

2022

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

TENTH ASSEMBLY

***Our Booris, Our Way* Six Monthly Report January – June 2022**

**Presented by
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Minister for Families and Community Services
November 2022**

SIX-MONTHLY UPDATE (JANUARY – JUNE 2022)

RECOMMENDATIONS FROM THE *OUR BOORIS,*
OUR WAY REVIEW



ACT

Government

Community Services

The Community Services Directorate acknowledges the traditional custodians of the land, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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INTRODUCTION

The Our Booris Our Way Review

In 2017, the Government announced 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* 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 (totalling 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 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 2020-21 Budget bringing the overall investment to \$15.7 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.

Since the last six-monthly report was tabled in the Assembly in May 2022, the ACT Government has continued to be guided by the *Our Booris, Our Way* Implementation Oversight Committee in responding to each recommendation.

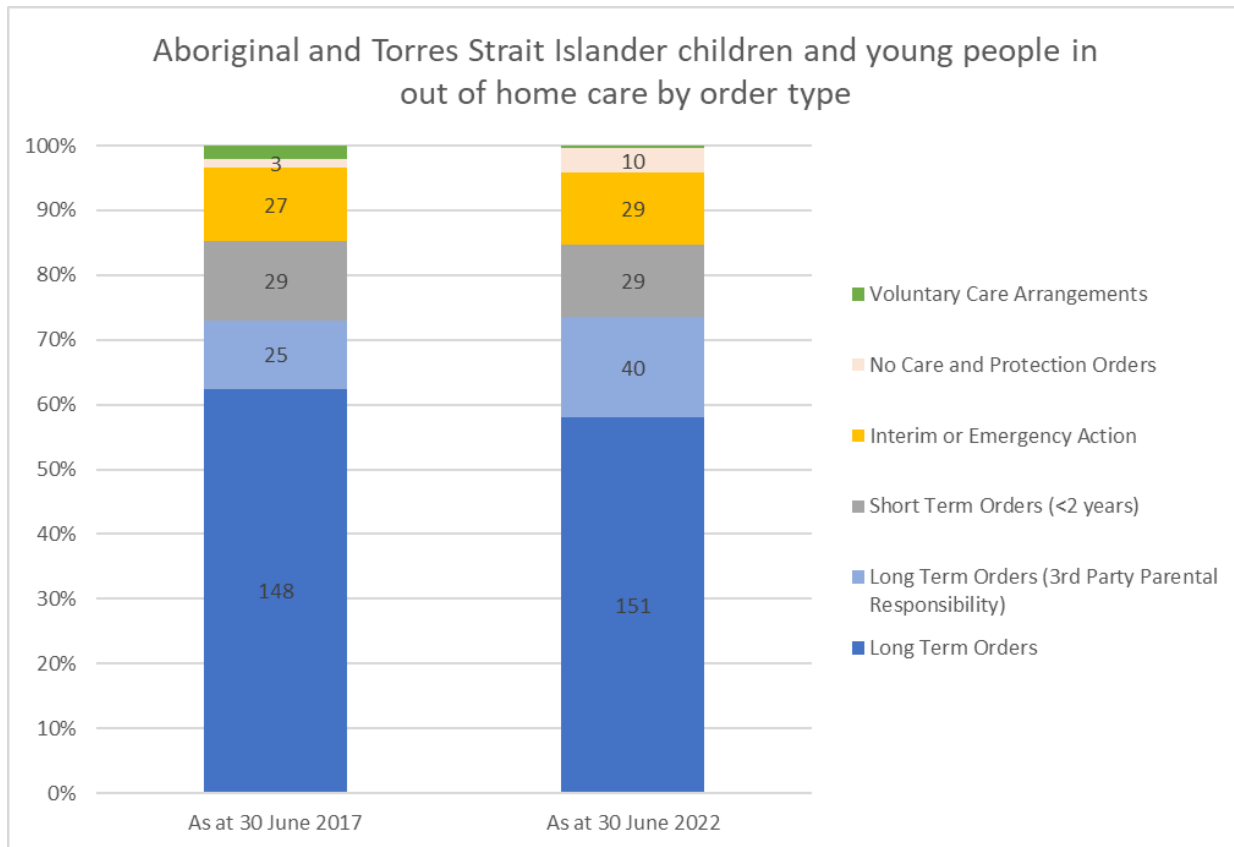
This is the fourth progress report covering the period January to June 2022. As with previous reports each recommendation provides an update on key activities and outcomes achieved during the period. Under some recommendations we are able to track progress through our administrative data (CYRIS) or through the Report on Government Services. Where there is data to track implementation of recommendations these are included under a 'How we are Tracking' heading.

AN OVERALL PICTURE OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN CHILD PROTECTION

As at 30 June 2022, there were 260 Aboriginal and Torres Strait Islander children and young people in out of home care (see Figure 1). Of these there are

- 151 children and young people on Long-term Orders (with care residing with the Director General)
- 40 children and young people on Long-term Orders (3rd Party Parental Responsibility)
- 29 children and young people on Short-term orders (<2 years order time)
- 29 children and young people on Interim Orders or Emergency Actions
- 10 children and young people had no care and protection orders in place
- 1 child or young person on a Voluntary Care Agreement.

Figure 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders at 30 June 2017 and 30 June 2022



Data Source: Data taken from Step Up Snapshot Q4 2021/22

As at 30 June 2022, there were 260 Aboriginal and Torres Strait Islander children and young people in an out of home care placement (see Figure 2). Of these:

- 152 children and young people were in a kinship care placement
- 58 children and young people were in a foster care placement
- 40 children and young people were in Enduring Parental Responsibility (EPR) placements
- 10 children and young people were in residential placements.

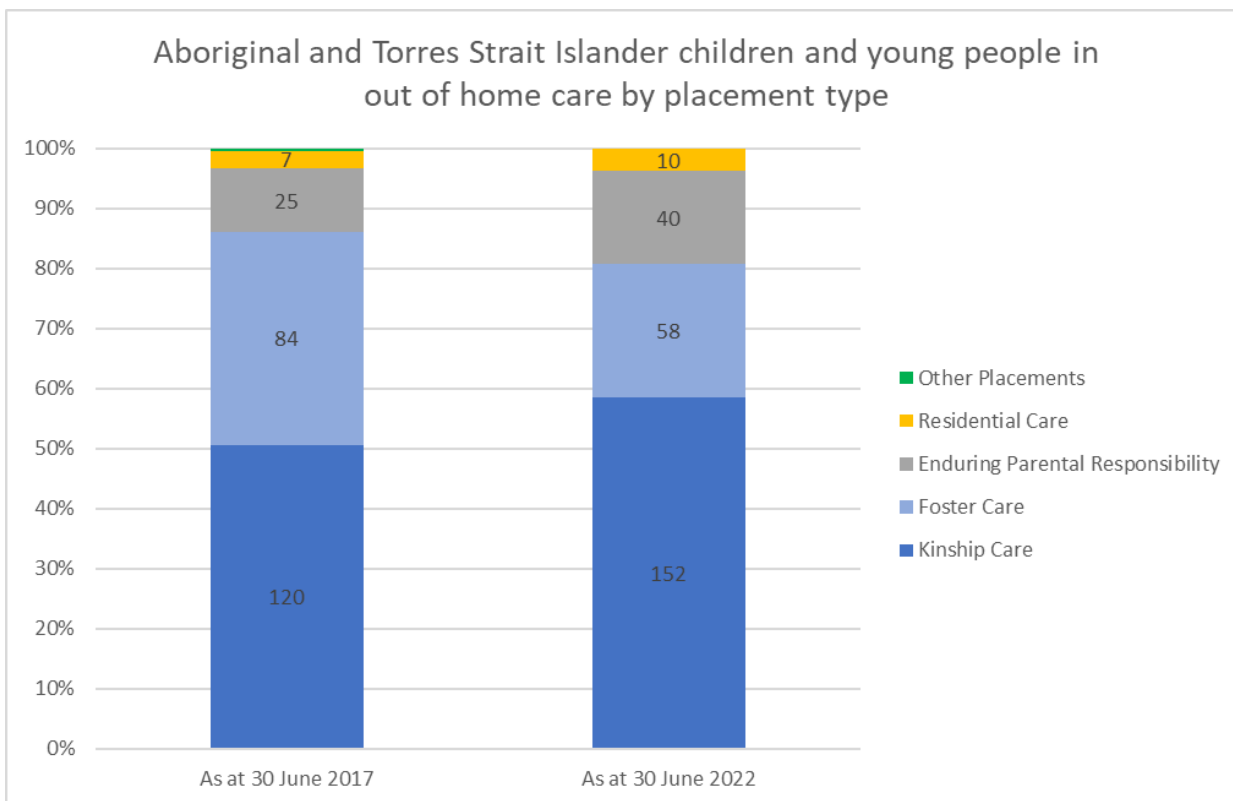
Of the 10 Aboriginal and Torres Strait Islander children and young people in residential care, none were new entries into out of home care

Figure 2 – Aboriginal and Torres Strait Islander children and young people in out of home care, by placement type as at 30 June 2022

	As at 30 June 2017		As at 30 June 2022	
In out of home care	237		260	
Kinship Care	120	51%	152	58%
Foster care	84	35%	58	22%
Enduring Parental Responsibility	25	11%	40	15%
Residential care	7	3%	10	4%
Other Placements	1	0%	0	0%

Data Source: Data taken from Step Up Snapshot Q4 2021/22

Figure 3 – Aboriginal and Torres Strait Islander children and young people in out of home care at 30 June 2017 and 30 June 2022



Data Source: Data taken from Step Up Snapshot Q4 2021/22

RECOMMENDATION 1 (AUGUST 2018)

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.

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 DIRECTORATE RESPONSE

AGREED: 22 August 2018

The Community Services Directorate (CSD) is committed to increasing the cultural proficiency of all staff within the Directorate including 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 (CST), within the current CYPS structure.

ACTIVITIES JANUARY – JUNE 2022

- CYPS is continuing to deliver a range of programs that assist staff to reflect on their practice, improve their knowledge and understanding of Aboriginal culture, and improve the way they work with Aboriginal and Torres Strait Islander families.
- All staff new to CYPS are now automatically enrolled into the Cultural Development Training.
- In the reporting period a total of 26 staff successfully completed all 6 modules of the Cultural Development Program. Training was conducted in April and June 2022.

Figure 4 –Appraisal allocations based on completion of the Cultural Development program, quarterly figures

	Q3 2020-21	Q4 2020-21	Q1 2021-22	Q2 2021-22	Q3 2021-22	Q4 2021-22
Percentage of case allocations to staff who have completed CDP	38%	46%	58%	58%	65%	69%

Data Source: Internal CSD Reporting

IN THE NEXT 6 MONTHS

- CSD will present a paper to the August meeting of the *Our Booris, Our Way* Implementation Oversight Committee meeting. The paper outlines a revised approach to the implementation of Recommendation 1.
- CSD will commit to the development of a specialised team of culturally competent case workers to work with Aboriginal and Torres Strait Island families. The team will develop a practice framework that fully engages the Aboriginal and Torres Strait Islander Child Placement Principles and tests tools including the Structured Decision-Making suite and the North Carolina Family Assessment Scale.
- CYPS will continue to prioritise staff completing all 6 modules of the Cultural Development Program with CDP training will take place in September, October and November 2022.

RECOMMENDATION 2 (JUNE 2018)

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 Principle (CPP) within their practice.

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

COMMUNITY DIRECTORATE RESPONSE

AGREED: 22 August 2018

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.

ACTIVITIES JANUARY – JUNE 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 12 months of employment.
- Seventy eight percent (78%) of current CYPS staff have been trained on the SNAICC Child Placement Principle.
- In the six months from January to June 2022 training was held in March over two days and 27 staff attended.

IN THE NEXT 6 MONTHS

- SNAICC is facilitating an additional two days of training in October 2022, with 10 staff scheduled to undertake the modules.

HOW ARE WE TRACKING

As at 30 June 2022, there has been an increase from the previous six-monthly report from 67% to 78% of eligible staff have undertaken the SNAICC Training on the Child Placement Principle.

RECOMMENDATION 3 (JUNE 2018)

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 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: 22 August 2018

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 Principle *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.

ACTIVITIES JANUARY - JUNE 2022

- Policies and procedures are 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. CYPS also works closely with the Ngura Naraganabang Advisory Group to ensure all updates include easy English guides for parents and families.
- Recent work completed and reviewed by the Advisory Group includes the development of a Cultural Impact Statement, which enshrines a CYPS commitment to apply a cultural lens to information developed (see below for more detailed information).
- The following policies and practice guides were subject to review between January and June 2022, with activity still in progress as at the end of June.

- Restoration Procedure

Workshops were held in April and May 2022 to inform the development of draft restoration processes for the restoration of children on interim and short-term care orders and children on long term care orders. These processes are currently being reviewed including seeking feedback from sector experts.

- Recording Cultural Identify

This Policy was updated based on feedback from the *Our Booris, Our Way* Implementation Oversight Committee and at the end of June was awaiting final confirmation from the Committee at its August 2022 meeting.

- Decision Review Panel Procedure

An Internal Review of Decisions procedure has been drafted and will be piloted as part of the Internal Review of Decision process.

- Decision Making for Aboriginal and Torres Strait Islander parents and carers

An information sheet about the internal review processes for Aboriginal and Torres Strait Islander parents and carers has been drafted.

- Functional Family Therapy Procedure

This procedure has been developed and aims to provide CYPs staff with a clear overview of the referral process for each of the Functional Family Therapy (FFT) programs. Implementation will be formalised following approval of the procedure.

- Case Planning Project

The Family Action Plan pilot commenced on 9 June 2022 and will run for 3 months. Three teams are taking part in the pilot. Staff attended training on the Family Action Plan template, practice principles and the requirements for the pilot.

CULTURAL IMPACT STATEMENT

Whenever a new policy, procedure, practice guide, information sheet or publication is developed, the Cultural Impact Statement must be completed.

The Cultural Impact Statement will:

- Consider the needs of Aboriginal and Torres Strait Islander people as early as possible in the policy development process
- Reduce barriers for Aboriginal and Torres Strait Islander people by ensuring CYPs documents support their knowledge and understanding of the child protection and youth justice systems, and ways to navigate these systems successfully for better outcomes
- Support CYPs staff to work in a culturally responsive manner and develop effective partnerships with Aboriginal and Torres Strait Islander people in the ACT community. This includes stakeholders and partners in the service system and highlights the importance of using our feedback mechanisms such as the Network Advisory Group, the Ngura Naraganabang (Safety in the Pouch) Advisory Committee, and the *Our Booris, Our Way* Implementation Committee.

The Cultural Impact Statement has three components:

Component 1. *How will the document address the specific and local needs, interests and circumstances of Aboriginal and Torres Strait Islander people in the ACT?*

Component 2. *What is the potential impact on Aboriginal and Torres Strait Islander people in the ACT? How can unwanted potential effects be mitigated?*

Component 3. *Who has been consulted to ensure the document is culturally informed? This includes consultation with Aboriginal and Torres Strait Islander people and relevant organisations.*

Bimberi Residential Services

A specific Cultural Impact Statement is being developed for Bimberi Residential Services. This Statement will consider the unique environment Bimberi Residential Services operate within, and the legislative requirements which shape their information. The Bimberi Cultural Impact Statement will reflect existing processes used to seek feedback from Aboriginal and Torres Strait Islander people, such as consultation with young people and staff, engagement with oversight bodies and advice from relevant organisation

IN THE NEXT SIX MONTHS

- CYPs will continue to identify and review policies and procedures in accordance with the document review schedule. Once finalised these updated documents will be shared with the *Our Booris, Our Way* Implementation Oversight Committee each quarter.

RECOMMENDATION 4 (JUNE 2018)

Universal access to Family Group Conferencing

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: 22 August 2018

The ACT Government committed \$1.44 million in funding over four years in the 2018-19 Budget for the ongoing delivery of Family Group Conferencing (FGC), 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.

ACTIVITIES JANUARY – JUNE 2022

- In May 2022 the Minister for Families and Community Services launched the Family Group Conferencing Community Awareness Campaign. This campaign includes a short, animated YouTube video to increase community awareness of Family Group Conferencing. Links can also be found on the CSD Facebook page.
- A new [Family Group Conferencing website](#) has been created.
- New Family Group Conferencing pamphlets have been designed which include a QR code to link users directly to the FGC Website.



- FGC training for CYPS staff is continuing to occur to increase knowledge and promote referrals. Four FGC training sessions have been booked this year, with seven staff attending the latest session in June 2022. This training session was again integrated with the Foundational Learning Program to ensure that all new starters at CYPS received FGC training as a priority.
- The FGC Advisory Group met in April and June 2002 to progress the Community Awareness Campaign, the Evaluation of FGC, and strengthen the referral pathways to FGC.
- The Evaluation of the FGC Model was discussed at the June 2022 FGC Advisory Committee Meeting. CYPS will present a revised Evaluation Framework to the FGC Advisory Committee, this will include focusing on outcomes over a three to six-month period.

HOW ARE WE TRACKING?

From the beginning of the Family Group Conferencing Program (November 2017) to 30 June 2022, there have been 55 families involved in a Family Group Conference, involving 121 children and young people. It is important to note that Family Group Conferencing is a voluntary process and requires agreement from the family to engage. A Family Group Conference is not a process that can be immediately set up in response to a crisis. It requires good planning and communication with all family members. It requires the conference facilitator to establish a process that allows the contribution of all family members so the best family plan can be developed to achieve the safety of a child.

IN THE NEXT 6 MONTHS

- CYPs will be developing an additional promotional video featuring FGC Facilitators to continue to raise awareness of FGC.
- CYPs will be working with ACT Together to strengthen the referral pathways to FGC.
- A review of the FGC model and associated policies will be presented to the FGC Advisory Committee for comment and progressed to the Integrated Management System (IMS) Committee for endorsement.
- CYPs will also be developing an FGC response and options for expectant mothers (prenatal).

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*

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.

This legislative change is to recognise the importance of each element of the principle to the Aboriginal and Torres Strait Islander community and their role in changing the practices around child protection that disproportionately impact our community.

Legislative change will expedite extensive policy and practice revision and facilitate subsequent performance monitoring and measurement of achievement against these legislative parameters giving additional transparency to the practices and decisions of the Directorate.

Acceptance of this recommendation would bring the ACT legislation into a more contemporary practice in alignment with the most recent Family Matters report and also similar to the jurisdictions that have made significant changes to their child protection legislation in Queensland and Victoria.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

The CSD agrees to commence foundation work to determine how best to enact the Aboriginal and Torres Strait Islander Child Placement Principle 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.

ACTIVITIES JANUARY TO JUNE 2022

- SNAICC undertook consultation with Aboriginal and Torres Strait Islander community members (including those in Wreck Bay), staff from Aboriginal and Torres Strait Islander Community Controlled Organisations, mainstream community service providers who provide specific supports for Aboriginal and Torres Strait Islander community members, and staff within CYPS on enshrining the Aboriginal and Torres Strait Islander Child Placement Principle into legislation.
- The Expert Advisory Group (consisting of Aboriginal and Torres Strait Islander community leaders in the ACT) has been instrumental in advising on engagement approaches with the local community and reviewing materials to ensure they are appropriate and support community participation.

- SNAICC employed a range of consultation methods, including releasing a Discussion Paper (available on the SNAICC website) and an online survey, conducting small group and one-on-one discussions (both in-person and online), and facilitating workshops to build consensus on the best way to fully enshrine the Aboriginal and Torres Strait Islander Child Placement Principle in legislation, policy and practice.

IN THE NEXT 6 MONTHS

- The findings from the consultation will be made available in a Listening Report.
- Drawing on the outcome of the consultations, SNAICC will provide a Final Report to government detailing advice on how to best deliver on the intent of the recommendation, the Listening Report will be included in the appendices. The Final Report is expected in October 2022.
- Once the Final Report is received, the Community Services Directorate will seek Ministerial approval to publicly release the report.

RECOMMENDATION 6 (DECEMBER 2018)

Feasibility study Aboriginal Child Care Association

The ACT needs an organisation that can fulfil the role of advocate, service integrator and work to respect and preserve the rights of Aboriginal and Torres Strait Islander children, young people and families in all services delivered in the ACT.

In the current service ecosystem, the Aboriginal Community Controlled Organisations fulfil the role of providing services premised on self-determination, cultural respect and safety. This role is predominantly conducted on an unfunded basis.

We recommend that a comprehensive analysis of an Aboriginal Child Care Association is conducted.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: May 2019

AGREED: 2020

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.

ACTIVITIES JANUARY – JUNE 2022

- The Government has agreed to re-allocate a portion of the 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.
- On 31 March 2022, CSD hosted a forum with representatives of Aboriginal Community controlled Organisations (ACCOs) on options to establish an Aboriginal Child Care Association. The forum also included Next Steps: Overview and Update; and the Strengthening partnerships Commission for social impact report. A copy of the Listening Report is available on the CSD website at <https://www.communityservices.act.gov.au/commissioning>.
- In April, the ACCO's met to discuss the forum and ongoing work to establish an Aboriginal Child Care Association.
- Community leaders corresponded with the Minister for Families and Community Services in May requesting further clarity on the work undertaken so far. In her response the Minister acknowledged their frustration and recommitted CSD to working directly with all potential providers, both individually and collectively, to support the ongoing design and implementation of expanded ACCO delivery in the child and family service system.

- During the reporting period, CSD was in conversation with Yerrabi Yurwang Child and Family Aboriginal Corporation to provide seed funding that will allow Yerrabi to hire an establishing CEO and take steps towards becoming a registered Human Services Provider in the ACT.
- Next Steps for Our Kids 2022-2030 (Next Steps) was released on 3 June 2022 as an eight-year strategy which will be supported by four year action plans. Implementation planning is underway to develop the first four-year action plan.
- A series of stakeholder events have been progressed to provide an overview of Next Steps and seek advice on how stakeholders would like to be involved in the implementation planning and joint delivery of reforms.

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 and to expand ACCO engagement in early support.

RECOMMENDATION 7 (DECEMBER 2018)

Aboriginal and Torres Strait Islander Children's Commissioner

Three jurisdictions, Queensland, Victoria and South Australia have appointed specialist Aboriginal and Torres Strait Islander Children Commissioners. While their roles are primarily framed as review and advocacy roles, the Our Booris, Our Way Steering Committee recommend that 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.

JUSTICE AND COMMUNITY SAFETY RESPONSE

NOTED: May 2019

AGREED IN PRINCIPLE: July 2020

REVIEW OF THE HUMAN RIGHTS COMMISSION FUNCTIONS

The Justice and Community Safety Directorate (JACS) is undertaking a review of the Human Rights Commission's functions. The *Protection of Rights (Services) Legislation Amendment Act 2016* brought about a range of reforms to the structure and operation of protection of rights services in the ACT, bringing the Public Advocate and the Victims of Crime Commissioner into the ACT Human Rights Commission (HRC), and transferring the guardianship functions of the Public Advocate to the Public Trustee and Guardian (PTG). The complaints handling function of the HRC was consolidated under one Commissioner (the Discrimination, Health Services, Disability and Community Services Commissioner) and the Public Advocate and Children & Young People Commissioner role was combined.

The leadership of the HRC was also reformed with the establishment of a position of President and the development of new governance mechanisms, including a Governance Protocol with the Justice and Community Safety Directorate, a Community Client Service Charter and an Internal Operations Protocol.

The aims of the reforms included strengthening the leadership, governance and co-ordination of key rights protection services forming the HRC, and improving accountability of these agencies, while ensuring that service accessibility was maintained.

In response to the interim report of *Our Booris Our Way*, the government revised the terms of reference of the Review, to explicitly consider and consult stakeholders and the community in relation

to the recommendation from the *Our Booris, Our Way* review to establish an Aboriginal and Torres Strait Islander Children’s Commissioner.

The review commenced in June 2020 and is expected to be complete by early 2021. The commencement of the review was delayed by the COVID-29 emergency and associated restrictions which would have made it difficult to conduct an effective consultation with the community of these important issues.

ACTIVITIES JANUARY TO JUNE 2022

- The Government received the co-design report from the Jumbunna Institute for Indigenous Education and Research and is currently preparing a response.
- The Justice and Community Safety Directorate is progressing work to develop the policy proposal, informed by the model developed through the co-design process.

IN THE NEXT 6 MONTHS

- The Government response will be tabled by the Minister for Human Rights in the Legislative Assembly in August 2022.
- The Government will establish an Aboriginal and Torres Strait Islander Children’s Commissioner as an independent statutory authority who will work in collaboration with existing oversight mechanisms in the ACT. The new Commissioner will have a broad mandate to promote the rights of Aboriginal and Torres Strait Islander children and a mix of individual and systemic advocacy functions and powers.
- The Government is developing legislation to establish the Commissioner for introduction to the Legislative Assembly in September 2022.

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: May 2019

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 with staff. This work will continue to include building on the information that is already available in the 'Working together for kids' guides. The Aboriginal Policy Officer will lead this work in partnership with the Cultural Services team and community agencies.

ACTIVITIES JANUARY – JUNE 2022

- CYPS met with Aboriginal Legal Aid in February to explore and establish referral pathways to ensure that Aboriginal and Torres Strait Islander families have early access to legal advice.
- An internal review of decisions process has commenced. This process supports the use of culturally appropriate advocates in the review process.

IN THE NEXT 6 MONTHS

- CYPS will be undertaking an internal audit to ensure that training and other initiatives to support Aboriginal and Torres Strait Islander families engaged with the Child and Youth Protection System are effective in meeting the intent of this recommendation.

RECOMMENDATION 8 (b) (MAY 2019)

Access to legal representation and advocacy

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

AGREED: May 2019

Justice and Community Safety Directorate (JACS) are supportive of this recommendation and will work with CSD 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 and justice programs. 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.

ACTIVITIES JANUARY TO JUNE 2022

- In January and March a range of connections were made to engage with people with recent lived experience of the Child Protection system including women in the AMC. Respondents highlighted the need for more cultural support when being provided with legal advice. The OBOW Committee also highlighted the need for cultural support and for individuals to be given a choice of legal providers of Child Protection advice.
- The ACT Government 2022-23 Budget committed funding to establish a new Aboriginal and Torres Strait Islander care and protection legal advocacy service. Funding of \$0.743 million over two years has been committed to establish this new service within Aboriginal Legal Services NSW/ACT (ALS).
- The new service will enhance the accessibility of the care and protection, and justice systems for Aboriginal and Torres Strait Islander people by strengthening access to culturally appropriate legal assistance and by promoting continued partnership with families and community agencies to keep children safely with their families, and at home.

JACS currently provides funding for various holistic and restorative services to the Aboriginal and Torres Strait Islander community in the ACT, including legal services such as:

Legal Aid – Duty lawyer in the ACT Children’s Court, in addition 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 is supported by Legal Aid’s Community Liaison Unit (CLU) which provides dedicated assistance to 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 with non-legal support services specifically supports Aboriginal and Torres Strait Islanders clients and their families.

Women’s Legal Centre (Mulleun Mura) – For those women that are unable to access Legal Aid support (for example due to income or prospects of success on child protection matters), the Centre provides legal advice, representation for issues relating care and protection. This is in addition to employment and discrimination, divorce and separation, victims of crime and debt. The service also provides advocacy, emotional support, cultural advice, referral, case-management and information in relation to these services, including child protection legal services.

IN THE NEXT 6 MONTHS WE WILL ...

- Continue discussions with ALS about their proposal for the new service, and engagement with Aboriginal and Torres Strait Islander community in the ACT.
- Awareness raising of legal services available (including by way of warm transfer between ACT Courts and CSD, Legal Aid ACT and Women’s Legal Centre) will be explored further as part of establishing these new services.

RECOMMENDATION 9 (DECEMBER 2018)

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. These may include parenting programs, child development services, cultural groups and play opportunities, wrap around services that support participation in education. The current services are fragmented and sometimes difficult to access for example Intensive Family Support, through A Step Up for Our Kids Strategy is based on meeting specific entry requirements that effectively exclude families from accessing assistance early and on their own initiative.

Early support is the name preferred by the community as intervention holds a more intrusive and damaging meaning

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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 10-year period. More immediately we are enhancing early support capacity in the ACT through several implementation initiatives, through changes to the schedules of early support program funded service contracts to secure the commitment of the sector to work with government to progress the Early support reforms 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.

RECOMMENDATION 9(A) (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: June 2020

This work will require an across agency mechanism bringing together the Community Services, Justice and Community Safety and Health Directorates as well as Canberra Health Services and the Coordinator General for Family Safety and the Coordinator General for Mental Health and Wellbeing. As a first step in this process CSD will work across government to:

- identify existing funding for culturally appropriate programs for drug and alcohol rehabilitation, family violence, mental health and trauma counselling
- understand the unmet demand and funding for culturally appropriate early support programs in these areas
- consider a mechanism to support individuals with multiple and complex needs, for example access to a clinical expert panel for case workers.

This work will also be assisted through the continued development of the CSD Commissioning for Social Impact Strategy.

ACTIVITIES JANUARY – JUNE 2022

- The Cross Directorate Committee met once in the reporting period in addition to progressing work out of session. This included one on one conversations with relevant areas across Office for Mental Health and Wellbeing, JACS, and ACT Health to further shape a coordinated response to support the intent of Rec 9(a).
- The Cross-Directorate Committee consists of representatives from the Community Services Directorate, ACT Health, Justice and Community Safety, the Coordinator General for Family Safety, Education and CMTEDD.
- Community Services and ACT Health Directorates supported Business Units to plan for and undertake commissioning activities, this included workshops, forums, webinars and roundtables across a range of areas including housing, community support, alcohol and other drugs and chronic conditions.

- As part of the Homelessness Services Needs Assessment round of commissioning activities, Curijo was engaged to facilitate a workshop related to Aboriginal and Torres Strait Islander services. A Listening Report from this workshop is available online at the Commissioning website.

IN THE NEXT 6 MONTHS WE WILL ...

- The cross directorate working group plan to meet again 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.

RECOMMENDATION 10(a) (MAY 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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.

ACTIVITIES JANUARY – DECEMBER 2022

- The draft **internal merits review decision-making policy** was presented to the Carer Wellbeing Joint Committee in February 2022. The Carer Wellbeing Joint Committee aims to enhance the wellbeing of foster and kinship carers through monitoring, reporting and development of strategies. Membership comprises carer representatives, CYPS, ACT Together and Carers ACT.
- Once finalised CYPS will provide clear and simple information on the process by which kinship carers can access or apply for supports with a mechanism to dispute the findings and have circumstances re-evaluated. This review mechanism has been developed for both kinship and foster carers.
- The development of a specific **kinship carer website** (within the CSD website) is progressing and nearing completion. There is a specific section for Aboriginal and Torres Strait Islander kinship carers. The review of content is occurring and will be ongoing.
- The Therapeutic Assessment and Planning team will be delivering 'Bringing Up Great Kids' in term two for Kinship carers. Of the six carers enrolled to attend, four are Aboriginal. A CYPS Cultural Services Team member will attend as an observer and then complete the training in Bringing up Great Kids in June 2022. This will enable co-facilitation by an Aboriginal trainer/facilitator in the future.

- The Kinship Orientation Program was piloted on 27 April 2022 with nine carers. In the development of the program, the Kinship Team consulted with the Carer Wellbeing Group and also with other carers, including Aboriginal carers, who provided input in the consultation stage. The program objectives include:
 - Being aware of your responsibilities as a carer and the decisions you and those CYPS/agency makes
 - Discussing key issues relating to carer needs; the child’s needs and experiences, including grief and loss and family contact
 - Being aware of what supports exist and how to access them.

- The Kinship Orientation Program will continue to be amended with further input from the Carer Wellbeing Group.

IN THE NEXT 6 MONTHS

- CYPS will be developing a short ‘housekeeping’ video for carers which will include a welcome message and general information for kinship carers when children are first placed in their care. This video will be provided to the Carer Wellbeing Joint Committee by December 2022.

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

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREE IN PRINCIPLE: May 2019

CYPS is committed to placement of all children with kinship carers in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle, where possible. 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 has occurred through the *Practice Guide* embedding the Aboriginal and Torres Strait Islander Child Placement Principles into CYPS case management practice and extensive training that was provided by SNAICC.

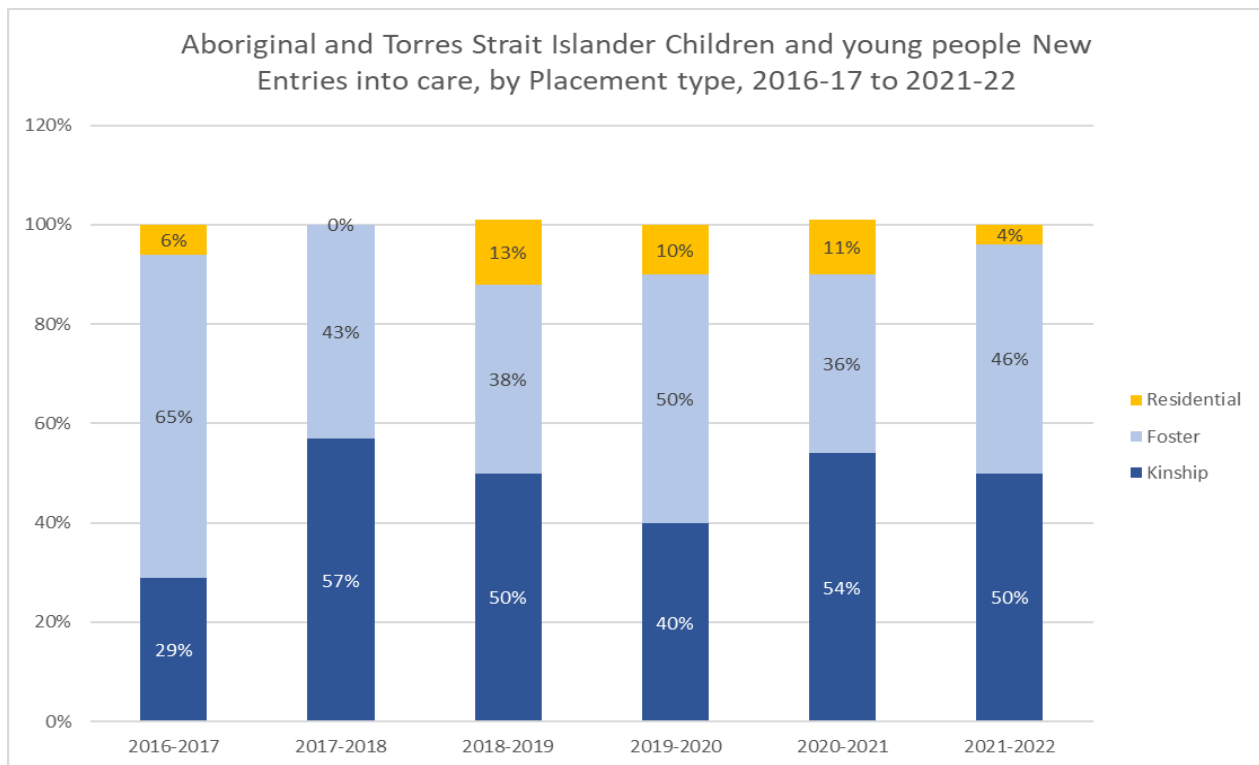
In addition, CSD will commence the development of a small Finding Kin model for Aboriginal and Torres Strait Islander children in order to assist case managers with the early identification of kin. The capacity of CYPS to do this effectively is enhanced by the introduction of the CYPS client information system (known as CYRIS) that went live on 1 October 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.

ACTIVITIES JANUARY – JUNE 2022

- CYPs continues to ensure the applications by Aboriginal and Torres Strait Islander people to become a kinship carer are prioritised.
- Finding Kin is a standalone component included as part of the Cultural Development Program training. An online training module pertaining to Finding Kin is also available to assist CYPs staff where necessary.
- A dedicated worker has been identified within the Cultural Services Team to assist and support CYPs staff and family to identify Kin who may be able to care for children entering care. This staff member has formal qualifications in undertaking family history and research, although it is expected that all Cultural Services Team staff can undertake this work.
- All initial kinship assessments for Aboriginal and Torres Strait Islander children and young people are priority allocated and completed within the kinship team. All comprehensive kinship assessments are referred to Curijo (with the agreement of the applicant).
- The Institute of Child Protection studies has partnered with Curijo to develop a framework for a Kinship Model of Care. The project was presented to the Carer Wellbeing Joint Committee in the first half of 2022. Kinship carers from the Carer Wellbeing Joint Committee have nominated to be part of the working group for the project.

As seen in Figure 5 below, the proportion of Aboriginal and Torres Strait Islander children and young people entering out of home care for the first time who are placed with Kin* has fluctuated, but the 2021-22 figure is consistent with previous years.

Figure 5 – Aboriginal and Torres Strait Islander children and young people New entries into care, by Placement type, 2016-17 to 2021-22



*Note: The definition of 'Kinship' in CYRIS is both Aboriginal and non-Aboriginal biological kin. CSD is working with the Implementation Oversight Committee to separate out these two types of kin to clearly show Aboriginal and Torres Strait Islander biological kinship placements.

IN THE NEXT 6 MONTHS

- CYPs will continue to prioritise kinship assessments for Aboriginal and Torres Strait Islander children.
- CYPs has commenced a project to review all processes to review the effectiveness of the Kinship care assessment process. This project is expected to be finalised by August 2022.

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

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).

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

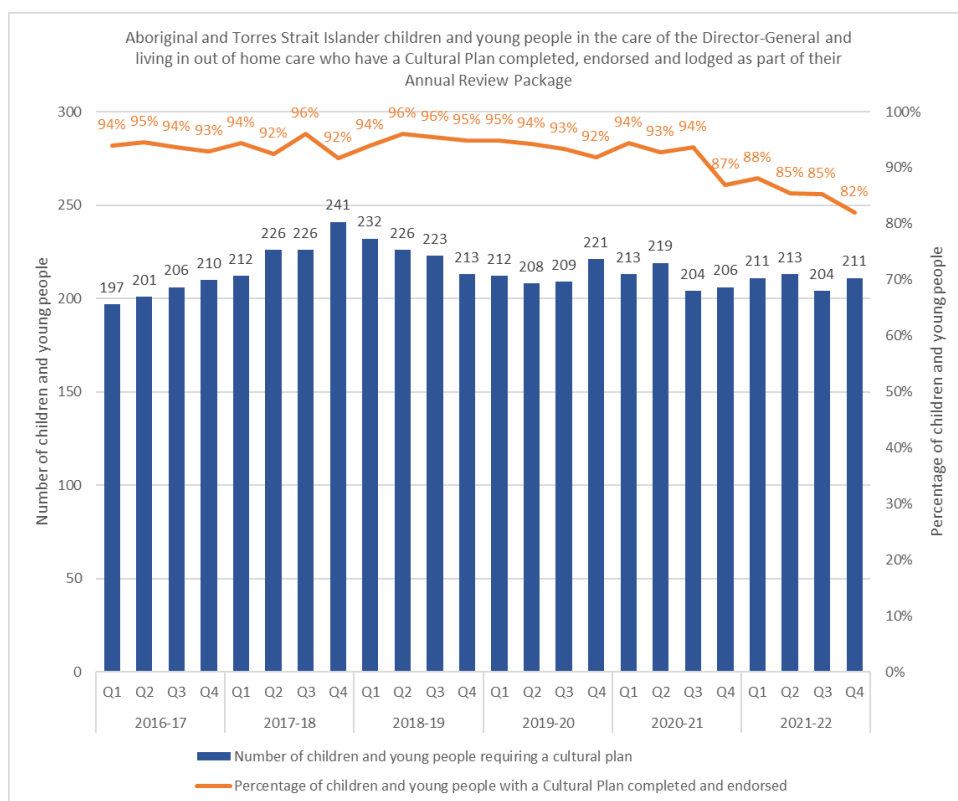
CYPS requires that all Aboriginal and Torres Strait Islander children in an out of home care placement have a cultural plan to ensure that a child's identity is preserved by facilitating and maintaining their connection to family, including extended kinship networks and community; and to support a child 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.

ACTIVITIES JANUARY – JUNE 2022

- The Aboriginal and Torres Strait Islander Cultural Panel consulted, reviewed and supported the development of 66 cultural plans over the six months from January to June 2022.
- The Cultural Panel continued its commitment to producing high-quality Cultural Plans in alignment with the ATSICPP. The Cultural Plans are developed in partnership with family members, children and young people. All plans undertake a quality assessment to ensure:
 - children's identity has been confirmed by the parents/family
 - case workers have engaged with the child or young person, parents and/or family to capture their cultural story inclusive of their views and wishes for the child or young person
 - active efforts for connection (contact) and for relationships with family have been initiated or progressed, particularly siblings not residing together and to reconnect or connect children with grandparents or significant people
 - show clear evidence that the child, young people and families have participated in decision making and
 - caseworkers do not rely on historical casework and its views on connection as reasoning for not making current attempts to reconnect children with parents and/or family.

- All Cultural Plans that are initiated are recorded in CYRIS for regular reporting.
 - As at 30 June 2022, there were 211 Aboriginal and Torres Strait Islander children and young people in the Care of the Director-General and in out of home care.
 - 173 (or 82%) of these children and young people had a cultural plan in place (Figure 6). This will continue to be a key focus area for improvement in the upcoming quarters.

Figure 6: Aboriginal and Torres Strait Islander children and young people who have a Cultural Plan completed and endorsed.



IN THE NEXT 6 MONTHS

- The Cultural Services team recognise that while the panel process produces high quality Cultural Plans, the need for resubmission and the significant resourcing required to support the Cultural Panel via the Cultural Services Team is impacting on achieving intended outcomes. To improve outcomes including timeliness, the Cultural Services Team has chosen to remove the panel process and instead work directly alongside case workers in developing and finalising cultural plans.

RECOMMENDATION 12 (MAY 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: May 2019

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 and young people who are unable to stay at home or return home, stability in care arrangements become a priority with kinship care 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.

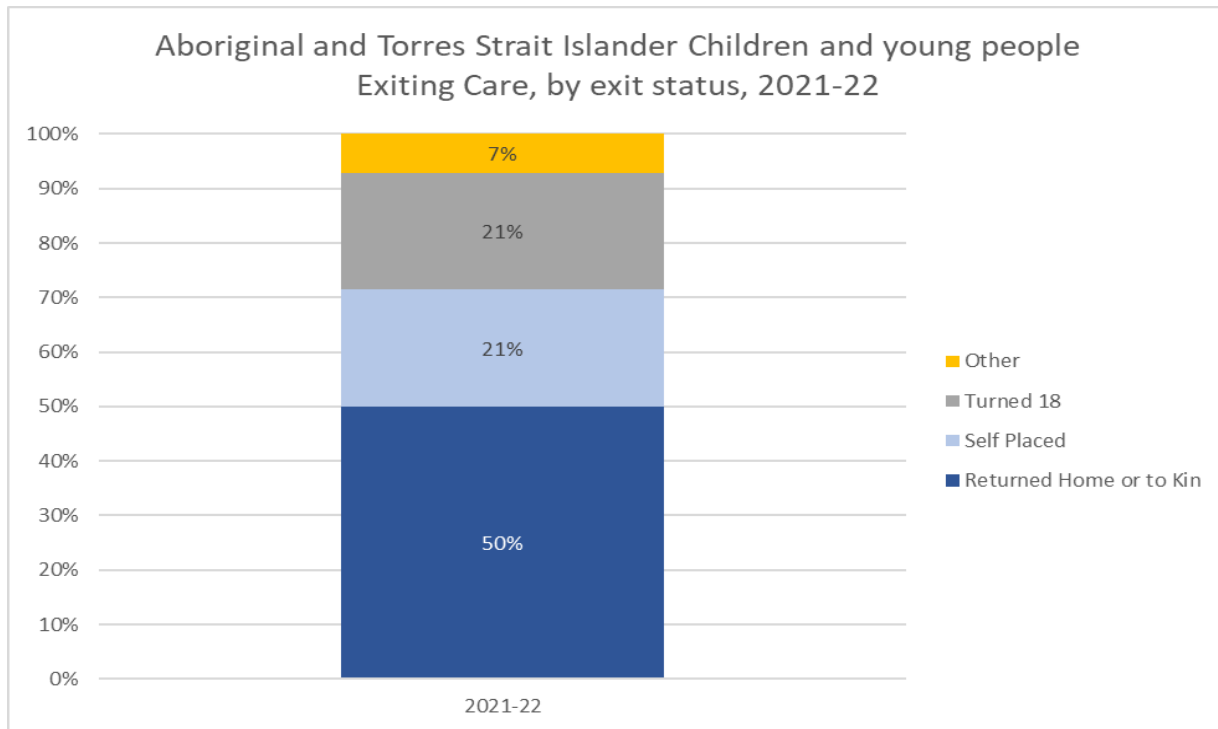
ACTIVITIES JANUARY TO JUNE 2022

- In May 2022, the CYPS Restoration Oversight Panel (ROP) chaired by the Executive Group Manager (Deputy) and the Senior Director, Cultural Services. Members include CYPS Operations, Therapeutic Support Team, ACT Together, Oz Child and Uniting commenced an internal review.
- The panel was established to review four priority groups: children on short term orders; children who self-placed; children in residential care; and children in foster care. The review found a narrower focus was needed resulting in a shift of focus to review circumstances for children and young people on long term orders.
- A meeting was held with the Association of Children’s Welfare Agencies (ACWA NSW) to explore existing tools, templates and resources for children specifically on long term orders. The work of the taskforce as well as the existing resources sourced from ACWA will be used to develop clear prompts and triggers for restoration.

HOW ARE WE TRACKING

Of those children and young people who exited in 2021-22, 50% returned home or to Kin (this includes both Aboriginal and non-Aboriginal kin).

Figure 7: Aboriginal and Torres Strait Islander Children and Young People Exiting Care by exit status



IN THE NEXT 6 MONTHS

- To create a greater focus on restoration for Aboriginal and Torres Strait Islander children on long term orders, CYPS will establish a Restoration Taskforce.
- The taskforce will provide an 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 (MAY 2019)

Aboriginal and Torres Strait Islander father inclusive practice

The Steering Committee recommendations 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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

CYPS commenced a project to embed the Aboriginal and Torres Strait Islander Child Placement Principle in policy and procedure. This is being undertaken by the Aboriginal and Torres Strait Islander policy officer and commenced after receiving the interim report.

ACTIVITIES JANUARY – JUNE 2022

- Father inclusive practice is embedded in every consultation the Cultural Services Team undertake and every review of Cultural Plans. It is also used when discussing all elements of the Aboriginal and Torres Strait Islander Child Placement Principle, particularly in regard to participation, identity, connection and placement.
- All staff in the Cultural Services Team have successfully completed Safe and Together training. Safe and Together is a model to work with families experiencing domestic and family violence. A key component of this training is partnering with the parent using violence to work towards child and family safety. The Cultural Services Team is using this training to reframe how they work more inclusively with fathers.

IN THE NEXT 6 MONTHS

- Safe and Together training will continue to be delivered in 2022 to CYPS staff.
- Father Inclusive Practice is on the audit schedule for 2022. This audit will review training and initiatives to ensure that they are effective in meeting the intent of this recommendation.

RECOMMENDATION 14 (MAY 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

NOTED: May 2019

AGREED: July 2020

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 14-years of age) who are entering out of home care, including Aboriginal and Torres Strait Islander children and young people. All Aboriginal and Torres Strait Islander children who are referred to CARHU are provided with an assessment which is guided by the National Standards for Child and Family Health. Following this assessment, referral to additional services within and external to the Canberra Health Services occurs where clinically indicated.

ACT Health also funds Winnunga to deliver Medical Benefit Scheme (MBS) 715 Health Checks as part of their recurrent funding for delivery of primary health care services. 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. Winnunga has partnered with Deadly Choices and the Canberra Raiders to encourage Aboriginal and/or Torres Strait Islander peoples to make healthy choices for themselves and their family.

CSD continues to work with ACT Together to promote and embed the utilisation of Health Assessments available under MBS Item 715. 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.

Children, Youth and Families has developed an information sheet for carers regarding *The Aboriginal and Torres Strait Islander annual child health check*. The information sheet will be available to carers in August 2020.

The Aboriginal and Torres Strait Islander Cultural Plan template includes the date of the last Aboriginal and Torres Strait Islander annual child health check and will be monitored by the Aboriginal and Torres Strait Islander Cultural Panel. The Cultural Panel will review cultural plans on an annual basis. The Annual review will also be updated to include the date of the last Aboriginal and Torres Strait Islander annual child health check to be implemented commencing July 2020.

ACTIVITIES JANUARY – JUNE 2022

- The Therapeutic Assessment and Planning Team are informed of children who have entered care via Legal Services and the team initiates an initial Therapeutic Assessment. Therapeutic Review Assessments are tracked by CYRIS which provides an alert when a review assessment is due.
- For the period January to June 2022, there were 24 initial therapeutic assessments completed and 10 therapeutic assessment reviews completed.
- CYPS Health Liaison Officer (HLO) continues to work with CYPS operational staff and Canberra Health Services staff (Child at Risk Health Unit (CARHU)) to track when children enter care and ensure a CYPS referral to CARHU for an initial Out of Home Care Check is submitted. This is an ongoing function between the HLOs from CYPS and Canberra Health.
- For the period January to June 2022, 11 Aboriginal and /or Torres Strait Islander children and young people in care required out of home care health assessments, and all 11 children and young people received an initial out of home care health check.

IN THE NEXT 6 MONTHS

- The HLOs will organise a CARHU tour for new CYPS staff in August 2022, and another for October 2022. The CYPS HLO will continue to implement a range of ongoing strategies to ensure timely and well managed referrals and appointments with CARHU to ensure immediate concerns and subsequent health referrals are appropriately processed relevant to the child's age, development, circumstances and placement.

RECOMMENDATION 15 (SEPTEMBER 2019)

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.

The members of this Committee should be Aboriginal and/or Torres Strait Islander people with an initial two-year appointment and include:

- *One representative from Winnunga Nimmityjah;*
- *One representative from Gugan Gulwan;*
- *One representative of the Aboriginal and Torres Strait Islander Elected Body; and*
- *Two members of the Our Booris, Our Way Steering Committee and ensure continuity with the intent of the Steering Committee, to be nominated by the Steering Committee*

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: December 2019

The ACT Government is committed to achieving the intended outcomes of the *Our Booris, Our Way* Review and will continue to work on addressing them.

An *Our Booris, Our Way* Implementation Oversight Committee has been established as recommended to oversee and monitor outcomes of the recommendations.

CSD will work with the Implementation Oversight Committee to establish the secretariat and support arrangements required.

ACTIVITIES JANUARY – JUNE 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 ACT Government provided the *Our Booris, Our Way* Implementation Oversight Committee with two quarterly implementation plans on progress against each of the recommendations during this six-month reporting period.
- Representatives 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.

Work is underway to recruit to the SOG A and SOG C Secretariat positions. CSD worked closely with the Committee to ensure that positions were advertised in a wide range of First Nations media, including social media, to maximise the reach to potential Aboriginal and Torres Strait Islander applicants.

IN THE NEXT 6 MONTHS

- Finalise the appointment of secretariat staff, the SOG A and SOG C, to provide dedicated support to the Implementation Oversight Committee in their role of guiding the government in the implementation of the *Our Booris, Our Way* recommendations.
- Appoint staff to the *Our Booris, Our Way* 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.

RECOMMENDATION 16 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

The Community Services Directorate will continue to deliver the Family Group Conferencing. The Directorate will also work with the Ngura Naraganabang Advisory group and the Aboriginal and Torres Strait Placement Officer to investigate other approaches to embed families in decision making when CYPS is working with families.

ACTIVITIES JANUARY – JUNE 2022

- During the reporting period CYPS commenced implementing the Family Led Decision Making procedures. The procedure outlines the steps CYPS staff need to take to actively support families to keep their children safe at home.
- This procedure outlines how to:
 - Engage a family in a Family Led Decision Making response
 - Provide case management on a Family Led Decision Making basis
 - Commence or continue Safety Planning
 - Develop a Case Plan in partnership with family
 - Review Case Plan in partnership with family
 - Complete ongoing risk assessment
 - Close the case when risk has reduced
 - Refer the family to a Family Assessment if risk has not reduced
 - Complete appropriate documentation and record keeping
- The Procedure seeks to embed family led decision making within the context of voluntary Family Preservation engagement with CYPS.

IN THE NEXT 6 MONTHS

- A copy of the new Family Led Decision Making procedure will be provided to the *Our Booris, Our Way* Implementation Oversight Committee in August
- CYPS staff will continue to embed Family Led Decision Making into every part of the Child Protection System – from first engagement right through to when children are on Long Term Orders.

RECOMMENDATION 17 (DECEMBER 2019)

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

COMMUNITY SERVICES DIRECTORATE

AGREED: June 2020

The Community Services Directorate is currently undertaking a range of activities to attract and retain Aboriginal and Torres Strait Islander staff to join the CYPS workforce.

CSD has introduced the new Child and Youth Protection Professional classification structure. This will allow CSD to employ someone as a child and youth protection professional (CYPP) on the basis of their Aboriginal and Torres Strait Islander cultural heritage and experience. This recognises the significant impact that Aboriginal and Torres Strait Islander cultural heritage and experience has in improving outcomes for children and young people who come into contact with the child protection and youth justice systems. It also acknowledges that this expertise may sit outside a formal qualification.

ACTIVITIES JANUARY – JUNE 2022

Child and Youth Protection Professional (CYPP) Classification

- The 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. Under this classification, CSD may make a person with appropriate and relevant Aboriginal and Torres Strait Islander or other cultural heritage and experience eligible for employment at one or more CYPP classification levels on the basis of that heritage and experience.
- CSD partnered with Pipeline Talent, a local Indigenous-owned consultancy, to understand the heritage and experience required for employment as a CYPP. Pipeline Talent consulted with Aboriginal and Torres Strait Islander Case Managers, the local Aboriginal and Torres Strait Islander community, sector representatives and relevant unions to hear their views and experiences. The CYPP classification is supported by the Indigenous Competency Framework.

The Indigenous Competency Framework

- CSD continues to update and refine the draft Indigenous Competency Framework. The Indigenous Competency Framework is designed to provide Aboriginal and Torres Strait Islander staff with an understanding of the work expectations of a Child and Youth Protection Professional (CYPP) at each level and what is required to consistently demonstrate competency. The competencies in the Framework describe the knowledge, skills and behaviours required to perform in the role and staff

will be supported to develop the foundational skills of working with children, young people and families.

- Following feedback from the *Our Booris, Our Way* Implementation Oversight Committee the Framework has been strengthened to better support the articulation of cultural heritage and experience. The application process for the Indigenous Competency Framework has also been streamlined.

CSD Aboriginal and Torres Strait Islander Strategy

- CSD has reviewed the Aboriginal and Torres Strait Islander Strategy to improve the Directorate's attraction and retention practices for Aboriginal and Torres Strait Islander employees.
- The Strategy will seek to facilitate diverse career pathways, including into senior roles, supported by targeted professional development and more inclusive and culturally safe workplaces. The Strategy also aims to enhance the cultural intelligence of all staff and will recognise the importance of managers of Aboriginal and Torres Strait Islander staff in creating culturally safe workplaces.
- The **Aboriginal and Torres Strait Islander Collective** continues to meet bi-monthly to discuss issues affecting Aboriginal and Torres Strait Islander employees, barriers to advancement along with leadership opportunities and to discuss potential solutions and ways forward to attract and retain Aboriginal and Torres Strait Islander staff.

IN THE NEXT 6 MONTHS

- CSD will be advertising a number of Aboriginal and Torres Strait Islander identified positions including:
 - Executive Branch Manager (SES Band 1.4), Office of Aboriginal and Torres Strait Islander Affairs.
 - Executive Branch Manager, Aboriginal and Torres Strait Islander Community Controlled Service Sector Unit (SES Band 1.2)
- All positions will include a strong media presence that uses existing First Nations media including SBS NITV Radio, Koori Mail and IndigenousX, the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) *Yarning Brew*, and the Aboriginal and Torres Strait Islander network, CSD Facebook, Instagram and Yuma mediums.

RECOMMENDATION 18 (DECEMBER 2019)

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*

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

CSD will engage an Aboriginal and Torres Strait Islander Senior Leader to develop a reform plan that aligns with the issues raised in the report and supports the recommendation. The Senior Leader will work with the Cultural Support Team to support the required change over the next 12 months. Further consultation with the Cultural Support Team and the Implementation Oversight Committee will also be undertaken to discuss findings from a cross jurisdictional review of structures, practices and learnings that can inform future directions in the ACT. External Cultural Supervision will be a key platform of the reform plan.

ACTIVITIES JANUARY – JUNE 2022

- The Cultural Services Team continues to address this recommendation with internal and external high quality, Aboriginal led supervision, case management and professional development.
- The Cultural Services Team is working within the framework of the Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP).

- An Independent Review of the role and function of the Cultural Services Team is being progressed with Masters students from the Australian and New Zealand School of Government (ANSZOG) undertaking the review.
- In June 2022, the ANZOG Masters Team met with the *Our Booris, Our Way* Implementation Oversight Committee to discuss the terms of reference for the independent review.

IN THE NEXT 6 MONTHS

- The Cultural Services Team is meeting with the ANZOG Research team to further progress the Framework of the review.

RECOMMENDATION 19 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

CSD agrees that the cultural authority for the identification of children rests with their family and community. To support this CSD will work with the ACT Aboriginal and Torres Strait Islander community to determine the mechanism to appropriately identify Aboriginal and Torres Strait Islander children and develop guidelines and processes which set out these mechanisms.

ACTIVITIES JANUARY – JUNE 2022

- CYPs has developed a new policy on 'Recording the Cultural Identity of Aboriginal and/or Torres Strait Islander children and young people.' 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.
- The policy highlights that while Government does not have a role in determining the identify of Aboriginal and/or Torres Strait Islander children and young people, it is the responsibility of CYPs staff to:
 - Ask appropriate questions about the identify and cultural heritage of all children
 - Seek clarifying advice from appropriate agencies to confirm identify, as appropriate (with the parent/family consent)
 - Make an accurate record of identity on the child or young person's client record
 - Update records to reflect any changes to identity information as appropriate
 - Apply appropriate policy and procedure considerations to identified Aboriginal and Torres Strait Islander children and young people.
- A draft of the Policy was provided to the *Our Booris, Our Way* Implementation Oversight Committee and feedback from Committee members has been incorporated.

- CYPS has developed a 'First Nation's Tab' on the CYRIS client management system to provide a central place to record important cultural information including: language group, tribe, skin group, clan, Mother's country, Father's country, family/kinship connections and Aboriginal and/or Torres Strait Islander services involved with the child or young person and their family. The information collected in the First Nation's Tab will be used to help inform the development of Cultural Plans and case management for children and young people.

IN THE NEXT 6 MONTHS

- A copy of the 'Recording the Cultural Identify of Aboriginal and/or Torres Strait Islander children and young people' policy will be provided to the *Our Booris, Our Way* Implementation Oversight Committee in August 2022.

RECOMMENDATION 20 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: June 2020

The ability to report on how decisions are made regarding the placement of children in care is an important priority.

CSD is working to continue to improve the collection of Aboriginal and Torres Strait Islander status for carers, and to complete genograms for all children which describe the significant people in their lives whether biologically connected or part of their community. We are able to report on the status of carers and children and, are working to improve the collection of information to ensure accurate reporting on the Child Placement Principle.

With the implementation of the CYRIS project, the ability to collect and report on this data has improved.

ACTIVITIES JANUARY – JUNE 2022

- SNAICC has been engaged to undertake consultation within the ACT to seek community perspectives on kinship definitions.
- With a commitment to improving the collections of information, additional fields have been developed on CYRIS for kinship segmentation groups to better identify the type of kinship placement. Retrospective data to 1 July 2021 pertaining to kinship placement has been uploaded to the system.
- Additional work is occurring to ensure that these fields are used consistently and correctly to support data quality.

IN THE NEXT 6 MONTHS

- The SNAICC report on the ACT Aboriginal and Torres Strait Islander Community's perspective of kinship care will be provided to CSD in late September 2022. This review will provide information and feedback from the Community on definitions of kinship, an analysis of other jurisdictions' approaches and propose a way forward for the ACT.

RECOMMENDATION 21 (DECEMBER 2021)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

The ACT Government is committed to designing the procurement process for the next iteration of *A Step Up for Our Kids* to pursue the development of an Aboriginal and Torres Strait Islander community-controlled child welfare organisation and the requirement for culturally safe services as a key priority. This will include identifying the level of funding within the *A Step up for Our Kids* budget that will be specifically earmarked for Aboriginal and Torres Strait Islander service delivery.

ACTIVITIES JANUARY – JUNE 2022

- CSD is seeking a review from program areas on how they are addressing for Aboriginal and Torres Strait Islander individuals and families in their procurement processes. The CSD Contract Services team reviews all contracts, and it is a requirement that contracts set out how they address the Aboriginal and Torres Strait Islander Procurement Principles. The Deputy Director General (Reform) is the CSD Champion for the ATSIPP and reviews all contracts to ensure they have addressed the principles.
- As part of the Next Steps Service System and the Next Steps System Enablers planning is underway for the co-design and procurement of the services.
- Diversionary services are being progressed via an ACCO (see Recommendation 6), however for the remainder of the services Next Steps will use the Aboriginal and Torres Strait Islander Procurement Policy to ensure Aboriginal and Torres Strait employment and economic participation occurs for any services not delivered by ACCOs.
- CSD will engage Aboriginal and Torres Strait Islander enterprises to assist with the codesign and implementation of Next Steps System Enablers.

IN THE NEXT 6 MONTHS

- Planning is underway on the phased transfer of approximately 30% of the out of home care budget to Aboriginal Community Controlled Organisations.

RECOMMENDATION 22 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

Given that a substantial proportion of Out of Home care arrangements are provided by ACT Together and that no Aboriginal Community Controlled Organisation is currently in place in the ACT, it is imperative to ensure a high standard of casework is consistently achieved through the contractual arrangement and guided by expectations set by the *Our Booris, Our Way* Steering Committee.

Until a Monitoring and Review Framework is in place and embedded into policy and contractual requirements as part of the delivery of ACT Together then it is only appropriate to delay transfer of any new cases.

CSD will transition all Aboriginal and Torres Strait Islander children who are fostered by ACT Together staff to case management by the Directorate.

ACTIVITIES JANUARY – JUNE 2022

- In September 2021, CYPS presented to the Implementation Oversight Committee, the draft CYPS/ACT Together Monitoring and Review Framework on quality casework for Aboriginal and Torres Strait Islander children, young people and their families.
- The trial of the Monitoring and Review Framework has commenced as planned in 2022 with information submitted by ACT Together as required. A presentation on first tranche was provided to the Committee in June 2022.
- A standing item at the ACT Together and CYPS monthly contract meeting is the monitoring and reporting of children fostered by ACT Together staff, to support CYPS case management and to

avoid a conflict of interest. The first tranche of Annual Review Report packages involving 25 children and/or young people has been completed. New business rules to inform the process have been developed and agreed by CYPs and ACT Together.

IN THE NEXT 6 MONTHS

- Continue to work with ACT Together on the implementation of the Monitoring and Review Framework to achieve the best outcome for families.
- In September 2022, the second tranche will be jointly presented to the committee by CYPs and ACT Together.
- Continue to monitor and report on children fostered by ACT Together staff, to support CYPs case management and to avoid a conflict of interest. Tranche 1 and 2 of the Annual report packages will be presented to the OBOW IOC in September 2022.

RECOMMENDATION 23 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

The ACT Government and the Commonwealth will work with the Wreck Bay community to understand their needs and develop an appropriate service and support model. The ACT Government will work with the Commonwealth to ensure this model is embedded in the Memorandum of Understanding between the Commonwealth and the ACT Governments.

Previous reports that have been commissioned by the Commonwealth or ACT Government to support delivery of family and early support services will be reviewed for insights into already stated needs of requirements of the Wreck Bay Community. This will then be used to validate what has been heard before and to add to based on any current issues.

This review will then inform the approach taken to address for the needs of community in line with the ACT Memorandum of Understanding with the Commonwealth on provision of services to the Wreck Bay community. The Chief Minister, Treasury and Economic Directorate will assist in supporting this work.

ACTIVITIES JANUARY – JUNE 2022

- In March, April and June 2022 CYPS staff visited the Wreck Bay Community. During these visits CYPS engaged with children and young people and their families, the Jervis Bay school, the Jervis Bay Territory Office, the Australian Federal Police and the Gudjahgahmiamia MACS Early Learning Centre.
- In June 2022 CYPS staff joined over 100 Wreck Bay community representatives (including Community Elders, Territory Office staff and Australian Federal police) to celebrate NAIDOC Week with an Assembly and BBQ with the staff, children and families of the Jervis Bay School. Students at the Jervis Bay School performed cultural dance and storytelling and displayed their artwork at the NAIDOC Assembly.

IN THE NEXT 6 MONTHS

- CYPS has a number of visits planned for the second half of 2022 and will provide ongoing support and communication with the Wreck Bay community.

RECOMMENDATION 24 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

The ACT Government is committed to monitoring the implementation of the recommendations of the *Our Booris, Our Way* Review.

ACTIVITIES JANUARY – JUNE 2022

- CSD has appointed a OBOW Report Coordinator to ensure that all contributions received from Implementation staff are compiled and assessed for alignment to Implementation Plan and intent of recommendations.
- The Report Coordinator has supported the amending of reporting templates and has begun the development of implementation plans for all CYF-led recommendations to be outcomes focused including clear timelines and activities.
- The Directorate also continues to support the Committee by identify and seconding appropriately skilled staff to undertake projects as required.
- In the report period CSD has provided two quarterly updates to the Committee on implementation activities against each recommendation.
- CSD coordinates all input to Quarterly Implementation Reports across CSD, JACS and ACT Health, and has worked closely with the Implementation Oversight Committee to provide up to date data against each recommendation in each of the Quarterly Reports provided to the Committee.

IN THE NEXT 6 MONTHS

- CSD aims to provide first draft implementation plans to the Committee in line with Q1 2022-23 Reporting.
- CSD will continue to support the Implementation Oversight Committee through the *Our Booris Our Way* Data Working Group and by providing any additional specialists expertise and skills as required.

- CSD will provide quarterly updates to the Committee addressing implementation activities for the period July – September 2022 and October – December 2022.

RECOMMENDATION 25 (DECEMBER 2019)

Data Collection and analysis

The Steering Committee recommends that 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. These indicators would add more depth to any agreed Closing the Gap refreshed targets as well as quantitative and qualitative metrics to address the ACT primary areas of concern from this report for example establishing identity; intensive family support services; kin finding; restoration; placing with kin; kinship support and contact with family whilst on orders.

These KPIs should form a component of the quarterly report and be considered by the Implementation Oversight Committee.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: June 2020

The Government will work with the *Our Booris, Our Way* Implementation Oversight Committee to develop key performance indicators 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.

ACTIVITIES JANUARY – JUNE 2022

- The Data Working Group met in June with the *Our Booris, Our Way* Implementation Oversight Committee and Spring Green Consulting who provided guidance and proposals for data products to meet the needs of the Committee.
- CSD took a number of actions to explore areas for improvement on the KPIs. These will continue to be developed by CSD and included in future iterations of the dashboard.

IN THE NEXT 6 MONTHS

- The Data Working Group will continue to meet and work with the *Our Booris, Our Way* Implementation Oversight Committee on improving data quality and reporting.

RECOMMENDATION 26(a) (December 2019)

Adoption and Permanency Arrangements

26 (a) 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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: July 2020

The ACT Government has a policy position that adoption is not an appropriate permanency option for Aboriginal and Torres Strait Islander children in out of home care. Any legislative changes in this regard would need to be made in accordance with the ACT's and Commonwealth legislative requirements, including compliance with the *Racial Discrimination Act 1975*.

ACTIVITIES JANUARY – JUNE 2022

- CSD has developed a statement of requirements for independent advice on the issues of legislation of non-adoption. The statement of requirements has been issued to SNAICC to provide a quote for services.
- Legislative barriers include compliance with the *Racial Discrimination Act 1975* (Cwth) and the *Human Rights Act 2004* (ACT). Legislation to prohibit the adoption of Aboriginal and Torres Strait Islander children and young people in the ACT, without any exceptions, would likely contravene both these Acts.

IN THE NEXT 6 MONTHS

- CSD will continue to engage with SNAICC including the quote for services 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.

RECOMMENDATION 26(b) (December 2019)

Enduring Parental Responsibility Orders

26 (b) The Steering Committee Recommends 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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

NOTED: July 2020

While recognising the intent of this position, the ACT Government also needs to consider the abundant evidence that permanency and security are vital to reducing the ongoing trauma for children and young people associated with being in out of home care. Where restoration to Aboriginal or Torres Strait Islander parents or kin is not possible or is not in the child or young person's best interests, progressing a permanency arrangement through Enduring Parental Responsibility (EPR) may be considered in the child or young person's best interests. The Government recognises that this view of permanency also needs to be considered through a cultural lens and in recognition of past decisions and practices that have already significantly impacted on separation of Aboriginal and Torres Strait Islander children and young people from their family and culture. It is acknowledged that progressing EPRs for non-Aboriginal carers may be seen by the community as compounding past wrongs and that child protection services should strive to change policy and practices to limit the need for such arrangements to be entered into.

ACTIVITIES JANUARY – JUNE 2022

- CSD has approached SNAICC to prepare cultural advice on the appropriate safeguards that may be implemented within the processes for permanency planning for Aboriginal and Torres Strait Islander children and young people in care under the *Children and Young People Act 2008* (CYPA).

IN THE NEXT 6 MONTHS

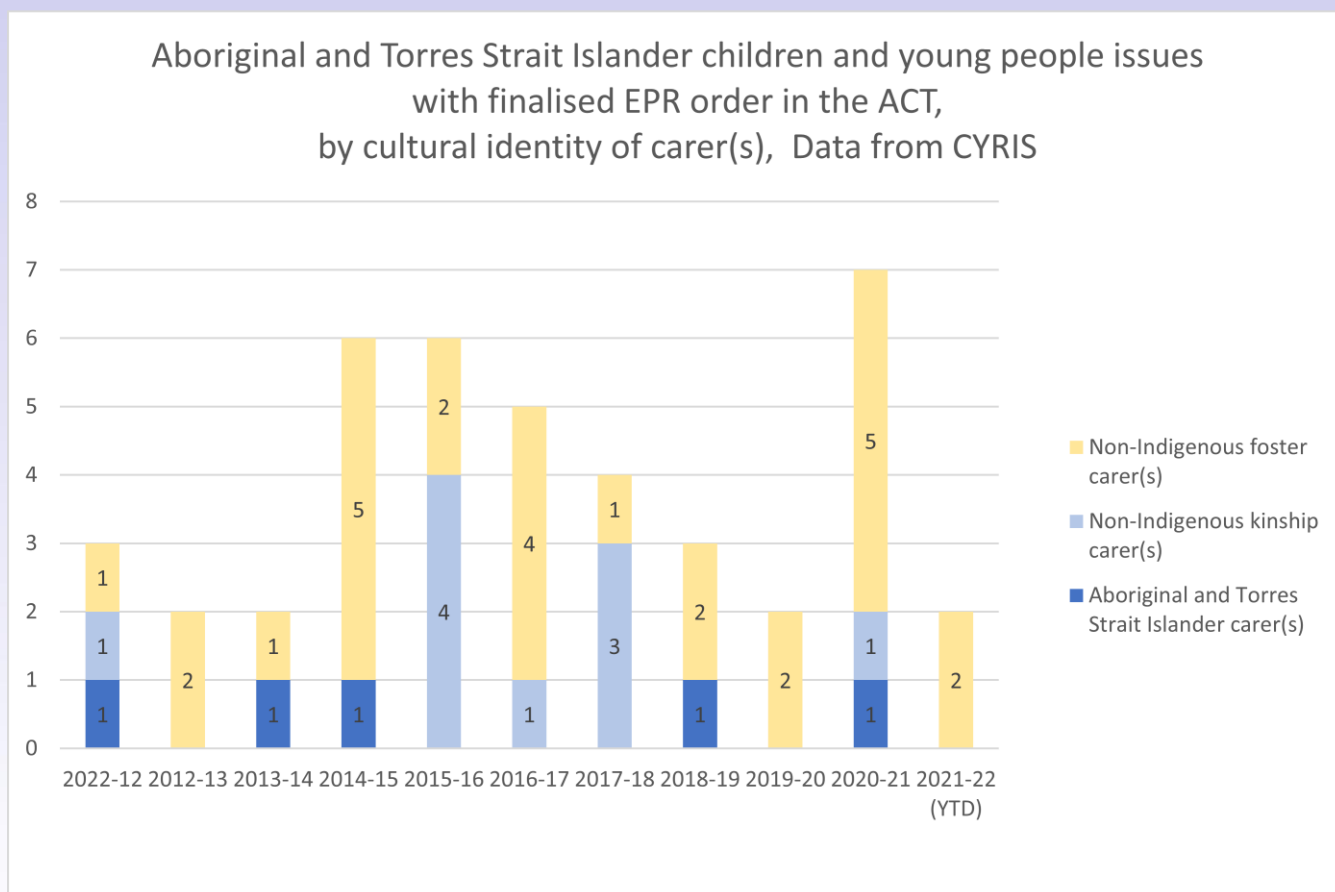
- SNAICC will propose culturally appropriate steps and safeguards for inclusion in the policy and practice of the Directorate in its treatment of applications for EPR under the CYPA and for adoption under the *Adoption Act 1993* (Adoption Act).
- SNAICC will provide advice to the Directorate on:
 - Whether other jurisdictions have considered these steps and safeguards
 - Whether other jurisdictions have implemented these steps and safeguards
 - Whether other jurisdictions have considered other options in adoption (or EPR)
 - Whether other jurisdictions have embedded any of these approaches into legislation

- Whether consideration has been given to the consistency of those approaches with the *Racial Discrimination Act 1975* (Cwth), Anti-Discrimination Laws or Statutory Bills of Rights.
- CSD plans to invite members of the *Our Booris, Our Way* Implementation Oversight Committee to join a working party to examine approaches for Aboriginal and Torres Strait Islander families currently engaged in the EPR pipeline.

HOW ARE WE TRACKING?

An Enduring Parental Responsibility (EPR) assessment is undertaken over a significant period to allow conversations to be facilitated and gain the views of parents and significant family members.

Figure 8: Aboriginal and Torres Strait Islander children and young people issued with Finalised EPR Orders by cultural identity of carers



RECOMMENDATION 27 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

Practice guidelines have been developed to ensure CYPS caseworkers actively support families in accessing services when they are involved with ongoing case management. As the majority of these services are funded by the ACT Government, CSD will work closely with the service sector to deliver improved outcomes and results for families and individuals through the Commissioning for Social Impact work (see Recommendation 9a for more detail on Commissioning for Social Impact).

ACTIVITIES JANUARY – JUNE 2022

- New training on the implementation of *Our Booris, Our Way* recommendations 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.
- The proposal for the Spotlight on Practice training is currently being considered by CYPS executive.

IN THE NEXT 6 MONTHS

- Once approved the Spotlight on Practice training will commence. The first month's focus will be on family and sibling contact, financial and service supports and the immediate commencement of plans.

RECOMMENDATION 28 (DECEMBER 2019)

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.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

The ACT Government is committed to supporting the growth and resilience of family relationships and connection particularly of children who are not residing with their parents or siblings. Development of a policy statement and practice guidance on the level of family connection and contact based on research and leading practice will be undertaken. This paper will also look at the purpose and need for supervised connection and contact visits and how long these arrangements are beneficial for the purpose of assessment.

ACTIVITIES JANUARY – JUNE 2022

- Under the Monitoring and Review Framework, the quality of family connections and contact arrangements is monitored. The analysis of 1st quarter data (Feb to April) is completed and preliminary data trends are being discussed with ACT Together with a view to obtaining further detail about a number of children and the rationale behind their contact arrangements.

OVER THE NEXT SIX MONTHS

- An audit of select *Our Booris, Our Way* recommendations will be undertaken in December 2022 to better understand family connections. Scoping work for this audit and the development of the Terms of Reference, audit tools and questions will be developed.