

2021

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

***Our Booris, Our Way* Implementation Update**

**Presented by
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Minister for Families and Community Services
9 November 2021**



SIX-MONTHLY UPDATE (JANUARY 2021 – JUNE 2021)

RECOMMENDATIONS FROM THE *OUR BOORIS,*
OUR WAY REVIEW



ACT
Government

Community Services



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

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INTRODUCTION

The Our Booris Our Way Review

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

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

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

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

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

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

Since the last six-monthly report was tabled in the Assembly in May 2021, the ACT Government has continued to be guided by the *Our Booris, Our Way* Implementation Oversight Committee in responding to each recommendation.

This second progress report covers the period January to June 2021, and identifies key activities and outcomes achieved during the period. Under some recommendations we are able to track progress through our administrative data (CYRIS) or through the Report on Government Services. Where there is data to track implementation of recommendations these are included under a 'How we are Tracking' heading.

The Government recognises Aboriginal and Torres Strait Islander children continue to be over-represented in the child protection system and acknowledges this is unacceptable. In working with the *Our Booris, Our Way* Implementation Oversight Committee, the Government will continue to understand and address the reasons why this continues to be the case.

Across the ACT Government we remain committed to undertaking the major systemic reform that is needed to reduce the numbers of Aboriginal and Torres Strait Islander children and young people in the child protection system, improving their experiences within out of home care and improving pathways to restoration to families.

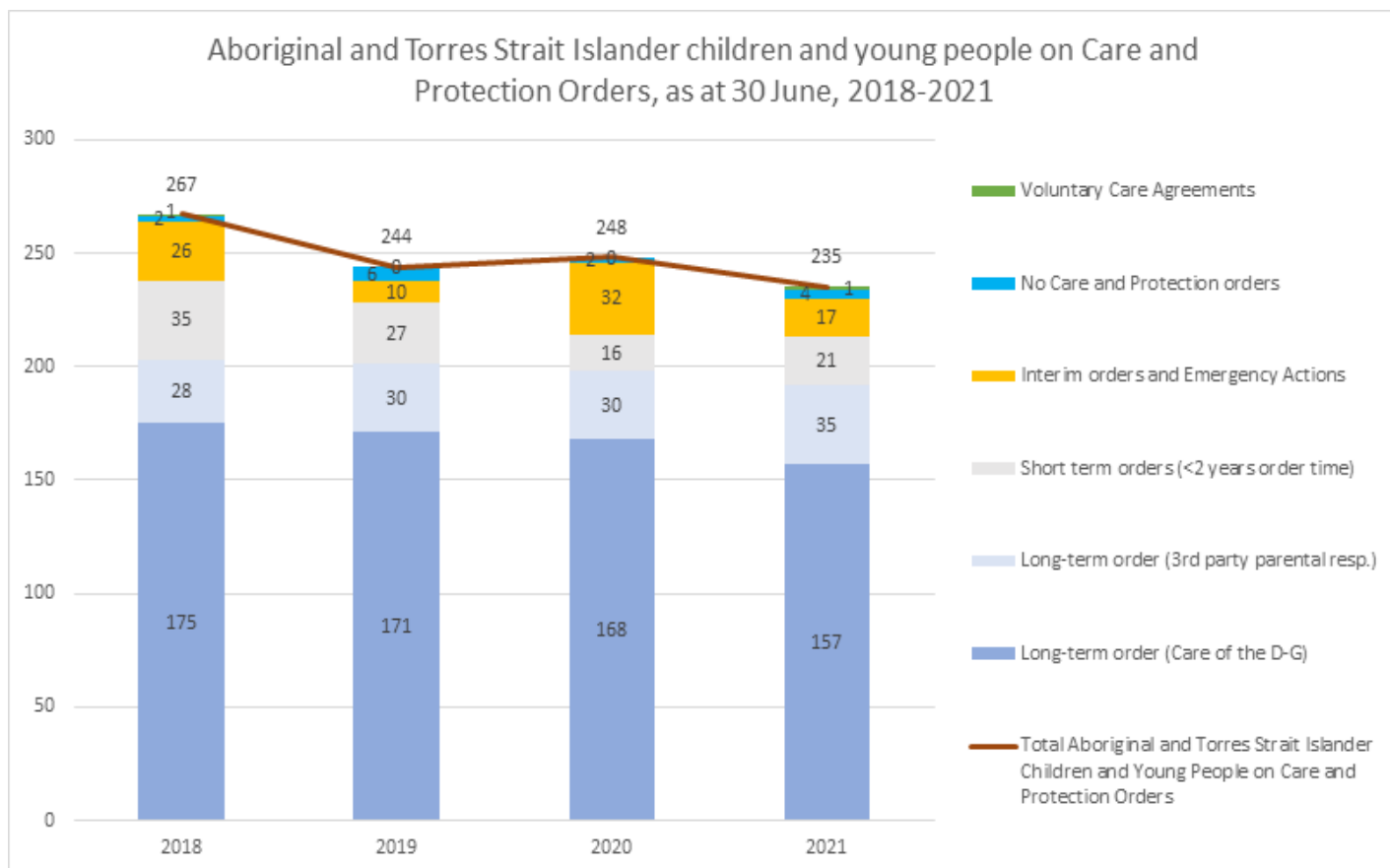
In moving forward, the Government will focus on the important priority of bringing about sustained change through partnership and collaboration.

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

As at 30 June 2021, there were 235 Aboriginal and Torres Strait Islander children and young people on Child Protection orders (see Figure 1), this represents a small decrease from 2020 to 2021. Of these:

- 157 children and young people on Long-term Orders (with care residing with the Director General)
- 35 children and young people on Long-term Orders (3rd Party Parental Responsibility)
- 21 children and young people on Short-term orders (<2 years order time)
- 17 children and young people on Interim Orders or Emergency Actions
- 4 children and young people had no care and protection orders in place
- There was 1 child/young person on a Voluntary Care Agreement

Figure 1 – Aboriginal and Torres Strait Islander children and young people on Child Protection orders at 30 June 2018 - 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 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 JANUARY – JUNE 2021

- CYPS prioritises the allocation of Aboriginal and Torres Strait Islander children and young people, who are assessed as requiring an appraisal, to CYPS staff who have completed all modules of the Cultural Development Program.
- In June 2021, CYPS undertook an internal review and consultation process with staff to identify opportunities to increase the proportion of staff completing the Cultural Development Program. An accelerated Practice Development Strategy has been developed. The Strategy identifies three target areas for improvement: Additional training for existing staff (Target Area 1), New Starters (Target Area 2) and Executive leadership (Target Area 3). In addition, staff who have completed the program have been identified to coach and support staff through the appraisal process.
- CYPS is continuing to deliver a range of programs that assist staff to reflect on their practice, improve their knowledge and understanding of Aboriginal culture, and improve the way they work with Aboriginal and Torres Strait Islander families.

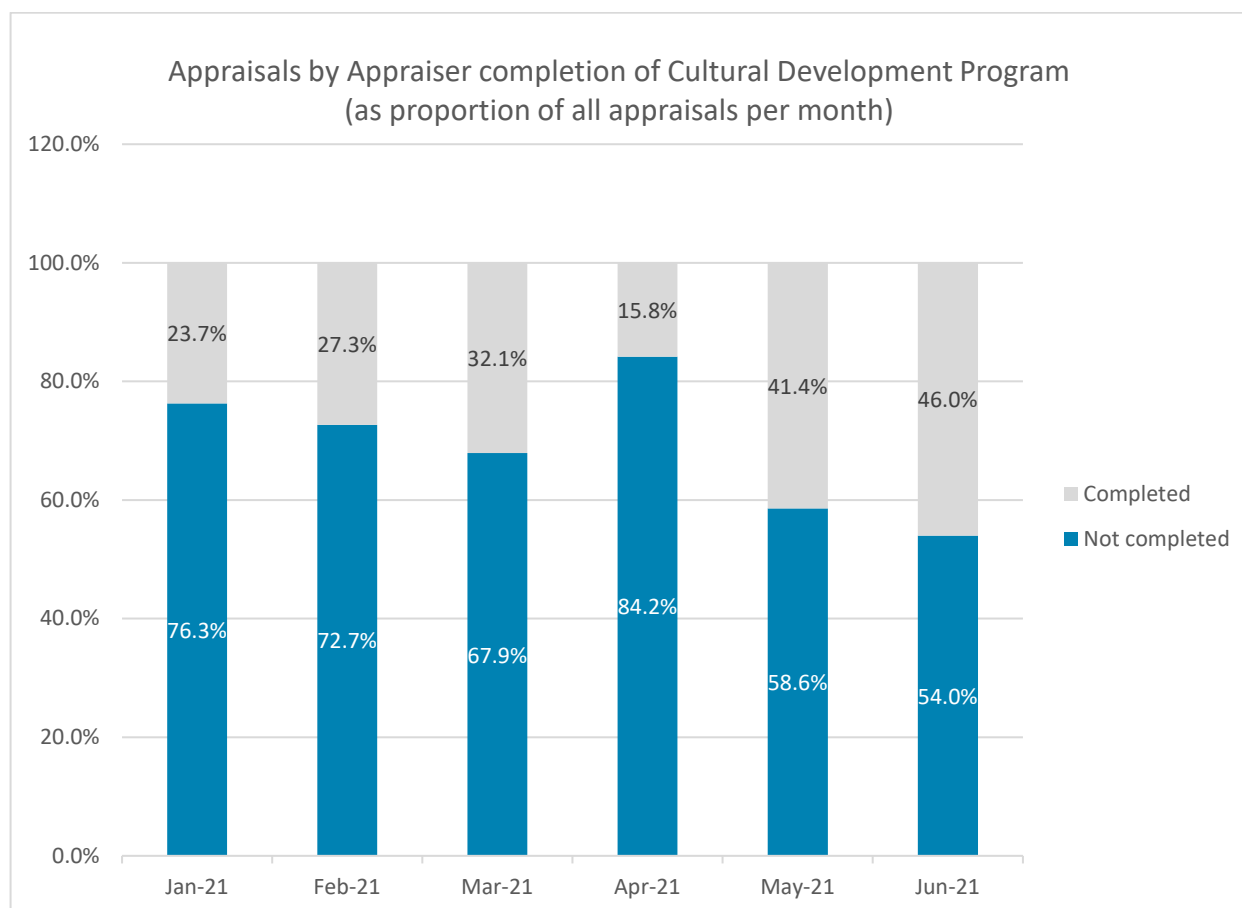
HOW ARE WE TRACKING?

- Between January to June 2021, 146 Aboriginal and Torres Strait Islander families (335 children) required an appraisal.
- In the last quarter, there was an increase in the proportion of staff who had completed the CYPS Cultural Development Program (and available to appraise a new family) and as a result, there was an increase in case allocation rates from 28% (Jan – Mar) to 44% (Apr – Jun). Where case allocation was not with a fully trained worker, staff were mentored and supported by a Case Manager and Team Leader who had completed the Cultural Development Program and other culturally responsive training programs. This approach assisted to facilitate culturally responsive support to Aboriginal and Torres Strait Islander families.
- Between January to June 2021 57 families (119 children) were allocated to a Case Manager who had completed the CYPS Cultural Development Program.

Table 1 – Allocations to Case Managers who had completed the Cultural Development Program (CDP)

Month	January	February	March	April	May	June	Total Assessments January – June 2021
CDP Trained	9	15	17	3	29	46	119
Not CDP Trained	29	40	36	16	41	54	216
Total Children per month	38	55	53	19	71	100	335

Figure 2 – Appraisals by Appraiser completion of Cultural Development Program (CDP) (as proportion of all appraisals per month)



IN THE NEXT 6 MONTHS

- CSD will present an options paper to the *Our Booris, Our Way* Implementation Oversight Committee on a strengthened approach to case allocations to achieve the overarching intent of ensuring culturally proficient practitioners are allocated Aboriginal and Torres Strait Islander cases.
- Between July and September 2021, CYPS will be conducting stand-alone Cultural Development Training for staff who only have 1 or 2 sessions outstanding (Target Area 1 – Additional Training)
- CYPS will be reviewing processes for new Starters (Target Area 2) to ensure that all new starters will have delayed commencement date and a modified orientation program.
- CYPS will be establishing a new reporting mechanism to enable managers to identify staff for priority training and undertake forward planning of training (Target Area 3).

RECOMMENDATION 2 (JUNE 2018)

Engagement of SNAICC for training on embedding Child Placement Principle

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

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

COMMUNITY DIRECTORATE RESPONSE

AGREED: 22 August 2018

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

ACTIVITIES JANUARY - JUNE 2021

- SNAICC Training on the Child Placement Principle is mandatory core training for all CYPS staff and CYPS leadership to complete in the first twelve months of employment.
- CYPS has established a regular reporting and monitoring process for completion of SNAICC training. All training completion dates, and the proportion of staff trained, are now updated and monitored centrally and shared with operational managers each quarter.
- A scan of existing CYPS panels (Restoration Oversight Panel; Cultural Panel; Aboriginal and Torres Strait Islander Deep Dive Response: Project Implementation Group) was undertaken to examine opportunities to embed consistent application and reporting of decisions using the Aboriginal and Torres Strait Islander Child Placement Principle.

HOW ARE WE TRACKING

As at 30 June 2021, 46% of eligible staff have undertaken the SNAICC Training on the Child Placement Principle. The next training is scheduled for 25 and 26 October 2021.

IN THE NEXT 6 MONTHS

- CYPS 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.
- CYPS will formalise SNAICC training as a requirement of the Child and Youth Protection Professional (CYPP) grade 1-2 competency framework.

RECOMMENDATION 3 (JUNE 2018)

Policy and Practice Review to explicitly embed the Child Placement Principle

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: 22 August 2018

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

ACTIVITIES JANUARY - JUNE 2021

- Policies and procedures are continuing to be reviewed each quarter to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle are embedded, applied and defined in policy and practice.
- Policies and practice guides are updated in collaboration with the Ngura Naraganabang Advisory Group. CYPS works with the Advisory Group to ensure all updates include easy English guides for parents and families.
- The Ngura Naraganabang Advisory Group met on 29 March 2021 to review their Terms of Reference. At this meeting, members agreed the updated Terms of Reference will emphasise the partnership between Aboriginal and Torres Strait Islander community members and CYPS, including acknowledging the value the Advisory Group provides to CYPS staff in guiding and providing advice on information resources developed for the public.
- Work has commenced on the Case Management module, with a view to strengthening staff guidance during the restoration phase. This will ensure that the Child Placement Principle and section 513 and section 10(b) of the *Children and Young People Act 2008*, are a focus for decision making, case planning and permanency planning.

- The following policies and practice guides were updated between January – June 2021
 - Contact Policy
 - Teams Information Sheet for Aboriginal and Torres Strait Islander Kinship Carers and parents
 - Therapeutic Assessments Information Sheet for Aboriginal and Torres Strait Islander Kinship Carers and Parents.
- CYPS have developed plain English and easy English information guides for parents, to assist them in navigating the child protection and youth justice systems.
- CYPS have finalised the draft Monitoring and Review Framework to align with the Aboriginal and Torres Strait Islander Child Placement Principle, for discussion and initial review with the Our Booris Our Way Implementation Oversight Committee in July 2021.

IN THE NEXT SIX MONTHS

- CYPS will continue to identify and review policies and procedures in accordance with the document review schedule. These updated documents are shared with the Our Booris Our Way Implementation Oversight Committee each quarter.
- Develop the Operational Policy Quality and Continuous Improvement Plan to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle is embedded, applied and implemented in policy and practice.

Aboriginal and Torres Strait Islander Deep Dive Response: Project Implementation Group

CYPS has completed 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 the Implementation Group includes feedback to CYPS staff and agreement on next steps in case practice, which aligned with the ATSICPP.

RECOMMENDATION 4 (JUNE 2018)

Universal access to Family Group Conferencing

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: 22 August 2018

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

ACTIVITIES JANUARY – JUNE 2021

- Despite active efforts in 2021, there was a significant reduction in number of referrals that converted to actual Family Group Conferences. In response, CYPS undertook a review in consultation with members from the Family Group Conferencing Advisory Group to understand barriers and challenges to referrals and take-up.
- In June 2021, CYPS developed the Family Group Conference Strategic Plan which identified several opportunities to maximise referrals and take up.
- An extraordinary Family Group Conferencing Advisory Group meeting was held 11 June 2021 to consider the Draft Strategic Plan.
- On 22 March 2021, Curijo delivered Family Group Conferencing training to 20 CYPS staff.
- The draft Family Group Conferencing evaluation plan was developed including identifying data for an independent review of the program.

HOW ARE WE TRACKING?

From the beginning of the Family Group Conferencing Program (November 2017) to 30 June 2021, there have been 49 families involved in a Family Group Conference, involving 106 children and young people.

Seventy-One Aboriginal and Torres Strait Islander children have not subsequently entered care following a Family Group Conference. For the remaining 35 children, decisions about the best care arrangements, other than with birth families, have been made by the extended family

It is important to note that Family Group Conferencing is a voluntary process and requires agreement from the family to engage. A Family Group Conference is not a process that can be immediately set up in response to a crisis. It requires good planning and communication with all family members. It requires the conference facilitator to establish a process that allows the contribution of all family members so the best family plan can be developed to achieve the safety of a child.

IN THE NEXT 6 MONTHS

- The Draft Strategic Plan will be provided to the *Our Booris Our Way* Implementation Committee for feedback.
- CYPS will then focus on implementing key actions identified in the Family Group Conferencing Strategic Plan, to ensure all Aboriginal and Torres Strait Islander families involved with CYPS are offered a Family Group Conference to enable them to participate in family-led decision making. This will include strengthening referral pathways; ensuring high participation rates at planned training; review of the Family Group Conferencing model and referral forms; automated weekly reporting; and development of data dashboard.
- Curijo is planning to deliver Family Group Conferencing training sessions in July 2021 with two further sessions planned to occur before the end of 2021.

RECOMMENDATION 5 (DECEMBER 2018)

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

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

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

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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

ACTIVITIES JANUARY – JUNE 2021

- CSD presented a draft discussion paper and draft community engagement plan to the Implementation Oversight Committee at their March meeting. The Discussion paper poses a range of potential questions for the Aboriginal and Torres Strait Islander community to guide the legislative work required to ensure the full intent of the Aboriginal and Torres Strait Islander Placement Principle is reflected in the *Children and Young People Act 2008*. The Oversight Committee agreed to the draft engagement plan and provided advice on culturally appropriate consultation with the Aboriginal and Torres Strait Islander community.
- The first phase of the engagement plan will gather the views and insights of community members on how to best embed the Child Placement Principle in legislation and practice. This will require engaging a consultant to conduct culturally appropriate forums and other engagement approaches for Aboriginal and Torres Strait Islander people in the ACT (including Wreck Bay) and for Aboriginal and Torres Strait Islander CYPs staff, and members of the community using the

discussion paper as a guide. The Committee also advised that an additional forum should be made available in the Alexander Maconochie Centre.

IN THE NEXT 6 MONTHS

- Circulate a discussion paper to the Aboriginal and Torres Strait Islander community and consulting directly with ACT community members, including from Wreck Bay; and conduct focus group(s) with Aboriginal and Torres Strait Islander child protection staff.
- Engage an Aboriginal and/or Torres Strait Islander Consultant to conduct a range of culturally appropriate consultation forums with ACT community members, including from Wreck Bay; and focus group(s) with Aboriginal and Torres Strait Islander protection staff. The Consultant will also be tasked with providing legislative, policy and practice advice, based on these Consultations to ensure that the Directorate can deliver on the intent of the recommendation

RECOMMENDATION 6 (DECEMBER 2018)

Feasibility study Aboriginal Child Care Association

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

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: May 2019

AGREED: 2020

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

ACTIVITIES JANUARY – JUNE 2021

- CSD presented a revised Feasibility Study to the *Our Booris, Our Way* Implementation Oversight Committee in March 2021. The Feasibility Study identified a number of potential options to progress the establishment of an Aboriginal and Torres Strait Islander Community Controlled Organisation to deliver services to Aboriginal and Torres Strait Islander children, young people and families. This included the establishment of a management board in the interim or the establishment of an overarching entity to provide advocacy, policy development, practice

guidance, strategic partnership, sector leadership and training in the medium term, or an auspicing arrangement with an existing ACCO.

- The Directorate is progressing further work on an option for a Lead Organisation to work with existing ACCOs or new providers in the ACT under an auspicing arrangement to build capacity in the ACT.

IN THE NEXT 6 MONTHS

- CSD will develop an action plan to establish an ACCO as part of A Step Up for Our Kids in consultation with potential community management committee members to be identified through consultation and self-nomination process.
- CSD will finalise recruitment activity for an Aboriginal and Torres Strait Islander Executive to deliver on the outcomes from the Feasibility study and work with the ACT Aboriginal and Torres Strait Islander community to set up the arrangements for an emerging community-controlled sector focused on children and family development and protection.

RECOMMENDATION 7 (DECEMBER 2018)

Aboriginal and Torres Strait Islander Children's Commissioner

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

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

JUSTICE AND COMMUNITY SAFETY RESPONSE

NOTED: May 2019

AGREED IN PRINCIPLE: July 2020

REVIEW OF THE HUMAN RIGHTS COMMISSION FUNCTIONS

The Justice and Community Safety Directorate (JACS) is undertaking a review of the Human Rights Commission's functions. The *Protection of Rights (Services) Legislation Amendment Act 2016* brought about a range of reforms to the structure and operation of protection of rights services in the ACT, bringing the Public Advocate and the Victims of Crime Commissioner into the ACT Human Rights Commission (HRC), and transferring the guardianship functions of the Public Advocate to the Public Trustee and Guardian (PTG). The complaints handling function of the HRC was consolidated under one Commissioner (the Discrimination, Health Services, Disability and Community Services Commissioner) and the Public Advocate and Children & Young People Commissioner role was combined. The leadership of the HRC was also reformed with the establishment of a position of President and the development of new governance mechanisms, including a Governance Protocol with the Justice and Community Safety Directorate, a Community Client Service Charter and an Internal Operations Protocol.

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

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

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

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

ACTIVITIES JANUARY – JUNE 2021

- The Protection of Rights Services review, which considered the *Our Booris, Our Way* recommendation to establish an Aboriginal and Torres Strait Islander Children's Commissioner in the ACT, provided their final report to JACS on 25 February 2021.
- The final review report included a number of recommendations supporting the establishment of an Aboriginal and Torres Strait Islander Children's Commissioner in the ACT. In particular, it was recommended that the new Commissioner role should be established through a co-design process with community.
- The final review report and a Government response to the report was tabled in the Legislative Assembly on 22 June 2021.
- The Government agreed or agreed in principle to all of these recommendations, noting its commitment to establishing an Aboriginal and Torres Strait Islander Children's Commissioner. Where the Government agreed in-principle to the recommendations relating to the establishment of an Aboriginal and Torres Strait Islander Children's Commissioner, this was to ensure Government does not pre-empt the conclusions of the co-design process.
- During this six-month period JACS commenced, as an urgent priority, a co-design process to establish the new Commissioner role. The co-design process will develop and refine the proposed Commissioner's scope, functions, governance arrangements and recruitment process.
- Following a competitive procurement process the ACT Government engaged Jumbunna Institute for Indigenous Education and Research (Jumbunna) at University Technology Sydney, to facilitate the co-design process. Professor Larissa Behrendt is leading the project team.

IN THE NEXT 6 MONTHS

- Jumbunna and JACS will adjust the co-design process to adapt to the public health restrictions in the ACT and NSW. The co-design process will now need to focus on an online, rather than face to face engagement, while remaining accessible and culturally appropriate.
- Noting the urgent nature of this work, while the model for the ongoing Commissioner is established through the co-design process, an interim role to provide support for Aboriginal and Torres Strait Islander children and their families will be established.
- An interim Aboriginal and Torres Strait Islander Children's Advocate will be established as an Executive level role within JACS with a senior supporting staff member.
- This role is expected to provide significant benefits in highlighting and improving cultural safety and practice across child protection, youth justice and other areas and providing support for

Aboriginal children and families experiencing difficulties with these systems, while the co-design process to establish the ongoing Commissioner role is occurring.

- JACS will work closely with the *Our Booris, Our Way* Implementation Oversight Committee in the establishment and recruitment of this interim role.

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 Aboriginal and Torres Strait Islander Child Placement Principle and the recommendations from the *Our Booris, Our Way* review, CYPS has strengthened its policy and practice commitment to seeking input and participation of Aboriginal people and community 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 where required, in writing. CYPS have 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 the Service is to enable it to better respond to the needs of Aboriginal and Torres Strait Islander families.

ACTIVITIES JANUARY – JUNE 2021

- CYPS has developed an *Advocacy and Support for Aboriginal and Torres Strait Islander Families Practice Guide*. This guide has been designed to specifically support families involved with the child protection system. It provides clear advice to parents and families that they have the right to engage an advocate and seek a submission to all ‘best interests’ decisions.
- Reviewed our case management module to emphasise participation, advocacy, and support of Aboriginal and Torres Strait Islander families. The guide was developed to highlight 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, young person and/or their family.

IN THE NEXT 6 MONTHS

- We will develop a communication plan to distribute *Advocacy and Support for Aboriginal and Torres Strait Islander Families Practice Guide* and discuss with key stakeholders.

RECOMMENDATION 8 (b) (MAY 2019)

Access to legal representation and advocacy

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

JUSTICE AND COMMUNITY SAFETY DIRECTORATE RESPONSE

AGREED: May 2019

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

ACTIVITIES JULY - DECEMBER 2020

- JACS advised the ACT Legal Assistance Forum in December 2020 that it would shortly undertake a scoping exercise with the sector to better understand what services are available and where there may be room for improvement to provide better supports for Aboriginal and Torres Strait Islander families engaging with the care and protection system.
- There was significant interest amongst the legal assistance sector in engaging in this process.

- This scoping exercise will ensure that we have a fuller picture of the service delivery and accessibility landscape and are best placed to make recommendations about ways to address gaps in the system. This background will be an important consideration in budget bids for the upcoming ACT Budget process.
- JACS has also commenced work on developing the ACT's Legal Assistance Strategy and Action Plan under the National Legal Assistance Partnership 2020-2025 (NLAP). This scoping exercise will feed into the development of these documents, which will outline estimated levels of legal need (and strategies to address these needs) in the ACT. The NLAP documents will be made publicly available in mid – late 2022 (Strategy – by July, Plan – by September).
- JACS will continue to update the *Our Booris Our Way* Implementation Group on progress made in relation to this recommendation.
- JACS has also considered the culturally appropriate legal representation and advocacy for child protection matters to identify any gap in legal services, and has confirmed existing legal services through:
 - Legal Aid's duty lawyer at the ACT Children's Court, in addition to Legal Aid's provision of independent child representatives in care and protection matters, which provides 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.
 - Women's Legal Centre also provides services for women that are unable to access Legal Aid support (for example due to income or prospects of success on child protection matters), the Centre provides legal advice and representation for issues relating care and protection. This is done through the culturally supported Mulleun Mura service. Women's Legal Centre are unaware of having turned away those seeking support on care and protection matters.
- A potential gap exists for men that are unable to obtain legal support for child care matters, if they are unable to obtain Legal Aid. JACS proposes to test any potential gap experienced in the system for men as a practical matter – noting that there are no Aboriginal and Torres Strait Islander barristers or private sector lawyers that have been identified that may be able to provide legal support of this type to this cohort, noting Aboriginal and Torres Strait Islander men may be referred to non Aboriginal and Torres Strait Islander legal supports.

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 providing assistance to Aboriginal and Torres Strait Islanders clients and their families.

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

IN THE NEXT 6 MONTHS WE WILL ...

- Liaise with Child Protection regarding how Aboriginal and Torres Strait Islander families needing legal support can be better supported, referred to and transition to legal services and provide an update to the *Our Booris Our Way* Implementation Oversight Committee.

RECOMMENDATION 9 (DECEMBER 2018)

Early support programs available

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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

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

RECOMMENDATION 9(A) (DECEMBER 2019)

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: June 2020

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

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

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

ACTIVITIES JANUARY - JUNE 2020

- The Cross Directorate Committee was formally established with representatives from the Community Services Directorate, ACT Health, Justice and Community Safety, the Coordinator General for Family Safety, Education and CMTEDD.
- CSD has commenced foundation work:
 - 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.

IN THE NEXT 6 MONTHS WE WILL ...

- Convene the first meeting of the Cross Directorate Committee scheduled for 28 July. The Cross Directorate Committee will consider work towards development of a joint business case for the 2022-23 Budget.

- Finalise the service mapping of existing services and funding, and gap analysis to fund specific programs that are timely and meet the cultural needs of the community in the ACT. These programs will address drug and alcohol rehabilitation, family violence, mental health, trauma counselling and cultural healing.
- Continue to work toward development of new joint approaches to enhance early support capacity in the identified areas.

RECOMMENDATION 10(a) (MAY 2019)

Access to supports for Kinship carers

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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

ACTIVITIES JANUARY – JUNE 2021

Information on Supports for Kinship Carers

- CYPS has developed a draft kinship carer online resource.
- A Working Group has also been established to map key points for therapeutic programs for kinship carers. The Working Group is facilitated by the Manager of Melaleuca Place and Therapeutic Services. The working group is in the initial stages of mapping key points of therapeutic programs for kinship carers and what resources and programs are currently available against identified gaps and needs of kinship carers.
- 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. Participation in the face to face Connect Program has been challenging due to COVID-19 social distancing requirements. CYPS is continuing to progress an online version of the Connect program (e Connect) which will be trailed in 2021 and 2022.

Review mechanism for decisions

- CYPS commenced work to 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 review mechanism has been developed for both kinship and foster carers.
- Consultation sessions took place with key external and internal stakeholders on the internal review of child protection decisions policy. This included consultation with the Human Rights Commissioners, Red Cross Birth Advocacy Service, CREATE Foundation, Carers ACT, Legal Aid, Women’s Legal Service, ACTCOSS, ACT Together, Karinya House and ADACAS. Workshops were also held with staff internal to CSD
- This project is now in the final stages of completion and it is anticipated that the internal decision review process will be piloted for 12 months through a ‘try, test, learn’ implementation phase throughout 2021 and 2022.

IN THE NEXT 6 MONTHS

- The online resource for Kinship Carers will be further reviewed prior to going live. The online resource will be aligned to, and referenced in, the Carer Handbook, it will include links with information specifically for Aboriginal and Torres Strait Islander carers.
- CYPS will finalise and seek to publish all kinship carer resources on a website accessible by kinship carers. A communications plan will also be developed to ensure that kinship carers are aware of the new resources and how the information will support them as carers.
- CYPS will promote Foster and Kinship Care Week (12- 18 September 2021). Foster and Kinship Care Week raises awareness about foster care in the wider community. The events held during the week aim to celebrate and appreciate our amazing foster and kinship carers and the invaluable contribution they make to the lives of Canberra’s most vulnerable children.

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

Kinship Care Assessment Process

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREE IN PRINCIPLE: May 2019

CYPS is committed to placement of all children with kinship carers in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle, where possible. CSD recognises the benefits for children being placed with family including:

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

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

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

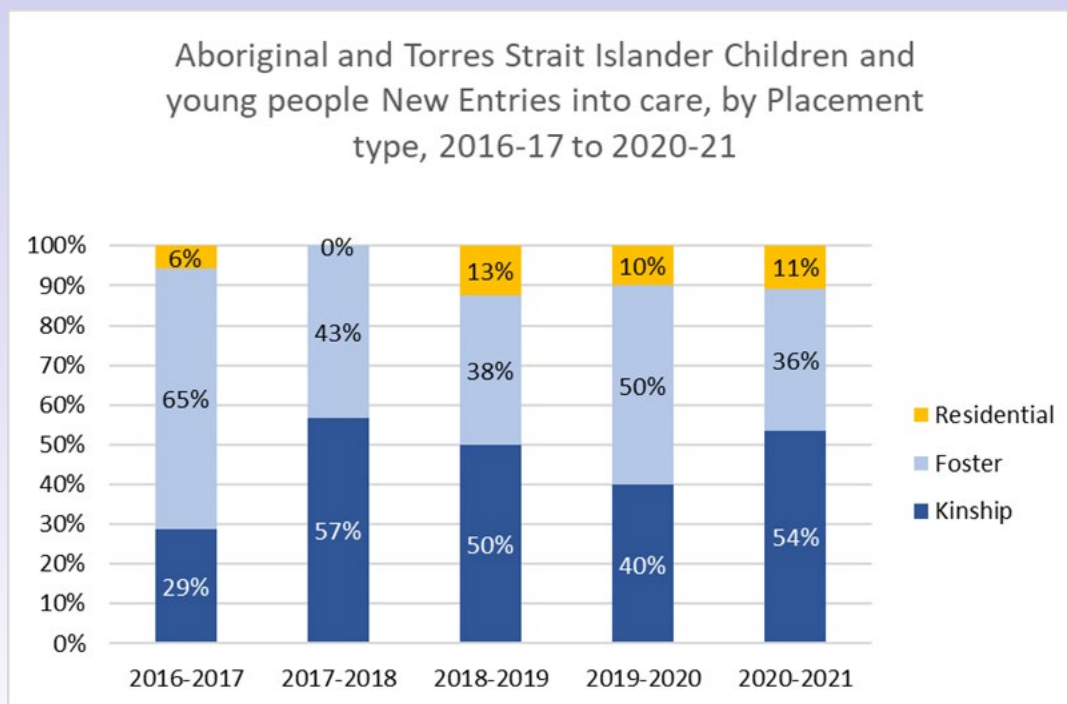
ACTIVITIES JANUARY – JUNE 2021

- A dedicated staff member within the Cultural Services Team has the expertise and experience to assist and support CYPS staff and families to identify kin who may be able to care for children entering care. The finding kin process includes:
 - Working with family around their cultural history
 - Identifying family members who may be able to provide kinship care
 - Working alongside ACT Together and CYPS to support contact between children and their family
 - Supporting Family Group Conferencing referrals and family led meetings; and
 - Link all elements to the individual Cultural Plan.
- Finding Kin is a standalone component included as part of the Cultural Development Program training. An online training module pertaining to Finding Kin is also available to assist CYPS staff where necessary.

HOW ARE WE TRACKING?

As seen in figure 3 below, a greater proportion of Aboriginal and Torres Strait Islander children and young people entering out of home for the first time are placed with Kin* than in previous years.

Figure 3 – New Entries by Placement type



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

IN THE NEXT 6 MONTHS

- Explore opportunities for culturally specific kinship assessors to be available so that Aboriginal and Torres Strait families have choice when families are assessed for short and long term placement options for children.
- Continue to enhance CYRIS capability to easily identify family and genealogical mapping that will support the early identification of kin.
- Undertake an end to end review of the kinship assessment process to ensure timely assessments are completed.

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

Improve quality and monitoring of Cultural Plans

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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

ACTIVITIES JANUARY - JUNE 2021

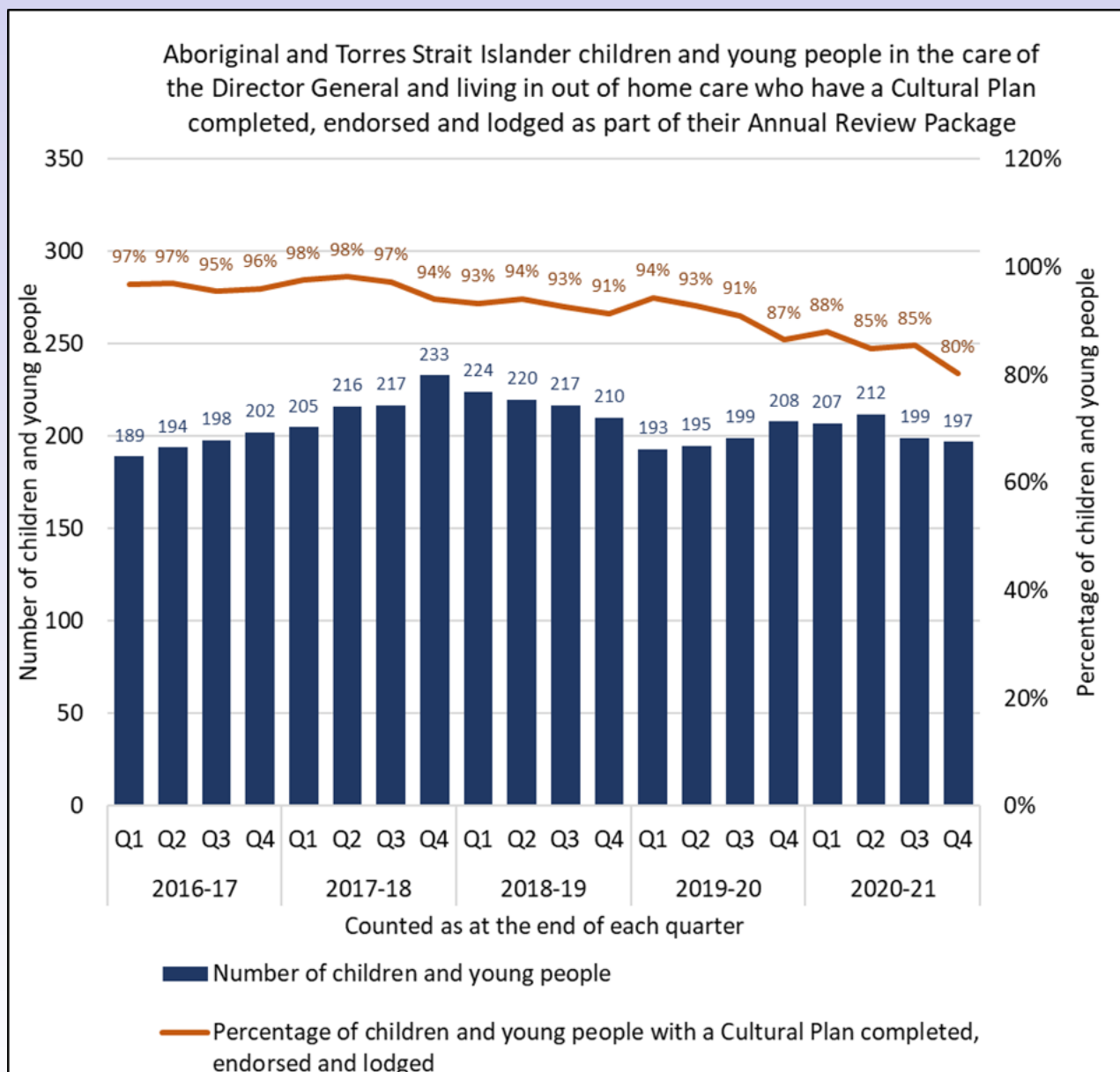
- There was a reduction in the number of cultural plans completed and this was in part due to CYRIS recording issues as well as vacancies in the Cultural Services Team.
- On 10 May 2021, a Senior Director, Cultural Services Team (CST) was appointed to provide strong leadership and set the strategic vision and work plan for the CST. This is a designated Aboriginal and Torres Strait Islander position.
- A refreshed Terms of Reference for the Aboriginal and Torres Strait Islander Cultural Panel was drafted in June 2021 and aligns with the Aboriginal and Torres Strait Islander Child Placement Principle.

HOW ARE WE TRACKING?

As at 30 June 2021, there were 197 Aboriginal and Torres Strait Islander children and young people who were in the care of the Director General and in Out of home care.

158 (or 80 per cent) of these children and young people had a cultural care plan in place (Figure 4). This will be a key focus area for improvement in the upcoming quarters.

Figure 4: Aboriginal and Torres Strait Islander children and young people who have a Cultural Plan completed, endorsed and lodged as part of their Annual Review Package



IN THE NEXT 6 MONTHS

- The Cultural Panel will test the revised Terms of Reference and operating model ensuring that:
 - Every effort has been made to confirm the correct identification of country, or countries, for all Aboriginal and Torres Strait Islander children;
 - CYPs case managers have engaged in honest, respectful and culturally appropriate interactions and discussions with children, young people, parents, and families to encourage their active participation and ownership of the child’s Cultural plan;
 - The Cultural Plan is a strengths based, action focussed tool for decision-making in respect of Aboriginal and Torres Strait Islander children and young people;
 - Copies of the Cultural Plan have been provided to children, young people, parents/carers and families, so that the plan is known and understood by everyone who has a role within it.
- The Cultural Panel will be reviewed over the next 6 months to inform any future changes.
- Work collaboratively with the CYRIS team to automate both the identification of new Cultural Plans as well as existing Cultural Plans that require review.
- Undertake an analysis of the Cultural Panel data by collating both qualitative and quantitative data indicators.

RECOMMENDATION 12 (MAY 2019)

Pathways to restoration

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED IN PRINCIPLE: May 2019

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

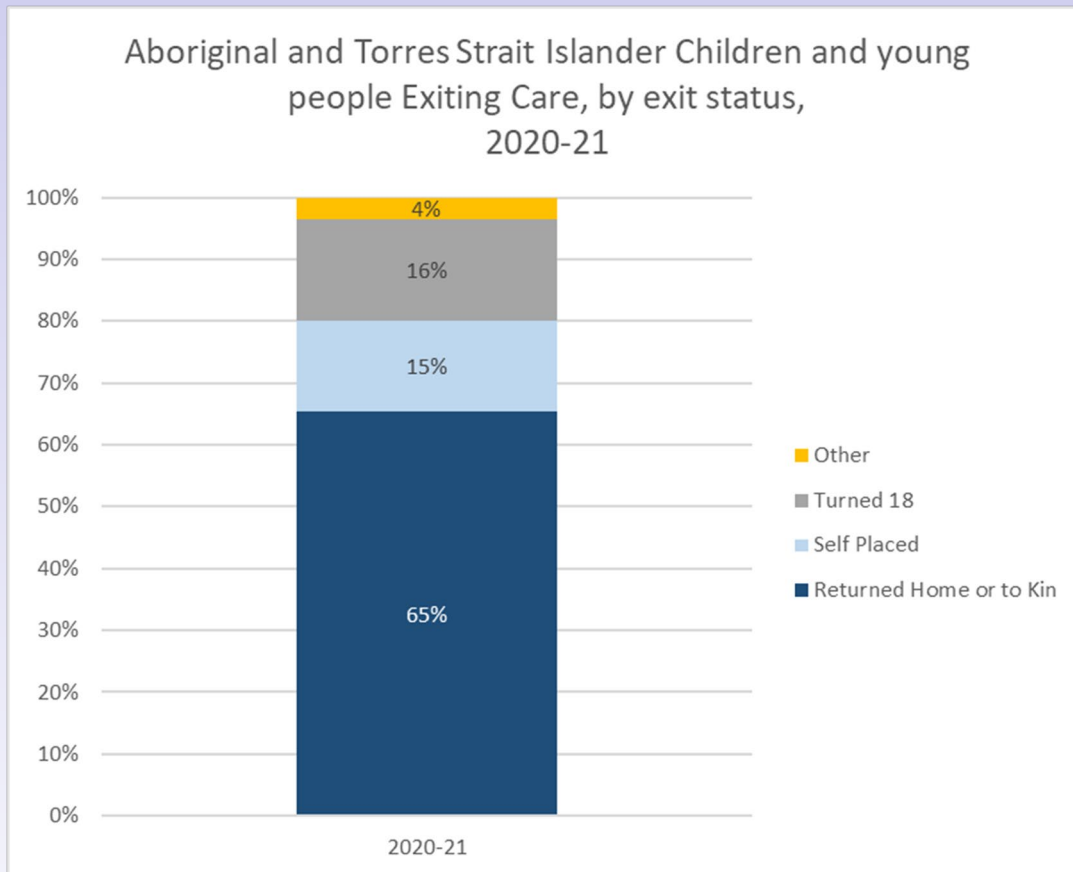
ACTIVITIES JANUARY – JUNE 2021

- The finalised *Our Booris Our Way Action Plan* was presented to the A Step up For Our Kids Joint Governance Group and endorsed in February 2021.
- The CYPS Restoration Oversight Panel recommenced on 19 May 2021 and is chaired by the Executive Group Manager (Deputy) and the Senior Director, Cultural Services. Members include CYPS Operations, Therapeutic Support Team, ACT Together, OzChild and Uniting.
- The Restoration Oversight Panel has been established to prompt and trigger active efforts across CYPS to embed a strengths-based, motivational approach considering restoration to family and parents. The core elements of the ATSI CPP underpin the goals of the Restoration Oversight Panel.
- To monitor change, all participants to the panel receive comprehensive outcomes reports, with recommended next steps and given time to resubmit to the panel.
- A new Functional Family Therapy program commenced with OzChild under the ACT Together consortia that has a key 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.

HOW ARE WE TRACKING?

Of those children and young people who exited in 2020-21 65% returned home or to Kin (this includes both Aboriginal and non-Aboriginal kin)

Figure 6: Aboriginal and Torres Strait Islander Children and Young People Exiting Care by exit status



IN THE NEXT 6 MONTHS

- Convene fortnightly meetings of the Restoration Oversight Panel to monitor four priority groups where Aboriginal and Torres Strait Islander children are:
 - On short term orders
 - Self placed with parents
 - In residential care
 - Not placed with kin and in a non-Aboriginal placement
- 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 outcome reports from the Restoration Oversight Committee. The framework will be presented to *Our Booris Our Way* Implementation Committee by September 2021.

RECOMMENDATION 13 (MAY 2019)

Aboriginal and Torres Strait Islander father inclusive practice

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: May 2019

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

ACTIVITIES JANUARY – JUNE 2021

- CYPS has 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.

IN THE NEXT 6 MONTHS

- *Engaging father in a culturally respectful way* ‘Lunch and Learn’ training is scheduled for 3 August 2021. This session is to further assist CYPS staff in understanding how to engage with fathers to obtain their views and wishes. This training is being conducted by an Aboriginal and Torres Strait Islander staff member.
- The Cultural Services team will pursue options with the Alexander Maconochie Centre to have greater engagement with fathers.

RECOMMENDATION 14 (MAY 2019)

Aboriginal and Torres Strait Islander Health Assessments

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

NOTED: May 2019

AGREED: July 2020

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

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

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

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

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

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

ACTIVITIES JANUARY – JUNE 2021

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 Kindergarten Health Check (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.

- In May 2021 the KHC team and ANU researcher presented aggregated summary results from 2019 and ACE 2020 results for Aboriginal and Torres Strait Islander Children to the Elected Body to illustrate the type of data the KHC produces on a population level. This was well received, and the Elected Body has requested an annual presentation on these results.

Child and Youth Protection Services

- The CYPS Health Liaison Officer is responsible for working with CYPS Operational staff and Canberra Health Services staff, namely the Child at Risk Health Unit, in regular auditing of children entering care (via a weekly list provided by the CYPS Legal Services). This approach supports referrals submitted by CYPS to the Child at Risk Health Unit for medical assessments. This is an ongoing function between the Health Liaison Officers from CYPS and Canberra Health Services.
- The Therapeutic Services team have established a process to identify all new entries into care and allocate a Therapeutic Assessment to be undertaken. This process has also been established to support the review of Therapeutic Assessments.

IN THE NEXT 6 MONTHS

- CYPS will maintain our focus on the health and wellbeing of children and young people through ongoing monitoring and review of all Aboriginal children and young people in care.
- 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 Gugan Gulwan;*
- *One representative of the Aboriginal and Torres Strait Islander Elected Body; and*
- *Two members of the Our Booris, Our Way Steering Committee and ensure continuity with the intent of the Steering Committee, to be nominated by the Steering Committee*

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: December 2019

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

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

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

ACTIVITIES JANUARY – JUNE 2021

- The *Our Booris, Our Way* Implementation Oversight Committee continues to meet monthly to monitor the implementation of the *Our Booris Our Way* recommendations.
- The ACT Government provided the *Our Booris, Our Way* Implementation Oversight Committee with two quarterly implementation plans on progress against each of the recommendations during this 6 month reporting period.
- Representatives from the ACT Government have attended meetings to provide more information on each of the recommendations and seek guidance and direction from the Implementation Oversight Committee members.

- Continued to 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.
- Updated the reporting template for reporting purposes to achieve a greater focus on quantitative evidence to support delivery of outcomes as well as establish clearer deliverables and timeframes to achieve desired intent. The utility and benefit of template will be tested by the Implementation Oversight Committee as part of the next quarterly report.

IN THE NEXT 6 MONTHS

- A joint review of the new reporting template will be undertaken and any changes or refinements will be made as part of continuous improvement practice to support an understanding of tracking, delivery and results of the *Our Booris Our Way* recommendations.
- The Government will establish ongoing arrangements for the *Our Booris Our Way* Implementation Oversight Committee.
- Finalise the appointment of a Secretariat staff 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.

RECOMMENDATION 16 (DECEMBER 2019)

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

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

ACTIVITIES JANUARY – JUNE 2021

- CYPS has been working with the Ngura Naraganabang Advisory Group and the Aboriginal and Torres Strait Islander Co-design Network to embed family-led decision making into practice in relation to case planning and restoration.

Case Study

In 2021 an FGC referral was received for a child in care who had become disconnected from his birth family. His father had recently been released from jail after a number of years, so the FGC facilitator engaged with the father and found he had been alienated from his immediate and extended family for a number of years.

Despite this, the father reluctantly nominated family members. The facilitator did not give up and continued to contact known family members and worked through issues that prevented them from participating. It was explained over two Family Group Conferences with different family members how the process would facilitate family led decision making and allow them to make their own plan about how they would establish and continue contact and build a relationship with the young child.

Through strong leadership and the skill of the FGC facilitator, the third Family Group Conference was held with all 11 family members spanning 4 generations. For some family members, it was the first time they had seen or spoken with each other for several years.

The family worked together to complete a robust contact plan to ensure that they would have an ongoing meaningful and regular relationship with the child. One of the family members also expressed that they would like to be assessed as a kinship carer so that the child could be placed back with family, and CYPS agreed to begin the kinship assessment process.

IN THE NEXT 6 MONTHS

- We will continue to monitor and focus on increasing referrals to the Family Group Conferencing Program throughout 2021.
- We will continue to work with Ngura Naraganabang Advisory Group and the Aboriginal and Torres Strait Islander Co-design Network to explore more options for family-led decision making across CYPS

RECOMMENDATION 17 (DECEMBER 2019)

Aboriginal and Torres Strait Islander Workforce and Leadership

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

COMMUNITY SERVICES DIRECTORATE

AGREED: June 2020

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

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

ACTIVITIES JANUARY – JUNE 2021

- CSD is developing an Aboriginal and Torres Strait Islander Employment Strategy which will bring together the intent and actions to attract, retain and develop Aboriginal and Torres Strait Islander staff, and to build cultural capacity across the organisation. The development of the Strategy is underway and an early draft will be presented to the Our Booris, Our Way Implementation Oversight Committee in the second half of 2021.
- The development of an Indigenous Competency Framework for Aboriginal and Torres Strait Islander staff is also well underway. The Framework looks to create an alternate pathway for staff who wish to progress along the CYPP career route. Alternate approaches to recruit and retain staff are being adopted to attract Aboriginal and Torres Strait Islander people to work in the Child Protection space.
- The CYPP structure allows the Community Services Directorate 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 an Aboriginal and Torres Strait Islander staff to the Senior Director, Cultural Services Team

- The CSD Aboriginal and Torres Strait Islander Collective continues to meet to discuss ways in which 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.
- Between January and June 3 Aboriginal and Torres Strait Islander identified positions were advertised in CYPs. All CYPs positions are 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 30 June 2021 the Community Services Directorate had a workforce of 1032, 46 staff (4.5 %) identified as being Aboriginal or Torres Strait Islander. Within the Children, Youth and Families Division, there were 27 staff (5.5%) who identified as being Aboriginal and Torres Strait Islander.

IN THE NEXT 6 MONTHS

- CSD will present a draft Aboriginal and Torres Strait Islander Employment Strategy for the consideration of the *Our Booris Our Way* Implementation Oversight Committee.
- CSD will ensure an Aboriginal and Torres Strait Islander representative is on the panel for all Aboriginal and Torres Strait Islander advertised positions.
- CSD will form a working group to progress the next CSD Reconciliation Action Plan
- Curijo will develop, design and produce recruitment material to assist CYPs to attract Aboriginal and Torres Strait Islander people. Once developed, this material will accompany job advertisements, to reach the target Aboriginal and Torres Strait Islander audience.
- The Aboriginal and Torres Strait Islander Collective will continue to meet bi-monthly and the key themes to be discussed will include:
 - Progressing the Aboriginal and Torres Strait Islander Employment Strategy;
 - Provide guidance and input to a new Reconciliation Action Plan;
 - Recruitment best practice;
 - Promotion of significant cultural events for 2022;
 - Implementing a Mentorship Program; and
 - Review the Recruitment eLearn for cultural competence

- CYPs will finalise the recruitment of a:
 - Aboriginal and Torres Strait Islander Cultural Services Officer
 - Aboriginal and Torres Strait Islander Practice Development Officer

RECOMMENDATION 18 (DECEMBER 2019)

Support development of the Cultural Services Team

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

-Defining specific policies and processes that guide their practice, engagement, responsibility and influence with families and case workers, particularly around decisions and pathways for children;

-Assess work level standards and equivalency with case workers (post new EBA levels and standards);

-Recognising and valuing specific, in demand skills;

-Defining policy and processes for escalation of concerns and for them to be considered in a timely and appropriate manner;

-Reviewing employment contracts with a view to ensuring permanency to build a stable team;

-Developing mechanisms that enable Aboriginal and Torres Strait Islander team members to be supported in their personal development plans with clear pathways to further professional development, and

-Establishing pathways for development and promotion to senior levels within the organisation

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

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

ACTIVITIES JANUARY – JUNE 2021

- A Senior Director for the Cultural Services Team was appointed on 10 May 2021. The Senior Director is working with the Cultural Services Team to ensure appropriate processes and procedures are in place to inform the work priorities.
- Recruitment is currently underway for an identified Principal Practitioner and a Senior Practitioner to provide practice and project support to the team.

IN THE NEXT 6 MONTHS

- The Cultural Services Team will continue to realign processes and procedures to support the work of the team, and to provide the Aboriginal and Torres Strait Islander community and stakeholders with a clear understanding of functions. This is the first step in responding to this recommendation with other work occurring to progressively address all aspects of this recommendation.
- Finalise recruitment for a Principal Practitioner and a Senior Practitioner.

RECOMMENDATION 19 (DECEMBER 2019)

Appropriate identification, and de-identification, of children

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

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

ACTIVITIES JANUARY – JUNE 2021

- CYPS maintains the position that the identification of Aboriginal and Torres Strait Islander children is determined by the child's family as they are the expert in their Aboriginality. This position is reiterated within the Cultural Development Training and the Cultural Panel.
- An operational policy has been drafted pertaining to the identification of Aboriginal and Torres Strait Islander children with feedback from both the Ngura Naraganabang Advisory Group and Aboriginal and Torres Strait Islander Community Controlled Organisations. Once finalised, this policy position will be implemented throughout CYPS with messaging that Aboriginal and Torres Strait Islander children and families will determine their identity and CYPS has no authority to de-identify.

IN THE NEXT 6 MONTHS

- CYPS will incorporate feedback from the consultation process and finalise the identification of Aboriginal and Torres Strait Islander operational policy and this will inform next steps for implementation.

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 ATSI CPP and as a discreet reporting group whenever providing data on kinship care.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: June 2020

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

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

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

ACTIVITIES JANUARY – JUNE 2021

- CYPS have established an internal working group to explore the application of definitions in other jurisdictions and confirm the definition of Kinship Care for ACT.
- A manual data collection was undertaken to determine kinship segmentation groups. This data was presented to the Committee in May 2021.

IN THE NEXT 6 MONTHS

- Work with community to define Kinship Care and agreed process for identification of Kin.
- Continue to 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 will explore CYRIS capability to define different kinship types including:
 - Aboriginal Biological Kin
 - Non-Aboriginal Biological Kin
 - Aboriginal Community Kin
 - Non-Aboriginal Community Kin

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 ATSI CPP in their placement of children, recruitment of carers, assessment of kinship carers and case work.

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

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

ACTIVITIES JANUARY – JUNE 2021

- Internal coordination continues to be facilitated by the Project Alignment Hub with commissioning teams in both CSD and ACT Health Directorate (ACTHD) beginning to work closely together on a joint approach to commissioning.
 - The Hub was established in 2020 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, Chief Ministers, Treasury and Economic Development Directorate (CMTEDD) and JACS.
- Broad consultation with the NGO sector took place across this period to inform the release in March 2021 of a Listening Report and in April 2021 of a draft Approach to Commissioning. These processes have informed the strategic approach which the ACT Government intends to take with commissioning.
- Response was received from the Aboriginal and Torres Strait Islander Elected Body and this was used to inform the final Approach to Commissioning
- The commissioning of *A Step Up for our Kids* is now underway. This process will take account of the ACTCIPP which seeks to expand the scale and scope of Aboriginal and Torres Strait Islander enterprises, as well as good commissioning practices which include self-determination and equitable outcomes for Aboriginal and Torres Strait Islander people as a key priority.

IN THE NEXT 6 MONTHS

- The finalised Approach to Commissioning will be released to the sector establishing the vision, principles, priorities and common understanding of commissioning in the ACT.

- ACTHD and CSD developing and releasing a Commissioning Roadmap which proposes the commissioning activity and pathways for each of the health and community support funding streams.
- Continue to engage with the NGO sector and other stakeholders regarding preparation for commissioning including understanding how cross-cutting entities that represent specific demographics (such as ACCOs and the Elected Body) will best engage with commissioning processes.

RECOMMENDATION 22 (DECEMBER 2019)

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

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

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED - July 2020

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

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

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

ACTIVITIES JANUARY – JUNE 2021

- The Monitoring and Review Framework, underpinned by the placement principles, was presented to the Implementation Oversight Committee in June 2021.
- CYPS continue to case manage Aboriginal and Torres Strait Islander Children and Young People who are on long term orders (after January 2020).

IN THE NEXT 6 MONTHS

- Further developments and consultation on the Monitoring and Review Framework will be undertaken in July and August 2021.
- A final Monitoring and Review Framework will be presented to the Implementation Oversight Committee for endorsement at their September meeting.
- Establish a working group to co-develop the plan for implementation 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 of requirements of the Wreck Bay Community. This will then be used to validate what has been heard before and to add to based on any current issues.

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

ACTIVITIES JANUARY – JUNE 2021

- CYPS has a small group of staff who, in addition to their usual duties, provide services to Jervis Bay Territory, including visits and case management. This team is necessarily small in size to enable development and continuity of relationships with families and services at Jervis Bay.
- The CYPS Jervis Bay team manages appraisals and support cases for children and young people on short term orders. CYPS staff attend Jervis Bay for planned and unplanned visits (including overnight stays and sometimes at short notice).
- Due to COVID-19 restrictions, the CYPS Jervis Bay team has been unable to travel to Wreck Bay as frequently.
- CYPS Operations has made significant and ongoing investment in building and strengthening relationships with the Wreck Bay Aboriginal community and with service providers in the broader Jervis Bay Territory to support the families of Wreck Bay

Off the Hook

On 31 March 2021, approximately 50 children took part in the annual Off the Hook fishing competition involving the Wreck Bay Aboriginal community. It was the fourth year CYPS participated. The CYPS Operations Wreck Bay team joined the children in the competition and helped them prepare their rods and secure their catches safely. The team also provided a BBQ lunch and donated prizes. The fun, at ease social interaction helped to further build trust and respect with CPS.

The Off the Hook event is an initiative of the Australian Federal Policy and supported by CYPS, Booderee National Park, Wreck Bay Aboriginal Community Council and the Department of Infrastructure, Transport, Regional Development and Communications.

IN THE NEXT 6 MONTHS

- CYPS will continue to support the Wreck Bay community and once COVID-19 restrictions ease continue the personal on the ground relationship building with community members.

RECOMMENDATION 24 (DECEMBER 2019)

Appoint a project team to implement recommendations and monitor practice change

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

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

ACTIVITIES JULY - DECEMBER 2020

- The Community Services Directorate has identified a number of staff to support the implementation Oversight Committee to develop the Reporting Framework and KPIs to monitor the implementation of the recommendations. This includes a high level Data Working Group consisting of the Deputy Director General, Executive Group Manager (Deputy) CYPS and the Chief Information Officer.
- A Data Dashboard was provided to the Implementation Oversight committee at their meeting of 3 June 2021 (see Recommendation 25)
- CSD coordinates all input to Quarterly Implementation Reports across CSD, JACS and ACT Health, and has worked closely with the Implementation Oversight Committee to provide up to date data against each recommendation in each of the Quarterly Reports provided to the Committee.

IN THE NEXT 6 MONTHS

- CSD will continue to support the Implementation Oversight Committee through the *Our Booris Our Way* Data Working Group and by providing any additional specialists expertise and skills as required.
- CSD will provide 2 quarterly updates to the Committee addressing implementation activities for the period July – September 2021 and October – December 2021.

RECOMMENDATION 25 (DECEMBER 2019)

Data Collection and analysis

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

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: June 2020

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

ACTIVITIES JANUARY – JUNE 2021

- A draft System Level Dashboard was presented to the 3 June 2021, *Our Booris, Our Way* Implementation Oversight Committee. This Dashboard contains high level performance data with metrics on child concern reports, appraisals, substantiations, entries and exits to and from out of home care, placements and child protection orders.

IN THE NEXT 6 MONTHS

- The Data Working Group will continue to meet regularly to refine the Data Dashboard based on feedback from the *Our Booris, Our Way* 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

AGREED IN PRINCIPLE: July 2020

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

ACTIVITIES JULY - DECEMBER 2020

- CSD is currently investigating the significant complexities in seeking legislative changes to enact that adoption for Aboriginal and Torres Strait Islander children cannot occur under any circumstances.
- Legislative barriers including compliance with the Racial Discrimination Act 1975 (Cth) and the Human Rights Act 2004 (ACT). Legislation to prohibit the adoption of Aboriginal and Torres Strait Islander children and young people in the ACT, without any exceptions, would likely contravene both Acts.
- CSD is also currently investigating approaches taken by other jurisdictions to address potential legislative barriers regarding a position on adoption for Aboriginal and Torres Strait Islander children. It is likely that all jurisdictions face similar barriers to the ones we have identified, including incompatibility with the Racial Discrimination Act and, where applicable, their own human rights legislation. From an initial review, no jurisdiction has enshrined the non-adoption of Aboriginal and Torres Strait Islander children in legislation.
- In light of these legislative barriers to a no-exceptions position on adoption for Aboriginal and Torres Strait Islander children, current work to embed the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle in the Children and Young People ACT 2008 remains a key priority.
- CSD's ongoing focus on this work will support improved outcomes by keeping families together safely and upholding a commitment to self-determination for Aboriginal and Torres Strait Islander families.

IN THE NEXT 6 MONTHS

- CSD will continue to work with the Government Solicitor's Office to progress key legal issues associated with this recommendation.
- CSD will present a detailed jurisdictional comparison to the Implementation Oversight Committee's consideration. This work could help to support the development of a way forward in addressing the identified legislative barriers. It could include options for strengthening legislative safeguards, though the work to embed the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle

RECOMMENDATION 26(b) (December 2019)

Enduring Parental Responsibility Orders

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

NOTED: July 2020

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

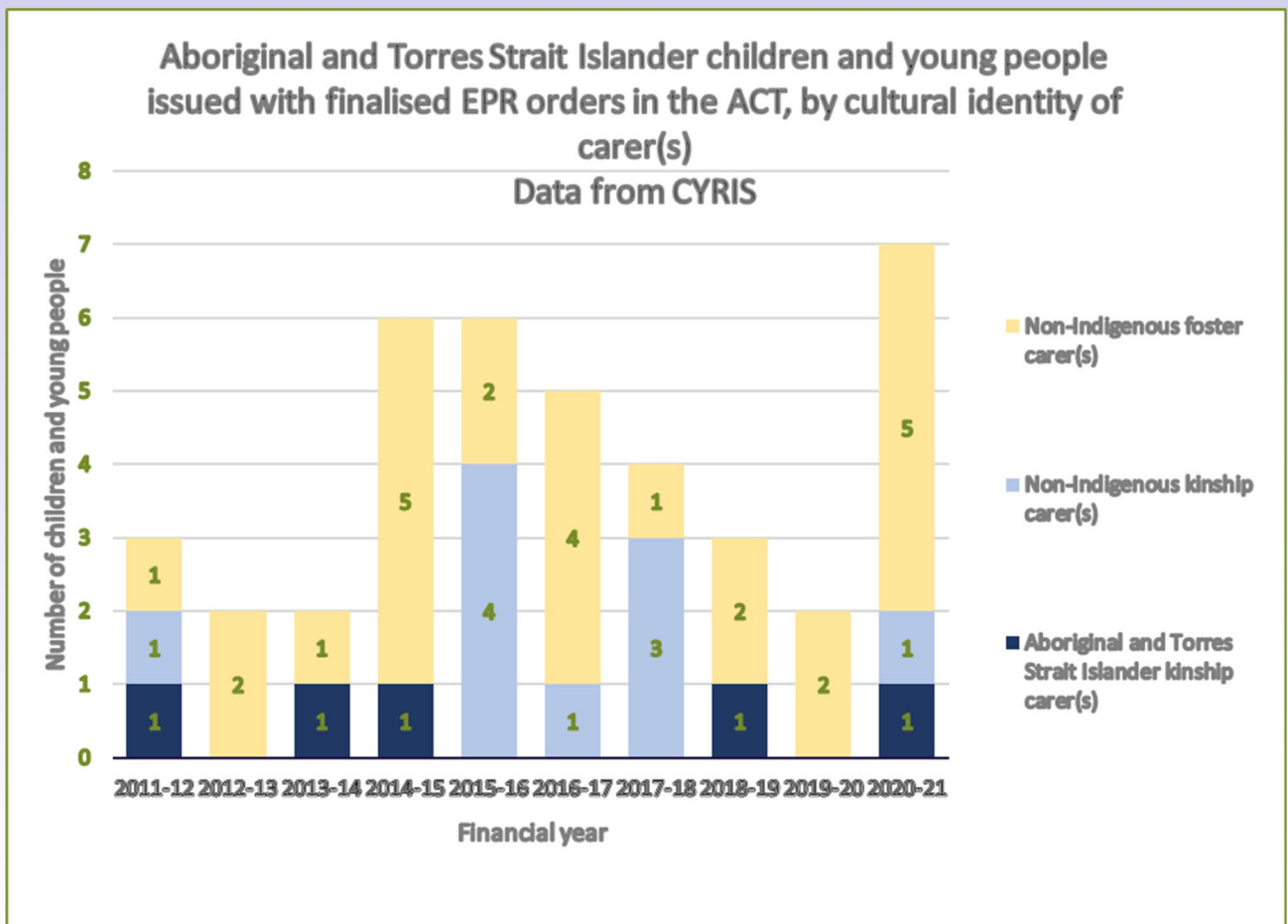
ACTIVITIES – JANUARY – JUNE 2020

- CSD is currently developing a policy and practice position on Enduring Parental Responsibility being available for Aboriginal and Torres Strait Islander kin. As part of this work CSD is currently reviewing current procedures.

HOW ARE WE TRACKING?

An Enduring Parental Responsibility (EPR) assessment is undertaken over a significant period to allow conversations to be facilitated and gain the views of parents and significant family members. For all EPR orders obtained in 2020/21, assessments had commenced prior to the recommendation being noted.

Figure 7: 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 (see Recommendation 9a for more detail on Commissioning for Social Impact).

ACTIVITIES JANUARY - JUNE 2021

- The Family Group Conferencing Procedure for Aboriginal and Torres Strait Islander children and young people and several supporting information sheets as well as practice tools have been finalised. Significant updates to these materials have occurred, in collaboration with the Family Group Conferencing team and Curijo. These updates focus on ensuring the Family Group Conferencing program was accessible to a greater range of families and strengthens principles of Family Group Conferencing such as family-led decision making and self-determination.

IN THE NEXT 6 MONTHS

- CYPS will finalise a procedure which details the referral process to Functional Family Therapy programs – this includes information about the two programs:
 - Functional Family Therapy - Child Welfare (family preservation and placement stability programs)
 - Functional Family Therapy - Youth Justice

RECOMMENDATION 28 (DECEMBER 2019)

Family Connection Practices

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

COMMUNITY SERVICES DIRECTORATE RESPONSE

AGREED: July 2020

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

ACTIVITIES JANUARY – JUNE 2021

- The Cultural Services Team has been reviewing the functions of the Cultural Panel. A focus of the panel will be making recommendations to the case worker to ensure children and young people have frequent connection with their kin, in settings that are comfortable and appropriate for them. The Cultural Panel will also have a mechanism for resubmission of the Cultural Plan, meaning that the identified actions within the Cultural Plan, particularly pertaining to connection with kin, will be resubmitted to the Cultural Panel.
- The Restoration Oversight Panel when reviewing the circumstances of an Aboriginal and/or Torres Strait Islander child or young person in care, utilises the Aboriginal and Torres Strait Islander Child Placement Principle to strengthen connection to kin.
- Finalised 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.

OVER THE NEXT SIX MONTHS

- CYPS will undertake a sample review to ensure alignment with new Contact Policy.