

# THIRD QUARTERLY PROGRESS REPORT

RECOMMENDATIONS FROM INTERIM REPORT  
OUR BOORIS, OUR WAY REVIEW

June 2019



**ACT**  
Government

Community Services

## PURPOSE

On 15 June 2017 a review into the circumstances of each Aboriginal and Torres Strait Islander child and young person involved in the child protection system, including those in out of home care was announced.

The *Our Booris Our Way* review is focusing on systemic improvements needed to address the over representation of Aboriginal and Torres Strait Islander children in the child protection system in the ACT.

The Interim Report from the *Our Booris Our Way* review was provided to Government on 31 August 2018. A final report is due to be provided to Government by the end of the 2019 year. The review methodology is iterative, meaning the Steering Committee will provide recommendations to directorates and the ACT Government throughout the review period. Further recommendations were received from the Steering Committee on 19 December 2018 and 10 May 2019.

In total, as at June 2019, 14 recommendations have been received. A number of recommendations have multiple components.

The initial report from the review identified four key recommendations with themes in the areas of:

- cultural proficiency of Child and Youth Protection Service (CYPS) staff;
- implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (CPP) within policy and practice; and
- access to Family Group Conferencing for all Aboriginal and Torres Strait Islander families in the statutory system.

All four recommendations were agreed to by the Community Services Directorate (CSD).

Several of the recommendations received in December 2018 relate to the work of Government more broadly and impact on multiple directorates. Input from these directorates has been included in this report.

The first and second progress reports provided to the Steering Committee in November 2018 and February 2019 outline progress against recommendations made by the Steering Committee in their Interim Report. This third quarterly report provides further information on progress made by CSD on these and information regarding the December 2018 and May 2019 recommendations.

The quarterly updates should be read together to gain a full understanding of the progress made.

## RECOMMENDATION 1 (AUGUST 2018)

*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.*

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED** - CSD is committed to increasing the cultural proficiency of all staff within the Directorate, and in particular in CYPS. CYPS will consider the cultural proficiency of staff when allocating families involving Aboriginal and Torres Strait Islander children, with guidance from the Cultural Services Team, within the current CYPS structure.

### STATUS: IN PROGRESS

### ALLOCATION PROCESS

CYPS continues to allocate Aboriginal and Torres Strait Islander families, where possible, to operational staff who have completed the Cultural Development Program and other relevant training that increases cultural proficiency of staff. CYPS continues to strive towards achieving the intent of this recommendation and do this having attention to several key factors that must be considered during the allocation process. Considerations include the complexity of the case, existing workload of staff, the complexity of cases on existing workloads, leave and training commitments.

The capacity to allocate families to staff who have completed the training will grow over time as more staff complete the CYPS Cultural Development Program. Data has been collected over a three-month period from April to June 2019 to establish a baseline from which to build (**Attachment A**).

It should be noted that while the CYPS Cultural Development Program is a key program that contributes towards building cultural competence, CYPS staff has also attended additional training such as:

- Cultural Safety Masterclasses provided by Associate Professor Richard Frankland;
- Family Group Conferencing training which specifically focuses on family led decision making; and
- SNAICC training on the Aboriginal and Torres Strait Islander CPP.

In total 110 staff have attended at least one of these training sessions, including the Cultural Development Program, in the past twelve months.

## CULTURAL DEVELOPMENT PROGRAM

Recruitment to the designated CYPS training and workforce position has enabled an additional three Cultural Development Programs to be scheduled for 2019. CYPS will give priority access to operational casework staff to this training.

A program commenced on 13 March 2019 and concluded on 26 June 2019. A second program commenced on 19 June 2019. This program is scheduled to finish on 21 August 2019. A third program commenced on 10 July 2019. This program is scheduled to finish on 19 September 2019.

Upon completion of these three groups, a total of 42 additional CYPS staff will have completed the Cultural Development Program.

One further program is scheduled to commence on 4 September 2019.

## CYPS CULTURAL SERVICES TEAM

CYPS have implemented processes to ensure that all child protection reports for Aboriginal and Torres Strait Islander children rated for appraisal are notified to the Cultural Services Team.

Brochures were developed in 2019 to provide to young people, families and agencies about the services and supports the team provide. These are provided to families involved with CYPS and are available on the CSD website.

## RECOMMENDATION 2 (AUGUST 2018)

*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 Principle (CPP) within their practice.*

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED** - CYPS has discussed this recommendation with SNAICC and is seeking to engage them to undertake this training. Based on advice from SNAICC and their availability, this training will initially be targeted to the CYPS leadership group, including team leaders and will then become part of CYPS core training. It is expected that this training will commence in October/November 2018 and continue into 2019.

## STATUS: IN PROGRESS

## WORKING WITH SNAICC

CYPS has engaged SNAICC to conduct training for staff on embedding the Aboriginal and Torres Strait Islander CPP into practice. SNAICC facilitators are in the process of training 20 team leaders and 150 case workers from CYPS in understanding and applying all elements of the CPP. This is in addition to the workshop held in late 2018 (see February 2019 progress report).

SNAICC consulted with CYPS staff to tailor training to the specific needs, with the top three priority areas being:

- engaging skills to work with Aboriginal families;
- understanding Aboriginal child-rearing practices; and
- practice examples for each of the five elements of the Aboriginal and Torres Strait Islander CPP.

This training has commenced, and is ongoing with training having occurred, or scheduled for:

- 28<sup>th</sup> March 2019 - 3 hours workshop – 20 team leaders – (complete)
- 3<sup>rd</sup> April 2019 – 1-day workshop (follow-on from 28 March) – 10 team leaders – (complete)
- 4<sup>th</sup> April 2019 – 1-day workshop (follow-on from 28 March) – 10 team leaders – (complete)
- 2<sup>nd</sup> and 3<sup>rd</sup> May 2019 – two-day workshop – (group 1) – (complete)
- 11<sup>th</sup> and 12<sup>th</sup> June 2019 – two-day workshop – (group 2) – (complete)
- 13<sup>th</sup> and 14<sup>th</sup> June 2019 – two-day workshop – (group 3) – (complete)
- 27<sup>th</sup> and 28<sup>th</sup> June 2019 – two-day workshop – (group 4) – (complete)
- 11<sup>th</sup> and 12<sup>th</sup> July 2019 – two-day workshop – (group 5) – (complete) and
- 25<sup>th</sup> and 26<sup>th</sup> July 2019 – two-day workshop – (group 6) – (complete).

SNAICC recently promoted this training on its website advising:

*“SNAICC commends the Directorate and the Our Booris Our Way Steering Committee for setting the path and priorities to improve responses for Aboriginal children and families in ACT, including enhancing practice and creating more collaborative partnerships with Aboriginal community-controlled organisations.”*

## ABORIGINAL PRACTICE LEADER

The designated Aboriginal and Torres Strait Islander Practice Leader position commenced on 4 March 2019. The officer has been working within the organisation with staff to ensure that culturally responsive practice remains high on the agenda. This work has included integrating culturally appropriate content into existing training material such as Induction, Lunch and Learn sessions and educational sessions to community partners.

The Aboriginal and Torres Strait Islander Practice Leader has assisted with the planning and implementation of the Talking Practice event. The event held on 24 July 2019 brought together professionals to share and exchange best practices as well as exploring the challenges and best practice trends, solutions and initiatives for Child and Youth Protection systems throughout Australia.

Ms Natalie Lewis, Chief Executive Officer of the Queensland Aboriginal and Torres Strait Islander Child Protection Peak, Director of SNAICC and Co-Chair of the National Family Matters Campaign was a keynote speaker. Her presentation *“More than just a placement: Enhancing the implementation of all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle”* explored all five elements of the Aboriginal and Torres Strait Islander CPP, looked at examples of promising practice, and reflected on how the Aboriginal and Torres Strait Islander CPP can be better embedded in day to day practice.

The Aboriginal and Torres Strait Islander Practice Leader has been working alongside the Family Group Conference Team to profile Family Group Conferencing. Throughout this process, the Family Group Conference practice guide and a range of procedures have been updated. The Aboriginal and Torres Strait Islander Practice Leader has assisted staff within CYPS to understand the importance of providing families the opportunity to have a Family Group Conference so that can make decisions about their children. The Aboriginal and Torres Strait Islander Practice Leader has been providing cultural supervision to Family Group Conferencing facilitators.

Ongoing funding of \$1.744m over 4 years was provided in the 2019-20 ACT Government Budget for this position, along with designated Training and Development Officer and Policy Officer positions.

### RECOMMENDATION 3 (AUGUST 2018)

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

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

#### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED** - To give immediate effect to this recommendation, CYPS is seeking to engage with an Aboriginal owned organisation to develop an Aboriginal and Torres Strait Islander Placement Principles *Practice Guide* for staff across the continuum of care in both child protection and youth justice. The *Practice Guide* would build on SNAICC's *Understanding and applying the Aboriginal and Torres Strait Islander Placement Principle: A resource for legislation, policy and program development* and seek to give guidance to staff about its direct application in CYPS.

#### STATUS: IN PROGRESS

#### PRACTICE GUIDE

The content for the Aboriginal and Torres Strait Islander CPP Practice Guide for CYPS staff has now been finalised following extensive consultation, as outlined in the November 2018 progress report. The guide provides information about effectively embedding 'active efforts' for best practice casework under each element of the CPP. CYPS has engaged an Aboriginal young person to design the artwork for the publication of the guide and it is now in the final stages of design.

## ABORIGINAL POLICY OFFICER

The Aboriginal and Torres Strait Islander Senior Policy Officer commenced on 4 March 2019 and has commenced development of the scoping and strategy to implement the Aboriginal and Torres Strait Islander CPP into all policies and procedures and reviewing content to ensure it is culturally appropriate. The Aboriginal and Torres Strait Islander Senior Policy Officer has established an advisory committee comprising internal and external stakeholders. Currently the group has confirmed membership from CYPs, Gudan Gulwan Youth Aboriginal Corporation, Aboriginal Legal Services, Justice and Community Safety, Winnunga Nimmityjah Aboriginal Health Service, ACT Together and ACT Health. All invitees have been chosen for their expertise in working with Aboriginal families and this committee will assist the Directorate in reviewing the content of prioritised policy and procedure tasks. The first meeting of this group occurred on 16 July 2019.

## RECOMMENDATION 4 (AUGUST 2018)

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED** - The ACT Government committed \$1.44m funding over four years in the ACT Budget for the ongoing delivery of Family Group Conferencing, to ensure that Aboriginal and Torres Strait Islander families can be supported to make decisions to keep their children safe, strong and connected to their family and culture.

## STATUS: IN PROGRESS

## FAMILY GROUP CONFERENCING

Family Group Conferencing Facilitator Accredited training was conducted by Spirit Dreaming Training and Education Solutions on 4, 5 and 6 March 2019. Spirit Dreaming provides a range of Aboriginal training and educational programs to increase cultural competency and promote a greater understanding of Aboriginal Peoples within the workplace and communities.

Spirit Dreaming is a Registered Training Organisation (RTO) and therefore, following successful completion of the training program, the Family Group Conference facilitators have been accredited.

The Family Group Conferencing facilitators continue to be supported and mentored by staff from Curijo and cultural supervision is provided to the team by the Aboriginal and Torres Strait Islander Practice Leader position.

Since the commencement of the Family Group Conferencing Pilot in November 2017 to June 2019, 29 families have been involved in a Family Group Conference, involving 69 children.

46 Aboriginal and Torres Strait Islander children have not subsequently entered care following a Family Group Conference. For the remaining 23 children, decisions about the best care arrangements, other than with birth families, have been made by the extended family.

## FUNCTIONAL FAMILY THERAPY – CHILD WELFARE

The Functional Family Therapy Team Leader continues to co-locate with CYPS on a fortnightly basis to provide information about the program and to discuss referrals. Gugan Gulwan and OzChild commenced taking referrals at the end of 2018. As at end of May 2019, the program is working with 18 families involving about 50 children (the program's current capacity), with further families being accepted as capacity becomes available.

## RECOMMENDATION 5 (DECEMBER 2018)

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** The CSD agrees to commence foundation work to determine how best to enact the Aboriginal and Torres Strait Islander CPP in the *Children and Young People Act 2008*. CSD will commence scoping this work and will gain a better understanding of the extent of the work required to achieve the intent of this recommendation.

### STATUS: IN PROGRESS

CSD is participating in national work to support the implementation of the Aboriginal and Torres Strait Islander CPP across all states and territories. The ACT is the co-sponsor with Queensland of Priority One Working Group under the Fourth Action Plan for Protecting Australia's Children. This includes work to develop consistent interpretation of the CPP and all five elements that underpins implementation, the performance indicators and measures that will demonstrate success and the process of data collection and reporting.

CSD is in the process of discussing the policy parameters for the ACT to inform the legislative change required. Work has commenced in drafting an outline of the policy requirements to be detailed. Further work to describe the process to implement for external input into decision making will be undertaken with members of the Aboriginal and Torres Strait Islander community and potentially through the newly established Policy and Practice Co-Design Forum. It is expected to complete this work by the end of the third quarter of 2019-20. This will then inform the legislative changes to be made.

## RECOMMENDATION 6 (DECEMBER 2018)

*Feasibility Study Aboriginal Child Care Association*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED IN PRINCIPLE:** The CSD is committed to increasing the number of Aboriginal and Torres Strait Islander Community Controlled Organisations providing human services across the ACT. To do this CSD has agreed to lead the policy work required to guide this process.

### STATUS: IN PROGRESS

CSD has committed to the following actions in the ACT Aboriginal and Torres Strait Islander Agreement:

*Develop an Aboriginal and Torres Strait Islander Community Organisation Capacity and Capability Building Policy to guide development of the approaches to establishing new and long-term sustainable organisations. This would include establishing an “incubator” process to support development of new Aboriginal and Torres Strait Islander Community Controlled Agencies within CSD.*

The Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) has commenced the initial policy work gathering information from other jurisdictions regarding their service models in place and what are possible capability building initiatives in place to support organisations. An overview policy position for discussion will be available in the third quarter of 2019-20 and will consider options for consultation in relation to an Aboriginal and Torres Strait Islander Community Controlled Organisation.

## RECOMMENDATION 7 (DECEMBER 2018)

*Appoint an Aboriginal and Torres Strait Islander Children’s Commissioner with advocacy role and additional capacity to intervene and engage in child protection processes.*

### JUSTICE AND COMMUNITY SAFETY RESPONSE:

A statutory review of the structure of the Human Rights Commission is scheduled to commence as soon as practicable after 1 April 2019. It is important that any proposal for the introduction of a new review and advocacy statutory office holder be considered through the lens of the review of the existing framework. This is necessary to ensure that there is no undue overlap between the responsibilities of statutory office holders, and that the community is receiving the most value that it can out of the Government’s investment in this space.

## RECOMMENDATION 8 (a) (DECEMBER 2018)

*Culturally appropriate advocate service – the Steering Committee recommends that 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.*

## COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** Work has commenced on recommendation 8(a), with a specific focus on developing guidance for staff working with Aboriginal and Torres Strait Islander families and the role of advocates and support people in child protection processes. Guidance has been distributed and reinforced verbally with staff. This work will continue to include building on the information that is already available in the 'Working together for kids' parent guides. The Aboriginal Policy Officer will lead this work in partnership with the Cultural Services team and community agencies.

### STATUS: IN PROGRESS

## GUIDANCE ON ROLES OF ADVOCATES

The CYPS Aboriginal and Torres Strait Islander Policy Steering Committee outlined in Recommendation 3 has been established. This committee will assist the Directorate in prioritising the policy and procedure tasks which have been already identified.

This work will include the development of guidance for staff working with Aboriginal and Torres Strait Islander families and the role of advocates and support people in child protection processes. It is envisaged that this will build on the information that is already available in the 'Working together for kids' parent guides and be available as a resource to birth parents.

## RECOMMENDATION 8 (b) (MAY 2019)

*The Steering Committee recommends that 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.*

## JUSTICE AND COMMUNITY SAFETY DIRECTORATE RESPONSE:

Justice and Community Safety Directorate (JACS) are supportive of this recommendation and welcomes the opportunity to work with CSD and the *Our Booris, Our Way* Steering Committee to implement it. JACS currently provides funding for various holistic and restorative services to the Aboriginal and Torres Strait Islander community in the ACT, including legal services. JACS welcome collaborating with CSD on methods of improving or extending current services as well as exploring opportunities for funding new services to assist families. JACS will work with CSD and the *Our Booris, Our Way* Steering Committee to ensure new and existing services are delivered in a culturally appropriate way.

JACS currently funds four Aboriginal and Torres Strait Islander legal services: Mulleun Mura, Yarrabi Bamirr, Dhurrawang Aboriginal Human Rights Program, and the Aboriginal Legal Service Duty Lawyer. Further information about these services is set out below.

The 2019-20 ACT Budget also includes new initiatives aimed at improving outcomes for people involved in care and protection proceedings in the ACT Childrens Court. The ACT Government has provided initial funding to establish a Therapeutic Care Court (TCC) for care and protection matters heard within the ACT Childrens Court. This will provide court-led interventions for parents whose children have been removed from their care, or are at risk of being removed, and seek to achieve reunification and address parental substance abuse issues,

parenting capacity issues, family violence and mental health issues. The ACT Courts and Tribunal will work with the Childrens Court Magistrate to design and implement the TCC during 2019-2020. The ACT Government will invest additional funds for the TCC over the next four years subject to its successful establishment.

#### Legal Aid ACT

The ACT Government has also provided funding in the 2019-20 Budget for Legal Aid ACT to deliver a new duty lawyer service in the ACT Childrens Court. This is an additional service to Legal Aid's provision of independent child representatives in care and protection matters, providing another level of assistance to families in the care and protection system.

This will add to Legal Aid's existing list of extensive services that are accessed by Aboriginal and Torres Strait Islander clients and their families. Legal Aid operates a Community Liaison Unit (CLU) that provides dedicated assistance to people from culturally and linguistically diverse backgrounds, and Aboriginal and Torres Strait Islander peoples to access not only the legal services provided by Legal Aid, but also other legal services in the ACT and non-legal support services. This multi-disciplinary model through the provision of legal services (on both a duty, minor assistance and representation basis) with non-legal support services specifically targets providing assistance to Aboriginal and Torres Strait Islanders clients and their families.

Two Aboriginal and Torres Strait Islander workers are engaged by Legal Aid to work in the CLU and have strong ties to their community in order to provide culturally appropriate assistance in legal and related non-legal matters. To assist with clients experiencing or at risk of family violence, including their families, Legal Aid operates a Family Advocacy and Support Service that provides trauma-informed support to people experiencing or at risk of family violence. This is in addition to Legal Aid's Domestic and Personal Protection Order Unit, which helps members of the ACT community who have concerns about their safety, including assistance applying for, understanding and responding to domestic violence.

#### Mulleun Mura

Mulleun Mura is a free, Aboriginal woman-led service offering culturally appropriate support for Aboriginal and Torres Strait Islander women and their families needing assistance with justice issues. The service is operated by the Women's Legal Centre and provides holistic, wraparound support through the coordinated assistance of a social worker and a specialist lawyer. The philosophy of the program is that there are different pathways to achieve the justice outcomes needed by different individuals. The service provides advocacy, emotional support, cultural advice, referral, case-management and information. The advice provided includes legal advice, representation and community legal education for issues relating to domestic and family violence, care and protection, employment and discrimination, divorce and separation, victims of crime and debt.

#### Yarrabi Bamirr

Yarrabi Bamirr is a Ngunnawal phrase for Walk Tall, and this program empowers families to be self-reliant in navigating the system to get the right help from the right place at the right time. Yarrabi Bamirr aims to help keep families together, prevent homelessness and keep people out of prison. The Yarrabi Bamirr model is currently supporting approximately 20 families through three Aboriginal-led programs at Winnunga Nimmityjah Aboriginal Health and Community Services, the Aboriginal Legal Service ACT/NSW and the Women's Legal Centre.

#### Dhurrawang Aboriginal Human Rights Program

The Dhurrawang Aboriginal Human Rights Program operated by Canberra Community Law provides intensive legal services to Aboriginal and Torres Strait Islander clients in the ACT with the recognition of the historical

legacy and the generational trauma that impact their day to day lives. Most of Dhurrawang's clients have experienced a significant degree of violence throughout their lives and have invariably had negative experiences with government agencies. Dhurrawang provides a practical and intensive legal service to ensure that the outcomes that their clients need are facilitated despite significant barriers. The service provides a high level of lawyer and client interaction, which may involve daily contact and occur “after hours”. Legal representatives attend all relevant meetings and interviews with their clients to assist and support the client to navigate the justice system.

#### Aboriginal Legal Service (ALS)

JACS funds the ALS to employ a solicitor and support staff to provide culturally appropriate services to Aboriginal and Torres Strait Islander clients within the courts and tribunals of the ACT. The aim of the program is to improve access and outcomes for Aboriginal and Torres Strait Islander peoples in relation to legal needs and law and justice services in the ACT.

## RECOMMENDATION 9 (DECEMBER 2018)

*Early support programs available that provide positive support to families, early and during voluntary engagement with the child protection system. Current services are fragmented and difficult to access.*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** The ACT Government, through the Early Support initiative has agreed to a new approach to partnerships and investment with the community sector to change the service system and enhance well-being and early support across health, education, justice and community services. This is a long-term shift that will be achieved over a ten-year period. More immediately we are enhancing early support capacity in the ACT through several implementation initiatives, through changes to contracts from 1 July 2019, and through the establishment of the Aboriginal and Torres Strait Islander Policy and Practice Co-Design Forum.

A key component of enabling self-determination for Aboriginal and Torres Strait Islander peoples is the establishment of the Aboriginal and Torres Strait Islander Policy and Practice Co-Design Forum, which will facilitate community-led solutions to policy and practice issues across the human services. We also intend that the implementation initiatives will use a try, test and learn methodology, and will look to embed a co-production approach to reinvestment in early support.

### STATUS: IN PROGRESS

### EARLY SUPPORT INITIATIVE

The initiative is a ten-year initiative to transform the human services system from a crisis, deficit focus into one that prioritises well-being and early support. It is a collective initiative of the Human Services Cluster and includes services provided and funded by Health, Education, Justice and Community Safety, and Community Services.

Early Support aims to shift the human services to an early support environment through work across two horizons:

- In the shorter term, enhancing immediate early support capacity via four Implementation Initiatives; and
- a longer-term horizon to shift the human service system to a commissioning for outcomes environment.

Aboriginal and Torres Strait Islander families and communities are a priority for this work. Changes to the human service system will only be successful if the community plays a key role in the design and implementation of services and practices. Co-producing Early Support with the community is therefore a key foundation of initiative.

## IMPLEMENTATION INITIATIVES

Four Implementation Initiatives will be co-produced in 2019-20 the enhance early support capacity in the system. The first two initiatives will present clear opportunities to divert Aboriginal and Torres Strait Islander children, young people and families from tertiary responses:

- A Child Protection Diversion initiative with a focus on keeping Aboriginal and Torres Strait Islander children out of the child protection system. This initiative will contribute to achieving the early recommendations from *Our Booris, Our Way*, and aims to include very early support opportunities prior to coming to the attention of CYPs;
- A Youth Justice Diversion program will target young people in the middle years (8-13 years old) and have a strong focus on working with the children of parents who are in the adult corrections system. This program aims to create alternative pathways for young people at risk of contact with the youth justice system and will work with children and young people in the context of their family;
- A Sustained Nurse Home Visiting with a multi-disciplinary focus; and
- A place-based collective impact initiative.

## CO-DESIGN FORUM

CSD has been progressing the work to establish the Aboriginal and Torres Strait Islander Policy and Practice Co-Design Forum, a key mechanism to enable community-led solutions to human services issues. Mrs Lynnice Church, a Ngunnawal, Wiradjuri, and Kamilaroi woman, is leading this work with CSD. Mrs Church is a respected community member and has extensive experience in the non-government and government sectors, and in engaging with community members.

Early work has included conversations with members of the community to shape the design of the Forum and develop an approach to engage Forum members and a facilitator. Mrs Church is in the process of meeting with key stakeholders and potential participants to discuss scope of the Forum and potential membership and will work with Forum members to further develop Terms of Reference, eligibility criteria and background material.

Approaches have been made to identified members from the Aboriginal and Torres Strait Islander Elected Body (ATSIEB), the United Ngunnawal Elders Council and key service providers, including Gugan Gulwan Aboriginal Youth Corporation, to establish a core membership for the Forum. It is expected final membership of the Forum will also include members of the community, with a focus on those with lived experience of the service system.

An induction process with the core membership has commenced with an initial meeting on Monday 29 July 2019. This induction process will co-design aspects of the Forum, as well as agree a methodology for deciding community priorities and the forward agenda. In the first instance, the core group of members will shape the approach to the Forum and establish guidelines for community membership of the Forum and an approach to engage broader representation. CSD is currently determining appropriate remuneration amounts and methods of reimbursement for Forum members.

The first opportunity to test the co-design methodologies will be progressing work on adoptions policy and approaches for Aboriginal and Torres Strait Islander children, building on feedback from the *Our Booris, Our Way* Steering Committee. It will involve members of the Steering Committee and people with lived experience, as well as Forum members.

## RECOMMENDATION 10(a) (MAY 2019)

*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.*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** CYPS agrees to commence work on the development of specific information to be provided when a child enters kinship care to complement information already available through the *‘Working together for kids’* guides and the Carer Handbook. This information will provide clear information about carer subsidies, Therapeutic Assessments, support services and advice about how they can access these supports and will be focused on what kinship carers may immediately need to know when a child enters their care.

### STATUS: IN PROGRESS

Kinship carers are at the heart of the care system and CSD acknowledges the enormous role that they play in providing love, support and stability to the children that they care for. CSD also acknowledges the unique needs of kinship carers who provide care out of a deep commitment to their family.

In July 2015, *A Step Up for Our Kids* introduced a new Carer Subsidy and Therapeutic Assessments for children in out of home care. Therapeutic Assessments are developed with the carer and provide a holistic assessment of a child’s needs across a wide range of domains. They also promote the child stability in placement and healing from the trauma they have experienced by developing goals and strategies that assist a carer to support the child in their care. Since the introduction of *A Step Up for Our Kids* all children are progressively being provided with a Therapeutic Assessment, with all children in care expected have one by 1 July 2020. CYPS will continue to provide children in out of home care with Therapeutic Assessments providing guidance on the therapeutic needs of the child and the associated support required by the carer.

## RECOMMENDATION 10(b)(i) & (ii) (MAY 2019)

*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.*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREE WITH INTENT:** CYPS is committed to placement of all children with kinship carers in accordance with the Aboriginal and Torres Strait Islander CPP, where it is safe to do so. CSD recognises the benefits for children being placed with family including:

- reduced trauma / anxiety relating to the unknown for the child and their family;
- the carer's greater potential for a lifelong commitment to the child;
- the capacity of carers to maintain family connections, community and cultural connections; and
- enhanced capacity for supporting the development of a child's identity.

CYPS will reinforce the existing policy that enables a kinship placement to occur on an unplanned basis (such as after Emergency Action) through support from the Cultural Services Team. The Cultural Services team will assist in exploring all potential care options from within the child's extended family before placement with unrelated carers, or as soon as practicable afterwards. The reinforcement of existing policy is occurring through the development of the Practice Guide embedding the Aboriginal and Torres Strait Islander Child Placement Principle into CYPS case management practice and extensive training being offered to staff by the Secretariat of National Aboriginal and Islander Child Care (SNAICC). CYPS will continue to consider further training options for staff to reinforce the Aboriginal and Torres Strait Islander Child Placement Principle in practice.

In addition, CSD will commence the development of a Family Finding model for Aboriginal and Torres Strait Islander children in order to assist case managers with the early identification of kin. The capacity of CYPS to do this effectively will be enhanced by the introduction of the CYPS client information system (known as CYRIS) expected to occur in the second half of 2019. CYRIS has advanced family and genealogical mapping capability that will support the early identification of kin. CYPS will explore approaches taken in other jurisdictions during the development of the model.

## RECOMMENDATION 11(a) & (b) (MAY 2019)

*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).*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** CYPS requires that all Aboriginal and Torres Strait Islander children in an out of home care placement have a cultural plan to ensure that a child’s identity is preserved by facilitating and maintaining their connection to family, including extended kinship networks and community; and to support a child to remain connected to their culture, including but not limited to language, cultural values, lore, beliefs and practices, Country, totem, history and stories, symbolic and cultural expressions and events.

Recommendation one from the Interim Report (31 August 2019) identified cultural proficiency of CYPS staff. In response CYPS have employed three designated Aboriginal and Torres Strait Islander positions with a focus on improving cultural proficiency through policy, workforce development and practice. In addition, CYPS is also strengthening practice and knowledge of the implementation of the Aboriginal and Torres Strait Islander Placement Principle in policy and procedures. This includes the focus area of Connection, which is core to cultural planning.

CYPS will review the current practice guidance of developing cultural plans and strengthen practice guidance to staff, including having a stronger emphasis on consultation with the child or young person’s extended family, community and Aboriginal and Torres Strait Islander services. This work will be undertaken in partnership with ACT Together given they provide support to the majority of children in out of home care. CYPS will engage with Aboriginal Community Controlled Organisations, including the Victorian Aboriginal Child Care Agency, and other jurisdictions in undertaking this work.

## RECOMMENDATION 12 (MAY 2019)

*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.*

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREE WITH INTENT:** *A Step Up for Our Kids* vision is “Children and young people in care – growing up strong, safe and connected.” The strategy is focused on keeping children and young people at home where it is safe to do so, or in restoring children to family as soon as it is safe. For children who are unable to stay at home or return home, stability in care arrangements become a priority with kinship care being prioritised over non-family carers of the child. Through the development of the second stage of *A Step Up for Our Kids* we will look at the Annual Review process including consideration of positive change in parenting capacity and the potential for reunification and family reconnection.

CYPS has invested in intensive restoration and preservation services to support this intent of the strategy, including the Uniting Children and Families program, Functional Family Therapy – Child Welfare (provided by Gugan Gulwan and Oz Child) and Karinya House, Mothers and Babies Home.

CYPS developed the Restoration Panel in October 2018 to ensure effective planning for restoration occurs in a timely manner. In addition, restoration is a key element of the Family Group Conferencing Program with family-led decision making at the centre of placement decisions.

The Restoration Panel reviews case management to ensure effective planning for restoration has taken place. This includes a review of:

- support provided to the parent/s to achieve positive change in order to meet the child’s needs for safety;
- the development and progress of clear case management goals;
- the implementation of timely decision making;
- identifying family and other members of the parent/s network who can support the restoration process; and
- progress towards achieving the optimum conditions for the child to be restored to a safe and nurturing home environment.

In developing the Finding Family model, referred to in response to Recommendation 10(b), CYPS will ensure that this includes a focus on placing with kin immediately upon a placement being required, including when a long-term placement is no longer stable.

## RECOMMENDATION 13 (MAY 2019)

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE:

**AGREED:** CYPS has commenced a project to embed the Aboriginal and Torres Strait Islander CPP in policy and procedure. This is being undertaken by the Aboriginal and Torres Strait Islander policy officer and commenced after receiving the Interim report.

The Aboriginal and Torres Strait Islander Senior Policy Officer has established a steering committee comprising internal and external stakeholders. Currently the group has confirmed membership from Gugan Gulwan Youth Aboriginal Corporation, Winnunga Nimmityjah Aboriginal Health Service, Aboriginal Legal Services, Justice and Community Safety, ACT Together, ACT Health and CYPS.

All invitees have been chosen for their expertise in working with Aboriginal families and this committee will assist the CSD in reviewing the content of prioritised policy and procedures. The first meeting of this group occurred on 16 July 2019.

Through this project, CYPS will improve the guidance and support of staff to strengthen practice in engaging with fathers through the development of a Father Inclusive Practice Guideline supported by training.

## RECOMMENDATION 14 (MAY 2019)

*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.*

### CANBERRA HEALTH SERVICES RESPONSE:

Canberra Health Services (CHS) notes that current practice identifies that all children in a care placement must have an initial health and wellbeing screen (health assessment) with an approved health care provider. The purpose of the assessment is to provide a base line evaluation to determine immediate concerns and subsequent health referrals. The health assessments are conducted by an approved health care provider relevant to the child's age, development and care placement.

The Child at Risk Health Unit (CARHU) is a key provider of this baseline health and wellbeing assessment for children and young people (up to the age 14) who are entering out of home care, including Aboriginal and Torres Strait Islander children and young people. This assessment is guided by the National Clinical Assessment Framework and the National Standards for Child and Family Health. Following this assessment, referral to additional services within and external to the CHS occurs where clinically indicated.

CSD will also work with ACT Together to promote and embed the utilisation of Health Assessments available under Medical Benefit Scheme (MBS) Item 715. This MBS item is intended to help ensure that Aboriginal and Torres Strait Islander people receive primary health care matched to their needs, checking health and physical, psychological and social functions and deciding if preventive health care and education should be offered to the patient to improve their health and wellbeing. Work will be undertaken to promote the availability of this MBS item to carers and caseworks. Further work will also be undertaken to consider how the utilisation of the Health Assessment can be reported through the Annual Review for Aboriginal and Torres Strait Islander children and young people.