

ac.care's submission to the Commissioner's Inquiry into the removal and placement of Aboriginal children in South Australia

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Our work in the Child Protection System

ac.care has been working in partnership with the Department for Child Protection (DCP) for over 30 years as a funded service provider for Foster Care and Residential Care, and in other contexts of the child protection system. ac.care works directly with DCP, receiving placement referrals and matching children and young people to our carer households or residential homes.

Our approach in working with DCP in the placement of Aboriginal children and young people has been based on the understanding that applying the ATSI CPP is a longstanding and multi-faceted process. When applied effectively it considers all five elements of prevention, partnership, placement, participation and connection, and includes family and extended family in decision making about where and with whom they want their children placed. It is our hope that this translates into keeping children and young people connected to their family, culture and community and reduces the numbers of children coming into and remaining in out-of-home care.

Even though the ATSI CPP is a stated model of practice within DCP's case management model, in South Australia there has not been any real increase in the application of the ATSI CPP. Neither have we seen any solution nationally to the increase in the placements of Aboriginal children by actively involving family or extended family.



We question how effectively the ATSI CPP has been applied and embedded in practice. And more importantly, has DCP decision-making really involved family and extended family in applying the five elements in practice? While several elements detail how this can be applied and utilized, realistically this has not occurred in practice by the statutory system in South Australia.

As a DCP funded service provider, ac.care is systemically linked with the current legislation through our service responsibilities. As an agency supporting and assisting vulnerable families in country South Australia, we have a vested responsibility to advocate for the rights of Aboriginal children, young people, their families and communities. Our advocacy responsibility is to provide strong leadership to influence change through legislation, policies and service delivery in South Australia to ensure:

- the rights of Aboriginal children and families are upheld
- the voices of Aboriginal children and families are heard
- Aboriginal people are equal partners in change

Next year will be the 25th anniversary of the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (The Bringing Them Home Report).

The taking of Aboriginal children from their families was one of the most devastating practices with a profoundly traumatic impact on Aboriginal people that reaches beyond the initial removal and continues to impact on generations. We have seen the devastating effects that these removals have had on every part of their lives and how this has created intergenerational trauma and pain.

Our view is that such a complex and national issue within statutory child protection can only be solved through true collaboration and partnership, with key stakeholders, such as the NGO sector in alternative care and local Aboriginal Community Controlled Organisations (ACCOs).

Our capacity building work and practice should be aligned to working with and alongside DCP in applying the ATSI CPP in practice and to increase our capacity to place children and young people.

Our guiding principles

In developing this submission we are guided by ac.care's mission "We want all country people to have a safe home, enough money to live on and strong positive relationships".

We support children, young people, their families and community, and build their capacity in our work with families and foster carers. We focus on the positive outcomes for children and families by promoting an increased understanding of the roles we play together in supporting families to keep children safe in their



care. We will continue to support and create opportunities with families to ensure safe and culturally strong futures for our children and young people.

We would like to acknowledge the leadership and guidance provided nationally by SNAICC and the Family Matters agenda. We endorse the Family Matters goal 'to ensure that all Aboriginal and Torres Strait Islander children and young people grow up safe and cared for in family, community and culture' with a target 'to eliminate the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 2040.'

Our recommendations are based on our lived experience and the following research:

- Commonwealth of Australia, Safe & Supported: The National Framework for Protecting Australia's Children 2021-2031
- SNAICC (2017), National Voice for Our Children Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle: A Resource for Legislation, Policy and Program Development
- The Family Matters Report (2021), Measuring Trends to Turn the Tide on Aboriginal and Torres Strait Islander Child Safety and Removal

Our vision

The key findings from the Family Matters Report (2021), Measuring Trends to Turn the Tide on Aboriginal and Torres Strait Islander Child Safety and Removal were

"Aboriginal and Torres Strait Islander children and their families are grossly over-represented in involvement with child protection systems as well as on key indicators of social and economic disadvantage that contribute to entry into out-of-home care. At the same time, Aboriginal and Torres Strait Islander children and their families are under-represented in universal and targeted services that could reduce their increasing rate of contact with child protection services and improve their safety and wellbeing. Further, there is an absence of mechanisms for Aboriginal and Torres Strait Islander people to participate in decisions that impact the care and protection of their children. There is also generally a gap in accountability mechanisms to oversee child protection decision-making".

We are particularly concerned that "Aboriginal and Torres Strait Islander children and their families are under-represented in universal and targeted services that could reduce their increasing rate of contact with child protection services and improve their safety and wellbeing".



How can our work in South Australia bring the industry together to focus on the positive outcomes for children and families by capacity building and an increased understanding of the roles we play together in supporting families to keep children safe in their care?

We need to develop a shared vision that in South Australia Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children.

This shared vision can only be achieved by inviting family and extended family into the application of all five inter-related principles. Importantly, this practice needs to always occur at the statutory investigation and assessment phase in order to see any real change in the numbers of children coming into care.

Our recommendations

Recommendation 1 - All elements of ATSICPP to be embedded in legislation

SNAICC expressed the following concerns about the failure to apply and uphold the ATSICPP:

“There was strong recognition that whilst many states and territories have implemented new legislation and policy frameworks that aim to uphold the ATSICPP, including family-led decision-making, many of these are not followed or implemented effectively. Knowledge holders were concerned about the level of genuine participation of Aboriginal and Torres Strait Islander peoples in child protection decision-making, including prevention, placement and connection elements of the ATSICPP”.

Disappointingly, our experience with the child protection system in South Australia mirrors this statement.

Our recommendation is to embed and apply **all five** elements of the ATSICPP - Prevention, Partnership, Placement, Participation and Connection - in legislation to improve active efforts.

In their roll out of Aboriginal community consultation, DCP is now asking whether this requires a change in the Child and Young People (Safety) Act 2017 in order to embed all elements of the ATSICPP and therefore legislating Aboriginal family led decision-making.

Legislative review and changes need to occur to ensure that all elements of the ATSICPP are embedded in child protection legislation, and most importantly, are also applied in child protection practices to demonstrate active efforts.



Recommendation 2 - Stronger investment in prevention and early intervention

SNAICC advocates for family support services:

“Knowledge holders want to see the successor plan focus on family support, with a reorientation of child and family welfare systems at state, territory and federal levels to provide:

- *early help to families and community*
- *family and community assistance*
- *better resourcing to address the intergenerational impacts of trauma, including housing, financial support, domestic and family violence, mental health, and substance misuse”*

We believe that prevention has rightfully been identified as the first element of the Aboriginal and Torres Strait Islander Child Placement Principle.

The primary approach needed to address the over-representation of Aboriginal and Torres Strait Islander children in the child protection system and in out-of-home care are prevention and early intervention strategies, to heal and strengthen families so that they can deal with the challenges they face and provide safe care for children. Protecting the rights of children to be brought up in their families requires access to a full range of culturally safe and quality universal and targeted support services - an essential shift that needs to be targeted.

A stronger focus on prevention and early intervention will strengthen and uphold what is in the best interests of the child and recognizes the right to self-determination by involving Aboriginal and Torres Strait Islander people in decision making. In particular, knowledge holders called for funding provided to Aboriginal and Torres Strait Islander organisations to go towards early intervention services. This was considered a key pathway to drive positive change and drive down over-representation.

National evidence has demonstrated the enormous potential benefits of early intervention supports for better family functioning and for reducing risk factors of child neglect and abuse in Aboriginal and Torres Strait Islander communities. The supports are a key link to address the intergenerational trauma resulting from living in poverty, racism, discrimination and forced child removals.

We support and acknowledge the research over the past 30+ years in relation to the importance of prevention and early intervention for Aboriginal and Torres Strait Islander children and their families. We now hope that the resulting, clear research findings and recommendations will be adopted in South Australia without further delay.



Recommendation 3 - Stronger Involvement of ACCOs

“Ultimately any system that looks to advocate for the rights and needs of Aboriginal and Torres Strait Islander children and their families, needs to provide resources and support to increase the capacity in Aboriginal families and the community. We know that organisations working with our families, to implement change and change for children and young people should be a system that is centred on the voice of our children and families, to ensure the rights of our children in the system to cultural connection and identity. Does real consultation with Aboriginal and Torres Strait Islander people, organisations, or the broader community occur, on reflection this has not happened”.

(National Framework for Protecting Australia’s Children 2021-2031)

Addressing the impacts of trauma for families requires significant levels of intensive, targeted, holistic family support which is culturally safe for families to address multiple and complex issues.

It is critical that South Australia adopt the recommendations from the SNAICC Paper, Family Group Conferencing, 2017:

“Our view is that this is such a complex and national issue within statutory child protection that the ever-increasing rate of removals of Aboriginal children can only be solved through true collaboration and partnership, with key stakeholders, such as the NGO sector in Alternative Care and ACCO’s, to increase the capacity in SA for more agencies to be funded or provide FGC and really apply the true meaning of the ATSI CPP”

We further recommend that culturally safe and accessible services for Aboriginal and Torres Strait Islander families be delivered by Aboriginal and Torres Strait Islander agencies. Many discussions have occurred around the roles of ACCOs in South Australia. The change required now is to provide direct funding to ACCOs to support and empower Aboriginal and Torres Strait Islander, children, families and communities. Funding to ACCOs and other non-government organisations, combined with progressive thinking, can address some of the ongoing and longstanding concerns regarding the removal of Aboriginal children and young people from their families.



Recommendation 4 - Family Led Decision Making (FLDM) to be legislated

The Family Matters Report 2021, found that:

“Efforts to include families directly in decision making have also been limited, and only Victoria has implemented a state-wide, culturally specific model of Aboriginal Family-Led Decision Making delivered in partnership with Aboriginal agencies. This needs to be adopted as a national approach to assist in reducing the overrepresentation of ATSI children and young people in the child protection system...The findings of this report highlight the need to upscale evidence based approaches and develop a holistic strategy to drive legislative, policy and practice reform and see improved outcomes for Aboriginal and Torres Strait Islander children”

To enable self-determination and advance the empowerment of Aboriginal and Torres Strait Islander authority in decisions about the care and protection of their children, the question that needs to be asked is ‘are families actively involved and participate in decision making, with the support of Aboriginal and Torres Strait Islander organisations?’

There is evidence from national Aboriginal peak bodies that FLDM improves outcomes for children, young people and their families by reducing the numbers of children and young people entering and remaining in the child protection system. FLDM ensures that the voices of children, young people, their families and community are heard and participating in decision making.

Many national reports and research papers have been published in support of best practice approaches to address some of the concerns regarding the increased number of Aboriginal children being removed from their families and coming into care. However, it is obvious the statutory authorities have not effectively embedded FLDM in their cultural practices.

Family Led Decision Making needs to be legislated and embedded as a cultural practice that supports Aboriginal and Torres Strait Islander peoples. Children, young people, their families and community should have access to Family Group conferencing. At a minimum Family Team Meetings should occur as early as possible in the child protection phases when initially engaging with families.

When this occurs in practice, and the family is included in decision-making about where and with whom their children are to live, the power imbalances significantly change. The family’s views are valued and upheld, and children remain in their family and extended family.

FLDM and the involvement of family, extended family and community in decision-making will put the focus on culturally sound best practice by recognising:



- cultural norms and beliefs
- trans-generational impacts of trauma from past welfare practices
- assumptions and decisions that have been made through a 'white-lens' that contribute to, dismiss or ignore the importance of culture and the role that culture plays in securing safety and wellbeing of Aboriginal children
- Aboriginal approaches to holistic wellbeing
- the identity and role of Elders in the community
- Aboriginal parenting practices and child rearing practices.

In South Australia, there are currently two pilot programs funded by DCP - RASA SA (Ngartautiya) and the Aboriginal Family Support Services model. It is our recommendation that this needs to be increased and broadened across all DCP geographical boundaries and be rolled out statewide. Evidence indicates that this model will decrease the number of children coming into care. Fewer children taken into care will result in less funding needed for out-of-home care, and particularly residential care. This will allow for a significant re-alignment of funding towards prevention and early intervention.

Focusing on positive outcomes for children and families, and the training in the Family Group Conferencing context will facilitate a greater understanding by DCP, NGO and ACCO staff of the roles we play together in supporting families to keep children safe at home.

In summary

As we know, the core to improving the wellbeing and outcomes for Aboriginal children and young people is to keep them connected with their families, community and culture.

We have to focus on plans to reverse the current trends in a holistic and evidence-based approach by including Aboriginal and Torres Strait Islander people and organisations that target early intervention, prevention and family and community strengthening.

By implementing these recommendations, we will ensure a culturally responsive attitude that respects cultural authority in partnership with ACCOs and lead child and family services like ac.care.

