

2023

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

TENTH ASSEMBLY

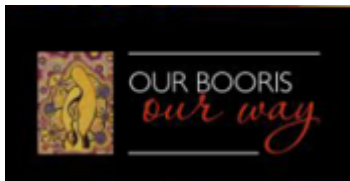
**Our Booris, Our Way
Six Monthly Implementation Update –
January to June 2023**

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

Our Booris Our Way Review

Six-monthly Update

January-June 2023



Our Booris, Our Way Review

Six-monthly Update (January – June 2023)

ACKNOWLEDGEMENT

The ACT Government acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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

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

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Abbreviations

ACCA	Aboriginal Child Care Association
ACCO	Aboriginal Community Controlled Organisation
AMC	Alexander Maconochie Centre
ATSICPP	Aboriginal and Torres Strait Islander Child Placement Principle
CAPO	Care and Protection Organisation
CPLAS	Care and Protection Legal Advocacy Service
CPP	Children's Placement Principle
CSP	Children's Services Program
CSD	Community Services Directorate
CST	Cultural Services Team
CYFSP	Children, Young People and Family Services Program
CYP Act	Children and Young People Act
CYPS	Children and Youth Protection System
CYRIS	CYPS Client Information System
DDTS	Digital, Data and Technology Services
ECEC	Early Childhood Education and Care
EPR	Enduring Parental Responsibility
FGC	Family Group Conferencing
FNFST	First Nations Family Support Team
JACS	Justice and Community Safety
MBS	Medical Benefit Scheme
NBHF	Ngunnawal Bush Healing Farm
OBOWIOC	Our Booris, Our Way Implementation Oversight Committee
OBOW	Our Booris, Our Way
PDT	CSD CYPS Practice and Development Team
RFP	Request for Proposal
SB-HSC	Strategic Board Human Services Committee
SNAICC	Secretariat of National Aboriginal and Islander Child Care

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Minister Foreword

Minister Rachel Stephen-Smith

To begin, I would like to extend my gratitude to the dedicated Our Booris, Our Way Implementation Oversight Committee (OBOWIOC), whose unwavering commitment and willingness to share their knowledge and experience continues to help shape the approach of the ACT Government in improving the care and protection system and reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in out of home care.

The ACT Government remains dedicated to fully implementing the recommendations from the review, and the ongoing collaboration with the Committee enables us to remain accountable to the review and deliver on the ACT's commitments under the Aboriginal and Torres Strait Islander Agreement 2019-2028, the National Agreement on Closing the Gap, and Safe and Supported: the National Framework for Protecting Australia's Children 2021-31 (Safe and Supported).

As of 30 June 2023, 241 Aboriginal and Torres Strait Islander children were living in out of home care, comprising 29% of the total number of children and young people in out of home care. While I am pleased to share that there were no Emergency Action placements in the first five months of this year and the number of children on short term placements has reduced, the overrepresentation of Aboriginal and Torres Strait Islander children and young people in out of home care remains a high priority for the ACT Government to address.

Our goal remains to reduce the number of children entering care, enhance their care experiences, and work towards reuniting them with their families whenever possible. In line with these goals, I would like to share a number of key pieces of progress the ACT Government has made since the last six monthly progress report.

The ACT Government has made a commitment to establish a responsive, high-functioning legal framework for the ACT's child protection and family support system. This reform aligns the *Children and Young People Act 2008* (the CYP Act) with *Next Steps for Our Kids 2022–2030* – the ACT's strategy for strengthening families and keeping children and young people safe. It will also address recommendations from key reviews and reports regarding the ACT's child protection and family support system requiring legislative change.

Modernising the *Children and Young People Act 2008* is a key initiative that will drive change in the ACT's child and youth protection system. The legislative reforms respond to current challenges, research insights and societal needs and aim to prioritise the safety, welfare and wellbeing of children and young people, preserve families and provide earlier support to families in need.

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Consultation on the proposed amendments in the draft Children and Young People Amendment Bill 2023 occurred during the middle of 2023 and included a discussion paper to support the consultation on the YourSay Conversations website¹ as well as over 40 briefings with different stakeholders to gain a deeper understanding of how the proposed changes would affect the ACT community. Changes to the legislation will be introduced in 2024.

The newly established Aboriginal Service Development Branch is developing the ACT's Aboriginal Community Controlled sector in partnership with the community and the Children and Families, Domestic and Family Violence and Housing sectors. This Branch will also lead work to support new, emerging and established ACCOs to engage in the procurement of out of home care services as outlined in *Next Steps for Our Kids 2022-2030*.

An experienced and dedicated First Nations Family Support Team has been established and has started working with families to keep children safe and connected to culture and community. The team are developing a new practice framework led by the Aboriginal and Torres Strait Islander Child Placement Principle.

A new Care and Protection Legal Advocacy Service has also commenced in the first half of 2023. Provided by the Aboriginal Legal Service, it provides culturally appropriate legal and advocacy services for Aboriginal and Torres Strait Islander families coming into contact with the ACT's child and youth protection system.

A First Nations Kinship Liaison Officer has been recruited to strengthen the support of Aboriginal and Torres Strait Islander kinship carers. This officer is providing targeted and culturally informed support for any kinship carer, regardless of where they are in their caring journey. An important aspect of reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the out of home care system is to recognise the powerful contribution that informal kinship and non-statutory carers make to children and young people. These carers are often a crucial support for young people when they are unable to live at home. With our reforms to the legislation and care and protection system we will be doing more to support these carers.

Cultural plans remain an important part of our practice in ensuring children and young people in out of home care remain connected to their mob, country, and culture. The number of Aboriginal and Torres Strait Islander children in the care of the Director-General with a cultural care plan, as of 30 June 2023, is 191 (99 per cent), an increase from 194 (94 per cent) as of 31 December 2022.

As I provide this sixth update on our progress from January to June 2023, I want to emphasize the ACT Government's ongoing commitment to being guided by the Our Booris, Our Way Implementation Oversight Committee, along with other representatives from the Aboriginal and Torres Strait Islander community. Together, we are dedicated to implementing the necessary systemic reforms to reduce the involvement of Aboriginal and Torres Strait Islander children in the child protection system, enhance their experiences in out of home care, and increase pathways to family reunification.

¹ <https://yoursayconversations.act.gov.au/children-and-family-services-reform/changing-children-and-young-people-act-2008#:~:text=What%20are%20the%20key%20focus,provide%20earlier%20support%20when%20needed.>

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Chairperson Foreword

Natalie Brown

It isn't possible to write about Aboriginal matters on Ngunnawal Country during this reporting period without honouring Senior Ngunnawal Elder Agnes Shea OAM, who passed on March 11, 2023. A rare and precious presence - her natural leadership qualities were those that I can only aspire to, her own combinations of respectfulness, genuine empathy, courage, resilience, boldness, and an unrivalled capacity for kindness. These qualities encouraged partnership approaches and are much needed to make the critical changes required in government and societal practices. We all need to look for and appreciate them, learn them, and practice them, most importantly at times when we feel least inclined to do so.



The last time I saw her shortly before her passing, my daughter and I sat with her, and she held my granddaughter's foot. She laughed with us and with other children at the event. She gave me gentle advice on babies and children, their health and wellbeing, and on being a grandparent. I will endeavour to weave this knowledge through everything I do and always be mindful of how fortunate I am to live, love and raise my family on Ngunnawal land.

It has been 6 years since I joined the Our Booris, Our Way (OBOW) Review Committee. The report that we delivered to Government was truth-telling. Government agreed.

This is the second Minister's six-monthly progress report to be delivered since I have held the position of Chair of the OBOW Implementation Oversight Committee. I continue to experience genuine commitment within the CSD, to work in partnership and be guided by Aboriginal-led decision making. Also demonstrated is an increase in listening to the voices of Aboriginal and Torres Strait Islander peoples and changing the way some parts of Government are working in response.

There is an undeniable link between this approach and the successes that are required to implement the OBOW recommendations and to make progress towards achieving Closing the Gap Target 12: to reduce the overrepresentation of Aboriginal children and young people in out of home care by 45% by 2031 (Target 12).

This report outlines many of these responses and changes that are expected to impact the trajectory of over representation. Some see them as bold; others wonder why they didn't happen decades ago. But most now agree they are much needed in order to reflect that society that Canberrans believe they are.

Alongside these changes, there are major initiatives such as modernising the *Children and Young People Act 2008*, however more active efforts are required to meaningfully communicate and work in

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partnership with our community. Improving relationships between government and community remains critical.

Whilst some community members can see or have experienced improved policy, practices, and service delivery, many still do not. The OBOW Committee members are inextricably linked to what's happening on the ground, and community voices reach us in a variety of ways. There is clear and abundant evidence that there is still a long way to go to see the improvements at ground level and achieve the outcomes we are committed to.

As part of my first forward for the previous six-monthly report, I pointed out some critical issues that were not being adequately addressed. The first was increased provision of meaningful and early supports. This is an example where there are changes in the pipeline however results are not reaching the ground. I noted:

To have real and meaningful impact, supports and services need to be accessible and Aboriginal-led and they must address key social determinants including housing, health, education and justice. All Directorates are therefore responsible for collaborating to drive these changes. Yet we are not yet seeing this.

Unfortunately, progress is being stunted by a lack of impetus for a genuine and enduring partnership approaches and Aboriginal-led decision making. When our voices are not listened and responded to in true partnership our efforts over the last 6 years are diminished. There are parts of ACT Government who are not listening, or who think they are listening but who, at this point, don't hear and understand what we are saying. They are holding us back.

Without listening, without action and without partnership the scale of change required across the ACT will not be within reach. We simply cannot move forward whilst merely tinkering with business-as-usual approaches. We need all Directorates to lift their weight if real and meaningful change is to really happen on the ground for our children, who are our future.

A final replay from the last report is needed to address Aboriginal and Torres Strait Islander workforce and leadership. Again, CSD have made improvements that are contained in this report. However, workforce issues are still critical across the landscape, including for our developing Aboriginal Community Controlled Organisations. We cannot expect success without staff. There are a plethora of proven programs and strategies already happening in other jurisdictions that we could be pursuing. We need to start this immediately. Our current Aboriginal and Torres Strait Islander workforce is in demand and stretched thin across all sectors. There is nothing to be achieved by mining for more cultural capacity where there is none.

I remain passionate and hopeful that we will continue to build on the achievements shared in this report. I also remain resolute that government still has a great deal of work to do. So, I draw on the qualities of Aunty Agnes to seek and strive for the changes we need to make together to provide a better future for children and young people, their families, and communities.

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Executive Summary

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

In this sixth progress report, the ACT Government's efforts from January to June 2023, along with our next steps, are shared. Key highlights in this six-monthly period include:

Aboriginal Community Controlled Organisation's and Sector

The Aboriginal Services Development Branch is supporting the development of the ACT's Aboriginal Community Controlled sector in partnership with the community including supporting new, emerging, and established Aboriginal Community Controlled Organisation's (ACCOs) to engage in the procurement of out-of-home care services as outlined in Next Steps for Our Kids 2022-2030.

Aboriginal and Torres Strait Islander Children and Young Peoples Commissioner

The Advocate has been setting up the Aboriginal and Torres Strait Islander Children's Commissioners office. A national recruitment process has commenced, that involves ACT Aboriginal and Torres Strait Islander leaders and community.

First Nations Family Support

A First Nations Family Support Team has been established in March 2023. This experienced and dedicated Aboriginal – led team is working with families to keep children safe and connected to culture and community. They are developing a new Children and Youth Protection Services practice framework led by the Aboriginal and Torres Strait Islander Child Placement Principle.

<https://www.snaicc.org.au/the-aboriginal-and-torres-strait-islander-child-placement-principle-a-guide-to-support-implementation/>

Support for Kinship Carers

To strengthen the support of Aboriginal and Torres Strait Islander kinship carers a First Nations Kinship Liaison Officer has been recruited. This officer provides targeted and culturally informed support for any kinship carer, regardless of where they are in their caring journey.

An Aboriginal and Torres Strait Islander kinship carers website has now been launched and will continue to be populated with relevant information, support and training as required. It can be accessed at Aboriginal and Torres Strait Islander kinship carers – [Aboriginal and Torres Strait Islander kinship carers - Community Services \(act.gov.au\)](#)

In addition to this a new email address has been created as a direct link to the kinship team for Aboriginal and Torres Strait Islander carers. The Kinship Assessment and Support team can be contacted at YumaKinship@act.gov.au and is a way for carers to make direct requests for support and other inquiries.

Practice level changes

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

Spotlight on Practice is a standing agenda item at the CYPs Whole of Operations Meeting, which occurs on the 3rd Wednesday of every second month.

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Aboriginal and Torres Strait Islander Case Directions and Discussion Group

The Aboriginal and Torres Strait Islander Case Direction and Discussion Group is a wholly Aboriginal-led group with CYF (Children, Youth and Families) executive and legal support. It reviews all proposed applications for Court and/or Tribunal orders for any Aboriginal and Torres Strait Islander child this could include emergency action, assessment and restoration decisions. It ensures that all options have been explored in relation to the best interests of, and level of risk to, a child or young person and will also ensure that the Aboriginal and Torres Strait Islander Placement Principle is considered. The group also provides advice and recommendations on the case management of Aboriginal and Torres Strait Islander children/young people to Child Protection Practitioners.

Working with our funded partners

In the first quarter of this reporting period draft new clauses were developed to detail the Territory's expectations of all providers when working with Aboriginal and Torres Strait Islander children, young people, and families. These changes ensure contracts are more culturally responsive. The inclusion of these new clauses in existing and new contracts is underway. In April and May of 2023, the CSD (Community Services Directorate) undertook eight focus groups with current and future service providers to seek their views on the draft service system and operating arrangements. This process ensures that the way forward will be more culturally informed and more responsive. The Listening Report is now available on the CSD website at: <https://yoursayconversations.act.gov.au/children-and-family-services-reform/next-steps-our-kids-2022-2030>

Legal and Advocacy Services

A Care and Protection Legal Advocacy Service has also formally commenced in April 2023. Provided by the Aboriginal Legal Service (NSW/ACT) Limited, providing culturally appropriate legal and advocacy services for Aboriginal and Torres Strait Islander families coming into contact with the ACT's child protection system.

Modernising the Children and Young People Act 2008

Stage 1 amendments of the *Children and Young People Act 2008* are under consideration and will embed the Aboriginal and Torres Strait Islander Child Placement Principle. The legal, policy and practice changes that will be informed by these amendments will positively shape our care and protection system and how it works with Aboriginal and Torres Strait Islander children and families.

Child and Youth Protection Data

The government continues to provide data to the Committee through its quarterly reporting and a co-designed Child and Youth Protection Data report.

The data in the report aligns with the key focus areas of OBOW Review report – reducing the number of children entering care, improving their experience in care, and working towards restoration. This data report is a crucial tool in measuring the impact of implementing the recommendations.

Restoration Taskforce

To continue to build on the need for more active efforts on restoration to parents and kin, the government has established an Aboriginal-led Restoration Taskforce. The Taskforce works with families, the CYPS staff and ACT Together to carefully consider individual circumstances relating to restoration.

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Our Booris, Our way

Rec Progress as at August 2023

Key	Progressing	Significant progress	Close to Monitoring	Monitoring and Evaluation
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* Progress includes new initiatives

Rec 1:* Allocation of Aboriginal and Torres Strait Islander children's cases to experienced and culturally intelligent case workers.	Rec 2: Engagement of SNAICC for training on embedding Child Placement Principle	Rec 3: Policy and practice review to explicitly embed the Child Placement Principle	Rec 4: Universal access to family group conferencing
Rec 5: Ensure full intent of Aboriginal and Torres Strait Islander Child Placement Principle is reflected in the Children and Young People Act 2008	Rec 6:* Feasibility study Aboriginal Child Care Association	Rec 8 (A): Culturally appropriate advocate service	Rec 9: Early support programs available Rec 9 (A): Accessible and appropriate early support programs for drug and alcohol rehabilitation, family violence, mental health and trauma
Rec 10 (A): Access to supports for kinship carers Rec 10 (B)(I) & (II): Kinship care assessment process	Rec 7: Aboriginal And Torres Strait Islander Children's Commissioner	Rec 8 (B): Access to legal representation and advocacy	Rec 14:* Aboriginal and Torres Strait Islander health assessments
Rec 11 (A) & (B): Improve quality and monitoring of cultural plans	Rec 12: Pathways to restoration	Rec 13:* Aboriginal and Torres Strait Islander father inclusive practice	Rec 15: Governance and oversight of implementation of recommendations
Rec 16: Increase Aboriginal and Torres Strait Islander led decision making in child protection	Rec 17: Aboriginal and Torres Strait Islander workforce and leadership	Rec 18: Support development of the cultural services team	Rec 19: Appropriate identification, and de-identification, of children
Rec 20: Segmentation and data on kinship care	Rec 21: ACT Indigenous Procurement Policy	Rec 22 (A), (B) and (C): Quality of case work and allocation of Aboriginal and Torres Strait Islander children under a step up for our kids	Rec 23:* Wreck Bay Rec 24: Appoint a project team to implement recommendations and monitor practice change
Rec 25: Data collection and analysis	Rec 26(A): Adoption and permanency arrangements Rec 26(B): Enduring parental responsibility orders	Rec 27: Active referrals and follow-up	Rec 28: Family connection practices

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Rationale for progress status

Key	Progressing	Significant progress	Close to Monitoring	Monitoring and Evaluation
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Recommendation	Rationale
1 Allocation	Focus has switched from training all staff (which continues) to establishing a First Nations Support team. This team commenced in early 2023
2 SNAICC training	Contract in place for twice yearly training. Numbers of trained have been over 75. The OBOWIOC agreed to monitoring status on 7 November 2022
3 CPP into policy and practice	A number of documents have been reviewed. This space will be informed by the CYF Reform program. CSD needs to work with the OBOWIOC on a Practice
4 FGC access	Rec 4: Access to Family Group Conferencing – OBOWIOC decision date 6 February 2023
5 CYP Act amendments	SNAICC report commissioned. Informed Stage 1 amendments. Stage 2 amendments due for public consultation Sept/Oct 23
6 ACCA Feasibility Study	Study completed. Aboriginal Services Development Branch working with established and emerging ACCOs
7 Children’s Commissioner	Commissioner Bill passed November 2022, Advocate in place, national recruitment process live. OBOWIOC monitoring decision date 6 March 2023
8a Cultural Advocates	Guidance provided to staff and families. More work to be undertaken as part of CYF reform
8b Legal Service	ALS funded for two years. Evaluation to be conducted to support seeking recurrent funding
9 Early support programs	Cross directorate working group established. Key strategic commitments developed – Next Steps, Best Start, Commissioning roadmap
9a Early support for AOB, FDV, MH, Trauma	Cross directorate working group established. Grants provided
10a Supports for kinship carers	Programs, websites, factsheets, events developed and delivered. Research completed and Aboriginal Kinship Carer Support worker hired

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10bi Kinship care immediately	Policy and process for priority placement implemented. Data provided quarterly. Assessment process on active cases shared
10bii Kinship care assessment	Implementation of streamlined decision-making process that prioritises placement with kin. Data provided. Kit developed
11a Cultural Plans	CYF and ACT Together process developed to monitor and review the development and use of cultural plans
11b Improve quality and monitoring	Continued improvement in the construction, content, and review of plans
12 Pathways to Restoration	Established Aboriginal-led Restoration Taskforce. Restoration assessment process shared, and current de-identified case status shared
13 Father inclusive practice	Audit conducted to identify how to further lift practice in this space. CYF reform will also inform this recommendation
14 715 health assessments	715s prioritised. Data to be collected on CYRIS
15 Implementation Oversight Committee	Committee set up and monthly oversight and guidance provided
16 Cultural led decision making	Guidance provided. New e-learn. CYF reform to influence practice
17 Workforce and leadership	Improved recruitment processes. Attraction, development, and recruitment plan. CYPP classification process and Indigenous Competency Framework
18 Cultural Services Team	Permanent recruitment of team. Policy and practice develop and still being settled. ANSZOG report guiding next steps
19 Identification and de-identification	Policy developed and implemented. Monitoring mechanism in place. Committee decision date 6 Feb 2023
20 Data on kinship	Data provided showing the majority of children are with kinship carers. SNAICC report on definition of kinship
21 Procurement policy	Commissioning process has commenced. Clauses reflecting service expectations for Aboriginal and Torres Strait Islander children developed
22a Framework for case work ACT Together	Monitoring and review framework in operation for over 12 months. Improved practices demonstrated
22b Children moved to CYPS	No transfer for long-term orders to ACT Together
22c Fostered by ACT Together managed by CYPS	Case have been moved or the arrangements shared with the Committee

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23 Wreck Bay	Service needs continue to be discussed with Wreck Bay as Governments negotiate MOU
24 Project team to monitor recs	Implementation team established and supporting the implementation of and reporting on recommendations
25 Data collection and analysis	Data report co-designed with OBOWIOC and provided monthly. Content continues to be improved
26a Adoption and Permanency Arrangements	SNAICC engaged to provide independent advice on legislation
26b EPR only for Aboriginal kin	Interim policy was established to safeguard cultural and connection
27 Active referrals and follow up	Initiatives were put in place including the Aboriginal and Torres Strait Islander Case Direction and Discussion Group and Spotlight on Practice to ensure active referrals and follow up. CYF Reform will also influence this recommendation
28 Family connection practices	More work continues to be done to uplift family connection practices. CYF reform will impact this recommendation

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Introduction

This sixth progress report covers the period January to June 2023. It shares the active efforts of the ACT Government to implement the recommendations from the Our Booris Our Way review.

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

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

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

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

The [Government](#) has made a firm commitment to fully implement the agreed recommendations of the Our Booris, Our Way Review in collaboration with the Aboriginal and Torres Strait Islander community. We have backed up this commitment with funding in the 2022-23 Budget bringing the overall investment to \$19.3 million from 2018-19 to 2023-24.

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

During this 6-month period the Implementation Oversight Committee have met with Community Services Directorate (CSD), JACS (Justice and Community Safety) and CMTEDD (Chief Minister, Treasury and Economic Development Directorate) at 6 monthly meetings where each recommendation and its progress has been reported on and discussed at least twice.

Each recommendation, along with the government position and response to that recommendation, is contained in Attachment A. Each recommendation provides an update on key activities and outcomes achieved during the period and describes the focus in the next 6 months.

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Our Booris Today

What the data tells us

As of 30 June 2023, there were 241 Aboriginal and Torres Strait Islander children and young people in out of home care.

Of the 241 children and young people:

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

Table 1 – Aboriginal and Torres Strait Islander children and young people in out of home care, by order type as of June 2018 and June 2023

	As at Quarter 4, June 2017-18		As at Quarter 4, June 2022-23	
Order Type	277		241	
Long term orders (with DG)	181	65%	152	63%
Long-term Orders (3rd Party Parental Responsibility)	28	10%	42	17%
Short-term orders (< 2 years)	35	13%	23	10%
Interim Orders or Emergency Actions	30	10%	18	7%
No Care and Protection orders (over 19 post care-placements)	2	1%	6	2%
Voluntary Care Arrangements	1	0.4%	0	0%

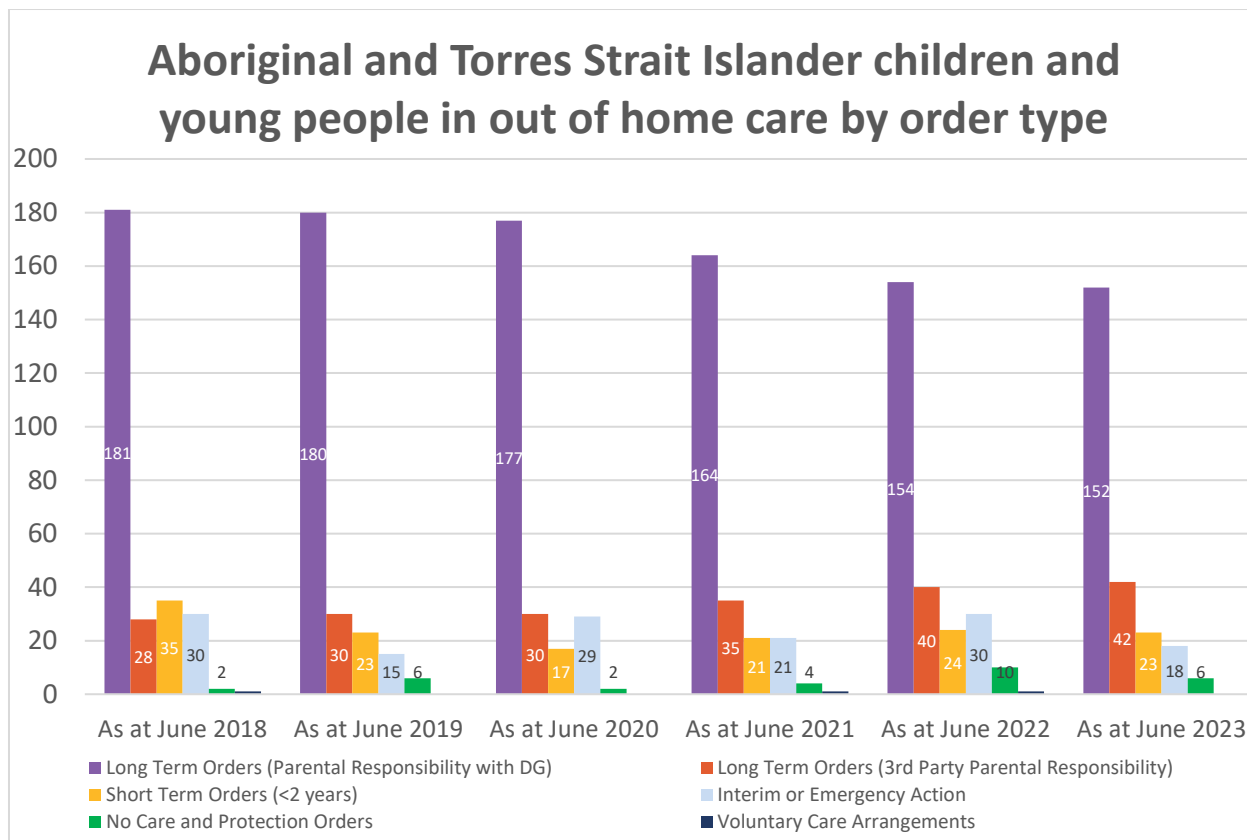
Data Source: Next Steps for Our Kids Snapshot Q4 2022/2

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

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Figure 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders, by order type from June 2018 to June 2023



Data Source: Next Steps for Our Kids Snapshot Q4 2022/23

As of 30 June 2023, there were 241 Aboriginal and Torres Strait Islander children and young people in out of home care.

Of the 241 children and young people:

- 132 (55 per cent) were living in a kinship care placement (please see Recommendation 20 for a breakdown of kinship care);
- 59 (24 per cent) were living in a foster care placement;
- 40 (16 per cent) were living in an Enduring Parental Responsibility placement; and
- 10 (4 per cent) were living in a residential care placement.

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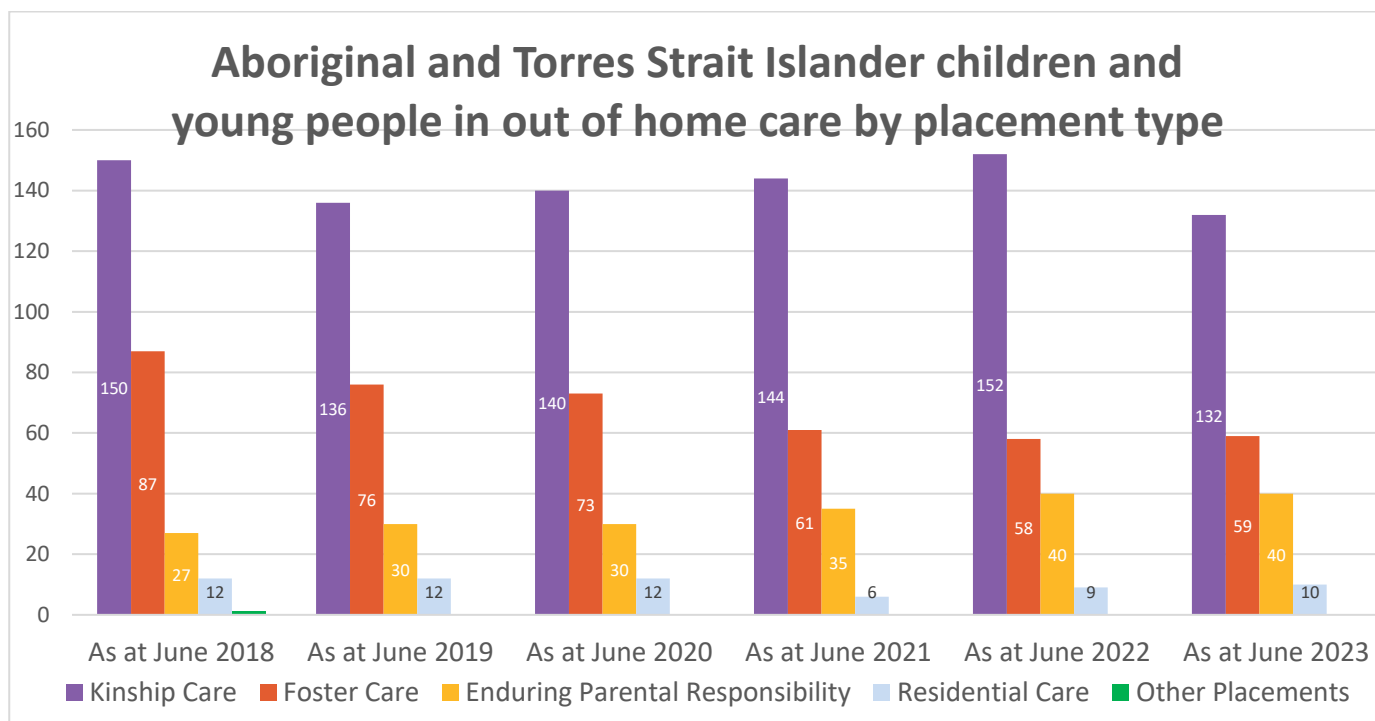
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Table 1 – Aboriginal and Torres Strait Islander children and young people in out of home care, by placement type as of 30 June 2017 and 30 June 2023

	As at Quarter 4 June 2017-18		As at Quarter 4 June 2022-23	
Placement Type	277		241	
Kinship Care	150	54%	132	55%
Foster care	87	31%	59	24%
Enduring Parental Responsibility	27	10%	40	16%
Residential care	12	4%	10	4%
Other Placements	1	0.4%	0	0%

Data Source: Next Steps for Our Kids Snapshot Q4 2022/23

Figure 2 – Aboriginal and Torres Strait Islander children and young people in out of home care, by placement type from June 2018 to June 2023

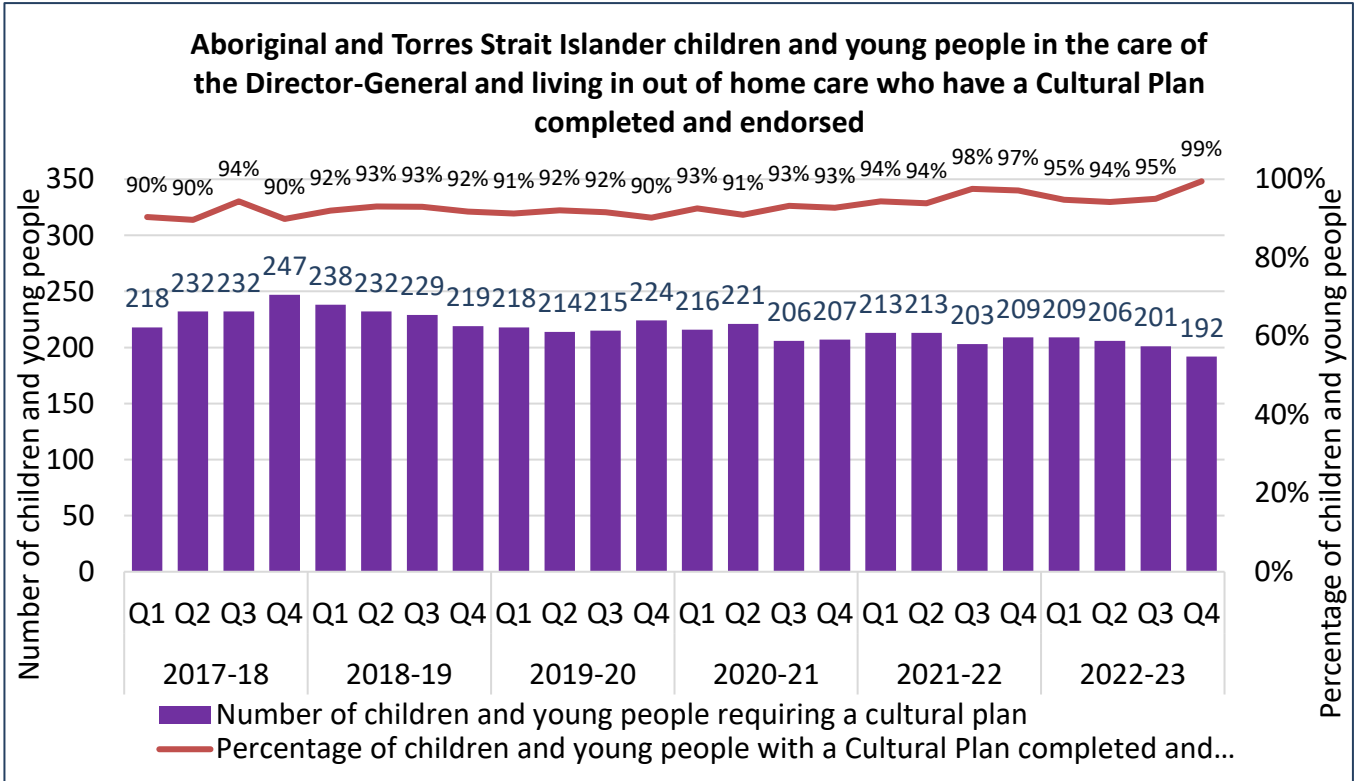


Data Source: Next Steps for Our Kids Snapshot Q4 2022/23

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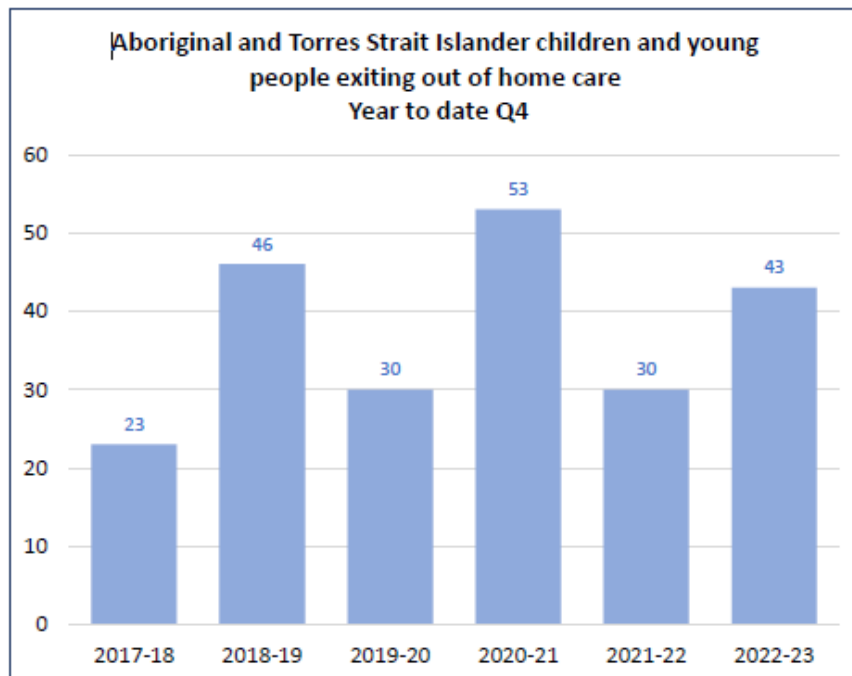
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Figure 3 – Aboriginal and Torres Strait Islander children and young people in the care of the Director-General and living in out of home care who have a Cultural Plan completed and endorsed



Data Source: Next Steps for Our Kids Snapshot Q4 2022/23

Figure 4 – Aboriginal and Torres Strait Islander children and young people exiting out of home care year to date Q4



Data Source: Next Steps for Our Kids Snapshot Q4 2022/23

RECOMMENDATION 1

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

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

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

ACTIVITIES JANUARY-JUNE 2023

CSD changed its approach to this recommendation by committing to establish a First Nations Family Support Team in October 2022. The focus of this identified team is to develop a new practice framework led by the Aboriginal and Torres Strait Islander Child Placement Principle.

By March 2023, the First Nations Family Support Team was established with two Aboriginal and Torres Strait Islander identified Child and Youth Protection Professional 5 (CYPP) staff, an Operations Manager and Principal Practitioner. Support for this team has been further boosted by the recent 2023/24 budget with two further positions funded.

Also supporting their work is the Aboriginal and Torres Strait Islander Case Direction and Discussion group. This group provides advice and recommendations on the case management of Aboriginal and Torres Strait Islander children and young people to Child Protection Practitioners.

Training of all Child and Youth Protection Services (CYPS) staff continues. The Cultural Development Program has been run regularly over the past six months (February and May) with 74% of operational staff completing the program by 30 June 2023. New starters will also be required to undertake the training as they are onboard in their roles.

IN THE NEXT 6 MONTHS

- Finalise the additional recruitment and onboarding of the First Nations Family Support Team members.
- The team will continue to explore culturally appropriate assessment tools to support their work with Aboriginal and Torres Strait Islander families.
- Continue the Cultural Development Program training for 2023 with sessions to be run in August and October 2023.

RECOMMENDATION 2

Engagement of SNAICC for training on embedding Child Placement Principle

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

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

ACTIVITIES JANUARY-JUNE 2023

Secretariat of National Aboriginal and Islander Child Care (SNAICC) Training on the Child Placement Principle is a core component of the Cultural Development Program and is mandatory training for all Child and Youth Protection Services (CYPS) staff and CYPS leadership to complete in the first twelve months of employment.

SNAICC training occurred in May 2023 and was delivered face to face.

Training attendance is regularly monitored and as of 30 June 2023, the total percentage of operational staff fully trained by SNAICC is 76%.

The OBOW Implementation Oversight Committee (OBOWIOC) has agreed that this recommendation is at a monitoring stage.

IN THE NEXT 6 MONTHS

- The next SNAICC training is next scheduled for October 2023.

RECOMMENDATION 3

Policy and practice review to explicitly embed the Child Placement Principle

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

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

ACTIVITIES JANUARY-JUNE 2023

Policies and procedures have continued to be reviewed throughout this reporting period to ensure the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) are embedded, applied, and defined in policy and practice.

Each review involves consultation with several internal and external stakeholders before being finalised and available to all staff. CYPS continue to seek advice from Ngura Narraganabang (Safety in the Pouch) advisory group. This group was established in 2019 and provides advice from a frontline service delivery perspective and ensures the views are reflective of experiences of people from within the Aboriginal and Torres Strait Islander community.

All approved CYPS policies and procedures that meets the Open Access test are available via the CSD website at: <https://www.communityservices.act.gov.au/ocyfs/publications>

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IN THE NEXT 6 MONTHS

- CYPS will continue to identify and review policies and procedures in accordance with the document review schedule.
- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations. This approach is being developed with the OBOWIOC.

RECOMMENDATION 4

Universal access to Family Group Conferencing

That the Directorate provide (universal) access and availability of Family Group Conferencing as an essential step for all Aboriginal and Torres Strait Islander families engaging or entering the child protection system.

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

ACTIVITIES JANUARY-JUNE 2023

In the last 6 months the Family Group Conference (FGC) team have undertaken 144 consultations with CYPS and ACT Together staff, received 24 referrals and completed 8 FGCs.

The FGC team continues to update the FGC Model which will then inform the evaluation framework.

The OBOW Implementation Oversight Committee (OBOWIOC) has agreed that this recommendation is at a monitoring stage.

Data from June 2023 report:

Family Group Conferencing				
Year	Month	FGC Completed	FGC Consultations	FGC Referrals accepted (in preparation phase)
2023	January	0	11	2
2023	February	2	17	6
2023	March	2	32	5
2023	April	0	28	5
2023	May	1	27	4
2023	June	3	29	6
Total		8	144	28

IN THE NEXT 6 MONTHS

- Final updates to the FGC Model, Referral Form and Flow Chart will be made.
- The revised model will inform the evaluation framework.

RECOMMENDATION 5

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

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

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

ACTIVITIES JANUARY-JUNE 2023

In the first half of 2023 work has continued drafting Stage 1 of the *Children and Young People Act 2008* (CYP Act). Stage 1 proposes the inclusion of the ATSI CPP into the CYP Act. The 5 elements of the ATSI CPP are: prevention, partnership, placement, participation, and connection.

Figure 1: The 5 core elements of the Aboriginal and Torres Strait Islander Child Placement Principle



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The principles are proposed to be referenced in one single place in the legislation at a prominent level. This will ensure decisions under the CYP Act will need to take the principles into account when working with Aboriginal and Torres Strait Islander families who are interacting with the Child and Youth Protection System.

Preparation for these changes has involved a comprehensive process of consultation and a report from SNAICC with recommendations on embedding the ATSI CPP into legislation.

A targeted factsheet was developed to support consultation with Aboriginal and Torres Strait Islander people and further work is also being undertaken to embed the concept of 'active efforts' into Stage 2. Active Efforts refer to actions that should be taken to ensure the wellbeing of Aboriginal and Torres Strait Islander children and young people who are involved with CYPS including connection to family, community, culture, and Country.

In May 2023, a [Charter for Parents and Families involved with ACT child protection services - Community Services](#) was released and sets out a shared understanding between families and child protection workers, and what everyone can expect when working together. It does not create new legal rights but makes clear the shared expectations and responsibilities to support positive working relationships.

IN THE NEXT 6 MONTHS

- Stage 1 was subject to public consultation from 15 June 2023 to 27 July 2023. The proposed Bill 1 amendments are due to be introduced on 29 August 2023.
- The listening report from Bill 1 has been shared and will inform Stage 2 amendments: <https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/1616/9406/9225/Listening-report-CYP-Act-Stage-1.pdf>
- Drafting of Stage 2 amendments is underway and public consultation will occur in the latter half of 2023 with an anticipated introduction in the first half of 2024.

RECOMMENDATION 6

Feasibility study Aboriginal Child Care Association

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

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

ACTIVITIES JANUARY-JUNE 2023

Following the completion of the Feasibility Study in 2020 and recognising the need for increased service provision through Aboriginal Community Controlled Organisation's (ACCO's), the Government has committed to re-allocate funding from the child protection and out of home care service system to support Aboriginal Controlled Community Organisation's to provide services to Aboriginal and Torres Strait Islander children and their families who are in contact with the Child Protection System.

A key step forward has been the establishment of the Aboriginal Service Development Branch within

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CSD in January 2023. This branch will bring together the development of the ACT's ACCO Sector across Children and Families, Domestic and Family Violence and Housing to build an empowerment model supporting Government to work with the Aboriginal and Torres Strait Islander community and ACCO Sector.

The Branch is also leading work to support new, emerging, and established ACCO's to engage with the procurement of out-of-home care services to deliver the strategic approach outlined in *Next Steps for Our Kids 2022-2030*.

To date the Branch has met with several established and emerging ACCO's across the ACT; namely Winnunga Nimmityjah, Gugan-Gulwan, Sisters in Spirit, Yeddung Mura, Yerrabi Yurwang, South Eastern Aboriginal Regional Management Service (SEARMS Aboriginal Corporation), along with internal stakeholders such as Housing, the CYF (Children, Youth and Families) Leadership team and Commissioning teams.

IN THE NEXT 6 MONTHS

- Development of a Community Engagement Strategy with the CSD Communications and Engagement team.
- Drafting ACCO policy that supports current, emerging, and new ACCOs to enable, transparent, robust, fair, and equitable investment and decision-making processes.
- Stakeholder mapping and journey mapping exercises with input from internal stakeholders within CSD.
- Enable ACCOs to have a streamlined reporting and single interface with ACT Government through the 2022-2024 Commissioning Roadmap.
- Collaborate with Strategic Policy about the Wellbeing Impact Assessment matrix and potential application and embedding of an Aboriginal and Torres Strait Islander implementation framework to inform new policies and program implementation.

RECOMMENDATION 7

Aboriginal and Torres Strait Islander Children's Commissioner

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

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

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ACTIVITIES JANUARY-JUNE 2023

In January 2023, the ACT the Remuneration Tribunal released Determination 1 of 2023 setting out the remuneration, allowances, and other entitlements to be paid to the Aboriginal and Torres Strait Islander Children and Young People Commissioner.

A national recruitment process has commenced to appoint the first Aboriginal and Torres Strait Islander Children and Young People Commissioner. The selection process will involve the ACT Aboriginal and Torres Strait Islander community as required by the establishing legislation. In the interim, Ms Barb Causon PSM, has commenced as the Aboriginal and Torres Strait Islander Children and Families Advocate working within the Justice and Community Safety Directorate from November 2022. The Advocate has commenced advocacy on behalf of children, young people and families engaging in the child protection and out-of-home care system and set up regular visits to the Bimberi Youth Justice Centre to work with young people in the juvenile justice system. Ms Causon has also engaged regularly with the local Aboriginal community controlled-sector and is a member of the Australian and New Zealand Children's Commissioners and Guardians and the Australian First Nations Children's Commissioners and Guardians and the Australian First Nation Children's Commissioners, Guardians and Advocates Caucus.

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

IN THE NEXT 6 MONTHS

- Finalise the national recruitment campaign and appoint the ACT's first Aboriginal and Torres Strait Islander Children and Young People Commissioner.

RECOMMENDATION 8(A)

Culturally appropriate advocate service

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

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

ACTIVITIES JANUARY-JUNE 2023

CSD continues to provide guidance for staff on the role of advocate and support people working with Aboriginal and Torres Strait Islander families in contact with the child protection system.

Information is also available to families who would like to include support people when engaging with CYPS and support people who want to support Aboriginal and Torres Strait Islander children and families ([Supporting Aboriginal and Torres Strait Islander children and families with child protection \(act.gov.au\)](https://act.gov.au))

- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations, including this one. This approach is being developed with the OBOWIOC.

RECOMMENDATION 8(B)

Access to legal representation and advocacy

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

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

ACTIVITIES JANUARY-JUNE 2023

The Care and Protection Legal Advocacy Service (CPLAS), provided by the Aboriginal Legal Service NSW/ACT (ALS), formally commenced operation on 19 April 2023. The ALS has recruited a junior solicitor and paralegal and is supported by an experienced NSW principal solicitor. The legal service funding is for \$743,000 and the current contract is to September 2025.

The CPLAS service is currently supporting 26 clients, 7 in court and 19 non-court. Legal services also continue to be available through Legal Aid ACT and the Women's Legal Centre – Mulleun Mura regarding care and protection matters.

In the ACT 2023-24 Budget, \$243,000 was provided to Legal Aid ACT to support the employment of an Aboriginal Torres Strait Islander / Culturally and Linguistically Diverse liaison officer for two years. This role will support Legal Aid to meet the needs of Aboriginal and Torres Strait Islander clients (including those in the Child and Protection system) as well as CALD (Culturally and Linguistically Diverse) clients.

The ALS ACT Practice was provided \$264,000 over two years to support the employment of one paralegal position, providing a pipeline for Aboriginal and Torres Strait Islander law students and allowing the ALS to further meet the needs of Aboriginal and Torres Strait Islander people in Canberra's community.

IN THE NEXT 6 MONTHS

- ALS will continue to explore further recruitment options for additional solicitors to fill a funded position for the Care and Protection Legal Advocacy Service.
- Increase referrals pathways and support to the ACT Aboriginal and Torres Strait Islander community who need legal and advocacy support.
- ALS will survey clients on the accessibility and cultural responsiveness of the Care and Protection Legal Advocacy Service and its level of assistance in helping clients to understand their case.

RECOMMENDATION 9 & 9(A)

Recommendation 9: Early support programs available

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

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

ACTIVITIES JANUARY-JUNE 2023

Change of approach in how we collaborate

Responding to Recommendation 9(a) requires all human services Directorates and various community partners to work together to facilitate community-led solutions across a broad range of sectors. Meeting the intent of the recommendation requires sustained coordination, practice change, long-term system change and time to develop community-led solutions to respond to the identified service gaps.

A Cross Directorate Working Group, (consisting of representatives from CSD, ACT Health, Justice and Community Safety, the Coordinator General for Family Safety, Education and CMTEDD, Chaired by Executive Group Manage, Strategic Policy CSD) was established under the Strategic Board – Human Services Committee (SB-HSC) as a time limited group to coordinate the response to Recommendation 9(a) of the Our Booris Our Way (OBOW) Review. The group continued to meet throughout 2022 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.

The Working Group enabled the necessary connections and stronger working relationships to be further developed between Directorates. Over time it was acknowledged the one-on-one conversations between relevant work areas, coupled with using existing oversight and governance groups was a more effective and longer-term solution to progress effective responses. Existing collaborative ways of working continue to evolve and mature and are robust enough to enable various partners to keep Recommendation 9 (a) alignment a priority, rather than through a dedicated Working Group.

At a SB-HSC meeting in December 2022, it was agreed this group no longer need to formally convene however, the collaborative approach to meeting the intent of Recommendation 9 (a) continues, in particular through the cross-government Early Years Working Group, on which Health, Education and other Directorates are represented. Representatives from the various work areas may at times request time on the agenda at the OBOWIOC meeting to present early support work underway in their respective areas.

Over the 6-month period updates were provided to the OBOWIOC on Best Start and Commissioning for Social Outcomes.

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Best Start

Best Start was launched in November 2022 along with a 2-year interim Action Plan. The intention is that Best Start will be delivered over the next 10 years in 3 phases, with 3 accompanying Action Plans. The first Action Plan will set out the first steps and forms the first phase of action (years 1 – 2). The first Action Plan was launched as interim, with the agreement that this would be finalised following community consultation and endorsement. The endorsed, Best Start Phase One Action Plan is to commence by mid-2023 with reporting each fiscal year.

The actions in the first Action Plan have been developed in response to the 4 goals of the strategy. These goals are based on evidence of the importance of the first 1000 days and what we heard from people in the ACT with lived experience. This included hearing the lived experience and voices of members of the local Aboriginal and Torres Strait Islander community.

A brief survey was developed to test back with community (and the community sector) their views on the interim Action Plan to ensure it accurately reflected their input and to seek clarity on whether any additional activities needed to be included at this time which could help to achieve the goals of Best Start. The survey was sent to:

- The Office for Aboriginal and Torres Strait Islander Affairs
- CSD representative of the Aboriginal and Torres Strait Islander Elected Body
- First Nations Justice Branch, JACS
- Aboriginal and Torres Strait Islander Children and Young People Advocate
- Winnunga Nimmityjah
- Yeddung Mura
- Gugan Gulwan, and
- Yerrabi Yurwang

The survey results on the proposed plan have resulted in community endorsement of the Best Start Phase One Action Plan. As a part of the survey process offers of individual meetings were offered to all stakeholders. A small number of organisations accepted the offer. A briefing package is progressing through Ministerial endorsement prior to the Best Start Phase One Action Plan being publicly available and implemented.

Commissioning for Social Outcomes

Commissioning recognises that delivering long term reform to our human service system will take time, energy, and commitment. Through Commissioning, we seek to design, invest in, and deliver culturally safe services that foster truth-telling, healing, connection, and positive outcomes for the Aboriginal and Torres Strait Islander community of Canberra. The development of a Commissioning Strategy presents an opportunity to explore new partnership arrangements and funding models for investment in community services for Aboriginal and Torres Strait Islander people and communities.

There are several commissioning processes taking place through to 2024 that will focus on Aboriginal and Torres Strait Islander Community Controlled Organisations for:

- Winnunga Nimmityjah Aboriginal Health and Community Services (ACT Health)
- Gugan Gulwan Youth Aboriginal Corporation (ACT Health)

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- Yerrabi Yurwang Child and Family Corporation (CSD)
- A First Nations Community Controlled Organisation for Housing (CSD)
- First Nations Justice Support Program (Justice and Community Safety)

CSD has established a new Branch for Aboriginal Service Development. The Branch is currently working with the ACT Aboriginal Community Controlled Organisation (ACCO) sector to understand opportunities for service delivery opportunities as part of [Next Steps for Our Kids Strategy 2022-2030](#). The Branch is in the process of implementing an Intensive Family Services (IFS) Program for delivery by Gugan Gulwan Youth Aboriginal Corporation.

The Branch will also continue to engage with the collective ACCO Sector in the ACT to seek interest in accreditation as a Care and Protection Organisation (CAPO). If an ACCO is ready to begin the process, CSD will support their engagement with the Human Services Registrar.

There remains 2 CSD led Commissioning processes underway that will contribute to providing early support to children and families are:

- *Child, Youth and Family Services Program (CYFSP)*
- *Children's Services Program (CSP)*

Child, Youth and Family Services Program (CYFSP): The program is currently examining how the current human service system is meeting the needs or emerging needs of children, young people and families and preparing to explore the potential future focus of the CYFSP. A more detailed report will be available in subsequent reporting periods.

Children's Services Program (CSP): The program remains in discovery phase currently and is preparing to engage with service providers, partners, and people with lived experience of the Children Services Program. Engagement and collaboration will help assess the Program need and identify service requirements to meet the needs of our growing population.

The Children's Services Program (CSP) assists vulnerable children and families within our community to access short-term early childhood education and care (ECEC), for vulnerable children aged zero to five years who are most likely to benefit and least likely to access high quality ECEC services. The CSP Application process requests basic demographic data about the family, including whether they identify as Aboriginal and Torres Strait Islander. In the 2021-22 fiscal year a total of 600 CSP Applications were assessed and approved with 223 children identifying as Aboriginal and Torres Strait Islander.

Engagement and collaboration undertaken as part of CSP Commissioning will ensure CSP continues to play an early support role for families to achieve positive outcomes such as access to Early Education and Care and wraparound supports to reduce the number of Aboriginal and Torres Strait Islander children entering care.

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- **IN THE NEXT 6 MONTHS** A list of services will be finalised and shared with the Aboriginal and Torres Strait Islander community.
- Best Start Phase One Action Plan to be endorsed by mid-2023 and implemented thereafter.
- Consultation on commissioning with Aboriginal Community Controlled Organisations continues.
- Next Steps First Action Plan consultation to be finalised and implemented.

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

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

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

ACTIVITIES JANUARY-JUNE 2023

Strengthen programs and support at the Ngunnawal Bush Healing Farm (NBHF)

- The ACT Government remains committed to delivering residential Community controlled services at the NBHF. This is being done through supporting self-determination in partnership with Traditional Custodians and ACT and Region Aboriginal and Torres Strait Islander peoples.
- Current efforts are focused on continuous improvement of day program services (for example programs, policies, procedures, staffing and other service requirements) so they are as closely aligned as possible to what will be required for residential service delivery.
- Critical relationships have been developed with expert Aboriginal and Torres Strait Islander providers with extensive experience in like services, supporting day program improvements.
- Participants and former participants were surveyed, and their feedback has driven some changes to the program elements being delivered in day programs, most notably a strengthening of on-country activities.

Design and planning work for the Watson Health Precinct Redevelopment alongside workforce Development.

- The Government is committed to establishing the ACT's first Aboriginal and Torres Strait Islander specific Alcohol and Other Drug Residential Rehabilitation service. \$1,998,000 was provided in the 2022-23 Budget over two years for Winnunga Nimmityjah Aboriginal Health and Community Services for building design, project management, AOD capacity building and training for AOD staff.
- Of the 2022-23 funding (\$1,470,000), \$745,000 (\$400k Controlled Recurrent Payments, \$325k Territorial Grant) has been provided to Winnunga Nimmityjah for building design and project management, and the remaining \$725,000 has been re-profiled to 2023-24. This reflects the focus initially on building design and model of care. It is more appropriate for AOD workforce capacity building and training to be undertaken closer to the opening of the facility.

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- The 2023-24 Budget also included \$47.8 million over 3 years for redeveloping and expanding the services of the Watson Health Precinct. This includes design and construction of the service to be operated by Winnunga Nimmityjah Aboriginal Health and Community Services. It also includes construction of a new facility for Ted Noffs Foundation, for youth alcohol and other drug treatment, replacing their current facility on the same site.

In the last 6 months the Committee have also been updated on Family, Domestic and Sexual Violence Grants and the Aboriginal and Torres Strait Islander Women’s Service:

Family, Domestic and Sexual Violence Grants (FDSV)

In 2022-23, \$2.075 million in funding from the *National Partnership Agreement on Family, Domestic and Sexual Violence 2021-23* and further \$0.897 million in supplementary funding committed by the ACT Government was allocated to local non-government organisations through the Family, Domestic and Sexual Violence (FDSV) Grants process.

The FDSV included a focus on community-led Aboriginal and Torres Strait Islander responses, including Aboriginal and Torres Strait Islander services, workforce development and community engagement. Aboriginal and Torres Strait Islander projects and recipients were:

- Clybucca Dreaming – Women's Outreach Program, \$325,000
- Sisters in Spirit – Establish ACT Aboriginal Women’s Advocacy organisation, \$325,000
- Whispers Aboriginal and Torres Strait Islander Softball Corporation – Community Healing Our Way, \$81,000
- Yeddung Mura (Good Pathways) Aboriginal Corporation – Family, Domestic and Sexual Violence Aboriginal Support Program \$425,000
- Women’s Legal Centre – Building First Nations Workforce Capacity, \$49,000
- Legal Aid Commission ACT – Culturally Responsive Legal Services to Family, Domestic and Sexual Violence amongst Aboriginal and Torres Strait Islander Peoples, \$100,057

The Domestic, Family and Sexual Violence Office finalised payments to successful FDSV Grant recipients prior to 30 June 2023. A list of successful recipients and project descriptions are available on the CSD website. FDSV Grant projects are funded to 30 September 2024.

<https://www.communityservices.act.gov.au/domestic-and-family-violence-support/what-is-act-government-doing/family-domestic-and-sexual-violence-grants/ nocache>

The Aboriginal Service Development Branch will send reporting templates to all Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs) recipients for completion and return to the Branch by 31 August 2023 and the information will be forwarded to the Commonwealth.

Aboriginal and Torres Strait Islander Women’s Service

In February 2023, the ACT Government commenced an open grants process to support the implementation of Recommendation 4 of the “We Don’t Shoot Our Wounded...” report, to enable community organisation to apply for up to \$530,000 (GST exclusive) in funding to provide a service where a range of legal, advocacy, practical and healing activities can be delivered for ACT Aboriginal and Torres Strait Islander women who have experienced DFV.

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Applications for the Women’s Service Grant round was open from 13 February to 23 March 2023. As a result of this process, the total funding amount of \$530,000 was allocated to Yerrabi Yurwang Child and Family Aboriginal Corporation to establish and deliver their Nara-Gana-Wali Strengthening Families Program. This program provides culturally safe and responsive support to Aboriginal and Torres Strait Islander women who have experienced, or are at risk of experiencing, domestic and family violence. The program will also include the provision of complex and intensive case management services. It is funded to 31 January 2024.

The Domestic, Family and Sexual Violence Office finalised payment to Yerrabi Yurwang Child and Family Aboriginal Corporation who was the successful Aboriginal and Torres Strait Islander Community Controlled Organisation Women’s Service Grant recipient prior to 30 June 2023. Notification and project descriptions are available on the CSD website <https://www.communityservices.act.gov.au/atsia/grants>.

IN THE NEXT 6 MONTHS

- The OBOWIOC will receive an update on 2023-24 budget funding for specific programs that are timely and meet the cultural needs of the community in the ACT. These programs address drug and alcohol rehabilitation, family violence, mental health, trauma counselling and cultural healing.
- The OBOWIOC will be updated on programs that address these issues, for instance through the Domestic, Family and Sexual Violence Office or in response to government reforms in relation to raising the minimum age of criminal responsibility and associated service reforms.

Recommendation 10(A)

Access to supports for kinship carers

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

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

ACTIVITIES JANUARY-JUNE 2023

A dedicated **First Nations Kinship Liaison Officer** was appointed to provide support specifically to Aboriginal and Torres Strait Islander families, as well as undertake assessments.

A dedicated webpage has been developed for Aboriginal and Torres Strait Islander carers; <https://www.communityservices.act.gov.au/children-and-families/adoption-kinship-and-foster-care/atsi> It includes two sections: becoming a kinship carer and support for kinship carers.

The Kinship Team has been actively supporting Aboriginal Kinship Carers, including with housing

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support, support letters regarding housing applications, assistance with completing forms, support in attending meetings, updating the webpage, factsheets, and a general inbox, supports on therapeutic assessments, referrals to Child and Family Centre's, follow up with the Cultural Services Team and financial support/vouchers for activities.

Dr Dave Pasalich (ANU (Australian National University)) obtained a grant to undertake a trial – Connect for Kinship Carers. The trial will include adapting the program for Aboriginal and Torres Strait Islander families and is anticipated to be completed in 2023. In addition to this, the Australian Catholic University and Curijo Consulting Agency jointly worked on a research project gathering stories and experiences of kinship carers in the ACT, which includes Aboriginal and Torres Strait Islander carers. As part of this program a Carer Support Plan has been developed and is being trialed by the First Nations Kinship Liaison Officer.

IN THE NEXT 6 MONTHS

- An 'Enhanced Learning Orientation' program for kinship carers is being developed which will build on the initial orientation training.
- The kinship team will continue to offer monthly morning teas to support kinship carers with various guest speakers to support carers.

RECOMMENDATION 10(B)I & II

Kinship care assessment process

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

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

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

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CSD continues to prioritise allocation to all Aboriginal and Torres Strait Islander kinship applicants seeking to have a family member placed with them. With the implementation of the Preliminary Kinship Decision process in October 2022, this has enabled children to reside with kin immediately upon removal and prior to kin having to undertake a more comprehensive suitability and carer assessment. The ATSICPP is key to this process.

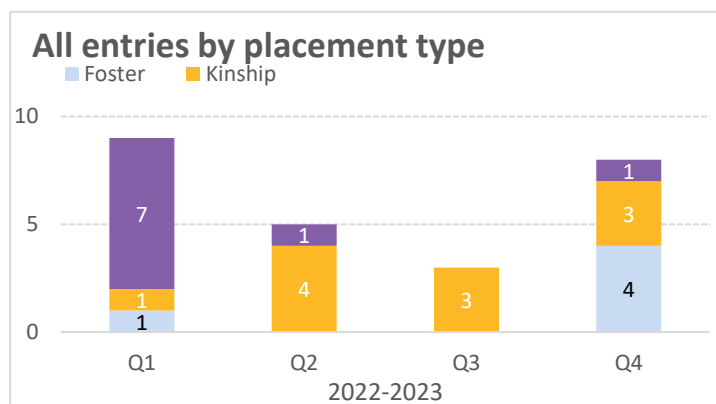
CYPS is developing a new Kinship Carers Information Kit – Emergency placements. This kit will provide

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all new kinship carers with critical information in an easy to read and digestible format during the confusing and sometimes overwhelming situation when emergency placements occur.

In the past 6 months, 2 young people have newly entered care. The remaining entries were returning.



IN THE NEXT 6 MONTHS

- CYPS will finalise both the Kinship Carers Information Kit – about emergency placements and non-emergency placements.

RECOMMENDATION 11(A) & (B)

Improve quality and monitoring of cultural plans

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

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

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

ACTIVITIES JANUARY-JUNE 2023

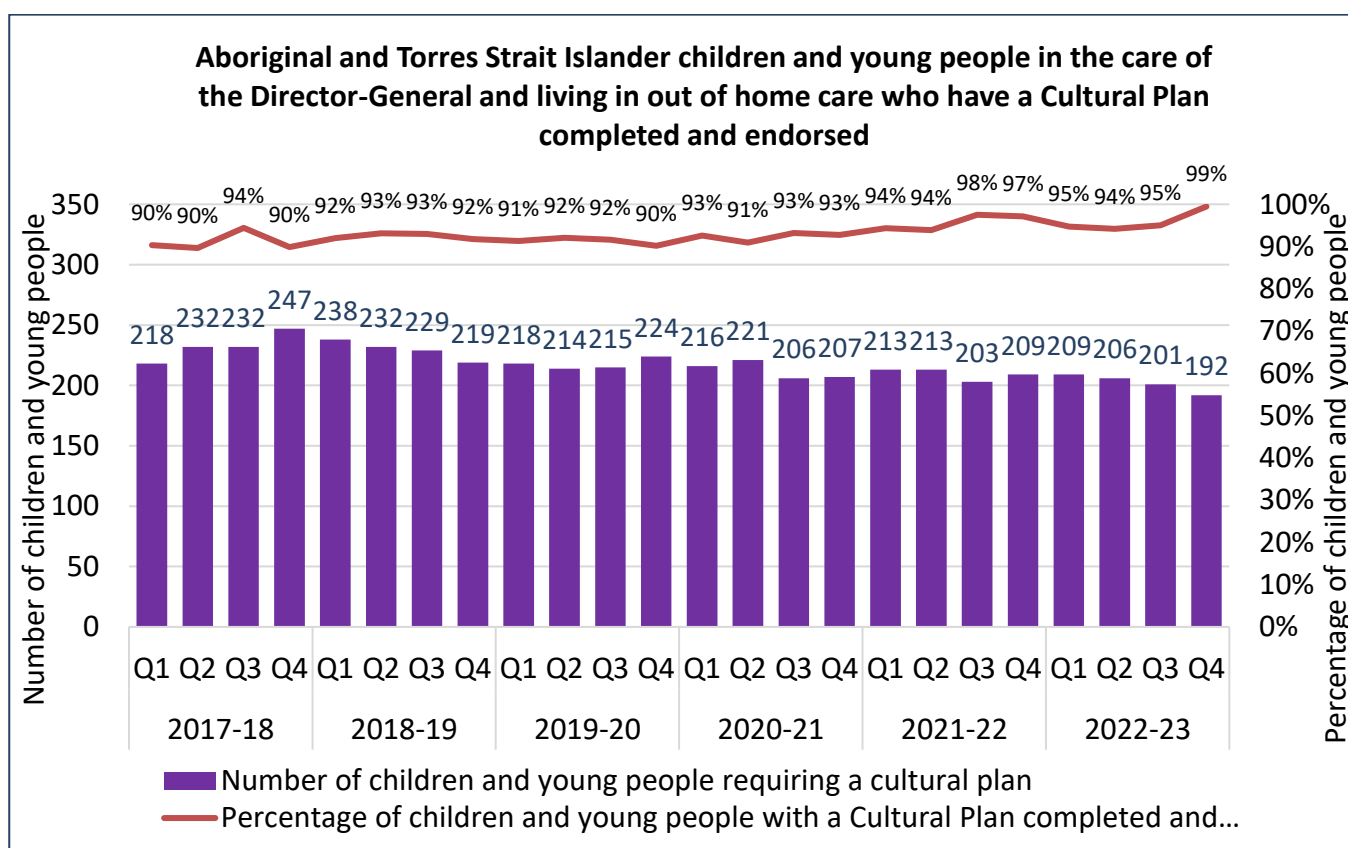
CSD continues to explore the best way to improve the quality and monitoring of cultural plans in CYPS and ACT Together. CYPS continues to monitor weekly and has implemented reminders for Case Managers to ensure enough time is provided to allow information gathering, consultation with the Cultural Services team, children and families and completion. Principal Practitioners continue to encourage and support case management staff with Cultural Plans and Operational Compliance supports the coordination of this process and acts as the conduit between Case Managers, Team Leaders, Operations Managers, and the Cultural Services team.

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ACT Together continues to track and monitor the quality and compliance of their Cultural Plans through the cultural panel. The Monitoring and Review Framework, which has now been in place for over 12 months, has lifted the quality of the plans. All plans are submitted to CSD as part of the framework and as of 30 June 2023 ACT Together had no outstanding cultural plans and 100% compliance.

The Figure below shows that as of 30 June 2023, the number of Aboriginal and Torres Strait Islander children in the care of the DG and living in out of home care (who are eligible for a cultural care plan) has decreased from 202 to 192 between Q3 and Q4. The proportion with a cultural plan in place has increased from 95% to 99%.



IN THE NEXT 6 MONTHS

- CYPs will continue to prioritise the development and use of high-quality Cultural Plans to inform case management of Aboriginal and Torres Strait Islander families.
- ACT Together will continue to track and monitor quality and compliance of the plans through the cultural panel.
- As part of its reform program, CYPs is developing an approach to monitor quality across multiple practice-focused recommendations, including this one. This approach is being developed with the OBOWIOC.

RECOMMENDATION 12

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Pathways to restoration

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

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

ACTIVITIES JANUARY-JUNE 2023

The Aboriginal-led Restoration Taskforce was established to holistically look at the individual circumstances of parents, children, and young people and where able, restore children back to the care of a parent, family member or strengthen family connection opportunities. All the work undertaken in the Taskforce utilizes the Aboriginal and Torres Strait Islander Placement Principals and this framework underpins all decisions and recommendations.

External Aboriginal assessors from Aboriginal community-controlled agencies and independent businesses are being used to undertake independent parenting capacity, Kinship, and family assessments where available. Assessors are sought based on the parent/s, family members preferences i.e., male/female, Aboriginal, Non-Aboriginal. This process supports self-determination during the assessment process.

CSD has committed to offering Family Group Conferencing to all families participating in a pathway to restoration.

IN THE NEXT 6 MONTHS

- An Aboriginal and Torres Strait Islander Senior Practitioner has been recruited and is expected to join the team in July 2023. From this point the Restoration taskforce will be wholly Aboriginal led with the Senior Practitioner and Restoration Taskforce Case Manager leading the work.

RECOMMENDATION 13

Aboriginal and Torres Strait Islander father inclusive practice

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

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

ACTIVITIES JANUARY-JUNE 2023

CSD continues to create opportunities to strengthen training in father-inclusive practice including embedding father inclusive practice into the CYPS' Foundational Learning Program, the Cultural Development Program (Principles to Practice) as well as lunch and learn training sessions.

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CSD has been engaging fathers who are in the Alexander Maconochie Centre (AMC). The Cultural Services Team has been working with the Aboriginal Liaison Officers to ensure incarcerated parents can be involved, particularly through Cultural Planning and Annual Review reports. The AMC has provided a private room where Family Group Conferencing can be held.

IN THE NEXT 6 MONTHS

- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations, including this one. This approach is being developed with the OBOWIOC.

RECOMMENDATION 14

Aboriginal and Torres Strait Islander health assessments

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

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

ACTIVITIES JANUARY-JUNE 2023

The CYPS Health Liaison Officer works with the CYPS Case Managers to ensure all Aboriginal and Torres Strait Islander children in care access the Medicare Benefits Schedule (MBS) 715 Aboriginal and Torres Strait Islander Peoples Health Assessment. This CYPS Health Liaison Officer also provides practical advice and assistance to carers. CYPS has also employed a pediatrics nurse with experience in undertaking MBS 715 health assessments, to proactively monitor and engage carers in the assessment process.

CSD has updated its existing policy and practice guidance and is recording the health assessments on its database called CYRIS (CYPS Client Information System). Information about this free annual health check is located here:

https://www.communityservices.act.gov.au/_data/assets/pdf_file/0008/2223296/Free-annual-health-check-for-Aboriginal-and-Torres-Strait-Islander-children-and-young-people.pdf

IN THE NEXT 6 MONTHS

- Work continues regarding increasing the capability in identifying, reporting, monitoring, and scheduling reminders for MBS schedule 715 Health Assessments.

RECOMMENDATION 15

Governance and oversight of implementation of recommendations

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

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

ACTIVITIES JANUARY-JUNE 2023

With the support of the Secretariat and Implementation teams the OBOWIOC continued to meet monthly to review the implementation of OBOW recommendations.

This recommendation has been agreed as completed.

IN THE NEXT 6 MONTHS

- The OBOWIOC will strengthen its governance and continue to hold the ACT Government to account when implementing the recommendations.

RECOMMENDATION 16

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

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

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

ACTIVITIES JANUARY-JUNE 2023

A core function of the First Nations Family Support Team is to support parents to participate in decision making about the care, protection, and safety of their children, and empower children to be heard.

CSD has continued to develop and implement practice guidance for family-led decision making. The Practice Guidance supports staff to make consistent approaches to decision-making, it outlines expectations on working collaboratively alongside families in decision-making, including who has delegation to make decisions, who needs to be consulted, what information needs to be considered and how decisions must be recorded. All CYPS staff have been required to complete the new Decision-Making e-learning with 93.5 % of CYPS operations staff now having completed the training.

IN THE NEXT 6 MONTHS

- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations, including this one. This approach is being developed with the OBOWIOC.

RECOMMENDATION 17

Aboriginal and Torres Strait Islander Workforce and Leadership

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

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

ACTIVITIES JANUARY-JUNE 2023

There continue to be two main focus areas for CSD in relation to this recommendation. The first is within CYPS and focuses on the development of an Aboriginal and Torres Strait Islander Competency Framework and a CYPF classification for Aboriginal and Torres Strait Islander people with lived and work experience so they can become case workers. As part of this process the CYPS Practice and Development Team (PDT) have trialed an assessment tool to consistently assess the cultural experience of Aboriginal and Torres Strait Islander applicants to CYPS roles. The tool was developed by an Aboriginal and Torres Strait Islander Practice Development leader and forms part of a broader Aboriginal and Torres Strait Islander Competency Framework.

This same team is also developing an Aboriginal and Torres Strait Islander Paraprofessional pathway. It is a 2-year traineeship to support CYPS to recruit and train a capable and professional Aboriginal and Torres Strait Islander workforce.

The second focus area is CSD-wide and focuses on the attraction and retention of Aboriginal and Torres Strait Islander employees. The total percentage of CYF staff who are Aboriginal and Torres Strait Islander has increased from 5.4% in 30 June 2022 to 7.9% by 30 June 2023. CSD-wide has increased from 5% in June 2022 to 5.9% by June 2023.

Over this reporting period, multiple successful recruitment outcomes were achieved by the Directorate. This included recruitment to 2 Senior Executive roles, multiple individual identified recruitment outcomes and completion of a bulk recruitment campaign to fill vacant Aboriginal and Torres Strait Islander identified positions across all CSD.

A total of 8 positions were initially identified for advertising in the bulk round, however, the improved approach applied to the bulk recruitment campaign saw a total of 10 identified vacancies filled across the Directorate. The bulk recruitment improved outcomes by:

- exploring new ways to advertise Aboriginal and Torres Strait Islander identified positions to expand target audience reach and improve engagement with potential candidates;
- streamlining the application process, providing potential candidates with the opportunity to submit one application, as an Expression of Interest, and be considered for several similar roles;
- building a culturally considerate selection process, including ensuring participation of Aboriginal and Torres Strait Islander panel members, asking panel members to share their history at

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commencement of the interview, offering candidates interview options, such as attending interviews online or in person, and for in person interviews, allowing candidates to choose a preferred interview format of either a yarning circle approach or a formal interview approach.

CSD has drafted an Attraction, Retention and Development Plan to improve cultural safety, career experiences and opportunities for Aboriginal and Torres Strait Islander staff within the Directorate. It is currently being consulted on internally before being provided to the Committee for their input.

IN THE NEXT 6 MONTHS

- CSD will continue to apply improved recruitment practices to Aboriginal and Torres Strait Islander recruitment action.
- CSD will finalise consultation on the Aboriginal and Torres Strait Islander Attraction, Retention and Development Plan 2023-2025 for submission to the OBOWIOC in November 2023.

RECOMMENDATION 18

Support development of the cultural services team

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

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

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

ACTIVITIES JANUARY-JUNE 2023

The Cultural Services Team (CST) continues to work across various teams and has formulated processes guiding practice on how they work with families and stakeholders. The CST works to have influence and impact on decision-making for Aboriginal and Torres Strait Islander children and young people involved in CYPS, using the Aboriginal and Torres Strait Islander Child Placement Principle.

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All CST staff have individual supervision which includes the development, monitoring, and implementation of their professional development. All staff are actively supported to further develop and access relevant training and support. For example, a CST case worker is a member of the Australasian Youth Justice Indigenous Advisory Committee (AYJA IAG), due to their interest in Youth Justice and their role in working with several young people in CST. This case worker recently travelled to New Zealand as a member of the AYJA IAG and worked with their national and international colleagues to develop AYJA Cultural Framework.

IN THE NEXT 6 MONTHS

- CST will continue to review current practice, engagement, responsibility and influence with families and case workers, particularly around decisions and pathways for children.

RECOMMENDATION 19

Appropriate identification, and de-identification, of children

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

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

ACTIVITIES JANUARY-JUNE 2023

The 'Recording the cultural identity of Aboriginal and/or Torres Strait Islander children and young people' policy has been approved. The purpose of this policy is to ensure that active efforts are made to identify the cultural identity of Aboriginal and/or Torres Strait Islander children and young people involved with CYPS and have this accurately recorded. This policy ensures that every child has their culture respected, protected, and promoted. 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.

While government agencies do not have a role in determining the identity of Aboriginal and/or Torres Strait Islander children and young people, it is the responsibility of CYPS staff to:

- Ask appropriate questions about the identity and cultural heritage of all children
- With the family's consent, seek clarification, and advice from appropriate agencies to confirm identity, for example the family may choose to share a child's Certificate of Aboriginality (CoA)
- Make an accurate record of identity on the child's client record
- Update records to reflect any changes to identity information as appropriate

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- Apply appropriate policy and procedure considerations to identified Aboriginal and Torres Strait Islander children. The Committee agreed this recommendation can move to monitoring.

IN THE NEXT 6 MONTHS

- This recommendation will be monitored by the Committee.

RECOMMENDATION 20

Segmentation and data on kinship care

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

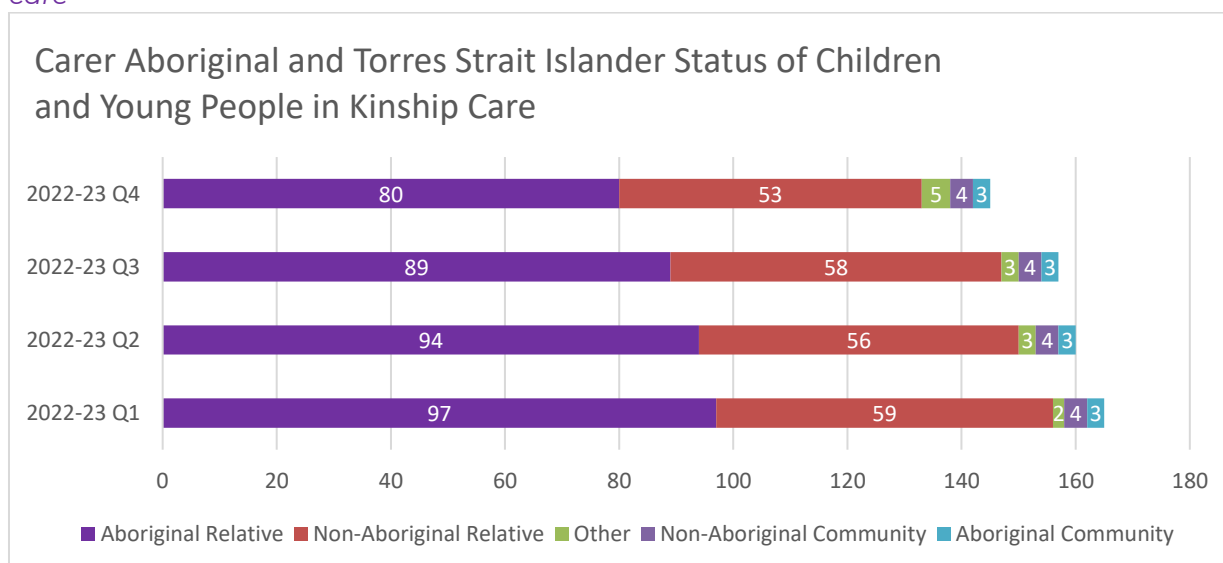
Presented by the OBOW Steering Committee December 2019. Agreed by the ACT Government June 2020.

ACTIVITIES JANUARY-JUNE 2023

CSD engaged SNAICC to undertake consultation to seek community perspectives on the definition of kinship outlined in Family Matters. The final report was shared with the OBOWIC and has been shared with Strategic Policy for further consideration.

Segmentation of kinship data for Q2 and Q3 2022-23 is presented below. It shows that most Aboriginal and Torres Strait Islander Children in care are placed with Aboriginal and Torres Strait Islander Kinship carers.

Figure 4 – Carer Aboriginal and Torres Strait Islander status of children and young people in kinship care



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IN THE NEXT 6 MONTHS

- The OBOWIOC are considering transitioning this recommendation to the Monitoring and Improvement phase with the data to be provided as part of the Child and Young Persons Out of Home Care data report.

RECOMMENDATION 21

ACT Indigenous procurement policy

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

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

ACTIVITIES JANUARY-JUNE 2023

Phase 2 of the Sourcing and Procurement Program of out-of-home care services is underway and in line with the ACT Aboriginal and Torres Strait Islander Procurement Policy.

As part of the work to reform children and family services in the ACT to strengthen families and keep children and young people safe and connected, the ACT Government is progressing a new service system for child protection, out of home care and support services. This aims to shift investment over time to reduce the need for statutory services and improve services to support families and keep children and young people safe at home. To inform the development of the new service system, a series of 14 focus groups were hosted by CSD's Children, Youth and Families Division during April, May, and June. A Listening Report: A new service system for child protection, out of home care and support services, provides a summary of the feedback from the focus groups and from 7 written submissions received in May 2023. The report is publicly available on the CSD website at: <https://yoursayconversations.act.gov.au/children-and-family-services-reform/next-steps-our-kids-2022-2030>

New clauses have been developed to detail the Territory's expectations of all providers when working with Aboriginal and Torres Strait Islander children, young people, and families, and using the Child Placement Principle. The inclusion of the new clauses in existing and new contracts is underway.

IN THE NEXT 6 MONTHS

- A request for proposal (RFP) will be released to community service providers for the delivery of statutory and non-statutory services for children, young people, families, and carers.
- The Aboriginal Service Development Branch will continue to seek opportunities to expand and strengthen ACCOs to support Aboriginal and Torres Strait Islander children, youth, and families.

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- CSD continues to incorporate new contract clauses into all current and proposed child protection and out-of-home care service contracts.

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

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

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

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

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

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

ACTIVITIES JANUARY-JUNE 2023

The Monitoring and Review framework has been developed and approved by the OBOWIOC to guide the quality of casework being conducted by ACT Together for children on long term orders. Over 150 Aboriginal and Torres Strait Islander children have been reviewed since the framework has been in place since 1 February 2022.

As of January 2020, no new transfers for long-term orders have been transferred to ACT Together. All children on long term orders are case managed by CYPS.

At the March OBOWIOC meeting the CSD asked if this Recommendation 22 (b) and (c) can be transitioned to the Monitoring and Improvement phase.

IN THE NEXT 6 MONTHS

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

RECOMMENDATION 23

Wreck Bay

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

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

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The ACT Government continues to work with the Commonwealth on a new memorandum of understanding for the delivery of ACT Government services for the Jervis Bay Territory on behalf of the Commonwealth. The ACT Government also continues to explore any potential role for the new Aboriginal and Torres Strait Islander Children's Commissioner in relation to the Jervis Bay Territory to improve the delivery of services across that community.

Members of the Wreck Bay Community Council attended the May meeting and discussed their needs with the Committee.

IN THE NEXT 6 MONTHS

- CSD will Continue to work with the Our Booris Our Way implementation Oversight Committee and Wreck Bay to facilitate a meeting to discuss service needs.
- DDTS (Digital, Data and Technology Solutions) will be upgrading networking and equipment at the Jervis Bay Territory Administration Office and Courtroom with site visits planned during the upcoming six months. The upgrades have been planned in collaboration with ACT Courts and Tribunal to also facilitate video conferencing for courts and tribunal services in the Jervis Bay Territory. This work has been commissioned by the Commonwealth Government.

RECOMMENDATION 24

Appoint a project team to implement recommendations and monitor practice change

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

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

ACTIVITIES JANUARY-JUNE 2023

The OBOW Implementation team commenced in late 2022. The team has been central to coordinating both the quarterly reports and six-monthly reports, along with working across the Directorates to ensure the implementation of the recommendations and monitoring practice changes. The OBOW Implementation team works closely with the OBOW Secretariat, and the senior director is part of the fortnightly meeting with Minister Stephen-Smith with CSD senior executives responsible for Child Protection.

The Implementation team has also introduced the concept of transition reports to a Monitoring and Improvement phase, which will see recommendations moving to an overall Monitoring and Reporting framework similar to the six-monthly report.

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The OBOWIOC will discuss in the near future if this recommendation can be transitioned to the Monitoring and Improvement phase.

IN THE NEXT 6 MONTHS

- The Implementation team will continue to work closely with the Government and Committee on implementing the recommendations.
- The team are also supporting the Committee as they consider changes to their governance and approach. This timely work comes as there is an increase in Aboriginal-led teams and decision making in CYPS alongside amendments to the CYP Act and a change in the provision of Out of Home Care services.

RECOMMENDATION 25

Data collection and analysis

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

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

ACTIVITIES JANUARY-JUNE 2023

CSD provides the OBOWIOC time specific data through its quarterly reporting and co-designed Child and Youth Data report. The Co-design report is aligned to the key focus of the OBOW final report – reducing the number of children entering care, improving their experience in care, and working towards restoration. The data report is a crucial tool in measuring the impact of implementing the recommendations.

The OBOWIOC agreed to a three-month trial of the Children and Youth Data report which concluded in May 2023. At the June meeting the OBWOIC agreed to the new report be used going forward.

IN THE NEXT 6 MONTHS

- CSD will continue to provide the OBOWIOC with key data for monitoring the progress of the recommendations and for decision making.

RECOMMENDATION 26(A)

Adoption and permanency arrangements

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

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

ACTIVITIES JANUARY-JUNE 2023

In May 2023, a Charter for Parents and Families was released and is available at:

<https://www.communityservices.act.gov.au/children-and-families/child-and-youth-protection/charter-for-parents-and-families-involved-with-act-child-protection-services>

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

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

The proposed report will consider:

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

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

IN THE NEXT 6 MONTHS

- CSD will contract SNAICC to provide independent cultural advice on the non-adoption issue which

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would include a review of the Australian jurisdictions and leading practice review of work around issues of adoption and enduring parental responsibility (EPR) for Aboriginal and Torres Strait Islander children. This report is due in 2023 and it is expected the work will commence in April 2023.

RECOMMENDATION 26(B)

Enduring Parental Responsibility orders

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

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

ACTIVITIES JANUARY-JUNE 2023

CYF made a commitment to the OBOWIOC that no new EPR matters would progress in relation to non-Aboriginal carers until further policy work to establish agreed safeguards to culture and connection had been completed.

CYPS has approached SNAICC (as per rec 26 a) to prepare some advice on whether appropriate safeguards could be implemented, to improve the cultural safety of permanency planning processes for Aboriginal and Torres Strait Islander children and young people.

A draft interim policy for Enduring Parental Responsibility (EPR) for Aboriginal and Torres Strait Islander children and young people in non-Aboriginal care arrangements was presented to the OBOWIOC for consideration.

The Ngura Naraganabang (Safety in the Pouch) and the Co-design Network Committee were also consulted in relation to this issue, to explore policy levers that may provide cultural safeguarding and strengthen the response to families in these circumstances. The approach developed by the working group is based on the principles of:

- Restoration is always preferred, and all active efforts to achieve a kinship placement must be exhausted before an EPR is considered;
- Kinship placements are always preferred over foster care and all active efforts to achieve kinship placement must be exhausted before an EPR for foster carers is considered and connection to family.

IN THE NEXT 6 MONTHS

- Consideration of the interim policy for Enduring Parental Responsibility (EPR) for Aboriginal and Torres Strait Islander children and young people in non-Aboriginal care arrangements by the CYF internal governance for approval.

Our Booris, Our Way Review

Six-monthly Update (January – June 2023)

RECOMMENDATION 27

Active referrals and follow-up

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

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

ACTIVITIES JANUARY-JUNE 2023

The initiative called “Spotlight on Practice” continued throughout 2023 which provides opportunity for staff to engage in ongoing learning and reflection about good practice with Aboriginal and Torres Strait Islander children, young people, and families.

As part of the reporting process to OBOWIOC, CYPS provided de-identified practice examples to demonstrate recent efforts in active referrals and follow up.

IN THE NEXT 6 MONTHS

- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations including this one. This approach is being developed with the OBOWIOC.

RECOMMENDATION 28

Family connection practices

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

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

ACTIVITIES JANUARY-JUNE 2023

The Monitoring and Review Framework has been implemented across a range of areas with ACT Together. The Framework has been in place for over 12 months and has reviewed over 150 children. Overall, the findings show a demonstrated increase to ensure placements maintain links with the child and young person’s culture and community.

Our Booris, Our Way Review

Six-monthly Update (January – June 2023)

IN THE NEXT 6 MONTHS

- A review of the information management system (CYRIS) to ensure the system is equipped to input, capture, and monitor family connection data effectively. This is scheduled for August – September 2023.
- As part of its reform program, CYPS is drafting an approach to monitoring quality across multiple practice-focused recommendations, including this one. This approach is being developed with the OBOWIOC.

