

Submission: Inquiry by the Commissioner for Aboriginal children and young people into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal of Aboriginal children in South Australia.

Submitting Organisation: Department of Human Services

This submission is provided voluntarily to support information detailed in DHS responses to Summonses five and six, dated 29 September 2022. It offers additional detail on the operationalisation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) within the Department of Human Services (DHS), with a focus on the business units that have a key role in providing services for vulnerable and at-risk children and young people, of which Aboriginal children are over-represented.

The following information has been collected from Safer Family Services, Community Youth Justice, Kurlana Tapa Youth Justice Centre, and Aboriginal Practice and Service which includes Metropolitan Aboriginal Youth and Family Services (MAYFS) and the Child Diversion Program. It provides a brief description of each of these business units and the specific strategies taken to embed the ATSICPP into practice, to improve outcomes for Aboriginal children, young people, families, and communities.

Safer Family Services

Safer Family Services (SFS) works closely with the Early Intervention Research Directorate (EIRD) in leading the reform of the Child and Family Support System (CFSS) in South Australia¹. The reform aims to support vulnerable families to safely care for their children at home and reduce the need for children and young people to come into care. There is a focus within the CFSS on targeting services towards priority populations, of which Aboriginal children and families experiencing multiple and complex needs are one.

SFS has a core focus on providing direct service provision as the South Australian government agency, relating to the CFSS reform activity, including:

- Community Capacity Building programs that have a focus on offering services to families who are experiencing lower-level safety concerns that are at relatively early stages of vulnerability and, with the help of additional services, can be strengthened to prevent the need for more intensive services, or families who are ready to 'step down' from intensive support. This program includes Parenting SA, Families Growing Together, and Community Development Coordinators.
- CFSS Pathways Service provides a sole referral point for support for children and young people (including unborn children) who are identified to be at high risk of entering the

¹ Roadmap for Reforming the CFSS 2021 – 2023.

https://dhs.sa.gov.au/_data/assets/pdf_file/0010/136288/Roadmap-Practitioner1.pdf.

statutory child protection system. This service is focused on supporting equity within the system, ensuring that Intensive Family Service support is provided to those families most in need. The CFSS Pathways Service design includes data capture points and capability to better understand the complexity of family need, family preservation service demand and supply, and outcomes for families. This service works in close collaboration with SFS Aboriginal Connections Team and Child and Family Safety Networks.

- SFS Intensive Family Services (SFS IFS) provides intensive case management programs² to infants, children, young people and their families with multiple and complex needs and at risk of harm, neglect and family violence. SFS IFS positively and assertively intervenes to disrupt the patterns of intergenerational trauma, to increase the number of children remaining safely in their homes, connected to family, culture and community.

Practice Focus Area: Prevention

- SFS Aboriginal cultural governance has been significantly increased, with a current effort on recruitment for these positions to occur systematically. This is reflective of a commitment within SFS to be led by and held accountable to Aboriginal authority.
- Launch of the SFS Aboriginal Cultural Practice Framework³ occurred in February 2023. Further work will be undertaken within 2023 to implement this Framework into SFS practice.
- Implementation of Trauma Responsive System Framework⁴ within SFS. Implementation in 2023 will see a series of ‘coach the coacher’ workshops for SFS staff, and a change team to monitor and initiate strategies to increase trauma responsiveness throughout SFS.
- Staff receive Aboriginal cultural training that has a key role in raising awareness of their cultural biases and cultural assumptions, and in increasing their cultural competence:
 - Yaitya Mingkamingka Purruapiinthi training, Indigenous Trauma Healing. This training has been provided by KWY, AFSS and Tauondi (the development and initial delivery of this training program was funded by DHS for all IFS practitioner across government, NGO and ACCOs).
 - Cultural Footprints training that comprises of three modules: Aboriginal Cultural Awareness (online) training, SA History Trust-Impact Program, and Aboriginal Cultural Appreciation.

² CFSS Intensive Family Services. <https://dhs.sa.gov.au/services/cfss/cfss-services/cfss-intensive-family-services>

³ SFS Aboriginal Cultural Practice Framework. https://dhs.sa.gov.au/_data/assets/pdf_file/0003/139683/Aboriginal-Cultural-Practice-Framework.pdf

⁴ Trauma Responsive System Framework 2022. https://dhs.sa.gov.au/_data/assets/pdf_file/0004/128803/Trauma-Framework_2022.pdf

- ‘Cultural competency for supervisors of Aboriginal people’ training by Dr Tracy Westerman is provided to all SFS leadership staff.
- In development is an e-learning module, ‘Introduction to the Aboriginal and Torres Strait Islander Child Placement Principles’. This e-learning module is anticipated to be available for staff from June 2023, and to be supplemented by face-to-face training and practice guidance.
- Development of all SFS practice guidance has cultural considerations for practice and aims to have a cultural lens applied throughout. This will be further enhanced within 2023, with practice guidance specific for working with Aboriginal families such as Aboriginal Family Led Decision Making and Aboriginal Parenting Practices.
- Families Growing Together provide a range of parenting workshops for all families. Workshops specifically for Aboriginal families are created in a co-design process with Aboriginal families specifically for their community.
- All referrals made to the CFSS Pathways Service for an Aboriginal child/ren (including unborn children) are triaged by an Aboriginal practitioner to support the application of an Aboriginal cultural lens from the very first point of contact that a family has with the Child and Family Support System.
- Aboriginal Cultural consultation is available for SFS practitioners to access throughout a family’s engagement with an SFS IFS program. It is standard practice for this to occur prior to a practitioner making first contact with a family, and continuing throughout the service.

Practice Focus Area: Partnership

- Aboriginal Connections Team works closely with Aboriginal Community Controlled Organisations (ACCO) to support with intentional and active engagement with Aboriginal families, to ensure that Aboriginal children experiencing child safety concerns and their families receive support early.
- SFS has provided administrative support for the Northern Placed Based Approach Working Group. This group aims to have representation from ACCOs and Aboriginal Health alongside of other government and non-government agencies. It aims to identify system level gaps and to ‘try, test and learn’ new ways of working within the Northern Adelaide region to better improve the outcomes of children and young people who experience vulnerability.
- SFS coordinate Child and Family Safety Networks that include ACCOs, Aboriginal Community Controlled Health Organisations, non-government organisations, Aboriginal community organisations and government agencies. They aim to support information sharing and collaborative decision making between service partners for referrals made through the CFSS Pathways Service for children and young people at risk of harm.
- SFS has and continues to build strong relationships with Aboriginal leaders. Within 2022, SFS engaged Shirley Young and Dana Shen to support the development of

the SFS Aboriginal Cultural practice framework through yarning circles and consultation with Aboriginal staff in DHS.
Practice Focus Area: Participation
<ul style="list-style-type: none"> • The Aboriginal Connections Team are currently working on a range of community resources, including community forums to provide insights and education to the community on the CFSS. This has a focus on informing parents, caregivers and community members on the rights of their children, their rights, and the responsibilities of service providers and their own responsibilities in relation to child safety. • Community Development Coordinators (CDC) have a focus on engaging with communities to identify needs and responding accordingly. From this process, the CDCs have arranged yarning groups for Aboriginal communities in numerous areas. An example of this is ‘Nunga Nannas’ in Ceduna that involves the CDC providing transport and facilitating discussion around what is happening for the children in their community. • Aboriginal communities will be involved in a large consultation process for updates scheduled to occur to the Aboriginal specific Parent Easy Guides⁵.

Aboriginal Practice and Services

In 2022, DHS formed the Aboriginal Practice and Services team to bring Aboriginal identified roles and services that support Aboriginal children and families together to work as a collective, to place a dedicated focus to Aboriginal children, young people and families, and to strengthen cultural practice across the DHS Communities and Justice division. The team is led by the General Manager, Aboriginal Practice and Services, a role that is designed to:

- develop culturally responsive policies and services to drive knowledge and awareness and support culturally responsive client work across Communities and Justice
- establish strong partnerships with Aboriginal people, communities, and organisations to support culturally responsive services
- identify, design, and deliver innovative solutions and programs that improve outcomes for Aboriginal families and communities.

Community Youth Justice, Kurlana Tapa Youth Justice Centre, Metropolitan Aboriginal Youth and Family Services (MAYFS), Child Diversion Program.

The below table identifies active efforts to embed the five key elements of the ATSICPP across the following business units:

- Community Youth Justice
- Kurlana Tapa Youth Justice Centre

⁵ Aboriginal Parent Easy Guides. [Parenting SA - Parent Easy Guides](#)

- Aboriginal Practice and Services, which includes Metropolitan Aboriginal Youth and Family Services (MAYFS) and the Child Diversion Program.

Practice Focus Area 1: Identification

- Any determination of identity is based on advice from people with the appropriate cultural knowledge and authority.
- Family, Aboriginal staff and other people with cultural authority are involved at all stages of service delivery.
- Family scoping practice includes the use of genograms and eco mapping to identify family background, values, and generational attitudes.
- The language and cultural group of Aboriginal children and young people are identified at the earliest possible point.
- Staff practice reflects an understanding of best practice for identifying Aboriginal children, young people and families

Practice Focus Area 2: Prevention

- Assessments of children, young people and family needs are culturally safe and sensitive, with family preservation being the primary goal.
- Families are empowered to make necessary changes to support the wellbeing of children and young people. Workers understand the biases that contribute to how we perceive risk factors and the impact to Aboriginal families when assumptions are made about a family’s capacity for change from this biased lens.
- Aboriginal Family-Led Decision Making underpins all decisions that affect the child or young person and their family. This includes:
 - teaching staff how to empower families through reaching out and connecting, learning, building trust, respecting, empowering, tracking, and celebrating success;
 - understanding, respecting, and supporting Aboriginal parenting practices;
 - taking a strength-based approach to family preservation that recognises families as experts in their own lives.

Practice Focus Area 3: Partnership

- Staff practice reflects an understanding of self-determination and the collective right to control one's own life.
- The “right team” is built around the child or young person with a cultural lead not just random allocation.
- ACCOs and community representatives are included in service design and delivery, to build cultural competency.

- Aboriginal children, young people and their families are encouraged and supported to contribute to processes aimed at maintaining connections to family, community, and culture.
- Case managers connect Aboriginal children and young people with culturally safe legal support as required.
- Interagency partnerships are fostered and involve shared responsibility to support capacity building according to identified needs.

Practice Focus Area 4: Placement

- Training ensures culturally appropriate and safe assessment of Aboriginal kinship systems.
- A child or young person's post-release needs, including cultural and spiritual, are identified and appropriate supports put in place.
- Aboriginal Family-Led Decision Making underpins decisions pertaining to a child or young person's placement.
- Definitions of 'who is kin' are left to family and those with cultural authority.
- Staff practice reflects an understanding that culture is critical to child, youth and family safety.

Practice Focus Area 5: Participation

- Aboriginal Family-Led Decision Making is applied in case conferencing.
- Case management involves working with extended family, community members, and others with cultural authority.
- Aboriginal children and young people are given opportunities and culturally responsive support to participate in decisions that affect them.
- Staff give time for cultural protocols to emerge when engaging with families and community.
- Regular yarning circles provide opportunities to gather views and build relationships.

Practice Focus Area 6: Connection

- Where desired by the child, young person, and their family, return to country and/or community is prioritised and actively supported.
- Staff are supported to effectively implement cultural plans which consider a child or young person's cultural group, relationships, language, and history.
- Aboriginal children and young people are supported to maintain connections to their family, community, culture and country.
- Case managers make a commitment to and are held accountable for maintaining a child or young person's cultural connections.

- Aboriginal mentors support connectedness to culture.

Exceptional Needs Unit (ENU)

The Exceptional Needs Unit (ENU) is a multi-disciplinary team in the Communities and Justice division that works with systems and services to help support individuals and families who have multiple complex needs and risk factors. ENU focuses on individuals and families who are facing barriers to accessing appropriate supports or who are struggling to get their complex needs well met by existing services. Active efforts in relation to the five elements of the ATSI CPP are made via ENU's cultural map. Key aspects include:

- Prioritise cultural processes to ensure cultural safety (considerations of lore, gender specific practice, regular consultation with ENU senior Aboriginal staff so not just one person holds the responsibility or the "power" and creates accountability).
- Making sure that culture is front and centre of all conversations not an afterthought to clinical or operational.
- Consultation with family and advocating for Aboriginal family led decision making where possible.
- Utilisation of cultural assessment tools where possible to ensure the client is not under/over diagnosed by western tools.
- Identifying, implementing and utilising relevant Aboriginal community supports where possible to ensure connections to culture.
- Providing advocacy and empowerment of the client / family voice.
- Building the "right team" around the young person with a cultural lead not just random allocation.

The South Australian Youth Justice Administration Regulations 2016 (YJAR) contains the Aboriginal and Torres Strait Islander Youth Justice Principle (ATSIYJP). The ATSIYJP is a hybrid of the ATSI CPP.

The ATSIYJP is as follows:

- that, in acknowledging the diversity of Aboriginal and Torres Strait Islander communities, the individual cultural identity of Aboriginal and Torres Strait Islander youths be recognised and their beliefs and practices be supported, respected and valued;
- that Aboriginal and Torres Strait Islander youths will be supported to uphold their cultural responsibilities and have access to, and participation in, cultural ceremonies, funerals and cultural practices, relevant to their individual cultural identity;
- that assessment, case planning and decision-making in respect of an Aboriginal or Torres Strait Islander youth includes consultation with relevant Aboriginal and Torres Strait Islander people or organisations to assist the youth;

- that, where it is appropriate to do so, the identified family, significant person and community of an Aboriginal or Torres Strait Islander youth are participants in assessment, case planning and decision-making for the youth;
- that Aboriginal and Torres Strait Islander youths are provided with programs, services and supports that have regard to their age, maturity and individual cultural identity;
- that the assessment of appropriate accommodation in a training centre will consider the individual cultural identity of Aboriginal and Torres Strait Islander youths;
- that, where necessary, Aboriginal and Torres Strait Islander youths will be provided with interpreters and, where possible, translated documents;
- that the particular health, education and wellbeing needs of Aboriginal and Torres Strait Islander youths are considered and, where practicable, met;
- that officers of the Department actively participate in cultural training and demonstrate culturally respectful engagement;
- that the Department actively recruits and supports the retention of Aboriginal and Torres Strait Islander staff.

DHS Communities and Justice has commenced developing a Practice Framework in line with our commitment to fully embed the principles contained in the ATSIYJP. The Framework will identify opportunities for future service improvement to drive best practice in all business units.

Challenges and opportunities

While there are considerable efforts made to embedding the ATSIYJP within practice across DHS, there are also challenges that exist. These challenges also present as opportunities at a system level to support children and young people to be connected to their families, communities and culture, and to increase the participation of Aboriginal people in decisions about their children's care and wellbeing.

- The recruitment of culturally responsive and trauma informed skilled professionals within the workforce, both non-Aboriginal and Aboriginal staff is a challenge across the system. EIRD are currently taking lead on a workforce project that examines this challenge.
- Insufficient investment into the system to meet demand for family preservation services has been evidenced through EIRD's work on examining the number of notifications made to the Child Abuse Report Line and to the CFSS Pathways Service with allegations of children being at risk of harm, as well as more recently, and the capacity of the service system to respond. DHS continues to work on budget proposals to outline this challenge and what investments are required to better meet the need of children and families in need.
- Family Group Conferencing is not currently regularly accessed for families involved with family preservation services due to structural barriers existing relating to SFS not being

able to refer directly for a Family Group Conference (rather the need for the DCP to refer). SFS is continuing to have discussions with the DCP to improve access to Family Group Conferencing for Aboriginal families.

- DHS has an increased focus on partnerships both internally to DHS across divisions, as well as externally, particularly with ACCOs, ACCHOs and Aboriginal community organisations. The Aboriginal Practices and Services and Aboriginal Connection Teams within DHS have been instrumental in supporting collaboration and multi-agency work.

In summary, DHS has made a deliberate effort to embed the Aboriginal and Torres Strait Islander Child Placement Principle into practice. This is an ongoing process that has commitment from the executive and leadership teams right through to frontline practitioners.

DHS is responsive to information, research and learnings that emerge from the inquiry, as well as from Aboriginal communities and leaders on how to further strengthen the elements of the ATSICPP within practice.