

**2021**

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

**Our Booris Our Ways Implementation Update**

**Presented by  
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Minister for Families and Community Services  
May 2021**



**GOVERNMENT RESPONSE TO THE  
RECOMMENDATIONS FROM THE *OUR  
BOORIS, OUR WAY* REVIEW - SIX-  
MONTHLY UPDATE  
(JULY – DECEMBER 2020)**



**ACT**  
Government

Community Services

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

## INTRODUCTION

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

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

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

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

The Government is committed to transparency and accountability to the Aboriginal and Torres Strait Islander community and has reported on progress in implementing each of the recommendations:

- Throughout the review Child and Youth Protection Services (CYPS) provided quarterly updates on progress against each of the interim recommendations to the *Our Booris, Our Way* Steering Committee.
- In July 2020 the Government released its full response to each of the 28 recommendations and their sub-recommendations, setting out our commitment and providing an update on progress against each recommendation.

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.

The Government has made a firm commitment to fully implement the recommendations of the *Our Booris, Our Way* Review in collaboration with the Aboriginal and Torres Strait Islander community. We have backed up this commitment with funding in the 2020-21 Budget bringing the overall investment to \$15.7 million from 2018-19 to 2023-24.

Systemic reform takes time, and the frustration felt by community members through this process is understandable, particularly when we are talking about something as vital as improving outcomes for Aboriginal and Torres Strait Islander children and their families.

This is the reason I have committed to provide an update on progress against each of the *Our Booris, Our Way* recommendations every six months. Just as important, this report also provides information on what will be done in the following six months.

This helps keep the Government accountable to our commitments and provides the community with an opportunity to see the ongoing change that will lead to better outcomes for Aboriginal and Torres Strait Islander children.

This first six-monthly update reports on activities and outcomes from July to December 2020.

I would like to take this opportunity to thank the *Our Booris, Our Way* Implementation Oversight Committee. Since being established, the Committee has worked closely with officials to monitor and drive these much-needed reforms, providing a vital cultural lens to this process. The Committee is instrumental in making sure the Government understands and addresses the original intent of the *Our Booris, Our Way* recommendations and we are accountable to the community for our commitments.

As shown by the key activities over the next six months and the case studies, the active efforts across the Community Services Directorate to implement the recommendations from *the Our Booris, Our Way* Review are not occurring in isolation.

The Directorate is acutely aware of the over-representation of Aboriginal and Torres Strait Islander children and young people in the statutory child protection system. Child and Youth Protection Services continues to identify better ways of working in order to respond to the issues, drive change in this area and to understand the reasons for Aboriginal and Torres Strait Islander children and young people entering care.

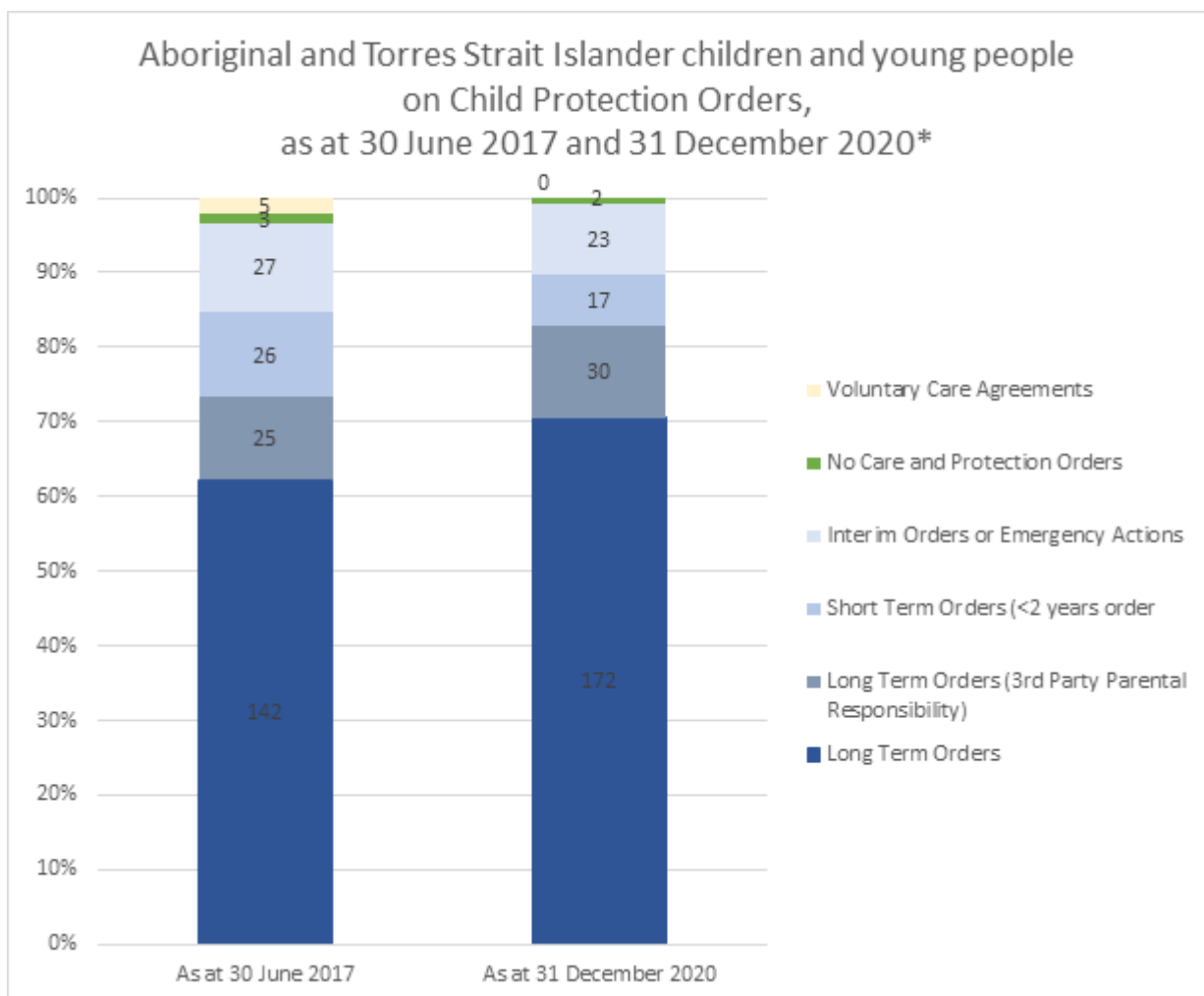
Included in the service delivery response is the development of strategies to reduce the number of Aboriginal and Torres Strait Islander children and young people entering care, improve their experience and outcomes while in care, and where appropriate, exit children from care through restorations.

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

As at 31 December 2020, there were 244 Aboriginal and Torres Strait Islander children and young people on Child Protection orders (see Figure 1). Of these:

- 172 children and young people on Long-term Orders (with care residing with the Director-General)
- 30 children and young people on Long-term Orders (3<sup>rd</sup> Party Parental Responsibility)
- 17 children and young people on Short-term orders (<2 years order time)
- 23 children and young people on Interim Orders or Emergency Actions
- 2 children and young people with no care and protection orders in place
- There were no children and young people on Voluntary Care Agreements.

Figure 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders as at 30 June 2017 and 31 December 2020



As at 31 December 2020, there were 244 Aboriginal and Torres Strait Islander children and young people in an out of home care placement (see Figure 2). Of these:

- 134 children and young people were in a kinship care placement
- 69 children and young people were in a foster care placement
- 30 children and young people were in Enduring Parental Responsibility (EPR placements)
- 11 children and young people were in residential placements.

Of the 11 Aboriginal and Torres Strait Islander children and young people in residential care, two were new entries into out of home care.

Table 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders as at 31 December 2020\*

	As at 30 June 2017		As at 31 December 2020	
	Number	%	Number	%
Children and young people on Child protection Orders	228		244	
Kinship Care	119	52	134	55
Foster Care	75	33	69	28
Enduring Parental Responsibility (EPR)	25	11	30	12
Residential Care	6	3	11	5
Other	3	1	0	0

\*Data extracted from the Step Up Snapshot Report March 2021

## RECOMMENDATION 1 (AUGUST 2018)

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

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** 22 August 2018

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

## ACTIVITIES JULY - DECEMBER 2020

- CYPS continues to prioritise the allocation of Aboriginal and Torres Strait Islander children and young people, who are assessed as requiring an appraisal after being reported to the child protection system, to CYPS staff who have completed either one or all of the Cultural Development Program, Family Group Conferencing and/or SNAICC training.
- The Cultural Development Program consists of six sessions and includes the following:

Table 2: Cultural Development Program sessions

<b>Session 1</b>	Welcome and Foundations
<b>Session 2</b>	History and Legacy
<b>Session 3</b>	Walk on Country
<b>Session 4</b>	Cultural Proficiency
<b>Session 5</b>	Finding Family
<b>Session 6</b>	Principles of Practice

- CYPS have established a working group to refresh the activities undertaken as part of the Cultural Development Program to ensure it supports the practice needs of staff to better assist Aboriginal

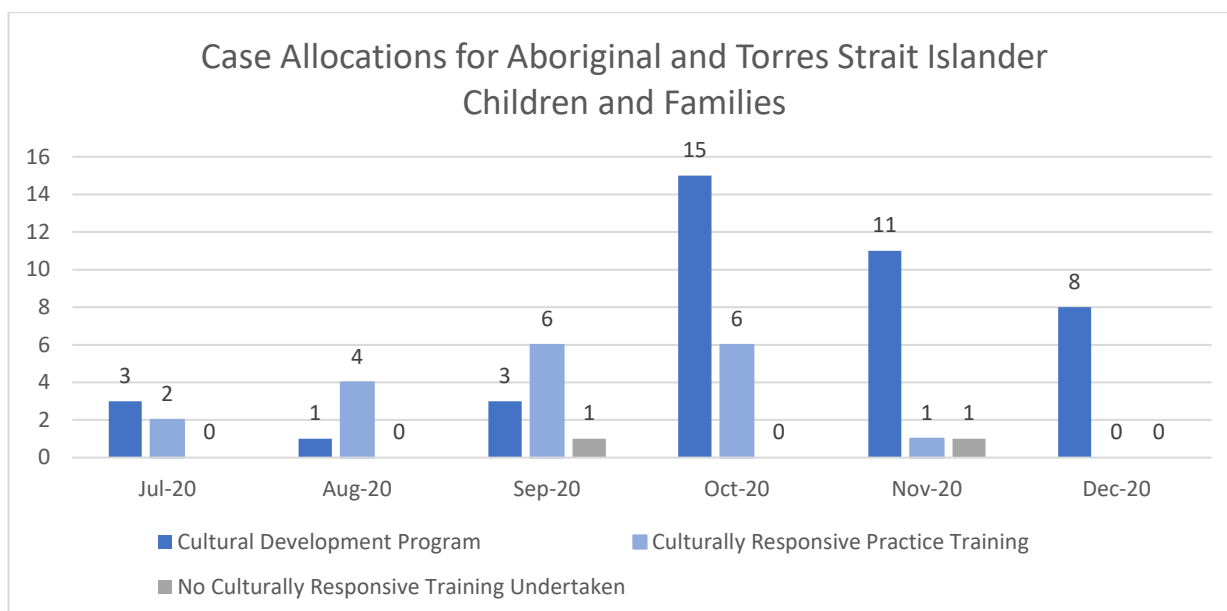


and Torres Strait Islander children, young people and their families. The working group consists of staff from the CST, the Practice Development and Training team, Aboriginal and Torres Strait Islander Practice Leader and Principal Practitioner. The working group has reviewed the content of each session to ensure direct links to daily practice are considered, and the Child Placement Principles are embedded.

- CYPS has undertaken improvements to systems to automatically notify the CST of all Child Protection Reports for Aboriginal and Torres Strait Islander children rated for appraisal. This process is embedded and established through the Child and Youth Record Information System (CYRIS) utilised by CYPS. In addition, the Team Leader, CST attends all case allocations.

### HOW ARE WE TRACKING?

Figure 2 – Case Allocations for Aboriginal and Torres Strait Islander Children and Families



**Note:** Culturally responsive training programs Aboriginal and Torres Strait Islander Placement Principle Training, Family Group Conference Case Worker training, Family Group Conference E-Learning, and Core E-Learning.

Between July 2020 to December 2020:

- 62 Aboriginal and Torres Strait Islander families (134 children) required an appraisal. Of these, only two cases were allocated to a Case Manager who had not completed the CYPS Cultural Development Program or culturally responsive training programs. In response to this, the Case Manager was mentored and supported by a Case Manager and Team Leader who had completed the Cultural Development Program and other culturally responsive training programs to facilitate culturally responsive assistance to the Aboriginal and Torres Strait Islander family.
- 41 families were allocated to a Case Manager who had completed the CYPS Cultural Development Program.
- 19 families were allocated to a Case Manager who had partially completed the CYPS Cultural Development Program and/or at least two culturally responsive training programs.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Review with the Oversight Committee how this recommendation will be implemented into the longer term to achieve the overarching intent of ensuring culturally proficient practitioners are allocated and supporting families within Child Protection.
- Assess the cultural intelligence of our case workers through feedback from Aboriginal and Torres Strait Islander families and Aboriginal organisations.
- Identify those managers who have the highest level of cultural intelligence and ensure they are supporting other case managers.
- Continue to deliver a range of programs that assist staff to reflect on their practice, improve their knowledge and understanding of Aboriginal culture and improve the way the work with Aboriginal and Torres Strait Islander families.

**RECOMMENDATION 2 (JUNE 2018)**

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

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

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

**COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** 22 August 2018

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

**ACTIVITIES JULY - DECEMBER 2020**

- In December 2020, CSD re-engaged SNAICC for the delivery of bi-annual two-day training sessions for all CYPS staff over the next three years.
- SNAICC training on the Child Placement Principle is considered core training for all CYPS staff within first 12 months of employment.

- To provide guidance to staff, CYPS have developed a *‘Working with Aboriginal and Torres Strait Islander Families – providing culturally responsible practice guideline’*. The guide provides a template for ensuring that active efforts to embed the national Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) are taking place across all domains of practice.

#### **IN THE NEXT 6 MONTHS WE WILL...**

- Continue to work in partnership with SNAICC to deliver this core training to all CYPS staff who work directly with Aboriginal and Torres Strait Islander families.
- Improve our reporting capability to provide a dashboard of CYPS staffing numbers (casework and leadership) and proportion of staff trained including new staff and completion rates over 12 months.
- Develop an implementation plan and quality assurance system to monitor consistent application and reporting of decisions made using ATSICPP and embedding these requirements into CYRIS for data extraction and reporting.

#### **RECOMMENDATION 3 (JUNE 2018)**

##### **Policy and Practice Review to explicitly embed the Child Placement Principle**

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

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

#### **COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** 22 August 2018

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

### ACTIVITIES JULY - DECEMBER 2020

- Ongoing updates to procedures to embed ATSICPP in CYPS policy and procedure.
- During November and December 2020, development of the draft Monitoring and Review Framework commenced, as recommended by Our Booris, Our Way at Recommendation 22, for the case management of Aboriginal and Torres Strait Islander children and young people in out of home care.
- CYPS has commenced a case analysis project, led by Aboriginal staff, of 24 Aboriginal and Torres Strait Islander children on interim and short-term orders. The purpose of the work was to ensure planning and case management activities were in line with the ATSICPP, ensure CYPS proposed court applications are the best course of action, keeping a focus on the safety of children, but ensuring all other options have been actively canvassed.
- A key component of this work includes feedback to CYPS staff and agreement on next steps in case practice, which aligned with the ATSICPP.

#### **Ngura Naraganabang (SAFETY In the pouch) advisory Group**

The Ngura Naraganabang (Safety In the Pouch) Advisory Group was established in July 2019 to provide advice and feedback to CYPS in relation to policy and resource development to support practice when working with Aboriginal and Torres Strait Islander children, young people, families and communities. The Advisory Group provides advice from a frontline service delivery perspective, and ensures the views reflect experiences of people in the community. The Advisory Group includes representation from Winnunga Nimmityjah Aboriginal Health and Community Services, Gudan Gulwan Youth Aboriginal Corporation, Aboriginal Legal Service NSW/ACT, Red Cross, Justice and Community Safety Directorate, ACT Health Directorate, OzChild, Child and Family Centres and ACT Together.

### IN THE NEXT SIX MONTHS WE WILL ...

- Finalise the draft Monitoring and Review Framework for improving services to Aboriginal and Torres Strait Islander children and young people in the out of home care system.
- Develop more plain English and easy English information guides for parents, to assist them to navigate the child protection and youth justice systems.
- Provide further training and awareness to embed the application of the ATSICPP in practice and monitor consistency of practice.
- Progress the development of, and consultation around, guidance for carers (kinship and foster) who have an Aboriginal or Torres Strait Islander child in their care. This guidance, recommended as part of the *Our Booris, Our Way* Review, will ensure carers understand the importance of the Cultural Plan in stipulating mechanisms for maintaining connections to culture and community.

## RECOMMENDATION 4 (JUNE 2018)

### Universal access to Family Group Conferencing

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** 22 August 2018

The ACT Government committed \$1.44 million in funding over four years in the 2018-19 ACT Budget for the ongoing delivery of the Family Group Conferencing program, to ensure that Aboriginal and Torres Strait Islander families can be supported to make decisions to keep their children safe, strong and connected to their family and culture.

### ACTIVITIES JULY - DECEMBER 2020

- CYPS has embedded processes to ensure that a Family Group Conference (FGC) continues to be offered to Aboriginal and Torres Strait Islander families to support family led decision-making.
- A range of policy documents, including the Family Group Conferencing Procedure, ACT FGC Model and CYPS Staff Information Sheet, have been updated to incorporate the position of offering all Aboriginal and Torres Strait Islander families an FGC. A greater focus has been embedded within policy documents regarding utilising an FGC during prenatal support, family preservation and following Emergency Action. This has assisted staff in determining whether an FGC is appropriate, emphasising consultation between case managers and the encouragement of family participation and review.
- The FGC team has been exploring ways to build understanding across CYPS operational teams on the importance of referring to the Family Group Conferencing program and more broadly, supporting decision making in consultation with families. This has included presenting staff with a number of training opportunities to ensure they understand the amended FGC policy and practice documents, and the importance of submitting a referral to the Family Group Conferencing Program. In addition, the implementation of a data dashboard which was developed will assist with identifying any gaps in supporting families and follow up with Operational Teams to ensure a referral is submitted.
- An FGC Evaluation Plan has been developed, which identifies the data that needs to be included in the evaluation to determine the Family Group Conferencing programs effectiveness. The FGC team has collaborated with the CYPS CYRIS team to ensure that the evaluation plan's data can be sourced, and that the current CYPS database can provide greater functionality for identifying

families earlier for referral whilst recording necessary data relating to the Family Group Conferencing program.

- Curijo facilitated an FGC training session on 4 November 2020 for CYPS staff, in which 26 CYPS staff members were in attendance. Feedback from staff indicated that the training assisted them in understanding the Family Group Conferencing program and how an FGC can support a family to be involved in the decision-making process regarding their child(ren).
- FGC brochures have been updated to reflect the crucial element of Cultural Safety for children, young people, and families. The brochures provide information about the FGC process to help families make an informed decision about their involvement in the voluntary FGC process. The following brochures are available in either a hard copy or able to be viewed/download via the [CSD website at: https://www.communityservices.act.gov.au/ocyfs/publications](https://www.communityservices.act.gov.au/ocyfs/publications)

#### HOW ARE WE TRACKING?

Since the commencement of Family Group Conferencing there have been 48 Family Group Conferences involving 102 children and young people. It is important to note that there is a variety of family groups who attend Family Group Conferences, and the size and complexity of the number of children, as well as supports for these children and young people. The number of children in a family varied between one and eight children - this has impacts on the numbers where decisions are taken at a family level.

Table 3: Family Group Conferencing Data – summary of Demographics

Family Group Conferencing	2020	2019	2018	TOTAL
Number of Group Conferencing in the year by Families	12	15	21	48

#### IN THE NEXT 6 MONTHS WE WILL ...

- Progress key evaluation activities. CYPS will source the expertise of an Aboriginal and Torres Strait Islander Evaluator to undertake an evaluation of the Family Group Conferencing program to determine its effectiveness. Discussions to commence with CSD Service Funding to initiate a tender process to seek applications to support an evaluation of the Family Group Conferencing program.
- Consider how FGC will continue to occur for Aboriginal and Torres Strait Islander families, regardless of which stage of CYPS involvement is occurring. Further policy work will be undertaken concerning the Family Group Conferencing process in prenatal matters.
- Continue to ensure collaborative service delivery responses. The FGC team will continue to work in collaboration with the CST and local support services within the Canberra community to strengthen referral pathways. In addition, ensure that Aboriginal and Torres Strait Islander families involved with CYPS are offered a Family Group Conference.



- A female facilitator with the Family Group Conference Team will support the teams' involvement in prenatal matters. This will ensure expectant mothers are supported in a culturally safe manner whilst having an opportunity to participate in family-led decision making to ensure the best outcomes can be achieved for their child upon birth.

#### RECOMMENDATION 5 (DECEMBER 2018)

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

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

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

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

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

#### COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** May 2019

CSD agrees to commence foundation work to determine how best to enact ATSICPP in the *Children and Young People Act 2008*. CSD will commence scoping this work in order to gain a greater understanding of the extent of the work required to achieve the intent of this recommendation.

#### ACTIVITIES JULY - DECEMBER 2020

- In December 2020 the *Our Booris, Our Way* Implementation Oversight Committee was presented with a proposed timeline for legislative amendments and options for community engagement for consideration. The preferred option advised by the Committee is for open consultation for the policy approval process and targeted consultation on the draft Bill. This approach will use open community consultation for the policy approval stage of Cabinet, followed by targeted consultation on the wording of the draft Bill.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Seek guidance from the Aboriginal and Torres Strait Islander community on how best to ensure the full intent of ATSICPP is reflected in the *Children and Young People Act 2008*.
- Circulate a discussion paper to the Aboriginal and Torres Strait Islander community and consulting directly with ACT community members, including from Wreck Bay; and conducting focus group(s) with Aboriginal and Torres Strait Islander child protection staff.
- Engage with the *Our Booris, Our Way* Implementation Oversight Committee regarding ways and approaches to engage the community to ensure genuine and appropriate participation from the community, including people with lived experience, in the legislative reform process.
- Develop an engagement plan to ensure the community can participate in open consultation. The plan will consider different and appropriate ways to consult the community, ensuring information is accessible for everyone and in different formats, including opportunities for people to give non-written feedback.
- Circulate a draft discussion paper and proposed engagement plan to the Implementation Committee before the next scheduled meeting on 1 March 2021.



## RECOMMENDATION 6 (DECEMBER 2018)

### Feasibility study Aboriginal Child Care Association

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

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED IN PRINCIPLE:** May 2019

**AGREED:** 2020

CSD is committed to increasing the number of Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCO) providing human services across the ACT. To do this, CSD has agreed to lead the policy work required to guide this process.

### ACTIVITIES JULY - DECEMBER 2020

- The Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) has been working closely with the *Our Booris, Our Way* Implementation Oversight Committee on a Feasibility Study to understand:
  - community need, population demographics and growth
  - models of advocacy, peak and childcare associations in other jurisdictions, particularly in Queensland and Victoria
  - the role of ACCOs in existing ACT service delivery
  - the initial and recurrent funding model
  - the governance and performance framework

### IN THE NEXT 6 MONTHS WE WILL ...

- Provide a comprehensive Feasibility Study to the *Our Booris, Our Way* Implementation Oversight Committee with options on how to build capacity in the ACT for an Aboriginal Controlled Child Care Association.

- Establish a team led by an Aboriginal and Torres Strait Islander Executive with specialist expertise in strategic policy development, service design, establishment and implementation and the capacity to partner with the Aboriginal and Torres Strait Islander community.
  - the team's initial focus would be on delivering the outcomes from the Feasibility Study and providing oversight and guidance across government to support the establishment of other Aboriginal and Torres Strait Islander Community Controlled organisations.
  - the team would set up the arrangements to support an emerging community-controlled sector focused on children and family development and protection. The work of the team would be integrated with and complement the sector-specific work in other parts of CSD, for example Housing ACT, and other Directorates.

## RECOMMENDATION 7 (DECEMBER 2018)

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

*Three jurisdictions, Queensland, Victoria and South Australia have appointed specialist Aboriginal and Torres Strait Islander Children Commissioners. While their roles are primarily framed as review and advocacy roles, the Our Booris, Our Way Steering Committee recommend that the ACT appoint an Aboriginal and Torres Strait Islander Children's Commissioner with these and additional capacity to specifically intervene and engage in child protection processes.*

*The Commissioner, on an ongoing basis, would provide monitoring, advice and advocacy on systemic and individual cases. The Commissioner would be able to advise and influence government on a broad spectrum of issues that impact our children across both government and non-government services including for example, education, health, housing, child protection and provide independent advice on issues of culture and equity. They would also have the specific ability to engage as a party to case conferences and provide alternative pathways to resolution than court orders.*

## JUSTICE AND COMMUNITY SAFETY RESPONSE

**NOTED:** May 2019

**AGREED IN PRINCIPLE:** July 2020

### REVIEW OF THE HUMAN RIGHTS COMMISSION FUNCTIONS

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

and the Public Advocate and Children & Young People Commissioner role was combined. The leadership of the HRC was also reformed with the establishment of a position of President and the development of new governance mechanisms, including a Governance Protocol with JACS, a Community Client Service Charter and an Internal Operations Protocol.

The aims of the reforms included strengthening the leadership, governance and co-ordination of key rights protection services forming the HRC, and improving accountability of these agencies, while ensuring that service accessibility was maintained. It was also intended that the reforms to the PTG would result in a joined-up service for clients and bring a wider range of experienced staff with expert personal guardianship and financial management skills together to act for Canberrans with impaired decision-making capacity.

The review will consider and consult stakeholders and the community in relation to the recommendation from the *Our Booris, Our Way* Review to establish an Aboriginal and Torres Strait Islander Children's Commissioner.

The review commenced in June 2020. The commencement of the review was delayed by the COVID-19 emergency and associated restrictions which would have made it difficult to conduct an effective consultation with the community on these important issues.

#### **ACTIVITIES JULY - DECEMBER 2020**

- The recommendation of the *Our Booris, Our Way* Review regarding an Aboriginal and Torres Strait Islander Children's Commissioner was included in the terms of reference for the Protection of Rights Services (PoRS) review to allow an assessment of how the proposed new Commissioner role would operate in the context of existing Children's Commissioner, Public Advocate and complaints handling roles within the ACT Human Rights Commission.
- The PoRS review formally commenced on 24 June 2020. Insight Consulting Australia (Insight), the external reviewer, met with the President and each of the Commissioners of the Human Rights Commission, and with the Public Trustee and Guardian, and with the *Our Booris, Our Way* Implementation Oversight Committee.
- Within the context of the PoRS Review, the independent reviewer also convened a meeting between the HRC and the *Our Booris, Our Way* Implementation Oversight Committee to discuss how an Aboriginal and Torres Strait Islander Children's Commissioner may be established either within the HRC, or distinct from the HRC but working closely with the HRC's existing mandate holders and functions.
- The PoRS Review engaged in significant stakeholder and community consultation on this recommendation. This included targeted interviews with Yeddung Mura, Gugan Gulwan, the Aboriginal and Torres Strait Islander Elected Body and the Office for Aboriginal and Torres Strait Islander Affairs. Interviews and focus groups were held with community members including elders, kinship carers and young people with out of home care experiences and their families to understand the level of support within the community for the establishment of the

Commissioner role, and to seek feedback about how such a role should function and what its powers and mandate should be.

- In early November 2020 the PoRs Review Independent reviewer provided an extract of their draft report to the Implementation Oversight Committee to consult them on their preliminary findings on the recommendation to establish an Aboriginal and Torres Strait Islander Children's Commissioner.
- The Implementation Oversight Committee provided feedback on the *Our Booris, Our Way* recommendation to the reviewer during a Review Reference Group meeting held in late November 2020, also attended by JACS, the HRC, the Public Trustee and Guardian (PTG), the Community Services Directorate and the Education Directorate.

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Table the final report in the Legislative Assembly. The final report must be tabled in the Legislative Assembly by 23 June 2021. The independent reviewer provided their final report on the PoRS Review to JACS on 25 February 2021.
- Prepare a Government Response to the PoRS Review report for the Minister for Human Rights to table in the Legislative Assembly alongside the PoRS Review final report.
- Initiate, as an urgent priority, a co-design process within the second quarter of 2021 to develop and refine the proposed Commissioner's scope, functions, governance arrangements and recruitment process.
- Engage closely with the Implementation Oversight Committee to implement this co-design process to establish this new Commissioner role, potentially including the engagement of a consultant facilitator to lead the co-design process, supported by JACS.

## RECOMMENDATION 8 (a) (DECEMBER 2018)

### Culturally appropriate advocate service

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** May 2019

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

Consistent with both the ATSI CPP and the recommendations from the *Our Booris, Our Way Review*, CYPS has strengthened its policy and practice commitment to inviting submissions on behalf of Aboriginal people and organisations at critical points in case management decision making. To this end, organisations and community individuals will be encouraged to contribute to decisions about Aboriginal children through providing advocacy both in person and in writing. CYPS has progressed this commitment by amending child protection policy and developing an Information Sheet to inform Aboriginal support people and advocacy services. This information sheet has been drafted and consultation has taken place with the Aboriginal and Torres Strait Islanders Co-design Network and the Ngura Naraganabang ('Safety In the Pouch') Advisory Group.

The Red Cross Birth Family Advocacy Service has employed an Aboriginal and Torres Strait Islander Advocate and has also engaged an Aboriginal provider to deliver cultural supervision to all staff. This response by Red Cross is to enable a better response to the needs of Aboriginal and Torres Strait Islander families.

## ACTIVITIES JULY - DECEMBER 2020

- Development of a Practice Guide *Advocacy and support for Aboriginal and Torres Strait Islander families involved with child protection* to advise parents and families that they have the right to engage an advocate.
- CYPS have amended policy and procedures pertaining to decision making to ensure that staff are aware of their responsibility to seek, and be informed by, submissions on behalf of Aboriginal and Torres Strait Islander services or individuals.

- Training was also conducted to further guide staff of their obligations regarding seeking submissions (in writing, over the telephone or through attendance at meetings) for key decisions regarding Aboriginal and Torres Strait Islander children and young people. This training will continue as core training for all CYPS staff as they join the service.

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Work with Aboriginal and Torres Strait Islander community organisations and stakeholders to develop guidance to Aboriginal support people and advocacy services.
- Build capacity of the CST to support parents who are involved in the criminal justice system so their views and wishes can be considered in decision making at the family's request.
- Review our case management module to include ensuring participation, advocacy and support of Aboriginal and Torres Strait Islander families is a key element. The review will also be strengthened to emphasise section 10 (b) of the *Children and Youth People Act 2008* to ensure case managers are inviting and being informed by submissions from Aboriginal and Torres Strait Islander individuals and services, who are supporting the child and/or family.
- Establish systems to support the review and auditing mechanisms necessary to underpin the Monitoring and Review Framework.

#### **RECOMMENDATION 8 (b) (MAY 2019)**

##### **Access to legal representation and advocacy**

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

#### **JUSTICE AND COMMUNITY SAFETY DIRECTORATE RESPONSE**

##### **AGREED: May 2019**

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



### ACTIVITIES JULY - DECEMBER 2020

- The National Legal Assistance Partnership (NLAP) is an agreement between the Commonwealth and the States and Territories which provides Commonwealth funding for legal assistance services provided by Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services (ATSILS). The NLAP commenced on 1 July 2020.
- Prior to the commencement of the NLAP in July 2020, Commonwealth funding for Aboriginal and Torres Strait Islander legal services in the ACT was managed through a direct relationship between the Aboriginal Legal Service NSW/ACT (ALS) and the Commonwealth Attorney-General's Department. The NLAP has provided the ACT Government with increased visibility over funding levels for the ACT office of the ALS.
- The Justice and Community Safety Directorate has signed a funding agreement with the ALS to provide legal assistance services under the NLAP. The ALS is funded to provide culturally appropriate community legal assistance services to Aboriginal and Torres Strait Islander people of the Territory and its surrounding regions who are experiencing financial disadvantage, or other forms of disadvantage.
- In delivering this program under the NLAP, the ALS must provide legal advice, legal representation services, assistance via flexible service delivery models (which may include the operation of clinics), information and referrals and community legal education activities.
- ALS also received funding from the Project Agreement for COVID-19 Legal Assistance Funding (the Project Agreement). The Project Agreement delivered \$142,000 (GST exclusive) in frontline service delivery funding to the ALS to enable the employment of a trial advocate position for 12 months to assist Aboriginal and Torres Strait Islander people engaging with the ACT's justice system. However, this funding ends on 30 June 2021.
- Funding was provided for the trial advocate position on the basis that the ALS was experiencing an increased demand for services following the recommencement of hearings and trials in the ACT Courts, and that the employment of a lawyer with significant experience in running serious indictable matters was crucial in supporting Aboriginal and Torres Strait Islander people to have access to specialised, culturally safe, legal assistance support.
- In support of these objectives, the Justice Reform Branch within JACS have undertaken a review of contracts and reports for current programs and initiatives to identify the service gaps, barriers and unmet needs of the Aboriginal and Torres Strait Islander community in relation to legal assistance for child protection matters.
- In early 2021 the Justice Reform Branch met with various service providers including ALS and Women's Legal Centre and to seek their views on gaps and potential barriers in the services being provided for legal assistance for child protection matters with service providers, including the extent to which the unmet needs stem from lack of awareness of current services in community and/or confusion about overlaps in services.

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

**Legal Aid** – Duty lawyer in the ACT Children’s Court, in addition to Legal Aid's provision of independent child representatives in care and protection matters, providing another level of assistance to families in the care and protection system. This is supported by Legal Aid’s Community Liaison Unit (CLU) which provides dedicated assistance to Aboriginal and Torres Strait Islander peoples to access not only the legal services provided by Legal Aid, but also other legal services in the ACT and non-legal support services. This multi-disciplinary model through the provision of legal services with non-legal support services specifically targets the provision of assistance to Aboriginal and Torres Strait Islanders clients and their families.

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

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Consider the ALS’ funding needs, including for the trial advocate position in the 2021-22 Budget process.
- Map what is needed for to support access to culturally appropriate legal representation and advocacy for child protection matters. This will include further consultation with service providers, including Legal Aid. Once the service gap and/or barriers to support for child protection legal services is clarified, this will be discussed with Aboriginal and Torres Strait Islander stakeholders and service providers.



## RECOMMENDATION 9 (DECEMBER 2018)

### Early support programs available

*Community feedback has strongly advocated for the need of services that provide positive support to families, early and during voluntary engagement with the child protection system. These may include parenting programs, child development services, cultural groups and play opportunities, wrap around services that support participation in education. The current services are fragmented and sometimes difficult to access for example Intensive Family Support, through A Step Up for Our Kids Strategy is based on meeting specific entry requirements that effectively exclude families from accessing assistance early and on their own initiative.*

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

## RECOMMENDATION 9(a) (DECEMBER 2019)

### Accessible and appropriate early support programs for drug and alcohol rehabilitation, family violence, mental health and trauma

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREED: May 2019

The ACT Government, through the Early Support initiative, has agreed to a new approach to partnerships and investment with the community sector to change the service system and enhance wellbeing and early support across health, education, justice and community services. This is a long-term shift that will be achieved over a 10-year period. More immediately we are enhancing early support capacity in the ACT through several implementation initiatives, through changes to the schedules of early support program funded service contracts to secure the commitment of the sector to work with government to progress the Early Support reforms from 1 July 2019, and through the establishment of the Aboriginal and Torres Strait Islander Policy and Practice Co-Design Forum.

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

## **COMMUNITY SERVICES DIRECTORATE RESPONSE**

### **AGREED IN PRINCIPLE: June 2020**

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

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

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

### **ACTIVITIES JULY - DECEMBER 2020**

- In recognition of the whole of government approach needed to implement this recommendation, CSD is working through the Human Services Cluster Inter-Directorate Committee (IDC) to progress this recommendation. The IDC brings together Directors General from CSD, JACS, Health Directorate, Canberra Health Services, and the Coordinators General for Family Safety and Mental Health and Wellbeing.
- At the end of 2020, the IDC agreed to establish a time-limited working group to identify specific actions and opportunities to deliver on this recommendation.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Work through the Human Services Committee of Strategic Board to:
  - identify existing funding for culturally appropriate programs for drug and alcohol rehabilitation, family violence, mental health and trauma counselling.
  - understand the unmet demand and funding for culturally appropriate early support programs in these areas.
  - consider a mechanism to support individuals with multiple and complex needs, for example access to a clinical expert panel for case workers.
  - work toward development of joint business cases to enhance early support capacity for the 2022-23 ACT budget cycle.

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

**Child Development Service – digital library and engaging with Aboriginal families during COVID Restrictions**

Maintaining engagement during COVID-19. The Developing Kids Program for Aboriginal and Torres Strait Islander children and families. A mother and her 2½ year-old son had been attending the weekly *Developing Kids* playgroup program run by the Child Development Service (CDS) to address delays in his development. During Term 2, the program needed to be modified due to COVID-19 restrictions. Together with Directorate partners and Libraries ACT, staff created videos of targeted developmental activities to compliment activity packs to be shared with families.

The set of four videos explored Aboriginal artwork through the 2018 book “*The Rainbow*” by Ros Moriarty and illustrated by Balarinji. This resource inspired different play activities that were simple and age appropriate for families. Each activity was designed to promote an area of children’s development, including fine motor and gross motor skills, language development and early literacy skills.

The videos were uploaded to a private YouTube channel accessed using QR codes provided in the activity packs. The packs were delivered to families via contactless drop-off, providing staff a chance to also check-in with families and provide guidance on how to use the packs. The mother commented how much they were missing the group and how great it was to see the staff at the drop-off, and in the videos. She later shared with the CDS how much enjoyment her son experienced when he watched the videos of staff reading stories and being able to reconnect remotely with them. They also enjoyed the instructional videos that further embedded the stories into their play program.

The Child Development Service is continuing to build upon these cultural resources to embed Aboriginal and Torres Strait Islander perspectives across programming. Further expansion of these resources will be developed in partnership with the three Child and Family Centres and the Aboriginal and Torres Strait Islander community.

**RECOMMENDATION 10(a) (MAY 2019)**

### Access to supports for Kinship carers

*The Steering Committee recommends that the Directorate be more direct and transparent with supports that are available for Aboriginal and Torres Strait Islander kinship carers.*

*We recommend that the Directorate design and communicate a simple, accessible and equitable process by which kinship carers can access or apply for supports with a mechanism to dispute the findings and have circumstances re-evaluated. This process must be designed with the community to ensure that the processes do not unnecessarily compound the difficulties and trauma experienced by kinship carers.*

### COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** May 2019

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

### ACTIVITIES JULY - DECEMBER 2020

- Consultation with the Co-Design Network in July 2020 regarding key information required by carers which is specific to the needs of caring for an Aboriginal or Torres Strait Islander child.
- In partnership with the Australian National University (ANU) School of Research, CYPS are facilitating *Connect*, a 9-week trauma-informed, attachment-based parenting program for kinship carers of children and young people aged 8-16 years. The Connect program is partly funded by the Australian Research Council and targets the building blocks of secure attachment, including reflective parenting, parental sensitivity, emotional regulation and reciprocity within the relationship. Preliminary findings have shown positive carer feedback and high participation rates.

- Program implementation of 2018-2019 resulted in 19 practitioners receiving training in Connect, with 7 practitioners across Melaleuca Place, the Therapeutic Assessment Team and the Australian Childhood Foundation have completed supervised practice and obtained certification in Connect. Four Connect groups were delivered in the ACT servicing 31 families (22 Kinship Parents and 9 Foster Parents).
  - all kinship parents reported that they found the principles in the Connect for Kinship Parents program helpful/very helpful and that they felt safe, welcomed, and respected in the group.
  - carers' engagement in the program was very high: Average attendance was 85 per cent over the 9 weekly sessions.
  - compared to families randomised to the control (delayed intervention) group, at follow-up assessments, those in the Connect group demonstrated significantly greater improvements on child wellbeing and significantly reduced caregiver strain and carer verbal aggression toward their child.
  - several children in the control group experienced placement breakdowns/changes by the 6-month follow-up assessment versus none in the Connect group.

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Trial an online version of *Connect* Program for kinship carers and young people.
- Create a kinship carer webpage with additional access for Aboriginal and Torres Strait Islander carers. This page will provide information about carer subsidies, Therapeutic Assessments, support services and advice about how they can access these supports and will be focused on what kinship carers may immediately need to know when a child enters their care. The webpage will also focus on supports to assist to stabilise the child or young person in their care. All information provided will be consistent with the Carer Handbook.
- Develop a practice guide for carers providing a home for Aboriginal or Torres Strait Islander children. The guide will provide advice on the specific needs of Aboriginal and Torres Strait Islander children, including operationalising the Cultural Plan, maintaining connections, respecting traditional parenting practices, impact of trauma caused by child removal (as well as past trauma) and the rights of Aboriginal and Torres Strait Islander children to have a submission by an involved agency to any best interest decisions. It will also cover carer rights, how to access resources, and carer responsibilities.

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

### Kinship Care Assessment Process

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREE IN PRINCIPLE: May 2019

CYPS is committed to placement of all children with kinship carers in accordance with the ATSICPP, where possible. CSD recognises the benefits for children being placed with family including:

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

CYPS will reinforce the existing policy that enables a kinship placement to occur on an unplanned basis (such as after Emergency Action) through support from the CST. The CST will assist in exploring all potential care options from within the child's extended family before placement with unrelated carers, or as soon as practicable afterwards. The reinforcement of existing policy has occurred through the *Practice Guide* embedding the ATSICPP into CYPS case management practice and extensive training that was provided by SNAICC.

In addition, CSD will commence the development of a small Finding Kin model for Aboriginal and Torres Strait Islander children, in order to assist case managers with the early identification of kin. The capacity of CYPS to do this effectively is enhanced by the introduction of the CYPS client information system (known as CYRIS) that went live on 1 October 2019. CYRIS has advanced family and genealogical mapping capability that will support the early identification of kin. CYPS will explore approaches taken in other jurisdictions during the development of the model.

### ACTIVITIES JULY - DECEMBER 2020

- CYPS continues to prioritise kinship assessment for Aboriginal and Torres Strait Islander children and engage the CST to assist in the assessment process to identify family.
- In September 2020 the *Adoption Act 1993* was amended. The Act now identifies 'Cultural inheritance' which appears with 'personal identify' and 'sense of belonging'. Together these concepts help the Court to consider the likely effect of a decision on the whole life of a child. Cultural inheritance request active efforts to preserve and support things like language, tradition, and connection to place/country – diverse aspects of culture that would ordinarily be passed on to a child through their birth family as they grow and develop. While the *Adoption Act* does not prohibit the adoption of Aboriginal and Torres Strait Islander children and young people, it does require careful consideration of their need to stay connected to culture, traditions and family. The Act also requires CYPS to consider alternatives to adoption, including *Enduring Parental Responsibility* (EPR) where this may be more appropriate.

### IN THE NEXT 6 MONTHS WE WILL ...

- Develop a 'finding kin' model to assist case managers with the early identification of kin. The 'finding kin' model will focus on kinship placement, family connection arrangements and cultural identify as maintained and enhanced. This program will commence once a child enters an out of home care placement.
- Work to identify the types of data and information to collect relating to finding kin for Aboriginal and Torres Strait Islander families.
- Appoint a Senior Director, Cultural Services to provide strong leadership and set the strategic vision and work plan for the CST and contribute towards ensuring CYPS has the capacity to deliver its statutory obligations through a culturally responsive workforce. This is a designated Aboriginal and Torres Strait Islander position and will be responsible for leading the review of the role and function of the CST over the next 12 months.



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

### Improve quality and monitoring of Cultural Plans

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** May 2019

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

A step by step procedure and practice guide to support staff to develop and maintain a cultural plan has been prepared to supplement the Cultural Plan.

## ACTIVITIES JULY - DECEMBER 2020

- CYPS has established a new Aboriginal and Torres Strait Islander Cultural Panel to inform, develop and provide quality assurance of all cultural plans. The Cultural Panel comprises Aboriginal and Torres Strait Islander staff from CYPS and individuals from CYPS with relevant cultural knowledge in relation to a specific child. The Cultural Panel provides information to case managers about ways the cultural needs of the child can be incorporated in their individual case plans.
- The Terms of Reference for the Cultural Panel has been finalised with meetings occurring on a fortnightly basis. The Cultural Panel is chaired by the Team Leader, Cultural Services Team. Membership includes Manager, Therapeutic Assessments and Support, Aboriginal and Torres Strait Islander Practice Leader and a staff member from the Cultural Services Team.
- CYPS have revised the Aboriginal and Torres Strait Islander Cultural Plan template to be more culturally relevant and in a language that is compatible to all Aboriginal and Torres Strait Islander children, young people and their families.

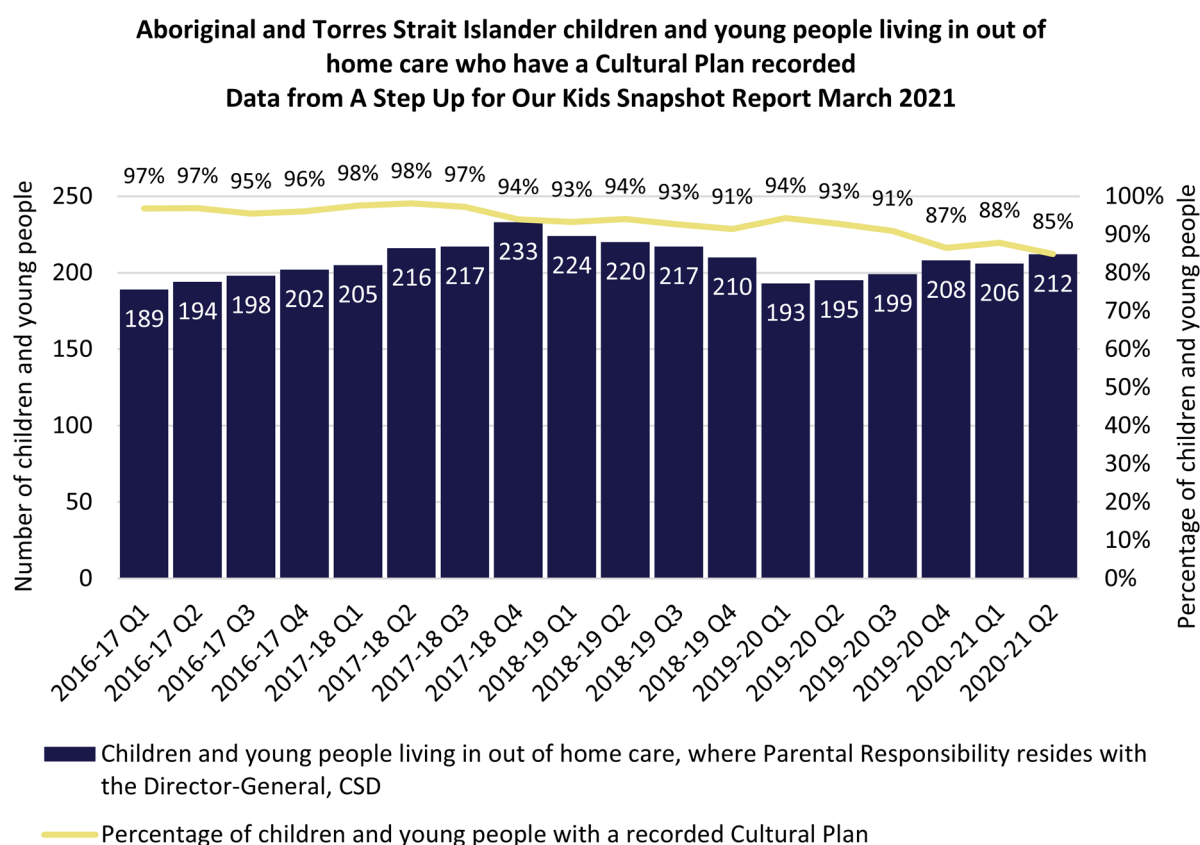


### HOW ARE WE TRACKING?

As at the 31st December 2020, there were 212 Aboriginal and Torres Strait Islander children and young people who were in the care of the Director-General and In Out of home care.

180 (or 85 per cent) of these children and young people had a cultural care plan in place. Figure 5 below demonstrates the number of Aboriginal and Torres Strait Islander children and young people who were eligible for a plan (the blue bars) and the proportion of those who had a plan (the yellow line)

Figure 3: Aboriginal and Torres Strait Islander children and young people living in out of home care who have a cultural plan recorded



### IN THE NEXT 6 MONTHS WE WILL ...

- Seek to identify external representation to join the Aboriginal and Torres Strait Islander Cultural Panel.
- Support external representations to review and determine the need to amend the current practice as part of self-determination and ensuring comprehensive application of high-quality cultural planning and family connection.

## RECOMMENDATION 12 (MAY 2019)

### Pathways to restoration

*The Steering Committee recommends that prompts and triggers to considering restoration are mapped and implemented, especially when there has been a positive change in parenting capacity.*

*Restoration needs to use a strengths-based, motivational approach and should consider restoration to family, not just to parents.*

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREED IN PRINCIPLE: May 2019

The *A Step Up for Our Kids* Out of Home Care Strategy 2015-2020 (Strategy) vision is *Children and young people in care – growing up strong, safe and connected*. The Strategy is focused on keeping children and young people at home or restoring those in care to family as soon as it is safe to do so. For children and young people who are unable to stay at home or return home, stability in care arrangements becomes a priority with kinship care prioritised over non-family carers of the child. Through the development of the next iteration of *A Step Up for Our Kids* we will look at the Annual Review process including consideration of positive change in parenting capacity and the potential for reunification and family reconnection.

Restoration to families remains a key focus and requires strong engagement and collaboration between the child and/or young person, their parents, the family, the community, services and CYPS staff.

Increased capacity in the Functional Family Therapy – Child Welfare Program will enable increased support to families to enable positive change in parenting capacity and increased restoration of children to their families.

### ACTIVITIES JULY - DECEMBER 2020

- CYPS is working closely with ACT Together through the Joint Governance Group (JGG) to develop an *Our Booris, Our Way* Action Plan to guide the activities of the JGG and the four sub-committees that report to the JGG. The action plan aims to strengthen and improve current service delivery and projects to achieve systemic change through practice improvement and workforce development. The action plan will be informed by the ATSICPP and co-design solutions with the ACT Aboriginal and Torres Strait Islander community.

The action plan will focus on the following four pillars:

- Culturally Safe Workplaces
  - Family Finding, Family Connection and Identity
  - Restoration; and
  - ACCOs.
- The draft action plan was discussed at the JGG meeting held 14 December 2020 with endorsement of the action plan scheduled for the March 2021 meeting.

### IN THE NEXT 6 MONTHS WE WILL ...

- Finalise the JGG *Our Booris Our, Way* Action plan and seeking endorsement at the JGG meeting scheduled in March 2021.
- Deliver a Functional Family Therapy-Youth Justice pilot program to support young people and their families who are involved in the youth justice system. The pilot seeks to prevent young people from entering or becoming further involved in the justice system.
- Deliver a new Family Functional Therapy program to be delivered by OzChild will provide 55 placements that focus on supporting restoration of children and young people on short-term orders in kinship and foster care arrangements; stabilising children and young people at risk of placement breakdown; and supporting restoration to kin for children and young people on final orders.
- Finalise the Monitoring and Review Framework for all Aboriginal or Torres Strait Islander children in care, who are case managed by ACT Together as well as CYPS. This will include drafting new procedures to support the Framework including clear restoration procedures which ensure annual consideration of restoration as well as restoration whenever a placement breaks down. There will also be a new procedure developed in respect of 'contact and connections' to support the principles of the ATSICPP and Monitoring and Review Framework. Both the Monitoring and Review Framework and the Joint Decision-Making Framework hold ACT Together and CYPS accountable for ensuring that triggers for restoration are regularly considered. These include case conferences, meetings of the Care Team, at Annual Review and prompted if there is any placement instability or a breakdown.

### RECOMMENDATION 13 (MAY 2019)

#### Aboriginal and Torres Strait Islander FATHER INCLUSIVE PRACTICE

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** May 2019

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

#### ACTIVITIES JULY - DECEMBER 2020

- CYPS have developed a Father Inclusive Practice Guide to provide staff with guidance when working with fathers to promote their engagement and support a family led decision making process.
- CYPS has strengthened collaboration with the Alexander Maconochie Centre through the CST, to provide presentations, information sessions and support to any identified mothers or fathers involved with CYPS, to assist connection and support family led decision making.

#### IN THE NEXT 6 MONTHS WE WILL BE ...

- Commencing regular attendance at the Alexander Maconochie Centre by the CST through care meetings once recruitment to increase staff capacity to the CST has been finalised.
- Reviewing the development of training modules for CYPS staff to focus on promoting engagement and practice when working with fathers to support connection and decision making.
- An emphasis will be placed on targeting training to support case managers to be inclusive of fathers who are involved the child protection system.
- In addition to the above, a male member of the Ngura Naraganabang ('Safety In the Pouch') Advisory Group will present to CYPS case managers about how to engage with fathers in a culturally respectful way.

## RECOMMENDATION 14 (MAY 2019)

### Aboriginal and Torres Strait Islander Health Assessments

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**NOTED:** May 2019

**AGREED:** July 2020

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

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

ACT Health also funds Winnunga to deliver Medical Benefit Scheme (MBS) 715 Health Checks as part of their recurrent funding for delivery of primary health care services. This MBS item is intended to help ensure that Aboriginal and Torres Strait Islander people receive primary health care matched to their needs, checking health and physical, psychological and social functions and deciding if preventive health care and education should be offered to the patient to improve their health and wellbeing. Winnunga has partnered with Deadly Choices and the Canberra Raiders to encourage Aboriginal and/or Torres Strait Islander peoples to make healthy choices for themselves and their family.

CSD continues to work with ACT Together to promote and embed the utilisation of Health Assessments available under MBS Item 715. Work will be undertaken to promote the availability of this MBS item to carers and caseworks. Further work will also be undertaken to consider how the utilisation of the Health Assessment can be reported through the Annual Review for Aboriginal and Torres Strait Islander children and young people.

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

## ACTIVITIES JULY - DECEMBER 2020

### Health Directorate

#### Kindergarten Health Check (KHC)

Implementation of Kindergarten Health Check is a yearly deliverable. All children are offered a Health Check in their first year of full time schooling and >85% of all eligible children participate with their parent/carer or authorised adult's consent. A summary of the outcome is provided to the parent/carer or authorised adult and (where they consent) to their child's GP for any further appropriate action. The cross-government working group (including representatives of CHS, EDU and CSD) is briefed on the aggregate findings with a view to informing policy, initiatives and operational responses.

The Health Directorate has partnered with the ANU and with the local Primary Health network CHN to provide GPs with tools and training to assist them to consider the KHC results and take appropriate courses of action in partnership with their patient families. Data is cleaned, de-identified, aggregated and is accessible, reliable and available for use by external agencies on request to improve child health.

- In 2020, for the first time, the Adverse Childhood Experiences Survey (ACES) was included in the KHC along with the Strengths and Difficulties Questionnaire (SDQ) and the Parental Evaluation of Development Survey (PEDS). Together these instruments provide important screening information about which children are a higher risk of future mental and physical health challenges. Parents/carers and nominated GPs receive information on the screening and were directed to resources to help them decide what other steps could or should be taken if their child/patient was identified as being at high risk of future negative health challenges. The ACT is the only state or territory to conduct a parental questionnaire and a physical health check in the entire population of school children in their first year of fulltime education.

### Child Youth Protection Services

- The Cultural Panel consisting of Aboriginal and Torres Strait Islander staff monitor cases as part of the Annual Review Reports to ensure not only that a current and relevant cultural plan is in place but that each child has undertaken a health check.



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

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Maintain our focus on the health and wellbeing of children and young people:
  - The Cultural Panel will continue to meet on a fortnightly basis to assess progress against the Annual Review Report.
  - Declared care team meetings will continue to be undertaken by professionals who support the health and wellbeing of a child or young person involved in out of home care.

#### **RECOMMENDATION 15 (SEPTEMBER 2019)**

##### **Governance and Oversight of implementation of recommendations**

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

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

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

#### **COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** December 2019

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

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

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

### ACTIVITIES JULY - DECEMBER 2020

- The Our Booris, Our Way Implementation Oversight Committee was established in June 2020 and has met six times during the reporting period.
- The ACT Government has provided the Our Booris, Our Way Implementation Oversight Committee with a quarterly implementation plan on progress against each of the recommendations.
- A Senior Officer SOG C to oversee the secretariat functions of the Committee (December 2020). This is an identified Aboriginal and Torres Strait Islander position.

### IN THE NEXT 6 MONTHS WE WILL ...

- Advertise for a Senior Officer Grade A level to provide dedicated support to the Implementation Oversight Committee in their role of guiding the government in the implementation of the *Our Booris, Our Way* Recommendations. This position is in addition to the existing identified position of Senior Officer Grade C.
- Work with the Oversight Committee to develop a comprehensive Data Dashboard to provide regular reporting to understand and monitor the impact of reforms and improvements for Aboriginal and Torres Strait Islander children in out of home care.
- Call for Expressions of Interest from the Aboriginal and Torres Strait Islander community to fill two vacancies in the *Our Booris Our Way* Implementation Oversight Committee.

### RECOMMENDATION 16 (DECEMBER 2019)

#### Increase Aboriginal and Torres Strait Islander led decision making in Child Protection

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE

#### AGREED: July 2020

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



### ACTIVITIES JULY - DECEMBER 2020

- CYPS has strengthened family-led decision making through several amendments to the Family Group Conferencing program model and procedures. New procedures include:
  - a commitment to offer an FGC to all Aboriginal and Torres Strait Islander families working with CYPS.
  - details of how an FGC can support positive engagement with families during critical phases of CYPS involvement, such as following Emergency Action, in response to a prenatal report, prior to lodging a planned application with the Childrens Court and during family preservation.
  - a new consultation process with our FGC Facilitators, who can help support family participation during the FGC. This includes a two-part process whereby the case managers lodge a referral to work in partnership with the FGC team to engage with a family to obtain consent. The second component is where consent is granted and the FGC team work directly with the family to support family-led decision making.
  - removing barriers which may have previously prevented some families from participating in the FGC process.

#### Case Study

*While participating in an FGC, a family was supported by several services to ensure the family felt confident in developing and implementing a detailed and robust family plan that would mitigate risk and address the identified concerns. Throughout the implementation of the family plan, CYPS acknowledged the family had engaged with several services and had successfully addressed concerns. The FGC review was brought forward and held within a month, with maximum participation from the family and those services involved. Following the FGC review, CYPS ceased their involvement with the family. The case was closed as there was no need for child protection involvement.*

### IN THE NEXT 6 MONTHS WE WILL ...

- Continue to monitor and focus on increasing referrals to the Family Group Conferencing program throughout 2021.

## RECOMMENDATION 17 (DECEMBER 2019)

### Aboriginal and Torres Strait Islander Workforce and Leadership

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** June 2020

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

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

### ACTIVITIES JULY - DECEMBER 2020

- CYPS has been actively recruiting staff under the new CYPP classification structure. This structure allows CSD to employ an identified person as a CYPP on the basis of their Aboriginal and Torres Strait Islander cultural heritage and experience. This recognises the significant impact that Aboriginal and Torres Strait Islander cultural heritage and experience has in improving outcomes for children and young people who come into contact with child protection and youth justice in the ACT. It also acknowledges that this expertise may sit outside a formal qualification.
- During the reporting period CYPS has appointed Aboriginal and Torres Strait Islander staff to the following positions:
  - CYPP 4 operational policy officer
  - Senior Practitioner
- To attract and retain Aboriginal and Torres Strait Islander staff across CSD an **Aboriginal and Torres Strait Islander Collective** was established in late 2020. The Collective meets bi-monthly and is designed to be a forum to discuss issues affecting Aboriginal and Torres Strait Islander employees, barriers to advancement along with leadership opportunities and to discuss potential solutions and ways forward to attract and retain Aboriginal and Torres Strait Islander staff.

A particular focus of this group is to consider and advise on appropriate progression, attraction and retention strategies to inform effective talent management/recruitment of Aboriginal and Torres Strait Islander people.

- All CYPS positions are now advertised in the Koori Mail and National Indigenous Times as well as through other Aboriginal and Torres Strait Islander led services to encourage applications and the uptake of positions.

#### **HOW ARE WE TRACKING?**

As at December 2020 the Community Services Directorate had a workforce of 1008, 43 staff (4.3 per cent) had identified as being Aboriginal or Torres Strait Islander.

Within the Children, Youth and Families Division, there were 21 staff (4.5 per cent) who identified as being Aboriginal and Torres Strait Islander.

#### **IN THE NEXT 6 MONTHS WE WILL ...**

- Undertake recruitment of a:
  - Aboriginal and Torres Strait Islander Cultural Services Officer
  - Aboriginal and Torres Strait Islander Practice Development Officer
  - Senior Director, Cultural Services Team.
- Work to ensure an Aboriginal and Torres Strait Islander representative is on the panel for all Aboriginal and Torres Strait Islander advertised positions.

## RECOMMENDATION 18 (DECEMBER 2019)

### Support development of the Cultural Services Team

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREE IN PRINCIPLE: June 2020

CSD will engage an Aboriginal and Torres Strait Islander Senior Leader to develop a reform plan that aligns with the issues raised in the report and supports the recommendation. The Senior Leader will work with the Cultural Support Team to support the required change over the next 12 months.

Further consultation with the Cultural Support Team and the Implementation Oversight Committee will also be undertaken to discuss findings from a cross jurisdictional review of structures, practices and learnings that can inform future directions in the ACT. External Cultural Supervision will be a key platform of the reform plan.

### ACTIVITIES JULY - DECEMBER 2020

- The selection documentation for the recruitment of a Senior Director for the CST commenced. This position will provide strong leadership and set the strategic vision and work plan for the CST. This is an Aboriginal and Torres Strait Islander identified position.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Continue to work with the *Our Booris, Our Way* Implementation Oversight Committee to refine this recommendation to ensure the CST are appropriately supported and encouraged to initiate improvements to further support Aboriginal and Torres Strait Islander families involved in the child protection system in line with this recommendation.

**RECOMMENDATION 19 (DECEMBER 2019)**

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

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

**COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** July 2020

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

**ACTIVITIES JULY - DECEMBER 2020**

- The case analysis project discussed in response to recommendation three highlighted the large number of children and young people and their families who have a minimal understanding of the connection to Country, community and people. It was agreed throughout the case analysis project to contract a specialist genealogist to work with ten families to complete genealogical research for identified families, with family consent. The purpose of this work is not for CYPs to identify or de-identify children and families, rather, it is to support families to understand who they are and where their family history lies within a research context. The research can also help families to put together their oral histories, with access to records that they have never had access to. A further component of this work is mentoring CYPs staff and building staff skills in their cultural awareness through this project.
- A specialist genealogist was engaged to commence working with 10 families. The genealogist has undertaken work previously with Australian Institute of Aboriginal and Torres Strait Islander Studies.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Consult with stakeholders on new draft policy which makes it explicit that the identification and de-identification of an Aboriginal child, is not a government decision.
- Develop a Child Youth Protection Services policy that articulates that it is never the role of government to identify or de-identify an Aboriginal or Torres Strait Islander person.
- Work with Aboriginal and Torres Strait Islander Community to support the community in undertaking this role.
- Continue to work with the genealogist until the research regarding the 10 families has been completed. Following the completion of this work CYPS will assess the benefits of the genealogy process.

**RECOMMENDATION 20 (DECEMBER 2019)**

**Segmentation and Data on Kinship Care**

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

**COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** June 2020

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

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

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

**ACTIVITIES JULY - DECEMBER 2020**

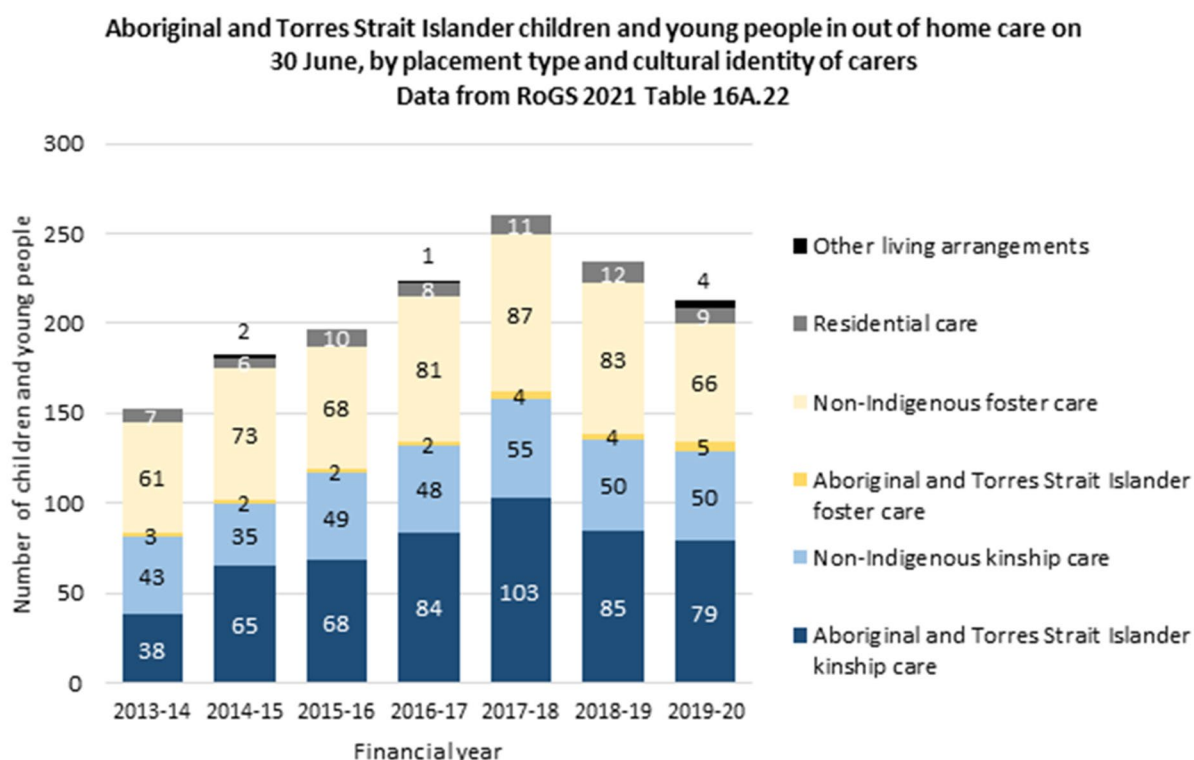
- We have enhanced our data capability to be able to identify both biological kin and kin with a strong cultural connection.

### HOW ARE WE TRACKING?

The percentage of Aboriginal and Torres Strait Islander children and young people living in out of home care in the ACT who are living with kinship carers (members of their family or community) and the percentage who are living with Aboriginal and Torres Strait Islander carers (either in foster or kinship care) increased to 59 and 38 per cent respectively in 2016-17 and has remained relatively steady since this time. On 30 June 2020:

- sixty-one (61) per cent of Aboriginal and Torres Strait Islander children and young people in out of home care in the ACT were living with kinship carers (with either Indigenous or non-Indigenous kin); and
- thirty-nine (39) per cent were living with Aboriginal and Torres Strait Islander carers (in either kinship or foster care (Figure 4)

Figure 4 – Aboriginal and Torres Strait Islander children and young people in out of home care by placement type and cultural identity





**IN THE NEXT 6 MONTHS WE WILL ...**

- Work with CYPS case workers to assist them better able to identify and properly record relationships.
- Work with the *Our Booris, Our Way* Implementation Oversight Committee to develop a data snapshot which identifies placements according to kin type and separately identify Aboriginal and Torres Strait Islander kin arrangements.

CYPS currently define kinship as a person who has a pre-existing relationship with a child and/or their parents and who voluntarily undertakes to care for a child in a care placement. A kinship carer may be a family member (e.g. step-parent, grand parent, sibling, aunt, cousin) or a significant person (e.g. sister-in-law, long term friend, person who resides with the child, person who has culturally prescribed responsibility). This definition will be provided to the Ngura Naraganabang ('Safety In the Pouch') Advisory Group to ensure it is inclusive of cultural definition of kinship.

**RECOMMENDATION 21 (DECEMBER 2019)**

**ACT Indigenous Procurement Policy**

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

**COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** July 2020

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

**ACTIVITIES JULY - DECEMBER 2020**

- A Project Alignment Hub (the Hub) has been established as a cross-agency governance mechanism to support ACT Government planning and community partner relationships. Membership of the Hub is made up of ACT Government Executive from CSD, ACT Health Directorate, Chief Ministers, Treasury and Economic Development Directorate (CMTEDD) and JACS.
- Through the Hub and associated out of session work, CSD has been working across individual business units to support collaborative service design and procurement activities.
- CSD has been facilitating a series of master classes to support the ACT Government Procurement Board members to build their understanding of commissioning across Australia, provide an overview of the ACT body of evidence to date and present strategies for how we might work as a collective to achieve positive change in service design and procurement activities.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Recommence testing the draft commissioning principles with the community. This work is commencing from January 2021 through individual meetings with community partners and broader community sector governance mechanisms.
- Release a discussion paper highlighting what the Directorate heard from our community partners through a range of engagement activities on commissioning in late 2019 and more recently in 2021, including on the commissioning priority: Self-Determination for Aboriginal and Torres Strait Islander People and Communities.
- Continue our engagement activities with Aboriginal and Torres Strait Islander peoples, organisations and representative bodies, to further explore this feedback and work together to determine how commissioning can best support objectives that are important to the community.

## RECOMMENDATION 22 (DECEMBER 2019)

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

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

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

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREED: July 2020

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

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

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

### ACTIVITIES JULY - DECEMBER 2020

- The Monitoring and Review Framework has been drafted and broad consultation commenced.

### IN THE NEXT 6 MONTHS WE WILL ...

- Finalise the draft Monitoring and Review Framework. CYPs will continue to work with ACT Together and the *Our Booris, Our Way* Oversight Committee to finalise the draft Monitoring and Review Framework.
- Deliver a workshop to work through the Framework and how it will be operationalised.

- Draft a new policy and procedure to underpin the Monitoring and Review Framework and distribute for consultation.
- Develop training for all CYPS and ACT Together staff on the implications and expectations of the Monitoring and Review Framework.

### RECOMMENDATION 23 (DECEMBER 2019)

#### Wreck Bay

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

### COMMUNITY SERVICES DIRECTORATE RESPONSE

#### AGREED: July 2020

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

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

This review will then inform the approach taken to address for the needs of community in line with the ACT Memorandum of Understanding with the Commonwealth on provision of services to the Wreck Bay community. CMTEDD will assist in supporting this work.

#### ACTIVITIES JULY - DECEMBER 2020

- Information has been provided to CMTEDD regarding an appropriate early intervention service that has been utilised in the Wreck Bay area previously. The Commonwealth will need to engage directly with this early intervention service and the Wreck Bay community to determine service suitability and scope.
- CMTEDD will continue to liaise directly with the Commonwealth, with CYF providing input as required.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Act on any information required to support the Commonwealth in working with the Wreck Bay community.

**RECOMMENDATION 24 (DECEMBER 2019)**

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

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

**COMMUNITY SERVICES DIRECTORATE RESPONSE**

**AGREED:** July 2020

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

**STATUS:** In Progress

CSD has identified a number of staff to support the Interim Implementation Oversight Committee to develop the Reporting Framework and Key Performance Indicators (KPI's) to monitor implementation of the recommendation. Where required staff with identified skills will also be seconded in to assist in completing any specialist tasks.

**ACTIVITIES JULY - DECEMBER 2020**

- CSD is developing a range of data projects to support the *Our Booris, Our Way* Committee to monitoring the implementation of the recommendations and the outcomes on Aboriginal and Torres Strait Islander children and families.

**IN THE NEXT 6 MONTHS WE WILL ...**

- Finalise a Data Dashboard in consultation with the Oversight Committee. The Data Dashboard will accompany the ACT Government's quarterly reports on implementation of the *Our Booris, Our Way* recommendations and provide accurate and up to date data in relation to Aboriginal and Torres Strait Islander children in the child protection system and progress in implementing the recommendations.

## RECOMMENDATION 25 (DECEMBER 2019)

### Data Collection and analysis

*The Steering Committee recommends that the Directorate establish formal key performance indicators in collaboration with the Implementation Oversight Committee and the Aboriginal and Torres Strait Islander community for measuring the reduction of children entering the system, improvements in their experience in the system and the provision of pathways to restoration and exiting care. These key performance indicators can then be formally and independently evaluated from this baseline in five years. These indicators would add more depth to any agreed Closing the Gap refreshed targets as well as quantitative and qualitative metrics to address the ACT primary areas of concern from this report for example establishing identity; intensive family support services; kin finding; restoration; placing with kin; kinship support and contact with family whilst on orders.*

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** June 2020

The Government will work with the *Our Booris, Our Way* Implementation Oversight Committee to develop KPIs for measuring the reduction of children entering the system, improvements in their experience in the system and the provision of pathways to restoration and exiting care.

### ACTIVITIES JULY - DECEMBER 2020

- CSD has established a technical team to develop a Data Dashboard to assist the Committee in monitoring the impact of the implementation of the recommendations.

### IN THE NEXT 6 MONTHS WE WILL ...

- Finalise the Data Dashboard in consultation with the OBOW Implementation Oversight Committee.

## RECOMMENDATION 26(a) (December 2019)

### Adoption and Permanency Arrangements

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### AGREE IN PRINCIPLE: July 2020

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

### ACTIVITIES JULY - DECEMBER 2020

- CSD has commenced scoping work to implement the ACT policy position in legislation. As part of this work, CSD is seeking advice on legislative options that considers the intersection with human rights and Commonwealth law.

### IN THE NEXT 6 MONTHS WE WILL ...

- Work with the Government Solicitor's Office to progress key legal issues associated with this recommendation.

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

### NOTED: June 2020

While recognising the intent of this position, the ACT Government also needs to consider the abundant evidence that permanency and security are vital to reducing the ongoing trauma for children and young people associated with being in out of home care. Where restoration to Aboriginal or Torres Strait Islander parents or kin is not possible or is not in the child or young person's best interests, progressing a permanency arrangement through EPR may need to be considered.



This view of permanency though needs to be considered as well through a cultural lens and in recognition of past decisions and practices that have already significantly impacted on separation of Aboriginal and Torres Strait Islander children and young people from their family and culture. It is acknowledged that progressing EPRs for non-Aboriginal carers may be seen by the community as compounding past wrongs and that child protection services should strive to change policy and practices to limit the need for such arrangements to be entered into rather than continue on the same path.

CSD will assess all EPR matters where an Aboriginal and Torres Strait Islander kin or carer has requested this to be considered.

Further community consultation will occur to inform the policy statement, practice position and the process to be established to consider and endorse individual EPR orders to progress where the application is made of non-Aboriginal and Torres Strait Islander kin and carers. This work will look at what has been done to identify and support family placements as well as cultural connection and planning as well as an assessment of the impact on the child's wellbeing and permanency.

This work will be prioritised to be completed throughout 2020-21.

#### **ACTIVITIES JULY - DECEMBER 2020**

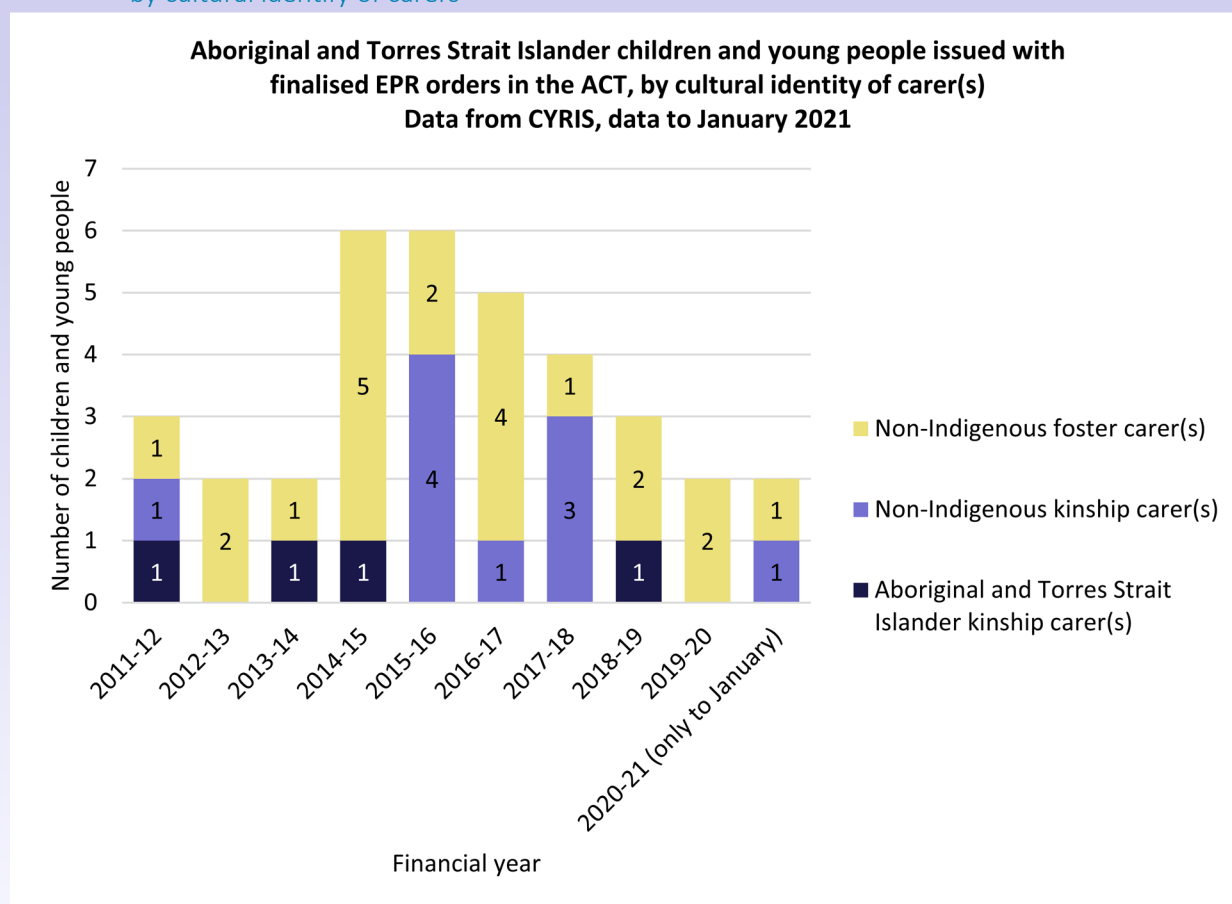
- Budget funding has enabled the Adoption and Permanency Team to prioritise permanent assessments with a focus on Enduring Parental Responsibility for kinship placements.
- On-going work continues to seek permanency orders through the Court system but once the application has been lodged it is the Courts decision to determine permanency outcomes.

### HOW ARE WE TRACKING?

From July 2011 to January 2021, 35 EPR Orders have been finalised for Aboriginal and Torres Strait Islander children and young people in the ACT (Figure 5). Of these:

- four (4) were recorded as being with Aboriginal and Torres Strait Islander kinship carers (where one or more of the carers identifies as being Aboriginal or Torres Strait Islander);
- ten (10) were recorded as being with non-Aboriginal and Torres Strait Islander kinship carers; and
- twenty-one (21) were recorded as being with non-Aboriginal and Torres Strait Islander foster carers.

Figure 5 – Aboriginal and Torres Strait Islander children and young people issued with finalised EPR orders by cultural identity of carers



### IN THE NEXT 6 MONTHS WE WILL ...

- Work to identify and support family placements as well as cultural connection and planning, along with an assessment on the impact on the child's wellbeing and permanency will continue throughout 2020-21 to support implementation of EPR process in line with the intent of this recommendation.

## RECOMMENDATION 27 (DECEMBER 2019)

### Active Referrals and Follow-up

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** July 2020

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

### ACTIVITIES JULY - DECEMBER 2020

- The Working with Aboriginal and Torres Strait Islander Families: Providing Culturally Responsive Practice outlines the ways in which CYPs workers can support families to engage with services, including consulting and planning with the CST to attend visits and meetings with service providers and developing and maintaining strong relationships with culturally safe services to support families access to them.

### IN THE NEXT 6 MONTHS WE WILL ...

- Undertake reviews and audits to assess progress against those service agencies to ensure the deliverables are being achieved for those children, young people and families referred.
- Continue to work with services through case management and care team meetings, to ensure the delivery of services, their suitability, benefit and method of delivery meets families' needs. CYPs staff will consult with the Aboriginal Practice Leader, Principal Practitioner and Senior Practitioner, as well the CST, to identify and respond to the needs of families.

## RECOMMENDATION 28 (DECEMBER 2019)

### Family Connection Practices

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

## COMMUNITY SERVICES DIRECTORATE RESPONSE

**AGREED:** July 2020

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

### ACTIVITIES JULY - DECEMBER 2020

- The Monitoring and Review Framework was drafted and distributed for consultation, to support case work which includes family connection.

### OVER THE NEXT SIX MONTHS WE WILL ...

- Develop relevant policies and procedures. CYPS will prepare a new Contact Policy and procedure to underpin the Monitoring and Review Framework for all Aboriginal or Torres Strait Islander children in care, who are case managed by ACT Together as well as CYPS. The new Contact Policy will support the principles of the ATSICPP and the Monitoring and Review Framework.