
Advocacy and support for Aboriginal and Torres Strait Islander families involved with child protection

Direction to staff

This document provides supplementary information to support Child and Youth Protection Services (CYPS) staff perform their role.

Note: Unless otherwise indicated, the term ‘child’ or ‘children’ also refers to ‘young person’ or ‘young people’.

Purpose of this document

This practice guide provides information about engaging advocacy services and support people or organisations when working with Aboriginal and Torres Strait Islander families, as identified in the *Children and Young People Act 2008* (the Act), in all CYPS decisions and actions.

Scope

This practice guide supports all staff within CYPS across their work with Aboriginal and Torres Strait Islander families.

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Aboriginal and Torres Strait Islander children and young people principle

In making a decision under the Act in relation to an Aboriginal or Torres Strait Islander child or young person, in addition to the matters in section 8 and section 9, the decision-maker **must** take into account the following:

- (a) the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community;
- (b) submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisation identified by the director-general as providing ongoing support services to the child or young person of the child's or young person's family;
- (c) the traditions and cultural values (including kinship rules) of Aboriginal and Torres Strait Islander people as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.

Note: For a decision about placement of an Aboriginal or Torres Strait Islander child or young person, CYPS staff are required to adhere to the 'Placing a child in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle' procedure.

Who can be an advocate or support person/organisation?

Any person or organisation who the child or family member would like involved to help them feel comfortable with child protection can be an advocate or support. This person or organisation is usually someone from the child or family members immediate circle of support. For example, they could be:

- A relative
- A friend of the family
- A neighbour
- A school Aboriginal Liaison Officer, school social worker or teacher
- A staff member/s from an Aboriginal Community Controlled Organisation such as Gugan Gulwan, Winnunga and Aboriginal Legal Services
- A school social worker or teacher
- ACT Victim Support Officer
- A member of the CYPS Aboriginal and Torres Strait Islander Cultural Services team
- Any person that can provide support to help a child, young person and/or family to identify and express their ideas, needs and wishes.

Active Efforts

- Ask the child or family who their greatest supports options in the community.
- Collect all names and contact details and record them clearly in the client management system.
- Provide the 'Supporting our kids and families involved with child protection' information sheet.

“The most support I had from CYPS was when I was pregnant with my second daughter. I had my own person cheer squad and support network that rallied around me daily to ensure she stayed with me. Why couldn’t this have been done before my daughter came into care?”

Mother (*Our Booris, Our Way Final Report, December 2019*).

When should an advocate or support person/organisation be involved?

Advocates and support people or organisations can be involved in **all stages** of engagement with CYPS when the child and family wish them to be present. Support people and services can attend **any** meeting between CYPS and the child or family member to provide information and support to the family to assist with decision making.

Active Efforts

- Gain consent from the child, young person and/or family to engage with particular people and/or services. This is an important step, and the consent should be provided to those supports when given. Some Aboriginal or Torres Strait Islander organisations may refuse to interact with CYPS staff without this evidence of consent.
- Make every attempt to contact those supports identified to develop a clear plan on how they can continue to support the child, young person or family during their interaction with child protection.
- Clearly explain to those identified supports that can be involved during all stages of child protection.
- Request a consultation with the Aboriginal and Torres Strait Islander Cultural Services Team to determine the best way to seek submission or to assist with engagement.

How can an advocate or support person/organisation make a submission?

Advocates and support people or organisations can make submissions to CYPS in a variety of ways. These may include the following:

- In person
- Phone
- Email
- Writing
- Teleconference or video conference.

Active Efforts

- Acknowledge and understand the experiences Aboriginal and Torres Strait Islander people have had with the child protection system, and to make active efforts to improve outcomes for children by providing parents with an ability to seek information about services who can support them actively participate in the decision making processes for their children.
- CYPS staff are encouraged to take responsibility for developing cultural competence in interviewing and engaging with Aboriginal and Torres Strait Islander families. This means slowing down, taking time to build trust, and taking time to communicate with respect.
- Assist support persons and organisations to give their views by making a submission. This may be by helping them to draft a letter or email.
- You can also allow a support person to make a verbal submission and offer type it up for them. They can sign it when you have read it back to them.

- Offer to follow up with an email to the support person or organisation to ensure all parties were heard and as evidence that submissions were received and there is a further indication on how and when they will continue to be involved.

Related materials

The following materials directly relate to this practice guide.

Legislation

- *Children and Young People Act (2008)*
- *ACT Human Rights Act (2004)*

Policies, procedures and practice guides

- [Policy: Cultural plans for Aboriginal and Torres Strait Islander children and young people](#)
- [Procedure: Cultural plans for Aboriginal and Torres Strait Islander children and young people](#)
- Procedure: Aboriginal and Torres Strait Islander cultural panel
- [Procedure: Placing a child in accordance with the Aboriginal and Torres Strait Islander child placement principle](#)
- [Practice guide: Developing contact arrangements](#)
- [Practice guide: Engaging with Aboriginal and Torres Strait Islander children and young people](#)
- [Practice guide: Family Group Conference \(FGC\)](#)
- [Practice guide: Identifying and finding kinship carers](#)
- [Practice guide: Placing a child in a care placement](#)

Other documentation

- [Information sheet: Supporting our kids and families with child protection](#)
- [CYPS Practice Standards](#)
- [Working with Aboriginal and Torres Strait Islander families: Providing culturally responsive practice](#)

Document information

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Version history

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Date	Amendment details
29/06/2020	First publication of this practice guide.

Definitions

For definitions of terms used in this document, access the CYPs glossary