropriate early support programs for drug and alcohol rehabilitation, family violence, mental health and trauma

*The steering committee recommend that the ACT government fund specific programs that are timely and meet the cultural needs of the community in the ACT. These programs must address drug and alcohol rehabilitation, family violence, mental health, trauma counselling and cultural healing.*

*Presented by the OBOW Steering Committee December 2019. Agreed in principle by the ACT Government June 2020.*

### ACTIVITIES JULY – DECEMBER 2022

ACT Government Human Services Directorates, with community sector partners, continue to work collaboratively to progress work that meets the intent of Recommendation 9(a), with the recognition Aboriginal and Torres Strait Islander people are central to developing effective solutions and supports that work for Aboriginal and Torres Strait Islander families.

The Cross Directorate Working Group, (consists of representatives from Community Services Directorate, ACT Health, Justice and Community Safety, the Coordinator General for Family Safety, Education and CMTEDD, Chaired by Executive Group Manager, Strategic Policy CSD) met in August 2022 to continue to shape a coordinated response to support access to early support programs including drug and alcohol rehabilitation, family violence, mental health, trauma counselling and cultural healing.

In the last 6 months the Chair of the Working Group informed the Committee about the outcomes from the ACT Budget, the Family, Domestic and Sexual Violence Grants, the launch of The Best Start for Canberra's Children: The First 1000 Days Strategy and the launch of the Commissioning Roadmap 2022-2024.

### **ACT Budget**

Following the announcement of the ACT Budget, at the September 2022 meeting the Committee was provided with an overview of new initiatives that support the intent of Recommendation 9(a). The overview included:

- \$1.9 million was provided in the budget for the Ngunnawal Bush Healing Farm. This initiative will provide funding to commence the transition to a residential program at the Farm, and work towards community control of the facility.
- Around \$3 million is proposed for the Watson Health Precinct Redevelopment. This investment will fund Winnunga Nimmityjah Aboriginal Health and Community Services to undertake detailed design and planning work for the construction of a new alcohol and other drug residential rehabilitation facility at the site; building capacity within the Aboriginal and Torres Strait Islander alcohol and other drug workforce; and construction of new youth mental health and youth AOD facilities at the site.

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

## **Family, Domestic and Sexual Violence Grants**

In 2022, the ACT Government committed \$2.075 million to support the ACT domestic, family and sexual violence sector through its National Partnership Agreement on Family Domestic and Sexual Violence 2021-23 with the Commonwealth Government. Funding was allocated to local non-government organisations through an open Family, Domestic and Sexual Violence (FDSV) Grants process. Due to the high volume of quality grant applications received, the ACT Government committed a further \$0.797 million in supplementary funding, bringing the total to be provided to the sector to \$2.875 million.

The FDSV Grants included a focus on community-led Aboriginal and Torres Strait Islander responses, including Aboriginal and Torres Strait Islander services, workforce development and community engagement. A number of Aboriginal and Torres Strait Islander-led organisations were successful in receiving funding through the FDSV Grants, with funded projects to include:

- establishment of an Aboriginal and Torres Strait Islander women's advocacy organisation
- delivery of an Aboriginal and Torres Strait Islander women's outreach program
- delivery of a FDSV Aboriginal support program
- delivery of a community healing support program to improve safety outcomes for women and children.

The Domestic, Family and Sexual Violence Office will finalise payments successful recipients in 2022-23. A list of successful recipients will be published on the CSD website in the first half of 2023.

## **Best Start**

[The Best Start for Canberra's Children: The First 1000 Days Strategy \(Best Start\)](#) was launched in November 2022.

Best Start aims to improve outcomes for Canberra's children by establishing a supportive environment in the critical developmental time between conception and a child's second birthday. Best Start is a strategy for all families and Best Start is inclusive of all families raising and caring for children, including Aboriginal and Torres Strait Islander families. Best Start aims to support families with diverse needs and experiences to have every opportunity to give their child the best start in life. A consultation process was undertaken with people with lived experience to inform what needed to be included in the Strategy, the goals to aim for and what the actions in the Action Plan should be. Local Aboriginal and Torres Strait Islander community members were included as part of this process.

Best Start will be delivered in three phases, with an Action Plan to guide each phase. Consultation will again be undertaken with local Aboriginal and Torres Strait Islander community members to test the interim actions in the Action Plan, to ensure with community that the actions correctly capture what was expressed. Once this has been completed, the interim Action Plan will be finalised, with plans for this all to be completed by mid-2023.

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

## **Commissioning – Developing of a Commissioning Strategy that supports self-determination**

Commissioning aims to change the way that the government, non-government organisations and community members partner to design and deliver services to meet community need. Aboriginal and Torres Strait Islander self-determination is a key tenet and priority for commissioning as a 10-year reform.

The new 2022-2024 Commissioning Roadmap was launched in December 2022 and outlines strategic approach for commissioning that supports self-determination through fostering the growth of Aboriginal Community Controlled Organisations (ACCO) within the Canberra community and cultivating culturally responsive services across Canberra to improve equitable access and choice for Aboriginal and Torres Strait Islander peoples.

The strategic approach articulated in the 2022-2024 Commissioning Roadmap has a specific focus on six programs and organisations that are shaping services, programs and supports for community by community. These include:

- Winnunga Nimmityah Aboriginal Health and Community Services
- Gugan Gulwan Youth Aboriginal Corporation
- Yerrabi Yurwang Child and Family Corporation
- CIT Job Readiness Program
- First Nations Justice Support Program
- An Aboriginal Community Controlled Organisation for Housing

The 2022-2024 Commissioning Roadmap can be accessed at:

[Home - Commissioning \(act.gov.au\)](#)

Overarching commissioning approach that supports self-determination can be access at:

[Aboriginal and Torres Strait Islander Commissioning - Commissioning \(act.gov.au\)](#)

## **IN THE NEXT 6 MONTHS**

- Programs and support will continue to be strengthened at the Ngunnawal Bush Healing Farm.
- Design and planning work will continue for the Watson Health Precinct Redevelopment alongside workforce development.
- The Best Start project team will consult and collaborate with the sector partners, to start to embed Best Start and its first Action Plan from March 2023.

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

- A culturally appropriate parenting program for Aboriginal and Torres Strait Islander parents and kinship carers is being developed with CIT Yurauna and the Community Services Directorate.

## RECOMMENDATION 10(A)

### Access to supports for kinship carers

*The Steering Committee recommends that the Directorate be more direct and transparent with supports that are available for Aboriginal and Torres Strait Islander kinship carers. We recommend that the Directorate design and communicate a simple, accessible and equitable process by which kinship carers can access or apply for supports with a mechanism to dispute the findings and have circumstances re-evaluated. This process must be designed with the community to ensure that the processes do not unnecessarily compound the difficulties and trauma experienced by kinship carers.*

*Presented by the OBOW Steering Committee May 2019. Agreed by the ACT Government May 2019.*

### ACTIVITIES JULY – DECEMBER 2022

CSD continue to provide a range of direct and clear supports for Aboriginal and Torres Strait Islander kinship carers and are working hard to increase their engagement in these supports.

#### **Supports for Aboriginal and Torres Strait Islander Kinship Carers**

A range of programs have been offered in this 6-month period including: Bringing up Great Kids, Kinship Orientation Program, Kinship Support Program (5 Aboriginal carers; and 3 non-Aboriginal carers caring for Aboriginal children participated) and the Therapeutic and Parenting Program Support (one non-Aboriginal carer attended who was caring for an Aboriginal child participated). These programs are provided for all kinship carers, including Aboriginal and Torres Strait Islander kinship carers.

CSD also met with an OBOW Committee member to explore carer recruitment strategies and options. The additional efforts ACT Together have been working on to proactively engage the ACT Aboriginal Community to become foster carers was acknowledged. Feedback was also provided to ACT Together to inform the review of their current recruitment strategy and consider increased community engagement and relationship building, utilizing alternate spaces like in Downer, developing a wide-reaching media campaign and exploring how we engage current foster and kinship carers to support recruitment by word-of-mouth opportunities.

#### **Simple, accessible and equitable processes for Kinship Carers**

The Therapeutic Assessment Team are now offering therapeutic consults for kinship carers. This is a stepped-up level of support than the initial consult and is designed to assist carers who may

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

be struggling with a particular issue while they wait for a therapeutic assessment to be completed.

A new factsheet has been developed for kinship carers to assess therapeutic consultation. The Carer Wellbeing Joint Committee has provided feedback to the factsheet and the factsheet has been shared with the Committee at the November meeting.

The kinship team is actively providing support to Aboriginal Kinship Carers. The support being provided includes Housing support: support letters re housing applications, assistance in completing forms, support in attending meetings, following up with Cultural Services Team on behalf of carers, referring to Child and Family Centres, morning tea for NAIDOC and financial support/vouchers for activities.

Dr Dave Pasalich (Australian National University) has partnered with CYPS and obtained a grant to trial Connect for kinship carers. This trial will include adapting the program for Aboriginal and Torres Strait Islander families and is anticipated to be completed in 2023.

## **ACU/Curijo Research Project**

Australian Catholic University (ACU) and Curijo have established a research project on understanding the experiences of kinship carers and ways in which they can be supported to provide care and improve outcomes for themselves and the child/ren or young person/people in their care. A deliverable of the project is identifying the needs of kinship carers, particularly during the first twelve months of their engagement.

The research has included consultations with kinship carers with specific consultation sessions for First Nations Kinship carers. Consultation is also occurring with other jurisdictions and key stakeholders to understand approaches to kinship care support.

## **IN THE NEXT 6 MONTHS**

- It is anticipated that the report on the outcomes of the Curijo and ACU-led research project will be completed in April 2023.
- A dedicated webpage is being developed for Aboriginal and Torres Strait Islander carers and is on track to be finalised by March 2023.
- Work is continuing on the development of the kinship carer education program for an 'Enhanced Learning Orientation' program which will build on the initial orientation training.
- The kinship team will continue to offer monthly morning teas to support kinship carers with various guest speakers to support carers.
- A new carer information kit is in the process of being developed and due to be completed by June 2023. This will be provided to kinship carers when children are placed in emergency situations and will include the fact sheet on 'Becoming a kinship carer – Aboriginal and Torres Strait Islander Carers' and the new information sheet on carer assessments.

## RECOMMENDATION 10(B)I & II

### Kinship care assessment process

*10(b)(i) The Steering Committee recommends that the Aboriginal and Torres Strait Islander children be placed in Aboriginal and Torres Strait Islander kinship care immediately upon removal rather than being moved to foster care while carer checks are conducted when stable family options for care are present.*

*10(b)(ii) The Steering Committee recommends that the process of applying and performing suitability assessment of Aboriginal and Torres Strait Islander kinship carers (Kinship Carer Assessments) is a transparent and timely process and that additional resources be applied to ensure that these are not delayed.*

*Presented by the OBOW Steering Committee May 2019. Agreed in principle by the ACT Government May 2019.*

### ACTIVITIES JULY – DECEMBER 2022

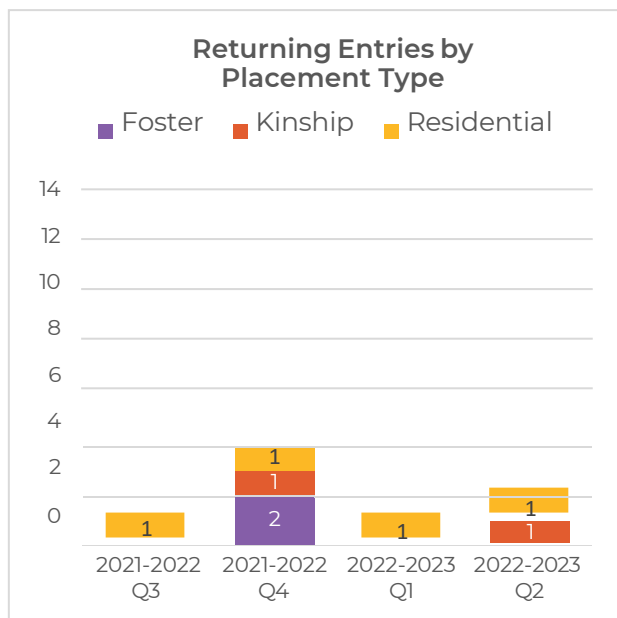
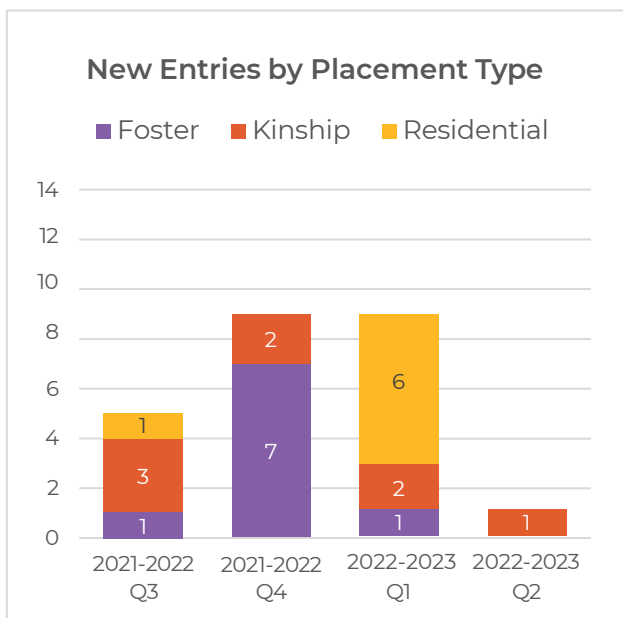
CSD prioritises allocation to all Aboriginal and Torres Strait Islander kinship applicants seeking to have a family member placed with them. The option of the kinship assessment can be undertaken by Curijo or another assessor.

In October 2022, a new and simplified 'Preliminary Kinship Decision' process for placing children with kin in emergency placements was implemented. It enables a streamlined decision-making process to enable children to reside with kin immediately upon removal and prior to undertaking a more comprehensive suitability and carer assessment process. The Aboriginal and Torres Strait Islander Child Placement Principle is a key consideration of this process.

CYF continue to prioritise entry into kinship care wherever possible and safe to do so. In the past 6 months, 13 young people have entered care, with 4 young people entering kinship care, and only 1 entering foster care. This 6-month period has seen an increase in the use of residential care, see figures below.

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)



## IN THE NEXT 6 MONTHS

- CYPS will continue to prioritise kinship assessments for Aboriginal and Torres Strait Islander children.
- Minor changes to the template used by Curijo for the Kinship Care Assessment process are being implemented by Curijo and quarterly meetings will continue to review processes.

## RECOMMENDATION 11(A) & (B)

### Improve quality and monitoring of cultural plans

11(A) *The Steering Committee recommends that the Directorate adopt a highly consultative approach to the development of cultural plans in line with the participation, partnership and connection elements of the Aboriginal and Torres Strait Islander Child Placement Principle. This will drive an improvement in the quality and relevance of cultural plans to children's cultural needs.*

11(B) *The Steering Committee recommends the Directorate seek support and guidance on leading practice in the development, monitoring and quality of cultural plans from local community controlled organisations and from other jurisdictions who lead in this, for example the Victorian Aboriginal Child Care Agency (VACCA).*

*Presented by the OBOW Steering Committee May 2019. Agreed by the ACT Government May 2019.*

### ACTIVITIES JULY – DECEMBER 2022

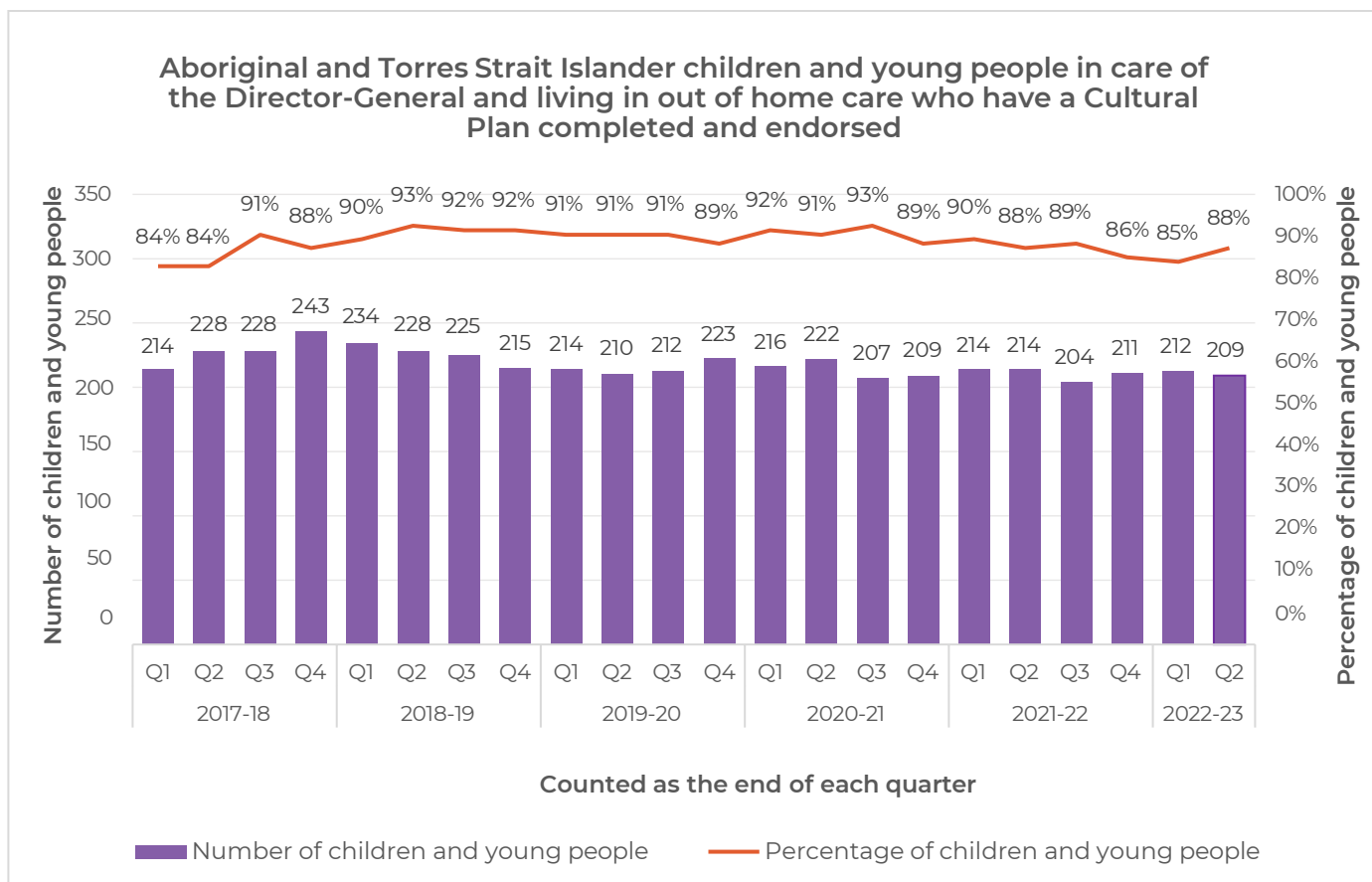
CSD continue to explore the best way to improve the quality and monitoring of cultural plans in CYPS and ACT Together.

# Our Booris, Our Way Review

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As of 31 December 2022, ACT Together are 100% compliant with no outstanding cultural plans. All Cultural Plans are submitted to CSD as part of the Monitoring and Review Framework.

The Figure below shows that as at 31 December 2022, the number of Aboriginal and Torres Strait islander children in the care of the DG and living in out of home care (who are eligible for a cultural care plan) has decreased from 212 to 209 between Q1 and Q2. The proportion with a cultural plan in place has increased from 85% to 88%.



## IN THE NEXT 6 MONTHS

- CSD will continue to improve the quality and monitoring of cultural plans.
- ACT Together will attend the March Our Booris Our Way Implementation Oversight Committee meeting to provide additional information on their Cultural Plan process.

## RECOMMENDATION 12

### Pathways to restoration

*The Steering Committee recommends that prompts and triggers to considering restoration are mapped and implemented, especially when there has been a positive change in parenting capacity. Restoration needs to use a strengths-based, motivational approach and should consider restoration to family, not just to parents.*

Presented by the OBOW Steering Committee May 2019. Agreed in principle by the ACT Government May 2019.

### ACTIVITIES JULY – DECEMBER 2022

The Committee has been very strong on the need for more active efforts on restoration to parents and kin. In responding to their feedback, and following the review conducted by the CYPS Restoration Panel, a Restoration Taskforce has been established. The Taskforce works with families, CYPS staff and ACT Together to carefully consider individual circumstances relating to restoration.

During this reporting period, the Restoration Taskforce has finalised the Terms of Reference and as a team meet fortnightly for case discussion with the support of the Cultural Services Team.

The Taskforce is focused on four main groups: children placed in long term orders in foster care, residential care, children who are self-placed or other placements. CSD recently took the Committee through the process to consider restoration including a Restoration Assessment undertaken by an independent assessor.

### IN THE NEXT 6 MONTHS

- The Restoration Taskforce will continue its intensive case review approach to understand the prompts and triggers to consider undertaking restoration, ensuring these are mapped and identifiable by case workers and actioned in a timely way.

## RECOMMENDATION 13

### Aboriginal and Torres Strait Islander father inclusive practice

*The Steering Committee recommendation that CSD engage with Aboriginal community leadership to develop an improved policy position, practice guides and training that include fathers through the child protection process and makes concrete efforts to engage and maintain engagement with fathers who are incarcerated.*

*Presented by the OBOW Steering Committee May 2019. Agreed by the ACT Government May 2019..*

#### ACTIVITIES JULY – DECEMBER 2022

CSD acknowledge more work needs to be done to increase the role of fathers in decision making. More training opportunities are being provided to case workers to increase father inclusive practice in case work. This includes lunch and learn training sessions and embedding father inclusive practice into the CYPS' Foundational Learning Program.

Another focus of CYPS has been on engaging fathers who are in Alexander Maconochie Centre (AMC). Family Group Conferencing (FGC) facilitators have been provided a private room where FGCs can be held. The FGC team were invited to the AMC family event in December 2022. This was the first event since COVID restrictions were lifted and provided an opportunity for facilitators to promote the FGC program and explain how facilitators can work with families.

#### IN THE NEXT 6 MONTHS

- CYPS will continue to run training to support staff to include fathers and the paternal side of the family in decision making.
- CYPS will promote opportunities to engage all Aboriginal and Torres Strait Islander fathers in shared decision making.
- The Cultural Services Team will continue to bolster the relationship with the AMC, including the Aboriginal Liaison Officers, to ensure incarcerated parents can be involved in Cultural Planning and Annual Review reports.
- CYPS will also look to improve how engagement with fathers is better captured on CSD's client information system called CYRIS.

## RECOMMENDATION 14

### Aboriginal and Torres Strait Islander health assessments

*The Steering Committee recommends that all Aboriginal and Torres Strait Islander children have the appropriate Health Assessment annually to ensure they receive the appropriate preventative and primary health services in the ACT. This should be included as an essential process within the Annual Review process.*

Presented by the OBOW Steering Committee May 2019. Noted by the ACT Government May 2019 and agreed July 2020.

### ACTIVITIES JULY – DECEMBER 2022

At the Committee's request, CSD have refocused its reporting on health assessments to focus on the Medicare Benefits Schedule (MBS) 715 Aboriginal and Torres Strait Islander Peoples Health Assessment.

CSD's client information system (CYRIS) now has the capability to record MBS schedule 715 health assessments. Further work is being undertaken to ensure reminders are scheduled so that the health assessments occur annually.

The Committee was able to review ACT Together's Practice Guide on 715 health checks and information provided to people about the free annual health check and how it helps Aboriginal and Torres Strait islander people.

### IN THE NEXT 6 MONTHS

CSD is allocating resources to ensure that;

- all Aboriginal and Torres Strait Islander children and young people in the care of the Director-General who have not had a MBS schedule 715 health assessment are supported to do so.
- the existing policy is being reviewed and practice guidance developed to reflect the commitment to MBS 715 assessments being completed for all Aboriginal and Torres Strait Islander children and young people in care.
- MBS schedule 715 Health Assessments are recorded on CYRIS and that data reports can be produced to reflect compliance with the policy.
- Annual Review Reports to reflect the MBS schedule 715 Health Assessment, date of review and recommendations, including updates against the recommendations.
- The ACT Together Monitoring and Review Framework will be updated to incorporate reporting against MBS schedule 715 Health Assessments.

## RECOMMENDATION 15

### Governance and oversight of implementation of recommendations

*The Steering Committee recommends that an Implementation Oversight Committee of five members be established to meet at least on a quarterly basis to receive updates from the Directorate and other relevant parties to address progress and ascertain whether the implementation has stayed true to the original intent of the recommendations.*

Presented by the OBOW Steering Committee September 2019. Agreed by the ACT Government December 2019.

#### ACTIVITIES JULY – DECEMBER 2022

The Our Booris, Our Way Implementation Oversight Committee continues to meet monthly to monitor the implementation of the Our Booris Our Way recommendations. The Committee received direct support by the Secretariat team consisting of two identified officers at the SOG A and C levels.

Also supporting the ACT Government's implementation of the Our Booris, Our Way recommendations is the Implementation team. The team have skills in project management, community engagement, and outcome measurement.

Senior Executives and officers from the ACT Government have attended meetings to provide more information on each of the recommendations and seek guidance and direction from the Implementation Oversight Committee members. These discussions support the information provided in the quarterly reports.

Consistent with the Government's commitment to self-determination, Cabinet has agreed to exempt the Our Booris Our Way Implementation Oversight Committee (the Committee) appointments from the Governance Principles – Appointments, Boards and Committees in the ACT until after the Committee's final report is due in 2025.

It was also noted by Cabinet, that the Committee will develop their own Governance principles in negotiation with the Minister for Aboriginal and Torres Strait Islander Affairs, and the Director General, Community Services Directorate. Once the Governance principles are developed and agreed, they will be provided to Cabinet for noting.

**This recommendation has been agreed as completed. The Committee will continue to meet on a regular basis to review the implementation of OBOW recommendations.**

## RECOMMENDATION 16

### Increase Aboriginal and Torres Strait Islander led decision making in child protection

*The Steering Committee recommend that every opportunity be taken to engage the child and family in decision making, particularly using conferencing mechanisms to promote shared understanding and facilitate participation of families in decision making for their children.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

#### ACTIVITIES JULY – DECEMBER 2022

New staff guidance to support improved and consistent approaches to decision-making was made available to all CYPS staff. The guidance outlines expectations on working collaboratively with families in decision making, including who has delegation to make decisions, who needs to be consulted, what information needs to be considered and how decisions must be recorded. This includes the additional decision-making considerations for Aboriginal and/or Torres Strait Islander children and young people.

CSD has continued to develop and implement practice guidance for family-led decision making through Ngura Naraganabang Advisory Group and the Aboriginal and Torres Strait Islander Codesign Network.

All staff must also complete the new Decision-Making e-learning by 31 March 2022 to ensure they have a clear understanding of the new policies and procedures. As of 25 January 2023, 93.5% of CYPS Operations staff (Case Management Team, North, South/0-12 and 12+) have completed the training.

#### IN THE NEXT 6 MONTHS

CYPS will continue to:

- train staff in family-led decision making.
- establish the First Nations Family Support Team (connected to Recommendation 1) as a core function of the team will be to support parents to participate in decision making about the care, protection and safety of their children, and empower children to be heard about what happens to them.
- explore options to expand referrals to case conferencing earlier in the child protection process.
- develop options to track and measure family engagement through the CYRIS Case Management System. text.

## RECOMMENDATION 17

### Aboriginal and Torres Strait Islander Workforce and Leadership

*The Steering Committee recommend that CSD focus on attracting Aboriginal and Torres Strait Islander staff to join CYPS and invest specifically in the recruitment and development of the Aboriginal and Torres Strait Islander staff members into leadership and executive positions.*

*Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government June 2020.*

#### ACTIVITIES JULY – DECEMBER 2022

There are two main areas of focus with this recommendation. The first is within CYPS and how Child and Youth Protection Professional (CYPP) classification structure acknowledges the significant contribution that individuals with Aboriginal and Torres Strait Islander cultural heritage and experience bring to improving outcomes for children and young people. The second focus area is CSD-wide and focuses on the attraction and retention of Aboriginal and Torres Strait Islander employees.

The first stream of work is led by the CYPP Project Board who met in mid-December to progress the CYPP classification and Indigenous Competency Framework.

Under the leadership of the Project Board the CYPS Practice and Development Team (PDT) have begun to trial a draft assessment tool to assess the cultural experience of Aboriginal and Torres Strait Islander applicants to CYPP roles. The tool was developed by the Aboriginal and Torres Strait Islander Practice Development Leader.

CSD's Attraction, Retention and Development Plan continues to be refined and improved prior to consultation and implementation.

#### IN THE NEXT 6 MONTHS

- Procedural improvements to recruitment to Aboriginal and Torres Strait Islander identified positions will be tested via a bulk recruitment round for identified Aboriginal and Torres Strait Islander vacancies, to be progressed in April 2023.
- The CYPP Project Board continues to meet every 6 weeks to deliver this work.
- CSD continue to work closely with the OBOW Chair to build CSD's Aboriginal and Torres Strait Islander workforce capability and leadership strategy.

## RECOMMENDATION 18

### Support development of the cultural services team

*The Steering Committee recommend that the Cultural Services Team be supported to develop through:*

- *Defining specific policies and processes that guide their practice, engagement, responsibility and influence with families and case workers, particularly around decisions and pathways for children;*
- *Assess work level standards and equivalency with case workers (post new EBA levels and standards);*
- *Recognising and valuing specific, in demand skills;*
- *Defining policy and processes for escalation of concerns and for them to be considered in a timely and appropriate manner;*
- *Reviewing employment contracts with a view to ensuring permanency to build a stable team;*
- *Developing mechanisms that enable Aboriginal and Torres Strait Islander team members to be supported in their personal development plans with clear pathways to further professional development, and*
- *Establishing pathways for development and promotion to senior levels within the organisation.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

The Cultural Services Team continue to respond and adjust to the changing needs of the workforce and community. The Cultural Services Team has welcomed three new staff, with the Senior Practitioner being employed short term until permanent recruitment in early 2023. The team is working across all spectrums of CYPS, from prenatal support to restoration from long term orders.

ANSZOG delivered a report, "A Cross Jurisdictional Review of Cultural Services for Aboriginal and Torres Strait Islander People Involved with Statutory Child Protection". Some recommendations are similar in nature to the SNAICC work undertaken for CSD in relation to embedding the Aboriginal and Torres Strait Islander Child Placement Principles in legislation.

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## IN THE NEXT 6 MONTHS

- CYF will develop a paper on 'key findings and next steps' as a result of the ANSZOG report.
- One of Cultural Services Team's key focuses is to recruit the permanent Senior Practitioner.

## RECOMMENDATION 19

### Appropriate identification, and de-identification, of children

*The Steering Committee recommend that the Directorate develop specific guidelines and processes to define their role in relation to the identification and de-identification of Aboriginal and Torres Strait Islander children that makes explicit the limit of the Directorate's role and the need for independent Aboriginal and Torres Strait Islander community oversight and assurance of the process.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

## ACTIVITIES JULY – DECEMBER 2022

The 'Recording the cultural identify of Aboriginal and/or Torres Strait Islander children and young people' policy has been approved. The policy maintains a position that the identification of Aboriginal and Torres Strait Islander children is determined by their families as the experts in their Aboriginality. The policy recognises the accurate recording of Aboriginal and/or Torres Strait Islander identity of children and young people is essential to fulfilling the cultural, legal, policy and practice obligations of staff. This policy was provided to the Committee and their feedback was incorporated.

CYPS has implemented a monitoring mechanism that involves generating a report each month to reconcile the number of children and young people in the DG care and confirming appropriate actions have been undertaken with family and the cultural services team in relation to identification. This monitoring mechanism will ensure:

- All CYPS staff are fulfilling the cultural, legal, policy and practice obligation to accurately record the identity of Aboriginal and/or Torres Strait Islander Children and Young People.
- That the cultural authority for the identification of children rests with their family, Elders and community with which the family have traditional connections.
- There is a clear process in place to ensure timely identification and amendment of an inaccurate record, with families informed and made aware of their right to request a review.

**The Committee agreed this recommendation can move to monitoring.**

# Our Booris, Our Way Review

Six-monthly Update (July – December 2022)

## RECOMMENDATION 20

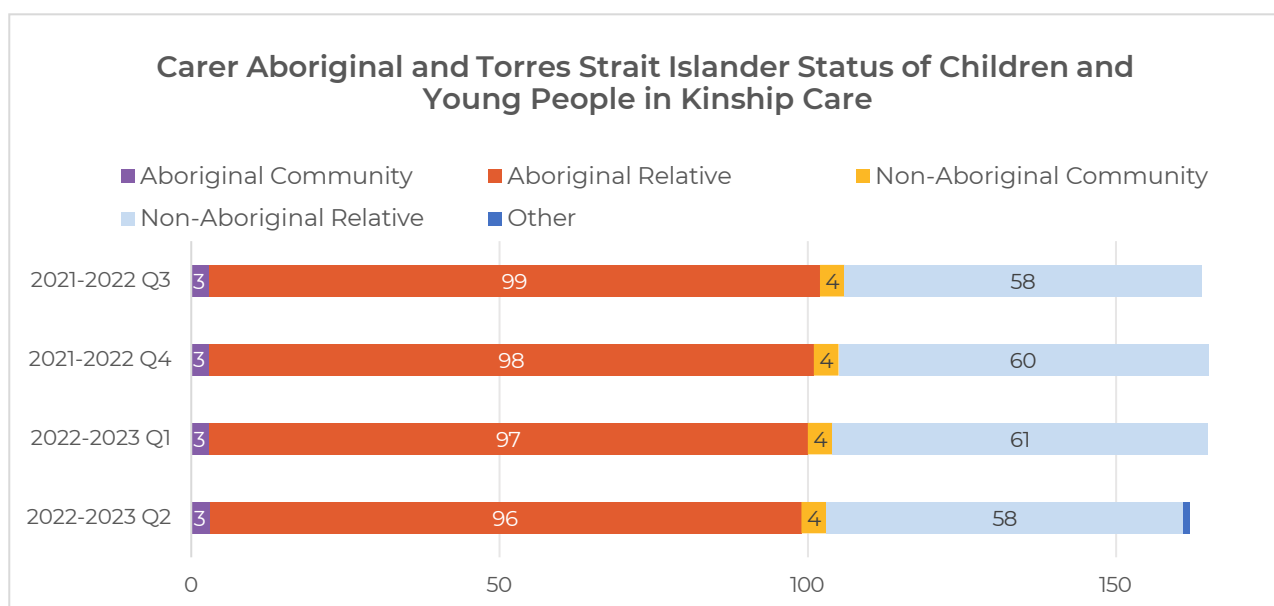
### Segmentation and data on kinship care

*The Steering Committee recommend that the CYPS adopt the Family Matters definition of kinship when applying the ATSICPP and as a discreet reporting group whenever providing data on kinship care.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government June 2020.

### ACTIVITIES JULY – DECEMBER 2022

Segmentation of kinship data for Q1 and Q2 2022-23 is presented below. It shows that most Aboriginal and Torres Strait Islander Children in care are placed with Aboriginal and Torres Strait Islander Kinship carers.



CSD have also engaged SNAICC to undertake consultation with the ACT to seek community perspectives on the definition of kinship outlined in Family Matters.

### IN THE NEXT 6 MONTHS

- The draft report from SNAICC regarding community perspectives on kinship definitions has been finalised and will be shared with the Committee in early 2023.

## RECOMMENDATION 21

### ACT Indigenous procurement policy

*The Steering Committee recommend that future procurement for child protection services must be aligned to the ACT Government Indigenous Procurement Policy as it relates to the funding of specific Aboriginal and Torres Strait Islander services and must evidence alignment and fulfilment of the ATSICPP in their placement of children, recruitment of carers, assessment of kinship carers and case work.*

Presented by the OBOW Steering Committee December 2020. Agreed by the ACT Government July 2021.

### ACTIVITIES JULY – DECEMBER 2022

Planning has progressed for the Phase 2 Sourcing and Procurement Program of out-of-home-care services, in line with the Aboriginal and Torres Strait Islander Procurement Policy. CSD is committed to ensuring the procurement process is inclusive and is designed to reduce the barriers that may be faced by Aboriginal and Torres Strait Islander businesses. This commitment may include the engagement of an Aboriginal consultancy firm to assist with the development of tendering documentation.

### IN THE NEXT 6 MONTHS

- In early 2023 the new Executive Branch Manager of Aboriginal Service Development will seek opportunities to expand and strengthen ACCOs to support Aboriginal and Torres Strait Islander children, youth and families is work.
- CSD is working to incorporate new contract clauses into all proposed child protection and out of home care service contracts. These new clauses reflect the Territory's expectations for the delivery of services to Aboriginal and Torres Strait Islander children, young people, and families, including Child Placement Principles.

## RECOMMENDATION 22(A), (B) & (C)

### Quality of case work and allocation of Aboriginal and Torres Strait Islander children under A Step Up For Our Kids

*22 (A) The Steering Committee recommend that there be a framework developed and implemented for the formal monitoring and supervision of the quality of case work being conducted by ACT Together in relation to Aboriginal and Torres Strait Islander children on long term orders.*

*22 (B) The Steering Committee recommend that all Aboriginal and Torres Strait Islander children that move to long term orders, from January 2020, must be managed by Child and Youth Protection Services and not transferred to ACT Together until a framework is in place to monitor the quality of casework*

*22 (C) the Steering Committee recommend that Aboriginal and Torres Strait Islander children who are fostered by ACT Together staff, must be managed by the Directorate and that this transition be completed by June 30, 2020..*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

Under recommendation 22(a) the steering committee recommended that there be a framework developed and implemented for the formal monitoring and supervision of the quality of casework being conducted by ACT Together for children on long term orders. This framework has now been implemented for 12 months.

In total, 125 children have been reviewed since the Monitoring and Review framework commenced in February 2022.

Under recommendation 22(b) the steering committee recommended that from January 2020 all Aboriginal and Torres Strait Islander children that move to long term orders be case managed by CYPS and not transferred to ACT Together until a framework is in place to monitor the quality of casework.

There have been no transfers for long term orders to ACT Together for children and young people since January 2020. These families have been case managed by CYPS. The framework has now been implemented for one year to monitor the quality of casework.

Under recommendation 22 (c) the steering committee recommended that children who are fostered by ACT Together staff, must be managed by CYPS. The remaining children that are cared for by ACT Together staff in any capacity have been shared with the Committee and they understand the individual and unique circumstances of the carers and their care arrangements.

# Our Booris, Our Way Review

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## IN THE NEXT 6 MONTHS

- CYPS and ACT Together will jointly present the fourth group review of the Monitoring and Review Framework at the March 2023 Committee meeting.

## RECOMMENDATION 23

### Wreck Bay

*The Steering Committee recommends that CSD undertake a proper consultation process with the Wreck Bay community about an appropriate service and support model including family and early support, and child protection issues that promotes better outcomes for the community. The timeframes associated with this consultation should be determined by the Wreck Bay community.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

CSD is working with OBOW Implementation Oversight Committee to arrange a meeting with the Wreck Bay community about their services needs.

The ACT government continue to negotiate with the Commonwealth on the new memorandum of understanding for the delivery of ACT Government services for the Jervis Bay Territory on behalf of the Commonwealth. We also continue to explore any potential role for the Commissioner in relation to the Jervis Bay Territory to improve our delivery of services to the community.

We note the Committee's proposal to meet with the Wreck Bay community to discuss their service needs. The ACT Government is supportive of participating in the meeting, should the Committee and Wreck Bay community request our input, noting that the service model in JBT is a matter for Commonwealth consideration and decision.

CYPS visited the Wreck Bay Community between 5 and 6 December 2022 and met with staff from Jervis Bay Primary School. No concerns were identified during the meeting and the school reported that all Year 6 children have a high-school transition plan in place.

The team also met with Jervis Bay Police and discussed a number of case matters. These discussions have continued to build rapport between CYPS and Jervis Bay Policing.

Finally, the team met with the Jervis Bay Territory Administration.

## IN THE NEXT 6 MONTHS

- CSD will work with the Our Booris Our Way implementation Oversight Committee and Wreck Bay to facilitate a meeting to discuss service needs.

## RECOMMENDATION 24

### Appoint a project team to implement recommendations and monitor practice change

*The Steering Committee recommends that the ACT Community Services Directorate form a dedicated implementation team with skills in project management, community engagement, and outcomes measurement to plan, engage community and implement recommendations in both Child and Youth Protection Services and ACT Together. Staffing of such a team must include Aboriginal and Torres Strait Islander people. This implementation team would provide quarterly reports to the Implementation Oversight Committee.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

#### ACTIVITIES JULY – DECEMBER 2022

Implementation Plans continue to be developed across CYF and Strategic policy and are brought to the committee for review.

An Implementation Team, Senior Director, was appointed and commenced in October 2022. In October, she started building a team and linking strongly across all the areas and with action officers who hold responsibility for delivering recommendations. The Senior Director also had an out of session meeting with the OBOWIOC on 24 October 2022. The Committee discussed their priorities and expectations of the Implementation Team and shared their views about the reporting and progress of the recommendations to-date.

Fortnightly meetings with the Minister continue to provide a critical reference point for discussing and tracking OBOW recommendations.

A key initial focus for the Senior Director has been working closely with the Secretariat to support the production of papers and Quarterly reports that address the intent of the recommendations..

#### IN THE NEXT 6 MONTHS

- An implementation package and reporting approach is being developed for consideration by the Committee to shape efforts and next steps in 2023.
- CSD will continue to develop Data and Finance reports along with the quarterly reports to support the process of implementing and monitoring the recommendations.

## RECOMMENDATION 25

### Data collection and analysis

*The Steering Committee recommends the Directorate establish formal key performance indicators in collaboration with the Implementation Oversight Committee and the Aboriginal and Torres Strait Islander community, for measuring the reduction of children entering the system, improvements in their experience in the system, and the provision of pathways to restoration and exiting care. These key performance indicators can then be formally and independently evaluated from this baseline in five years.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

CSD provides data to the Committee through its quarterly reporting and a data report called the System Level Dashboard. CSD's Data Working Group continued to meet with the Spring Green Consulting (an independent advisor working for the OBOW Committee) to review the current data and its presentation and to consider what additional data could be included in the report.

A revised data report has been developed that includes monthly and quarterly data that aligns with the key focus areas of OBOW Review report – reducing the number of children entering care, improving their experience in care, and working towards restoration. This data report is a crucial tool in measuring the impact of implementing the recommendations.

### IN THE NEXT 6 MONTHS

- A three month trial is being conducted to ensure the new data report contains the key data the Committee requires to monitor for changes to the care and protection system.

## RECOMMENDATION 26(A)

### Adoption and permanency arrangements

*The Steering Committee recommends that following the community consultations that have occurred, the Directorate move to formalise the policy position in legislation and remove the possibility for Aboriginal and Torres Strait Islander children being adopted.*

Presented by the OBOW Steering Committee December 2019. Agreed in principle by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

CSD has received legal advice on this recommendation. It identified there are legislative barriers to implementing this recommendation; specifically, legislation to prohibit the adoption of Aboriginal and Torres Strait Islander children and young people in the ACT, without any exceptions, would likely contravene the Racial Discrimination Act 1975 (Cwth) and the Human Rights Act 2004 (ACT).

Following feedback from the OBOW Steering Committee, CSD is in the process of engaging SNAICC to provide independent advice on the issues of legislation of non-adoption. SNAICC will be asked deliver a report which will develop, analyse, and report on the steps and safeguards that may be available for inclusion within the policy and practice of the Directorate in its support of applications and orders for adoption or enduring parental responsibility by kinship carers.

The proposed report will consider:

- the known experience of Aboriginal Torres Strait Islander children and young people of applications and orders for adoption and enduring parental responsibility;
- the known experience of Aboriginal Torres Strait Islander children and young people of the use of these applications and orders by child welfare authorities;
- the known experience of Aboriginal Torres Strait Islander birth parents, kin and communities of these applications and orders and their use by child welfare authorities;
- the current terms and operation of the Children and Young People Act 2008 and Adoption Act 1993 (Adoption Act);
- the requirements, as understood by the Supplier, of Anti-Discrimination Laws (e.g. the Racial Discrimination Act 1975 (Cwth) (RDA), Discrimination Act 1991 (ACT) (Discrimination Act) and Human Rights Act 2004 (ACT) (HRA).

Also as part of this report SNAICC will consult with the Our Booris, Our Way Steering Committee.

# Our Booris, Our Way Review

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## IN THE NEXT 6 MONTHS

- CSD will contract SNAICC to provide independent cultural advice on the non-adoption issue which would include a review of the Australian jurisdictions and leading practice review of work around issues of adoption for Aboriginal and Torres Strait Islander children. This report is due in 2023 and it is expected the work will commence in April 2023.

## RECOMMENDATION 26(B)

### Enduring Parental Responsibility orders

*The Steering Committee recommend that EPR only be available for Aboriginal and Torres Strait Islander kin and carers, and this be clarified in a formal policy position from the Directorate.*

Presented by the OBOW Steering Committee December 2019. Noted by the ACT Government July 2020.

## ACTIVITIES JULY – DECEMBER 2022

The OBOW Committee requested CSD to make a more genuine commitment to safeguarding culture and connection for Aboriginal and Torres Strait Islander children and young people who are being considered for an EPR. As a result, CSD made a commitment in July 2022 that no new EPR matters are to progress in relation to non-Aboriginal carers until further policy work is undertaken to safeguard culture and connection.

Families who have already commenced assessment will continue to progress through the process.

## IN THE NEXT 6 MONTHS

- Further exploration is currently underway to consider how, within existing legislation, appropriate safeguards can be implemented.

## RECOMMENDATION 27

### Active referrals and follow-up

*The Steering Committee recommend that when referring a child or family to a program or service and where the family agrees, the case worker accompany the family to the new service to introduce them onto the service. The case worker should ensure that families have practical supports in place to access these services. The case worker must then monitor the delivery of services to ensure that they are of a high quality, appropriate and delivered to families.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

#### **Spotlight on Practice**

A new initiative called 'Spotlight on Practice' has been developed and will engage staff in ongoing learning and reflection about good practice with Aboriginal and Torres Strait Islander children, young people and families.

#### **Aboriginal and Torres Strait Islander Case Directions and Discussion Group**

A key focus has been establishing the Aboriginal and Torres Strait Islander Case Directions and Discussion Group (part of Recommendation 1). This group will be responsible for exploring the immediate service responses for Aboriginal and Torres Strait Islander families, post emergency action.

As part of case work, case workers will make a range of referrals for children and their families. The Group will monitor the referrals and ensure active follow ups, including that the case worker accompany the family to the new service to introduce them to the service, and ensure that families have practical supports in place to access these services where a family requests additional support.

### IN THE NEXT 6 MONTHS

- A terms of reference is currently being drafted for the Case Directions and Discussion Group, with the first meeting of the group planned to take place in March 2023.

## RECOMMENDATION 28

### Family connection practices

*The Steering Committee recommend that family connection, otherwise referred to as contact, must be revisited for each child currently subject to an interim, final short term, or final long-term order. Family connection arrangements must be aligned to contemporary, evidence based practice to support growth of resilient family relationships. Family connection should be frequent, facilitate high quality relationship building and be in natural settings to facilitate the growth and maintenance of family relationships.*

Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government July 2020.

### ACTIVITIES JULY – DECEMBER 2022

CSD has been examining how to improve family connection practices within CYPS and with ACT Together.

A Monitoring and Review Framework has been used to uplift practice in a range of areas with ACT Together including family connections and contact arrangements. The framework has been in place for over 12 months and has monitored and reviewed four groups of case reviews to ensure family connection should be frequent, facilitate high quality relationship building and be in natural settings to facilitate the growth and maintenance of family relationships. Overall, findings show a demonstrated increase to ensure placement maintains links with child & young person's own culture and community.

### IN THE NEXT 6 MONTHS

- A training presentation to Team Leaders and Operations Manager will be undertaken to refocus family connection practice, with a view to embedding this with case workers and ensuring this aligns with current policy.
- A review of the information management system (CYRIS) to ensure the system is equipped to input, capture and monitor family connection data effectively. This is scheduled for August – September 2023.

