

# Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia

10 October 2023

**MURIEL BAMBLETT CEO**



**VACCA**

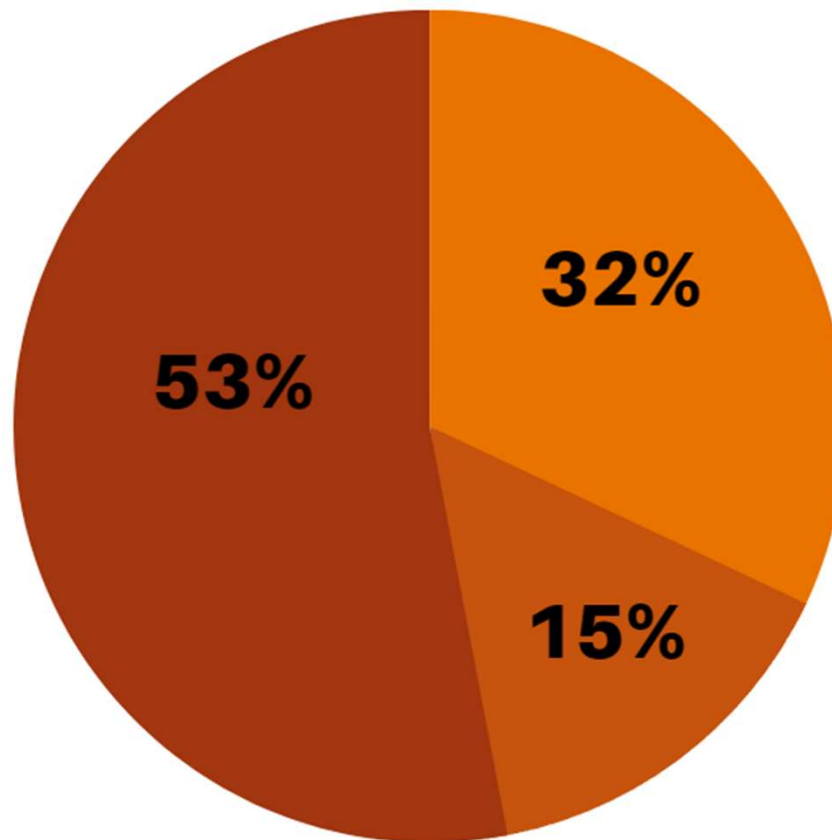
Connected by culture

VICTORIAN ABORIGINAL  
CHILD CARE AGENCY

Artwork by: Nakia Cadd, Gunditjmara, Yorta Yorta, Dja Dja Wurrung and Bunitj.

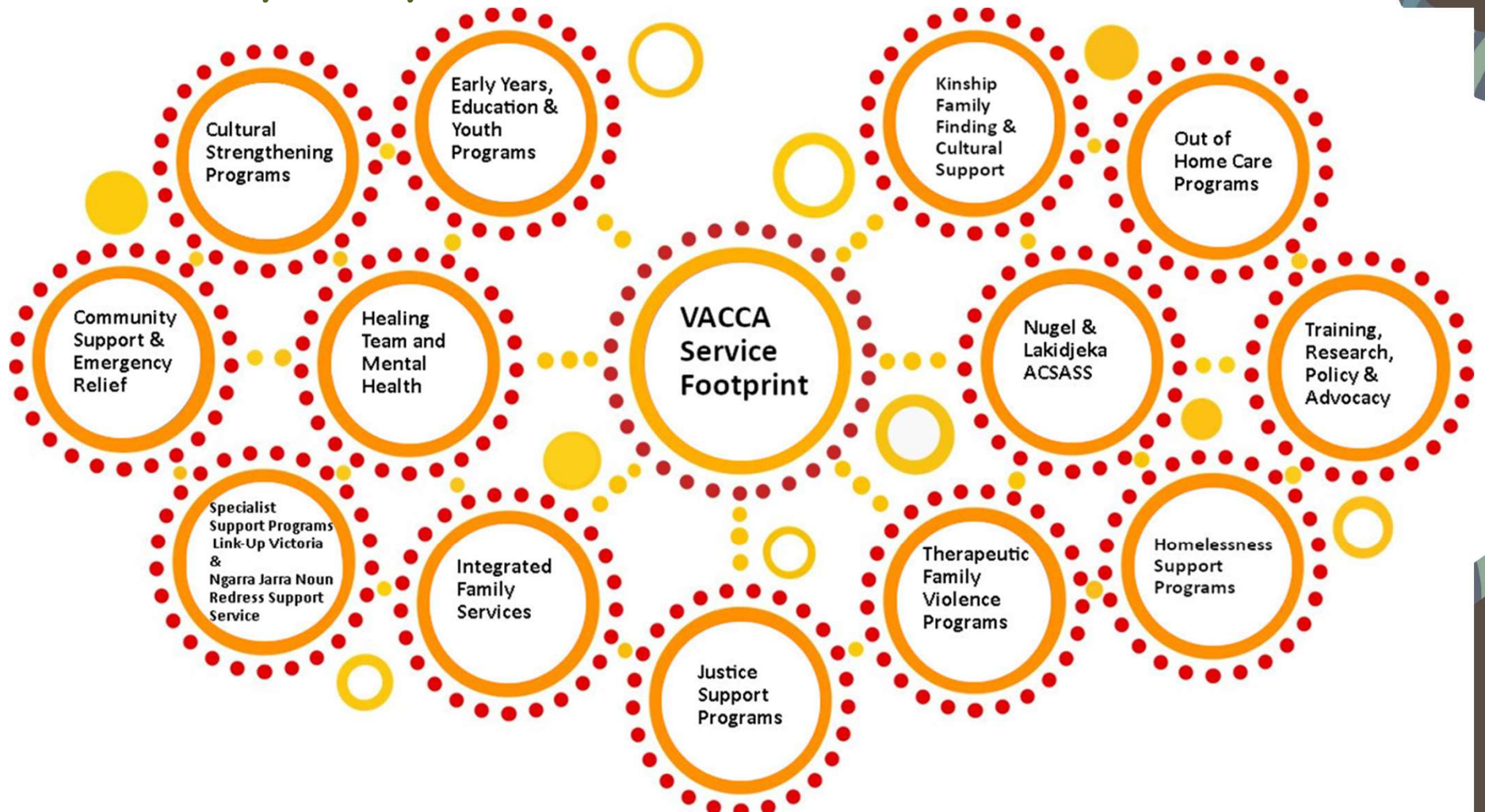
# ACCO CP sector

16 ACCOs in Victoria that are Gazetted to provide child protection supports



- **VACCA**  
32% of Aboriginal Children - 830  
Around 80% in Metro Melbourne  
Inner Gippsland and Ovens Murray regions
- **Other regions**  
15% of Aboriginal Children - 392  
Spread across 16 providers  
Bendigo is the largest provider
- **Mainstream CSOs**  
53% of Aboriginal children - 1378 (total of 2600)  
Getting worse despite commitment to 100% transfer of Aboriginal children by Dec 2021  
Around 500 children that could be transferred to VACCA regions.

# About VACCA







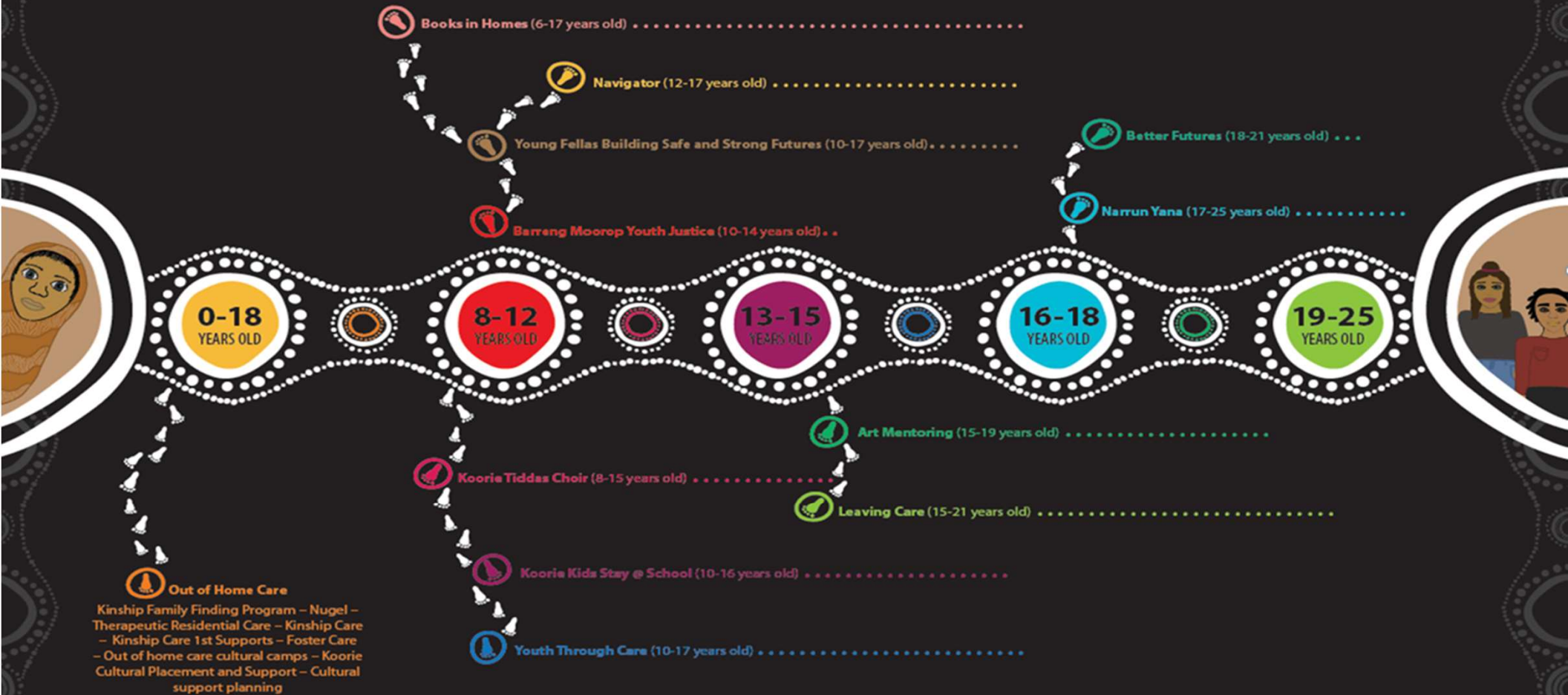
# VACCA

Connected by culture

VICTORIAN ABORIGINAL CHILD CARE AGENCY

# YOUTH PROGRAMS FOOTPRINT

## By age range



# FAMILY VIOLENCE MAPPING



VACCA

Connected by culture

VICTORIAN ABORIGINAL CHILD CARE AGENCY

## NORTHERN METRO

Therapeutic Program  
Women and their Children FV Case Management  
Orange Doors:  
North- East Melbourne (NEMA)  
Hume Moreland (from Nov '21)  
Healthy, Respectful Relationships Cultural  
Camps for Aboriginal Young People  
Holistic Healing Groups Elders

## WESTERN METRO

Therapeutic program  
Women and their Children  
FV Case Management and L'17  
Wunggurrwil Ngardang Wunggurrwil Babab  
(Women's and Bubs impacted by FV Day Camp)  
Orange Door (from 2022)

## EASTERN METRO

Therapeutic program  
Women and their children FV Case Management  
Inner Eastern Melbourne Orange Door

## SOUTHERN METRO

Therapeutic program  
Women and Their Children FV Case Management  
Orange Doors: Bayside Peninsula (BPA)  
Southern Melbourne (from Nov '21)  
Nowunumurrumbununneryearkun – Aboriginal  
Sexual Assault Therapeutic Pilot Program  
Men Who Use Violence Case Management  
Men's Behaviour Change Program: Better Way,  
Holistic Healing Groups for men and Elders  
Youth Programs: Healthy, Respectful  
Relationships Cultural Camps for Aboriginal  
Young People  
Holistic Healing groups Elders

## GIPPSLAND

Therapeutic program  
Women and their Children FV Case Management  
Inner Gippsland Orange Door  
Orana Gunyah - Women's Refuge  
Men Who Use Violence Case Management  
& Homelessness Support  
Youth Programs: Healthy, Respectful  
Relationships Cultural Camps for  
Aboriginal Young People  
Holistic Healing Groups Elders  
Holistic Healing Groups Men

## OVENS MURRAY

Therapeutic Program  
Women and Their Children  
FV Case Management  
Ovens Murray Orange Door  
Men's Yarning Circle

## FAMILY VIOLENCE INITIATIVE TEAM – STATE WIDE

FV Reforms  
Healthy & Respectful Relationships Modules  
MARAM Sector Capacity Building  
MARAM FV Specialist  
FV Practice Lead  
Strengthening Cultural Safety

# Compliance

- VACCA is required, as part of the DFFH Service Agreement to participate in the Client Incident Management System (CIMS). This scheme involves managing Incident Reports, Case Reviews, and Investigations.
- VACCA is also required, to participate in the CCYP Reportable Conduct Scheme. This is also a legal requirement.
- CIMS investigations focus on the child, the Reportable Conduct Scheme investigations tend to focus on the adult. They can lead to a review of the individual's Working with Children Check if the allegations are substantiated.
- The team also covers other investigations, but these do not come up often, such as Section 81/82 investigations, NDIS investigations, and so on.
- Investigations are complex, requiring specially trained personnel, evidence to be gathered and interviews of victims, witnesses, and the subject of allegations.

# Establishing strong foundations

## VACCA Workforce strategy

- VACCA has a robust and implemented workforce strategy
- Focus is on learning and development, workforce sustainability, capability and capacity building of an organisation including aligning systems and processes with reform, digitalisation, professional and career development.
  - Linked to Strategic Plan
  - Benchmarking and staff feedback
  - Range of internal leadership programs; mental health supports, mentoring, traineeships, student placements, secondments, career development, qualification support

## Challenges

- Competition for Aboriginal staff from industries outside of the ACCO sector
- Pathways into the sector are not easy
- Supporting Aboriginal and Non Aboriginal Staff in the workplace
- Learning and Development requires ongoing investment throughout the employee lifecycle
- Pay parity
- PLSLS
- Increasing Workcover costs



# Wrap around

- Education & Early years
- Disability
- Therapeutic

## Healing Services

**Secondary consults**  
Identify SEWB needs of a child to determine the best culturally led healing response to support their healing journey

**MDT reviews**  
Case and intake reviews focussed on monitoring and strengthening the quality of cultural and clinical decision making

**Understanding & Healing**  
Culturally-led, trauma-informed assessment and therapeutic healing work

**Healing leadership**  
Aboriginal leadership and projects to support and strengthen culturally led healing responses



## Healing Capability

**Group Reflective Practice**  
Work with teams across VACCA to strengthen healing and practice capability

**Training**  
Build and strengthen the capability of staff and to create conditions for healing to occur

**Education**  
Strengthen staff knowledge and understanding to better support the SEWB needs of children and families

**Healing systems**  
Strengthen healing systems and support practice improvements



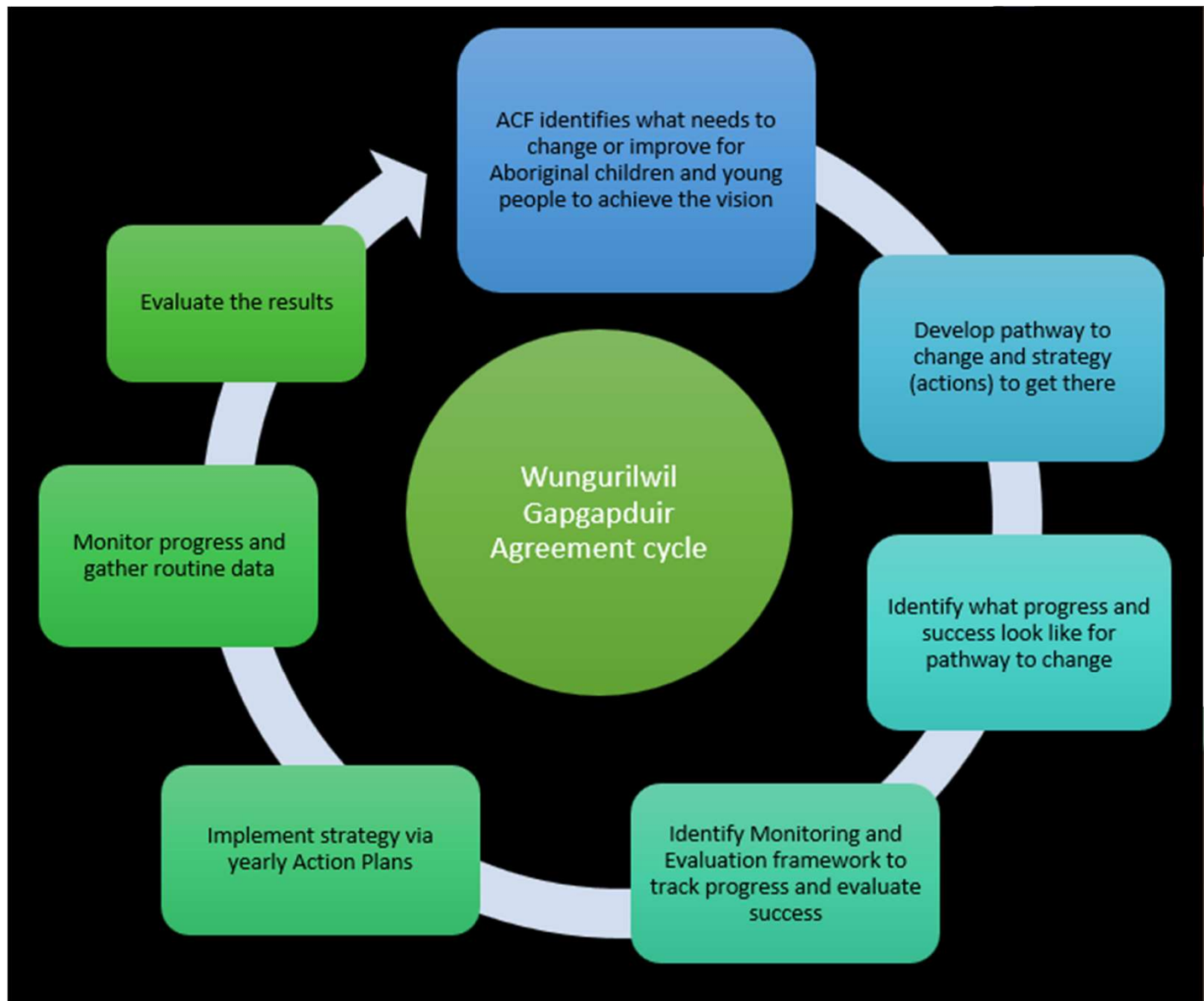
# Governance

**Wungurilwil Gapgapduir (WWGGD) is the strategic plan that guides the ACF. Its vision is to reduce the over-representation of Aboriginal children in care.**

**It has five central objectives:**

- 1. Ensure all Aboriginal children and families are strong in their culture and proud of their unique identity**
- 2. Resource and support Aboriginal organisations to care for Aboriginal children, families and communities**
- 3. Commit to culturally competent and culturally safe services for staff, children and families**
- 4. Capture, build and share Aboriginal knowledge, learning and evidence to inform practice**
- 5. Prioritise Aboriginal workforce capability.**

# WWGGD 10 year VISION



# Aboriginal Evidence Base

- Key Ingredients =

**Establish a range of guiding principles**

**Generation of research evidence is prioritised**

**An outcomes framework resource to be developed in 2021**

**Report on quality of evidence**

**Access for applicability & Transfer of Evidence**

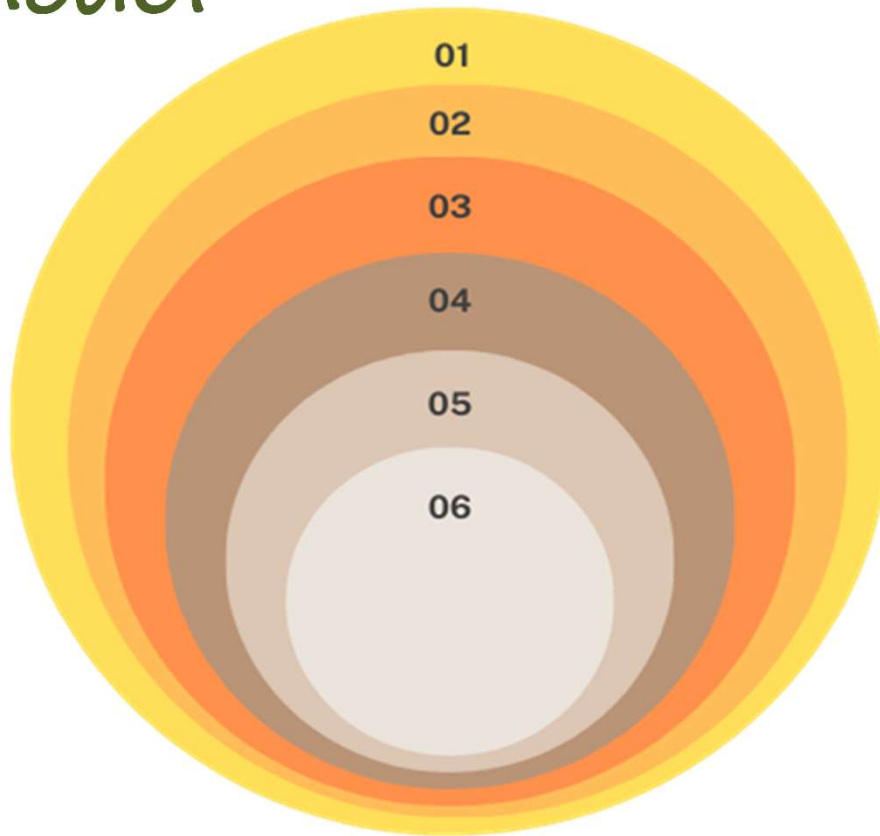
**Harness culturally-centred knowledge and lived experience of community**

**Utilise Aboriginal theories and knowledge systems in program design & evaluation**

**Utilise culturally developed & aligned methodologies & methods**



# Our Model



## 01 Early Help (Strong & Deadly Communities)

Menu of prevention and early intervention services and cultural supports for children and families that are tailored to the local Community.

## 02 Secondary Services (Families Together)

Family services, family violence services, child and family therapeutic services, VACCA Unborn model, Aboriginal Orange Door.

## 03 CP Report/Diversion (Pathways to Safety)

Aboriginal Child Protection Intake model (to be developed).  
Aboriginal-led Case Conferencing (ALCC)

## 04 Investigation & ACAC (Nugel)

Investigation of child protection reports.  
Management of children on protection orders.

## 05 Care Services (Circles of Care)

Kinship care, Aboriginal foster care, Aboriginal residential care, Targeted Care Packages, Intensive Case Management Services (ICMS).

## 06 Exit Planning (Stepping Out/Stepping Back)

Better Futures. Family meeting and celebration.

# Victorian Context (ACPP)

- **ACPP in Victoria**
  - Adopted in 1979 as the preferred placement option
  - 1989 incorporated into Children & Young people Act
  - Prevention principle was only added in 2023
- **Aboriginal guardianship available from 2005 but started in 2015**
- **2023 Commitment to transfer of Aboriginal decision making to Aboriginal**
- **Taskforce 1000 (2016)**
- **2020 SNAICC review**
  - Lack of understanding of Aboriginal Kinship systems or child rearing practices
  - Placements decisions are make too quickly without consideration to Aboriginal families
- **2023 Yoorrook report recommendations**
  - Keep siblings together
  - Use AFLDMs more (24%)
  - Compulsory to consult ACCOs (63% investigations, 21% permanent care)
  - Training in ACPP (offered to CP first time 2023)
  - End discrimination against kinship carers

# Importance of legislation

## Statement of Recognition

- 1. Binding principles relating to ACPP and best interests of child at every step of decision making & applies to all decision makers including the courts**
- 2. Requires decision makers to consider and give effect to a number of key principles that relate to best practice for Aboriginal children.**
  - The expansion of section 18 into investigations which allows for greater self-determination;
  - The expansion of Aboriginal parent in the act, to allow for different concepts of Aboriginal family dynamics to be captured in the legislation. This will hopefully lead to more children being placed on Family Preservation Orders than longer term Care by Secretary Orders
- 3. Must be able to demonstrate effect or considered ACPP in decision making**
- 4. SOR Aligns with Section 13 Act**
  - strengthen family participation and preservation



# Courts -Marram-Ngala Ganbu

- **Marram-Ngala Ganbu (M-NG) is a Koori hearing day in the Family Division of the Children's Court**
- **Seeks to provide a more effective, culturally appropriate and just response for Koori families through a culturally appropriate court process, that enables greater participation by family members and culturally-informed decision-making**
- **Docketing to enable and ultimately leads to better outcomes for children**
- **Magistrates to handle cases from start to finish**
- **Koori Services Coordinator and Family Support Officer attached to M-NG**
- **Applies therapeutic justice practices in child protection – judicial case mgt, address wording and communication, onsite counselling, childcare facilities, court assessments.**
- **Support can include therapeutic drug treatment programs, parenting programs, vocational training and regular court appearance to monitor parent's progress**

# Prevention principle delay impact

- Address trauma & have therapeutic and healing supports
- Early help, early in need
- Focus on early years & system drivers of removal like hospitals and MCH
- Participation in supports needs to be strengths based not with fear of removal
- Influence intake system so that intervene at first report and get supports to stop need for removal
- Capacity to address crisis of Aboriginal baby removals

# Unborn

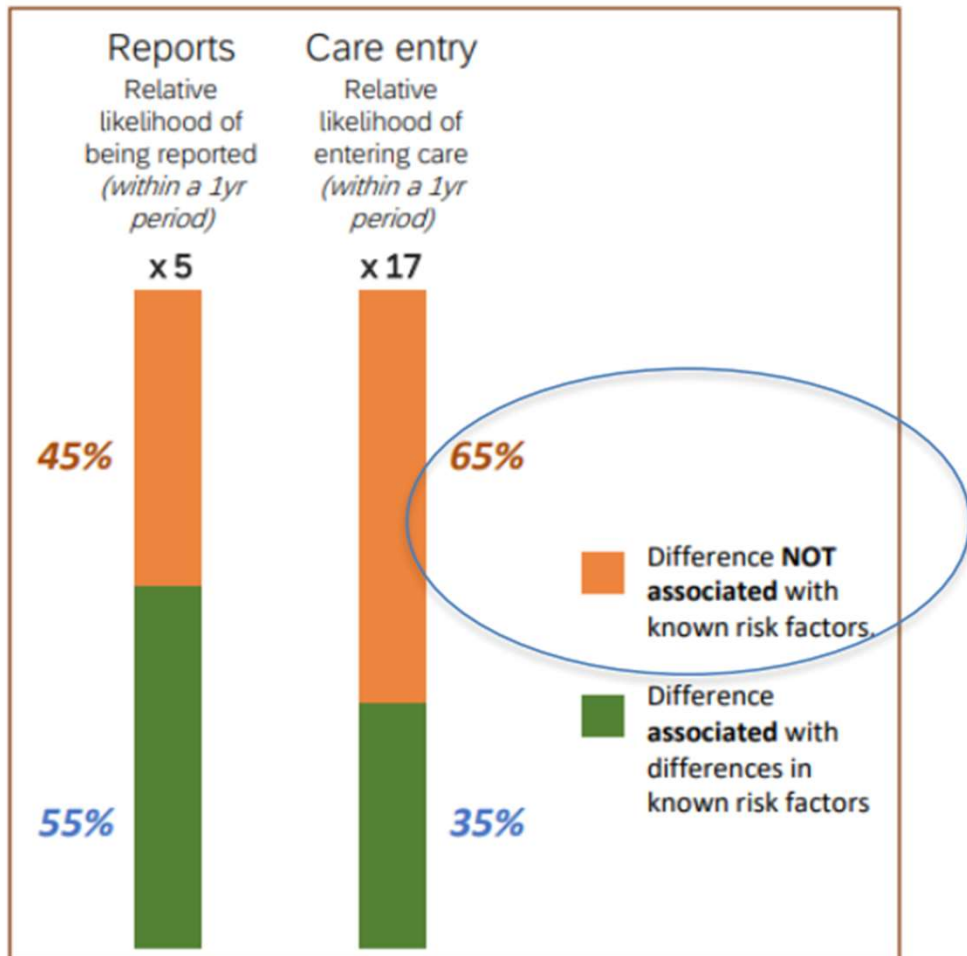
1. Australia has eight child protection systems; Victoria (Vic), New South Wales (NSW), Queensland (Qld), Western Australia (WA), Tasmania (Tas), South Australia (SA), Australian Capital Territory (ACT) and the Northern Territory (NT)
2. s.18 of the Vic Children Youth and Families Act 2005, stipulates that authorised Aboriginal agencies can be delegated powers to perform specified child protection functions
3. Concerns about the safety of unborn children at birth can be reported to child protection in all Australian states and territories. Tas is the only jurisdiction where there are mandatory reporting requirements.
4. As a general principle, referral to child protection should be at the earliest opportunity after pregnancy is confirmed with the aim of family preservation not removal.
5. NSW, WA, Qld & Tas have statutory provisions for investigation during pregnancy to determine whether an unborn child will need protection after birth. In Vic, SA, ACT, and NT, legislation does not allow for investigations to commence before the child's birth.



# Unborn

6. Australian states and territories do not recognise the legal personhood of a foetus in utero, limiting child protection jurisdiction to after a baby is born. Until then, intervention is provided on a voluntary basis.
7. To the extent that it can be achieved in the child's best interests, parental involvement and participation in case planning is actively encouraged.
8. VACCA have designed an Aboriginal led, systems based solution to Aboriginal baby removals. Bringing Up Aboriginal Babies at Home and offers:
9. Enhanced coordination between antenatal care, child protection and (Aboriginal) services to address identified safety concerns.
10. Holistic, family-inclusive case planning and case management early in pregnancy.
11. Family advocacy and support to promote empowerment and inclusion in child protection decision-making.

# Unborn children & child protection



DFFH data found in September 2023 65% of the difference in rates of entry into Care between Aboriginal and non-Aboriginal children are NOT associated with known risk factors.

# Robust ACCO sector

1. Invest in capacity building & local solutions
2. Systems transformation levers are funding, workforce, self determination, leadership and culture
3. Partnerships with mainstream must have a sunset clause or end date where the funding is transferred to an ACCO
4. Need to set timelines for change – they can be aspirational and it's ok if you don't get there but it drives progress

# Family Preservation & Reunification

- **VACCA has double the reunification rate to DFFH**
  - But targets are low & funding drip fed
- **Limited Support structures & even less that are Aboriginal led**
  - AOD, Housing/homelessness, FV, parenting, incarceration
- **Family Preservation and Reunification program (The Response)**

Funded for next 12months (3yr funding)  
Funding is through targets (per family)

  - A new approach to intensive family services based on evidence-informed practice approaches and providing integrated support
  - The primary objectives of the Response are:
    1. Family preservation: where the objective is to create safety and prevent child removal and placement in care;
    2. Reunification: where the objective is to safely and rapidly return children to their families and communities.

# Kin

- **Problem with the definition of Kin**
  - It does not mean Aboriginal Kin which means that true Aboriginal kin placements are closer to 38% instead of reported figures around 70%
- **Dad's family is always overlooked**
- **Siblings**
  - Placement of non-Aboriginal siblings
- **Family finding supports**
  - Underfunded
  - Not prioritised
  - Should occur at every placement decision
- **No incentive to be a Kinship carer in community**
- **Cultural support plans**
  - need resourcing
  - De-indenfication and confirmation of Aboriginality
- **Reunification has to be the goal of removal – and that means investing in safety & families**