

# GOVERNMENT RESPONSE

RECOMMENDATIONS FROM THE OUR BOORIS,  
OUR WAY REVIEW

July 2020



**ACT**  
Government

Community Services

## PURPOSE

On 17 December 2019, the *Our Booris, Our Way* Steering Committee presented its final report to the ACT Government. This was a watershed moment for the ACT in its support for Aboriginal and Torres Strait Islander children and young people and represents the culmination of an enormous amount of work.

The *Our Booris, Our Way* review was commissioned in June 2017 to focus on systemic improvements needed to address the unacceptable overrepresentation of Aboriginal and Torres Strait Islander children and young people in the ACT child protection system.

The ACT Government knows Aboriginal and Torres Strait Islander people are the experts in their own lives and the review was established with governance and methodology co-designed with Aboriginal and Torres Strait Islander experts and key Aboriginal community-controlled organisations.

The *Our Booris, Our Way* Final Report provides 28 recommendations for systemic change in child protection and out of home care to:

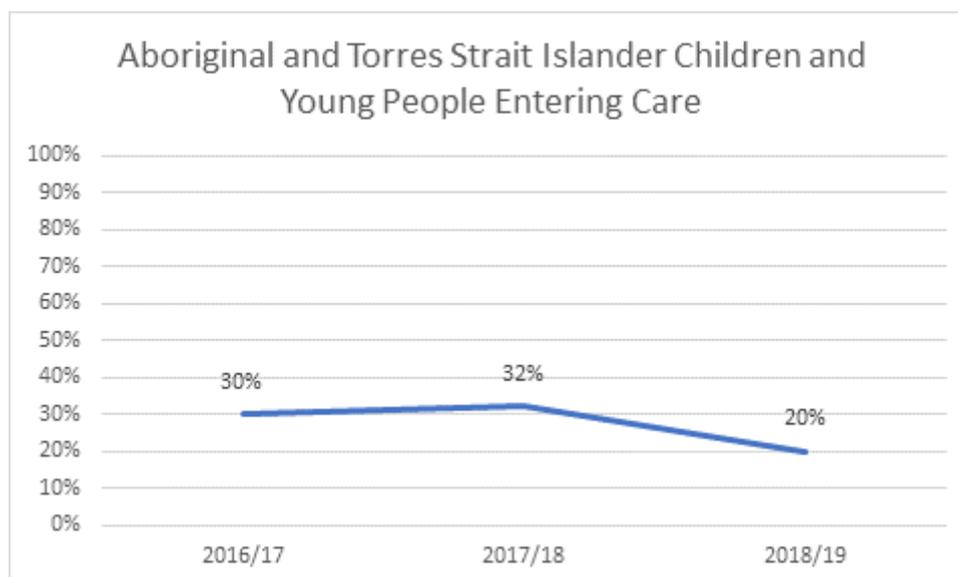
- safely reduce the number of Aboriginal and Torres Strait Islander children and young people entering care;
- improve their experience and outcomes while in care; and
- where appropriate, exit children from care.

The report finds that there needs to be ‘... a more holistic view on how to improve outcomes for children through improving the ability of parents to seek and receive appropriate support.’ It highlights the importance of services across government and the community that support children and families, such as those that address drug and alcohol, family violence, mental health and trauma.

This is a reminder that while we must drive change in culture and practice in child protection and out of home care, there are also responsibilities and opportunities across government and in the community – every person and organisation has a role to play and can make a difference in the lives of children and families.

There are early signs that the *Our Booris, Our Way Review* is leading to a significant change for children and families. The latest *Step Up for Our Kids Snapshot Report* data shows that 25 Aboriginal and Torres Strait Islander children entered care in 2018-19, compared with 50 in 2017-18 and 59 in 2016-17. As a proportion of children entering care, this represents a reduction from 30 per cent to 20 per cent. This level of overrepresentation is still unacceptable, but the positive results demonstrate a system responding to recommendations of the Review.

In addition, the results from the first two quarters of 2019-20 show that between July 2019 and February 2020 only six Aboriginal and Torres Strait Islander children entered care. This compares to seven children in 2018-19, 29 in 2017-18 and 35 children in 2016-17, when comparing data for the same period of time.



There were 15 interim recommendations made as the review progressed. These were immediate opportunities for learning and change, and these have been accepted or agreed in principle and are either being implemented or comprehensively considered in line with other related reforms or initiatives. Since the first of these interim reports was received in August 2018, progress has been made on each recommendation. Significant emphasis has been placed on ensuring Child and Youth Protection Services (CYPS) staff have the cultural knowledge and skills to respond to Aboriginal and Torres Strait Islander children and their families. This includes embedding the Aboriginal and Torres Strait Islander Child Placement Principle in child protection policy and procedures and ensuring all staff receive cultural safety and awareness training.

It is pleasing to see that the changes already made to policy and practice have been recognised by SNAICC, the national voice for Aboriginal and Torres Strait Islander Children. SNAICC's latest review of ACT compliance with the Aboriginal and Torres Strait Islander Placement Principle states that the ACT is now engaging with all child protection decision making elements of the Principle.

There has been significant progress on the interim recommendations over the past two years including:

- The appointment of a designated Aboriginal and Torres Strait Islander Practice Leader within CYPS, who has a key role in embedding the Aboriginal and Torres Strait Islander Child Placement Principle within the Directorate and ensuring that culturally responsive practice remains at the forefront of decision making;
- The appointment of a designated Aboriginal and Torres Strait Islander Senior Policy Officer, who is responsible for the development of a strategy to implement the Aboriginal and Torres Strait Islander Child Placement Principle into Child and Youth Protection Services policies and procedures;
- The appointment of a designated Aboriginal and Torres Strait Islander Principal Practitioner, who is responsible for undertaking systemic reviews and analysis of practice;
- The appointment of a designated Aboriginal and Torres Strait Islander senior Training and Development Officer who has responsibility for delivering the Cultural Development Program for CYPS staff, along with other training programs that continue to support improved practice with Aboriginal and Torres Strait Islander families;

- Engagement with SNAICC to undertake training for CYPS staff on the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle in practice;
- Continuing to support all staff to undertake the CYPS Cultural Development Program which is designed to provide staff with an understanding of Aboriginal and Torres Strait Islander cultures, with a strong focus on collaboration and the establishment of positive working relationships;
- The commencement of the Family Group Conferencing program in November 2017 which continues to achieve positive results;
- The introduction of Functional Family Therapy through the engagement of Gugan Gulwan Youth Aboriginal Corporation in partnership with OzChild to reduce the number of Aboriginal and Torres Strait Islander children and young people entering child protection or out of home care, through interventions that strengthen families and communities;
- Development of a number of practice guides and procedures, including:
  - The Practice Guide titled: Working with Aboriginal and Torres Strait Islander Families: Providing Culturally Responsive Practice was developed to provide guidance to CYPS staff and partners on the Aboriginal and Torres Strait Islander Placement Child Placement Principle to be better equipped to understand, recognise and implement effective practice to provide stronger outcomes for Aboriginal and Torres Strait Islander children, young people and their families;
  - The Practice Guide titled: Engaging with Aboriginal and Torres Strait Islander families; and
  - The procedure titled: Placing a Child According to the Aboriginal and Torres Strait Islander Placement Principle; and
- The development of a number of information sheets to support kinship carers and advocacy groups, along with the establishment of working groups and many further policies and procedures to inform and assist those involved with Aboriginal and Torres Strait Islander children and young people, families and community.

The ACT Government will continue to act on the recommendations from the *Our Booris, Our Way* Review and the Government response to the final recommendations will form the Aboriginal and Torres Strait Islander Child and Family Services reform roadmap and work plan in consultation with an Implementation Oversight Committee, in line with Recommendation 15 of the Review. To maintain integrity of the principle of self determination the Implementation Oversight Committee is fully constituted of Aboriginal and Torres Strait Islander membership.

The Community Services Directorate has been reporting quarterly on its progress in implementing the Steering Committee's interim recommendations. As this reporting continues, it is important to note that each progress report should be read in conjunction with prior quarterly reports to obtain a comprehensive understanding of the progress made against each recommendation.

## 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.*

**AGREED** – 22 August 2018

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

**STATUS: ONGOING**

#### ALLOCATION PROCESS

While allocation of cases continues to occur within geographic region and age-based teams, CSD is committed to ensuring that allocation also considers the case worker's cultural awareness and capacity to work with families and their communities.

Increasing the cultural proficiency of all staff is a high priority, including by ensuring comprehensive cultural training is offered and completed. Attendance at this training is monitored and provided to the leadership team, allowing for all Aboriginal and Torres Strait Islander families to be allocated to appropriate staff during the case allocation process. This process also takes into consideration the needs of the family, the experience of the CYPS staff members and their ability to apply cultural awareness to the circumstances reported to CYPS.

Providing opportunities for training that increases cultural proficiency and supporting staff attendance remains a key priority for CYPS. In addition to the Cultural Development Program, Children, Youth and Families continues to invest significantly in supporting and building the cultural competency of staff by offering a range of training opportunities aimed at improving culturally responsive practice, including:

- Aboriginal and Torres Strait Islander Child Placement Principle: Guide to support implementation (two days)
  - *Training delivered by SNAICC aimed to generate ideas and plans to improve child protection practice to achieve better outcomes for Aboriginal and Torres Strait Islander children to keep them safe and connected to culture.*

- Aboriginal and Torres Strait Islander Child Placement Principle: Practical ways of implementing (two days)
  - *Training delivered by SNAICC aimed to deepen understanding of the scope of the Principle and increase capacity to effectively implement the five elements across functions. Separate sessions were delivered targeting managers/team leaders and case managers.*
- Cultural Safety Masterclass (three hours)
  - *Delivered by Associate Professor Richard Frankland covering cultural meaning and identity, forces for and against cultural safety, cultural safety, trauma, reclaiming cultural safety, cultural safety from inside, cultural loads and cultural platforms.*
- Family Group Conferencing Accredited (three days)
  - *Training delivered by two organisations, Spirit Dreaming and Curijo to assist in developing effective family plans.*
- Family Group Conferencing: Case Manager Training (three hours)
  - *Training delivered by Curijo providing information about the Family Group Conference model and how it is implemented at CYPS, including program evolution since the initial pilot.*

#### **CYPS CULTURAL DEVELOPMENT PROGRAM**

In addition to the opportunities outlined above, CYPS continues to deliver its Cultural Development Program. In early 2019, the training program was reviewed and refreshed by the newly appointed Aboriginal and Torres Strait Islander Training and Workforce Development Officer, who consulted with key stakeholders including the Cultural Services Team, Family Group Conferencing Team, Aboriginal and Torres Strait Islander Practice leader, Aboriginal and Torres Strait Islander Senior Policy Officer and CYPS management.

This program has been specifically designed for CYPS staff to assist them in their roles and provide an understanding of Australia's diverse Aboriginal and Torres Strait Islander people, communities, practices and trauma caused by government policies. Key objectives of the program include:

- Developing and applying an understanding of Aboriginal and Torres Strait Islander cultures, which will ultimately improve case management practice and CYPS service outcomes.
- Gain an understanding of protocols and processes used to collaborate in partnership with Aboriginal and Torres Strait Islander families, children and community services.
- Understanding the importance of establishing positive working relationships with Aboriginal and Torres Strait Islander families, children and services.
- Identifying and analysing legislation, policy and work practices relating to Aboriginal and Torres Strait Islander people.

The program is delivered over six face to face sessions covering:

1. Welcome and Foundations
2. History and legacy
3. Walk on Country Cultural Immersion Tour
4. Cultural Proficiency in Practice

5. Finding Family
6. Resources and Supports

The program also uses Core Cultural Learning developed by the Australian Institute of Aboriginal and Torres Strait Islander Studies as an e-learning component to strengthen the Directorate's cultural capability by creating a greater awareness of the vast history and cultural heritage of Aboriginal and Torres Strait Islander peoples. Core Cultural Learning comprises 10 interactive modules; provides a foundational framework for individual and collective learning; includes learning activities and allows for critical self-reflection; and contributes to cultural safety in the organisation and community.

Four Cultural Development Programs have been scheduled for 2020. The first program commenced and then was suspended due to COVID-19 impacting on the ability to deliver face to face learning. Participants from the first program will be combined with the second program, which is scheduled to commence on 15 July 2020 and conclude on 19 August 2020.

In addition, CYPS is currently investigating the creation of online eLearning to support the face the face program. This development would allow an alternative cultural learning avenue for new starters at CYPS awaiting to be enrolled in the Cultural Development Program, and existing staff that have completed the Cultural Development Program and would like to undertake a refresher.

Since November 2018 the following are the numbers trained/partially completed or enrolled in CDP:

**New Case Managers: 40**

- No / % completed the CDP: 16 / 40%
- No / % partially completed / enrolled in the CDP: 14 / 35%

**All frontline staff: 129**

- No / % completed the CDP: 48 / 37%
- No / % partially completed / enrolled in the CDP: 63 / 49%

Of all frontline staff, 86% have either completed or partially completed / enrolled in the CDP.

CYPS are committed to working to 100% of staff undertaking the Cultural Development Program. A monitoring framework will be put in place to measure success in line with the recommendation of all Aboriginal and Torres Strait Islander family matters being allocated to staff who have demonstrated cultural awareness and competency.

## RECOMMENDATION 2 (AUGUST 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.*

**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.

**STATUS: ONGOING**

#### WORKING WITH SNAICC

During 2019, SNAICC delivered 10 sessions consisting of 162 participants. These have been mostly all frontline staff. Discussions are ongoing between Children, Youth and Families and SNAICC for the continued provision of training for CYPS staff, this includes the potential for online training to ensure the continuity of training to CYPS staff.

The Aboriginal and Torres Strait Islander Child Placement Principle forms part of the core training program for all CYPS workers. Engaging SNAICC during 2019 has been instrumental in improving the Directorate's knowledge and understanding of the context, history and the reasons for the Placement Principle.

CSD's engagement with SNAICC was acknowledged in SNAICC's most recent review of the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle in the ACT.

## RECOMMENDATION 3 (AUGUST 2018)

### POLICY AND PRACTICE REVIEW TO EXPLICITLY EMBED THE CHILD PLACEMENT PRINCIPLES

*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)).*

**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 Principles *Practice Guide* for staff across the continuum of care in both child protection and youth justice. The *Practice Guide* would build on SNAICC's *Understanding and applying the Aboriginal and Torres Strait Islander Placement Principle: A resource for legislation, policy and program development* and seek to give guidance to staff about its direct application in CYPS.

**STATUS: ONGOING**

#### PRACTICE GUIDE

Children, Youth and Families has developed a Practice Guide titled *Working with Aboriginal and Torres Strait Islander Families: Providing Culturally Responsive Practice* to assist guide CYPS staff in supporting families.

The *Aboriginal and Torres Strait Islander Child Placement Principle Practice Guide* has been finalised and a copy was provided as part of the fourth quarterly report.

The Practice Guide, *Engaging with Aboriginal and Torres Strait Islander families* has also been published and is available to staff on the knowledge portal. Hard copy versions of the guide will be made available to key stakeholders.

These practice guides place cultural rights as central to the child's development and safety through prioritising family led decision making, supporting families to safely care for their children, prioritising placements for children with family and kin and improving the cultural planning process.

#### NGURA NARAGANABANG (SAFETY IN THE POUCH) ADVISORY GROUP

The Ngura Naraganabang (Safety in the Pouch) Advisory Group was established in July 2019 to provide advice and feedback to CYPS in relation to policy and resource development to support practice when working with Aboriginal and Torres Strait Islander children, young people, families and communities.

The Advisory Group provides advice from a frontline service delivery perspective, and ensures the views reflect experiences of people in the community. The Advisory Group includes representation from Winnunga

Nimmityjah Aboriginal Health and Community Services, Gugan Gulwan Youth Aboriginal Corporation, Aboriginal Legal Service NSW/ACT, Red Cross, Justice and Community Safety Directorate, ACT Health Directorate, OzChild, Child and Family Centres, ACT Together and CYPs.

The Advisory Group works together to:

- provide critical advice on matters relating to the improvement of CYPs outcomes for Aboriginal and Torres Strait Islander people;
- identify priority areas for action and develop strategies for pursuing positive outcomes;
- identify and respond to service delivery gaps or community issues and provide guidance to CYPs;
- establish working groups to progress initiatives developed by the group, as required; and
- provide feedback to the Aboriginal and Torres Strait Islander community on outcomes achieved from Ngura Naraganabang (Safety in the Pouch) Advisory Group when requested.

At the September 2019 meeting, the Ngura Naraganabang (Safety in the Pouch) Advisory Group agreed that all future meetings would be held at Gugan Gulwan, to provide a culturally safe place for members and community partners. In the past, meetings have been held at either CYPs or ACT Together. The first meeting for 2020 was held on 11 February 2020 with a subsequent meeting held on 2 March 2020. The next meeting is scheduled for 14 July 2020.

A holistic approach has been taken to ensure information developed by CYPs is informed and supported by the Ngura Naraganabang (Safety in the Pouch) Advisory Group. The information provided at these Advisory Group meetings of professionals is further distributed through the *Our Booris, Our Way* Implementation Oversight Committee, Aboriginal community controlled organisations and the broader Aboriginal and Torres Strait Islander community.

## RECOMMENDATION 4 (AUGUST 2018)

### UNIVERSAL ACCESS TO FAMILY GROUP CONFERCING

*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.*

#### **AGREED – 22 August 2018**

The ACT Government committed \$1.443 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.

**STATUS: ONGOING**

**FAMILY GROUP CONFERENCING**

From the commencement of the FGC Pilot in November 2017 to December 2019, 36 families have been involved in an FGC, involving 75 children. Subsequently a total of 52 Aboriginal and Torres Strait Islander children have not entered care following an FGC. For the remaining 23 children, decisions about the best care arrangements, other than with birth families, have been made by extended family. This team has recently been extended from two to three Aboriginal and Torres Strait Islander FGC Facilitators to enable a greater number of families to participate in FGC and recruitment to permanently fill the additional role is progressing.

Curijo, an Aboriginal owned and controlled organisation, continues to be involved on a needs basis for in-service training and supervision for FGC staff. Curijo has also been engaged to undertake FGCs when needed to manage potential and actual conflicts of interest or respond to increased demand.

A number of FGC training sessions have been conducted by Curijo and the CYPS FGC Team. For the period of 28 August 2018 to 6 November 2019, a total of 115 employees from CYPS have completed a FGC training session. FGC continues to be promoted and integrated across all areas of CYPS, including via the CYPS Induction Program, team meetings and the Cultural Development Program.

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

CYPS is undertaking further policy work in relation to the Family Group Conferencing process in prenatal matters to promote FGC to pregnant woman and the family in response to a prenatal report which has been recommended for voluntary support. This will be developed in consultation with Canberra Health Services and the Child and family Centres. CYPS is also undertaking the policy work to give effect to a FGC occurring after Emergency Action being taken in order to divert families from further Childrens Court Proceedings. This work will continue to be developed and will be reviewed and discussed at an upcoming Ngura Naraganabang (Safety in the Pouch)' Advisory Group meeting.

**FUNCTIONAL FAMILY THERAPY – CHILD WELFARE**

Functional Family Therapy – Child Welfare is being delivered by Gugan Gulwan Youth Aboriginal Corporation and OzChild. Since implementation of the Pilot Program in November 2018, Oz Child and Gugan Gulwan Youth Aboriginal Corporation have engaged with 31 families involving 112 Children and young people. Of this, 15 families, made up of 54 children and young people, have successfully completed the Functional Family Therapy (FFT-CW program) with no subsequent entries of children and young people in the out of home care system.

There are currently 16 families made up of 58 children and young people who are engaged in the FFT-CW program.

Ongoing funding for the program was announced in February 2020, subject to an evaluation, to enable and grow Functional Family Therapy – Child Welfare for Aboriginal and Torres Strait Islander families.

## 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.*

#### **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.

#### **STATUS: IN PROGRESS**

The ACT and Queensland are co-leading the national Priority One Working Group under the Fourth Action Plan for the *National Framework for Protecting Australia's Children 2009-2020*, focused on improving outcomes for Aboriginal and Torres Strait Islander children. The workplan for the group includes actively implementing legislation, policy and/or practice to ensure compliance with the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle and developing a nationally consistent approach to measuring the application of the five elements. The workplan was agreed by all jurisdictions on 13 August 2019 and jurisdictions are completing project plans to deliver on this work.

In this context, CSD continues to consider the legislative change required to reflect the full intent of Aboriginal and Torres Strait Islander Child Placement Principle in the *Children and Young People Act 2008*.

## 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.*

#### AGREED IN PRINCIPLE – May 2019

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

#### STATUS: IN PROGRESS

A presentation on the progress of work to date was provided to the *Our Booris, Our Way* Steering Committee at its December 2019 meeting.

Under the next iteration of *A Step for Our Kids*, the ACT Government will invest in establishing ACCOs to deliver services as well as develop and support the implementation of policy and practice guidance in line with the *Our Booris, Our Way* recommendations.

A feasibility study into establishing Aboriginal Community Controlled Organisations (ACCOs) focusing on children and young people is underway. The feasibility study covers the following:

- Understanding the current demand and trends across the child protection system and out of home care by service type and model;
- Knowing the supply of services available to Aboriginal and Torres Strait Islander families across the continuum of support available to assist reducing the number of Aboriginal and Torres Strait Islander children and young people entering care;
- Examining the funding available within *A Step Up for Our Kids* to provide the appropriate care and supports for Aboriginal and Torres Strait Islander children and young people to stay connected to culture and community; and
- Undertaking a cross jurisdictional review looking at different models of supporting the investment and expansion and development of an Aboriginal and Torres Strait Islander community-controlled services sector focusing on children and young people.

Based on the jurisdictional review, leading models of service are emerging from Queensland and Victoria where governments and ACCO peak bodies have implemented service delivery reforms. Queensland and Victoria have

a long-term strategy and an agreement respectively that commits government to generational change and embeds self-determination in decision making and policy and service design. The models of service are different across the two states, and both have value in informing the approach the ACT can take in supporting a strong Aboriginal and Torres Strait Islander community-controlled services sector, which is critical to Aboriginal and Torres Strait Islander children and young people growing up safely in their families and communities.

The review is highlighting a number of aspects of the system that could be delivered by ACCOs. This includes:

- Community-controlled delivery of statutory child protection functions.
- Policy and practice guidance and support that could include:
  - Getting the best out of cultural care planning for the child or young person to stay connected to community and culture;
  - Improving quality and case management practices; and
  - Implementing the first two elements of the Aboriginal and Torres Strait Islander Child Placement Principle with government and ACCOs working in partnership;
- Monitoring and reviewing of service standards;
- Co-Design Models of Family Support; and
- Advocacy for Aboriginal and Torres Strait Islander children, young people and families;

Research shows that it can take up to five years to establish a new and sustainable ACCO in this service sector. How many ACCOs are needed across the continuum of service for children and young people and what functions they administer is still to be determined informed by the feasibility study and in consultation with the Aboriginal and Torres Strait Islander community.

## 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.*

**NOTED** – May 2019

**AGREED IN PRINCIPLE** – July 2020

**STATUS: UNDER CONSIDERATION**

## REVIEW OF THE HUMAN RIGHTS COMMISSION FUNCTIONS

The Justice and Community Safety Directorate is currently 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 in early 2021. The commencement of the review was delayed by the COVID-19 emergency and associated restrictions which would have made it difficult to conduct an effective consultation with the community on these important issues.

## 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.*

**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 verbally 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.

**STATUS: ONGOING**

**GUIDANCE ON ROLES OF ADVOCATES**

Consistent with both the Aboriginal and Torres Strait Islander Child Placement Principle and the recommendations of 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 has progressed this commitment by amending child protection policy and developing an Information Sheet to inform Aboriginal support people and advocacy services. This information sheet has been drafted and consultation has taken place with the Aboriginal and Torres Strait Islanders Co-design Network and the Ngura Naraganabang (Safety In the Pouch) Advisory Group.

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

**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.*

**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

**STATUS: IN PROGRESS**

JACS currently funds two Aboriginal and Torres Strait Islander justice programs that provide access to case management and support for families, women and children: Mulleun Mura and Yarrabi Bamirr. JACS also funds the Dhurrawang Aboriginal Human Rights Program, the Aboriginal Legal Service Duty Lawyer and the Warrumbul Court. Further information about these services is set out below.

The 2019-20 ACT Budget also includes new initiatives aimed at improving outcomes for people involved in care and protection proceedings in the ACT Childrens Court. The ACT Government has provided initial funding to establish a Therapeutic Care Court (TCC) for care and protection matters heard within the ACT Childrens Court. This will provide court-led interventions for parents whose children have been removed from their care, or are at risk of being removed, and seek to achieve reunification and address parental substance abuse issues, parenting capacity issues, family violence and mental health issues. The ACT Courts and Tribunal will work with the Childrens Court Magistrate to design and implement the TCC during 2019-2020. The ACT Government will invest additional funds for the TCC over the next four years subject to its successful establishment.

#### Legal Aid ACT

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

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

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

#### Mulleun Mura

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

#### Yarrabi Bamirr

Yarrabi Bamirr is a Ngunnawal phrase for Walk Tall, and this program empowers families to be self-reliant in navigating the system to get the right help from the right place at the right time. Yarrabi Bamirr aims to help keep families together, prevent homelessness and keep people out of prison. The Yarrabi Bamirr model is

currently supporting approximately 20 families through three Aboriginal-led programs at Winnunga Nimmityjah Aboriginal Health and Community Services, Yeddung Mura and Tjillari.

#### Dhurrawang Aboriginal Human Rights Program

The Dhurrawang Aboriginal Human Rights Program operated by Canberra Community Law provides intensive legal services to Aboriginal and Torres Strait Islander clients in the ACT with the recognition of the historical legacy and the generational trauma that impact their day to day lives. Most of Dhurrawang's clients have experienced a significant degree of violence throughout their lives and have invariably had negative experiences with government agencies. Dhurrawang provides a practical and intensive legal service to ensure that the outcomes that their clients need are facilitated despite significant barriers. The service provides a high level of lawyer and client interaction, which may involve daily contact and occur "after hours". Legal representatives attend all relevant meetings and interviews with their clients to assist and support the client to navigate the justice system.

#### Aboriginal Legal Service (ALS)

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

#### Warrumbul Court

The Warrumbul Children's Circle Sentencing Court (Warrumbul Court) is an alternative model of sentencing for Aboriginal and Torres Strait Islander young people attending the ACT Childrens Court. It is a type of restorative practice that aims to provide culturally relevant and effective sentencing options for young Aboriginal and Torres Strait Islander people (10-17 years) by incorporating Elders and cultural aspects into the Childrens Court. The name 'Warrumbul' was gifted to the court by the United Ngunnawal Elders Council. Warrumbul means 'youth' in Ngunnawal language.

As part of the Warrumbul Court process young people referred to the Court undertake a Family Conference with a panel of community Elders to determine suitability for circle sentencing as well as assessing any underlying issues in the family or young person's life that may be contributing to their offending. Rehabilitation pathways are developed for the young person which include both the young person and their family, the Magistrate, Elders and specific government and community services designing an individualised plan.

The plan will tackle any issues that are contributing to the young person's offending behaviour or quality of life. The plans will last either 3, 6, 9 or 12 months and are likely to involve aspects of education, employment and health. Upon completion of the plan, the charges maybe dropped, or the young person will be sentenced with the completion of the plan considered as part of the sentencing process.

## 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*

#### **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.

#### **STATUS: IN PROGRESS**

#### **EARLY SUPPORT INITIATIVE**

Work continues to design four Implementation Initiatives which will enhance early support capacity in the system. These initiatives will enable service capacity and systemic changes that will support the collective goal to divert Aboriginal and Torres Strait Islander children and families from tertiary services.

#### Child Protection Diversion for Aboriginal and Torres Strait Islander families

CSD is working within existing resources to develop policy and service delivery responses focused on keeping Aboriginal and Torres Strait Islander children safe at home and out of the child protection system. Proposals for intensive family support are to be tested and further developed with community members. CSD is collaborating

with a Network of Aboriginal and Torres Strait Islander community members with lived expertise of the service system and community agencies to scope opportunities. New initiatives will complement the investment in Family Group Conferencing and Functional Family Therapy to provide a continuum of early support that meets families' diverse needs.

#### Sustained Nurse Home Visiting

Canberra Health Services is leading a Sustained Nurse Home Visiting trial, in the context of a re-design of their Early Family Support Initiatives. Initial design work has identified the need for a multidisciplinary focus, as well as opportunities for early practice changes. This work will need to be undertaken in consultation with Winnunga Nimmityjah's Nurse Family Partnership program to ensure strong connections and decrease fragmentation of service delivery.

#### Early Support Education Initiative

Early scoping work is underway for an Education led Initiative that supports strong communities of learning and enhance well-being supports.

#### A Justice and Community Safety (JACS) led initiative

Early scoping work is underway to enable policy and practice changes to support working with Alexander Maconochie Centre (AMC) detainees in the context of their families. Initial planning for this work has identified the need to enhance data collection to support this change.

### **EARLY DEVELOPMENT AND PARENTING PROGRAMS**

Winnunga Nimmityjah Aboriginal Health and Community Services and Gugan Gulwan Aboriginal Youth Corporation are funded to deliver early development and parenting programs.

During 2018-19, Winnunga delivered the following primary health care programs:

- Aboriginal Midwifery Access Program
- Hearing Health Program
- Dental Health Program
- Court Outreach Service

During 2018-19, Gugan Gulwan delivered the following parenting and children programs:

- Street Beat Youth Outreach Service
- Healthy Lifestyles and Chronic Disease Prevention Program
- Early Intervention Mental Health and Wellbeing Service

### **CHILD AND FAMILY CENTRES**

The Child and Family Centres are a one-stop-shop for supporting Canberra families during the early years of a child's life. The Centres are staffed by highly skilled, experienced and qualified practitioners with social work, psychology, specialised nursing or other health, welfare and education qualifications. The staff at the Centres work to deliver a range of support programs and services to assist parents and young children (pre-birth to

8 years; however selected services can be offered to children up to 12 years of age). The centres provide an inclusive entry point to access services and the centre staff undertake the role of locating and supporting families to access the services they need. Child and Family Centres provide services for families with young children in the Gungahlin, Tuggeranong and West Belconnen communities. The Centres provide a range of universal, targeted and tailored services based on the needs of children and their families, with a strong emphasis on providing outreach services in homes, schools and the community.

The Growing Healthy Families (GHF) program is a suite of programs offered to Aboriginal and Torres Strait children, families and community through the Child and Family Centres. The program recognises that prevention and early intervention approaches in Aboriginal and Torres Strait Islander communities require a range of different response to meet the needs of families. The program recognises a relational approach is required to address persistent and structural disadvantage. Many of these programs are co-delivered with local services further strengthening the local service system for community. Examples of GHF programs, events and activities include:

- **Koori Playgroup/Deadly Bubs** – A supported playgroup focusing on strengthening connection with community and culture and promotes child-parent relationships.
- **Koori boys** – A group for young Aboriginal and Torres Strait Islander boys to come together and explore opportunities to connect with culture within a culturally safe and supported environment. This group focuses on healthy, mind body and spirit, building strong connections with culture and country, growing young people as future leaders and strengthening relationships between schools, communities and families.
- **Koori Girls** – A group for young Aboriginal and Torres Strait Islander girls to come together and explore opportunities to connect with culture within a culturally safe and supported environment. This group focuses on healthy, mind body and spirit, building strong connections with culture and country, growing young people as future leaders and strengthening relationships between schools, communities and families.
- **Strong Women’s Group** – A group focusing on community connectedness and provides local Aboriginal and Torres Strait Islander women with an opportunity to socialise regularly and engage in activities addressing art and culture, self-care, health and wellbeing.
- **Early Years Engagement Officers** – The role of the Early Years Engagement Officer is to support parental engagement in their children’s early childhood education, improve participation rates of Aboriginal and Torres Strait Islander children in Koori Preschools and support transitions from preschool to kindergarten for Aboriginal and Torres Strait Islander children.
- **Tiddas** – Primary aged Aboriginal and Torres Strait Islander girls’ group that meets weekly to celebrate culture and connection with each other and their community to become strong leaders.
- National Apology Anniversary, Sorry Day, Reconciliation Week, NAIDOC Week and Aboriginal and Torres Strait Islander Children’s Day.

A key factor in the success of the GHF has been the development of strong connections with Aboriginal and Torres Strait Islander families, community and government and non-government organisations, and the development of partnerships between government, community and business organisations. This ensures that

the program responds to local community needs, the community has ownership and a vested interest in its success.

## 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.*

#### AGREED IN PRINCIPLE – July 2020

This work will require a cross 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.

#### STATUS: IN PROGRESS

##### Commissioning for Social Impact

Commissioning for Social Impact is the overarching term for the Community Services Directorate's transition to working closely and in partnership with the service sector to deliver improved outcomes and results for families and individuals in need of and accessing support and assistance.

Commissioning for Social Impact is a commitment to working with stakeholders, including service users, to ensure the Directorate's investment is managed strategically and delivers the greatest positive impact on the wellbeing of Canberrans. This is as much about the Directorate needing to review its practice internally, as it is about exploring changes in partnership with the non-government sector.

Commissioning involves community led planning to decide what services people want and need and the way they are provided. Commissioning ensures this planning is client centred, outcomes focused and involves

stakeholders, including service users. When commissioning is done well this planning then drives government decision making about where and how they spend money.

A Commissioning Strategy that supports self-determination is a priority. The development of a Commissioning Strategy presents an opportunity to explore new partnerships arrangements and funding models for investment in community services for Aboriginal and Torres Strait Islander people and communities.

The development of a Commissioning Strategy builds on The ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 and other key reform initiatives such as *Our Booris, Our Way*. A Commissioning Strategy will not duplicate this work and should complement these initiatives by driving investment practice that supports their objectives.

To support this objective, the Community Services Directorate has engaged and will continue to engage with the Aboriginal and Torres Strait Islander Elected Body, Directorate funded Aboriginal Controlled Community Organisations, the United Ngunnawal Elders Council, and the Aboriginal and Torres Strait Islander Agreement Inter-Directorate Committee.

## 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.*

#### 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.

#### STATUS: IN PROGRESS

### INFORMATION FOR KINSHIP CARERS

Kinship carers are the backbone of the out of home care system. They provide critical love, care and support to children and young people who cannot live at home safely. A kinship carer is a person who often has a pre-existing relationship with a child and/or their parents and is considered the best placement option to maintain connection to culture and family.

The Ngura Naraganabang (Safety in the Pouch) Advisory Group considered the information sheets titled *Engaging with Aboriginal and Torres Strait Islander Grandparents* and *Engaging with non-Indigenous kinship carers when the child identifies as Aboriginal and/or Torres Strait Islander*. The advisory group provided feedback and these information sheets are in the process of being updated to capture the advisory group's views. These information sheets will ensure CYPS staff are equipped to better identify and support the needs and contributions of kinship carers in our community. Practical information on Centrelink, birth certificates and Medicare are also covered.

A Practice Guide titled *Working with kinship carers of Aboriginal and Torres Strait Islander children* has recently been developed. Consultation with the CYPS Cultural Services Team, Kinship Team, Ngura Naraganabang Advisory Group and the Co-Design Network of lived experience community representative group is yet to take place. Once this consultation has occurred, the Practice Guide will be finalised, and information sheets will be developed and made available to kinship carers.

## 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.*

### AGREED 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 Principle 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.

### STATUS: IN PROGRESS

#### CYPS POLICY TO CASE MANAGEMENT PRACTICE

A procedure titled *Placing a Child According to the Aboriginal and Torres Strait Islander Placement Principle* has been developed and completed.

A Practice Guide has also been drafted that outlines the role of the Cultural Services Team. This final Practice Guide will be available for broader distribution in the third quarter of 2020.

#### FINDING KIN PROJECT

A small Finding Kin project has commenced to formalise and bring together the known case work practices that assist in locating and supporting family and kin finding for all Aboriginal and Torres Strait Islander families involved in the child protection system.

The Cultural Services team are leading this project and have presented the project plan to the Ngura Naraganabang Advisory Group for their feedback. The goals for the project as agreed are to:

- Increase family-led decision making
- Contribute to the reunification of children to their family through Family Group Conferencing (FGC) and Function Family Therapy (FFT) Programs
- Support children and young people to develop meaningful and enduring connections with their natural family
- Improved carer assessment processes
- Ensure placement of Aboriginal and Torres Strait Islander children in accordance with Aboriginal and Torres Strait Islander Child Placement Principle when an out of home care placement is necessary.
- Ensure safe and stable family-based living arrangements where possible for children and young people in out of home care
- Support children and young people to access information and ongoing support important to maintaining cultural connection and identity whilst the child or young person is in out of home care.

The Finding Kin project will progress during 2020.

## 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).*

**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.

**STATUS: IN PROGRESS**

#### CULTURAL PLAN

A revised CYPS Aboriginal and Torres Strait Islander Cultural Plan has been developed. The plan has been informed by broad consultation including Victorian Aboriginal Child Care Agency and input from members of the Ngura Naraganabang (Safety In the Pouch) Advisory Group, including ACT Together, which provides support to the majority of children in out of home care. The plan has a strong emphasis on consultation with the child or young person and aligns with the participation, partnership and connection elements of the *Aboriginal and Torres Strait Islander Placement Principle Practice Guide* (Recommendation 3).

A step by step procedure and practice guide to support staff to develop and maintain a cultural plan was finalised in March 2020 to support CYPS staff. Staff training was undertaken in June 2020.

#### CULTURAL PANEL

CYPS has progressed work on the development of the Aboriginal and Torres Strait Islander Cultural Panel to inform, develop and implement cultural plans. The Cultural Panel comprises Aboriginal and Torres Strait Islander staff from CYPS and can be supplemented by members that have cultural knowledge in relation to a specific child. CYPS will explore the options for external membership on this panel.

The panel will provide culturally specific advice and guidance to better support case managers and ensure Aboriginal and/or Torres Strait Islander children and young people's cultural identity and needs are supported. The cultural panel is expected to commence in the second half of 2020.

## 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.*

#### **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 who are unable to stay at home or return home, stability in care arrangements become a priority with kinship care being prioritised over non-family carers of the child. Through the development of the second stage of *A Step Up for Our Kids* we will look at the Annual Review process including consideration of positive change in parenting capacity and the potential for reunification and family reconnection.

#### **STATUS: IN PROGRESS**

### RESTORATION

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

The 2019-20 budget provided for increased capacity in the Functional Family Therapy – Child Welfare Program growing to 56 families per annum in the 2021-22 financial year and will enable increased support to families to enable positive change in parenting capacity and increased restoration of children to their families.

## RECOMMENDATION 13 (MAY 2019)

### ABORIGINAL AND TORRES STRAIT ISLANDER FATHER INCLUSIVE PRACTICE

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

#### **AGREED** – May 2019

CYPS has 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.

**STATUS: ONGOING**

Following consultation with the Ngura Naraganabang Advisory Group, the Practice Guide titled *Aboriginal and Torres Strait Islander Father Inclusive Practice* has been finalised and was approved in May 2020. A copy of the Practice Guide is available to staff through the knowledge portal and information has been provided to teams on the Practice Guide.

The Practice Guide provides information about supporting the inclusion of Aboriginal and Torres Strait Islander fathers involved with CYPS, in order to increase their opportunities to participate in planning and decision-making in relation to the care and protection of their children.

The Father-inclusive practice aims to:

- value and support men in the role as fathers;
- actively encourage their participation in decision-making; and
- ensure they are appropriately and equally considered in all aspects of service delivery, including assessment, meetings and case planning.

CYPS has received confirmation from ACT Corrections that a CYPS Cultural Services officer can attend throughcare meetings at Alexander Maconochie Centre for Aboriginal and Torres Strait Islander detainees to provide support to fathers who are due to reintegrate back to community. This will assist in providing a greater understanding for fathers about the involvement of the child protection service in their family, discuss their particular individual circumstances, and to work together to identify the most appropriate services and support for fathers. This might include engagement with programs such as Family Group Conferencing to support family led decision making, and to identify the services that the family may want to work with to support them.

## 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.*

**NOTED** – May 2019

**AGREED** – July 2020

## STATUS: IN PROGRESS

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 baseline 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 one key provider of this baseline health and wellbeing assessment for children and young people (up to the age of 14) 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 Clinical Assessment Framework and the National Standards for Child and Family Health. Following this assessment, referral to additional services within and external to the Canberra Health Services occurs where clinically indicated.

ACT Health also funds Winnunga to deliver Medical Benefit Scheme (MBS) 715 Health Checks as part of its 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 caseworkers. 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.

## 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;*

*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;*

**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.

#### **STATUS: IN PROGRESS**

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

The Community Services Directorate is working with the Implementation Oversight Committee to establish the secretariat and support arrangements required.

## 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.*

**AGREED** – July 2020

The Community Services Directorate will continue to deliver 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.

**STATUS: IN PROGRESS**

Family Group Conferencing

The ACT Government committed ongoing funding for the ongoing delivery of Family Group Conferencing, to ensure that Aboriginal and Torres Strait Islander families can be supported to make decisions to keep their children safe, strong and connected to their family and culture.

Ngura Naraganabang Advisory Group

The Ngura Naraganabang Advisory Group was established in July 2019 to provide advice and feedback to CYPS in relation to policy and resource development to support practice when working with Aboriginal and Torres Strait Islander children, young people, families and communities (for more information see Recommendation 3).

## 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*

**AGREED – July 2020**

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

**STATUS: IN PROGRESS**

Child and Youth Protection Professional classification structure

CSD has introduced the new Child and Youth Protection Professional (CYPP) classification structure. This will allow CSD to employ someone 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 the child protection and youth justice systems. It also acknowledges that this expertise may sit outside a formal qualification.

CSD partnered with Pipeline Talent, a local Aboriginal-owned consultancy, to develop an Indigenous Competency Framework to assess this heritage and experience. Pipeline Talent consulted with Aboriginal and Torres Strait Islander Case Managers, the local Aboriginal and Torres Strait Islander community (Gugan Gulwan, Curjio, Winnunga, *Our Booris, Our Way* Steering Committee) and sector representatives (Barnardos, Ngannawal Centre at the University of Canberra, Yurauna Centre at the Canberra Institute of Technology) as

part of its consultation. The Framework is currently undergoing review by relevant unions before being implemented within the Directorate in accordance with the *ACT Public Sector Technical and Other Professional Enterprise Agreement 2018-2021*.

## 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*

#### **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.

#### **STATUS: IN PROGRESS**

Recruitment to a 12-month Senior Leader position will occur in July 2020 and the project is expected to be completed by the end of June 2021 to achieve a sustainable model for the Cultural Services Support team.

## 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.*

**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.

**STATUS: IN PROGRESS**

Prioritised to be completed by end December 2020

## 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.*

**AGREED** – July 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.

**STATUS: IN PROGRESS**

Prioritised to be completed by end December 2020

## 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.*

#### AGREED – July 2020

The ACT Government is committed to designing the procurement process for the next iteration of Step Up 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.

#### STATUS: IN PROGRESS

A number of current projects will inform the design and management of the procurement process and the role and accountability of an Aboriginal and Community Controlled child welfare organisation established as a significant partner in the delivery of child protection and out of home care services. The following work will be used to inform the process:

- Feasibility Study for an Aboriginal and Torres Strait Islander Organisation (Recommendation 6)
- Commissioning for Social Impact (referred to in Recommendation 9a)
- Joint work with the Aboriginal and Torres Strait Islander Elected Body on capacity building and supporting community led management models

## RECOMMENDATION 22 (DECEMBER 2019)

### QUALITY OF CASE WORK AND ALLOCATION OF ABORIGINAL AND TORRES STRAIT ISLANDER DECEMBER 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.*

#### **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.

#### **STATUS: IN PROGRESS**

The Community Services Directorate is currently working with Barnardos (ACT Together Lead Consortium Partner) to develop a Monitoring and Review Framework for Aboriginal and Torres Strait Islander case management under the *Continuum of Care* contract with expected completion by end August 2020.

The Community Services Directorate will work with Barnardos to transfer all staff who are authorised carers into the carer support team within CSD. It is expected all transfers and completion of transfer authorisation materials such as Files, Case plans and carer support requirements are fully actioned by end September 2020.

Draft Monitoring and review Framework is in development with expected completion by end August 2020

## 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.*

#### 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.

#### STATUS: IN PROGRESS

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 Development Directorate will assist in supporting this work.

## 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.*

#### AGREED – July 2020

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

**STATUS: IN PROGRESS**

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 implementation of the recommendation. Where required staff with identified skills will be seconded in to assist in completing any specialist tasks.

## 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.*

**AGREED – July 2020**

The Government will work with the 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.

**STATUS: IN PROGRESS**

A draft reporting framework and KPIs are in development for consultation at the August Oversight Committee.

## RECOMMENDATION 26 (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.*

**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*.

**STATUS: IN PROGRESS**

A Policy paper has been developed and Practice Directions have been distributed to all staff and ACT Together.

*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.*

**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.

**STATUS: TO BE DEVELOPED**

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

Further community consultation will occur to inform the policy statement, practice position and the process to be established to consider individual EPR orders to progress where the application is made by non-Aboriginal and Torres Strait Islander kin and carers. This work will look at what has been done to identify and support family placements as well as cultural connection and planning as well as an assessment of the impact on the child's wellbeing and permanency. This work will be prioritised to be completed throughout 2020-21.

## 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.*

**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).

### STATUS: IN PROGRESS

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

CYPS will continue to work with services through case management and care team meetings, to ensure the delivery of services, their suitability, benefit and method of delivery meets families' needs. CYPS staff will consult with the Aboriginal Practice Leader, Principal Practitioner and Senior Practitioner, as well the Cultural Services Team, to identify and respond to the needs of families.

## RECOMMENDATION 28 (DECEMBER 2019)

### FAMILY CONNECTION PRACTICES

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

**AGREED** – July 2020

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

**STATUS: IN PROGRESS**

Prioritised to be completed by end December 2020.