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Ms April Lawrie  
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Dear Commissioner Lawrie

The Department for Child Protection welcomes the opportunity to make a submission to the Inquiry you are undertaking into the Application of the Aboriginal and Torres Strait Islander Child Placement Principle in the Removal and Placement of Aboriginal Children in South Australia.

Please find the submission attached for your consideration. I would like to also thank you for accommodating an extended timeframe in delivering this to you.

I would like to acknowledge that this submission is part of the department's ongoing participation and support for the Inquiry, and we remain committed to responding to any further requests for information that may arise as it progresses.

I wish you all the best in undertaking this important Inquiry and reporting your findings.

Yours sincerely



Cathy Taylor  
**CHIEF EXECUTIVE**

6 April 2023

**SUBMISSION TO THE COMMISSIONER FOR ABORIGINAL CHILDREN AND  
YOUNG PEOPLE'S 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**

**Department for Child Protection**

2023




**Government of South Australia**  
Department for Child Protection



### **Acknowledgement of Country**

We acknowledge and respect Aboriginal peoples as the state's first peoples and nations, and recognise them as traditional owners and occupants of land and waters in South Australia. Further, we acknowledge that the spiritual, social, cultural and economic practices of Aboriginal peoples come from their traditional lands and waters, that they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance, and that they have made and continue to make a unique and irreplaceable contribution to the state.

We acknowledge that Aboriginal peoples have endured past injustice and dispossession of their traditional lands and waters.



## Artwork Acknowledgement

### 'The Journey'



*Gabriel Stengle (Kurna, Ngaarindjeri, Narungga)*

This piece depicts 'The Journey'. The Journey that DCP takes alongside its partners, alongside the children, parents, grandparents and caregivers. The meeting place in the middle is surrounded by children to show that they are the centre and light of everything, that they are what everyone is working so hard for and the meeting place is their destination and where the Journey lines meet.

Surrounded by the inner meeting place are smaller meeting places/waterholes representing the individual Journeys of the children, families and workers alike connected through more Journey lines.

The smaller waterholes represent the many different places and areas the children are from.

Throughout this piece there are many kangaroo and emu footprints representing DCP in their Journey moving forward and never backward.

The bottom of the piece has the symbol for rainbow which represents hope.

The vibrant colours are used to represent each individual's story and that everyone's story matters and is always seen.

**'Aboriginal and Torres Strait Islander Child Placement Principle'**



*Elizabeth Close (Pitjantjatjara, Yankunytjatjara)*

DCP partnered with Pitjantjatjara and Yankunytjatjara artist Elizabeth Close and Ochre Dawn Creative Industries – led by Peramangk and Ngarrindjeri woman Rebecca Wessels – to create an art piece that represents our journey to improve outcomes for Aboriginal children and young people through holistic implementation of the Aboriginal and Torres Strait Islander Placement Principle.

Each image represents a different element of the Principle and symbolises our commitment to ensuring that Aboriginal and Torres Strait children are front and centre in everything we do. A single thread ties all of these elements together, representing the journey of the child and young person in care, and highlighting the importance of all of these elements collectively to enhance our practice and drive system change.

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## Introduction

The Department for Child Protection (DCP) has read the Terms of Reference and the Background Paper to support the Inquiry and welcomes the opportunity to provide an overarching submission as part of its participation.

Acknowledging the focus of the Inquiry, this submission seeks to provide a comprehensive overview of the efforts by DCP to ensure we have the right foundations in place as they relate to the rights, development and wellbeing of Aboriginal<sup>1</sup> children and young people, and its efforts to fully implement the Aboriginal and Torres Strait Islander Child Placement Principle (the Principle) across all five elements to the standard of active efforts.

Importantly, this submission is provided as part of the ongoing participation by DCP in the Inquiry, which has included the provision of relevant materials, policies, practice guidance and case files. It has also included facilitating a direct dialogue with DCP employees through the attendance of the Commissioner and the Inquiry team at various staff forums. DCP is committed to continuing to support the Inquiry in this way and providing further submissions as may be appropriate and helpful to support its investigations into the specific practices relating to the removal and placement of Aboriginal children and young people.

In making this submission, DCP acknowledges the cultural authority of all Aboriginal South Australians and the importance of privileging the voices of Aboriginal people across the child protection system. We also acknowledge that the removal of children and young people from Aboriginal families and parents by the child protection system has had, and continues to have, a significant impact on Aboriginal communities, and we know that the impact is compounded by the legacy of the Stolen Generations.

We understand the importance of an open and truthful dialogue about the failings of past child protection systems - the effects of which are still strongly and deeply felt today - and the gaps and opportunities in the current system.

It is clear that much more needs to be done to improve outcomes for Aboriginal children and young people generally and to reduce the significant, and unacceptable, over-representation of Aboriginal children in care. It is also clear that much more needs to be done to improve the experiences and outcomes of individual Aboriginal children, young people, families and communities in their engagement with child protection systems – including in the practice of removal and placement.

Ultimately to achieve both, we must not only work at an agency level, we must also be bold in the pursuit of transformational change across the system.

Since its establishment as a standalone department in 2016, DCP has been deliberate in its efforts to build the strategic foundations for change, and embed the framework of the Principle as the key decision-making framework for Aboriginal children.

We have been working towards full implementation of the Principle to the standard of active efforts across all areas of child protection work, and advocating for active efforts across the system to address the structural issues driving over-representation, which we know cut across portfolios. We have been working on ensuring we have the right legislative, strategic policy and practice settings to

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<sup>1</sup> DCP notes that for the purposes of this submission, Aboriginal and Torres Strait Islander peoples will be referred to as Aboriginal people, in line with the preference of South Australian communities, and to ensure consistency with the language employed by State agencies and State legislative and regulatory instruments. For the avoidance of doubt, in this context, Aboriginal people is inclusive of Torres Strait Islander people.

improve the way we work with Aboriginal families, while at the same time taking deliberate and sustained efforts across each of the Principle's elements.

Of course, fundamentally, we know that true transformational change requires the acknowledgement and willingness to uphold the right of all Aboriginal people to self-determination, in a way that is defined by Aboriginal people, and to recognise the responsibility to invest in a way that supports the full exercising of that right. We know that Aboriginal people and families will enjoy far better outcomes when Aboriginal people lead decision-making for Aboriginal children, when Aboriginal leaders design child protection legislative, policy and practice settings, and when Aboriginal Community Controlled Organisations (ACCOs) lead the design and provision of services for Aboriginal children and families.

Which is why, as we have worked as an agency to fully implement the Principle to the standard of active efforts, to change and improve practice, to increase investment in Aboriginal employment and service delivery, and to advocate for more investment at the front end of the system, DCP has also been working with Aboriginal partners to support the development of an ambitious strategic agenda and dedicated plan for action at the national level.

As a result, and for the first time, we now have an Australia-wide commitment to fully implement the Principle in child protection legislation in every jurisdiction, to uphold the right to self-determination, to enable the progressive delegation of legislative decision-making to Aboriginal organisations, to invest in the Aboriginal workforce, in the community controlled sector and in data sovereignty, with a view to genuine Aboriginal leadership across the child and family support sector.

In South Australia, we are currently finalising the review of the state's child protection legislation and have a commitment to pursue amendments that will support much needed structural reform to support Aboriginal-led governance, decision-making and service delivery across the system.

In essence, we consider we now have a long-term commitment – and a plan – to support the transformational change required to genuinely change outcomes on the ground.

This submission seeks to set out the steps we have taken and the intention to do more.

In doing so, we acknowledge the urgent need for governments to accelerate current efforts and match good intentions with complementary investment.

DCP also accepts its responsibility to use the opportunity and momentum of the current commitments to build on the pockets of progress and to continue to do better across all areas of its work – including in the practice of removal and placement.

We welcome the Inquiry and thank you for the opportunity to make this submission.



## Laying the foundations – a strategic approach to reform

Since its establishment in 2016, DCP has deliberately pursued a strategic agenda to lay the foundations for change across the child protection sector.

The strategic reform journey for the child protection sector in South Australia followed the Royal Commission into Child Protection Systems (2014-2016) undertaken by Commissioner Nyland. The Royal Commission's report 'The Life They Deserve' was delivered on 5 August 2016 and it made critical recommendations which have driven, and continue to drive, significant reform of the child protection system in South Australia, with a focus on the following key elements:

- the move towards safety as the paramount consideration in the administration of the child protection statutory framework;
- the need for a whole of system response to children and families, including a targeted evidence-based intensive support system for families identified as at risk of engagement with the child protection system;
- the importance of enabling the participation of children and families in child protection decision-making;
- most relevantly, the critical importance of investing in Aboriginal children, families and the ACCO sector to lead child protection decision-making and service delivery.

Phase one of the staged implementation plan laid the foundations for the new child protection system and piloted key parts of the new operating model, including:

- Establishing a new stand-alone Department for Child Protection;
- Releasing a suite of legislative reforms, including the Children and Young People (Safety) Bill 2016;
- Introducing new governance arrangements for reform, working across the government and non-government sectors
- Developing improved kinship and foster care strategies;
- Establishing a dedicated family scoping unit within the Department for Child Protection.

A focus on reducing the rate of over-representation of Aboriginal children and young people in care, improving supports for Aboriginal children and young people in care, and fully implementing the Principle has been front and centre across strategic planning at the national, state and agency level.

To provide the foundations for child protection systems reform in South Australia, DCP has led the development of three key strategic plans which are guiding child protection's reform journey to ensure a better response to the individual needs of children, young people and their families. The first of these was 'Safe and Well: Supporting Families, Protecting Children' ('Safe and Well'), a whole-of-government child protection strategy which was launched on 3 December 2019.

The focus of 'Safe and Well' was to create a connected, coordinated and programmatic reform approach, looking beyond the Royal Commissions towards a responsive and integrated child protection system. It recognised that the reduction in the rate of children coming into care, the quality of a child's placement in care and their ability to thrive into adulthood required collective effort across the sector, including particularly in prevention delivered by our partners in the Department of Human Services.

Importantly, through 'Safe and Well' the Principle was established as the central framework for delivering transformational change across the South Australian child protection system and included the commitment that all actions under the strategy were to uphold all elements of the Principle.

The second strategy was designed to deliver better outcomes for children and young people in out of home care (OOHC), and was entitled 'Every Effort for Every Child'. This strategy was designed to reform the way we deliver OOHC based on the following principles:

- delivering a needs-based system is crucial to ensuring that children develop and thrive;
- family-based care environments are best for children;
- permanent, stable living arrangements promote positive relationships, assist children and young people to develop positive self-esteem and improve outcomes for children; and
- trauma informed, therapeutic OOHC is required to understand and respond to the abuse and trauma experienced by many young people in care.

Launched in January 2020 as one part of the Government's broader 'Safe and Well' Strategy, 'Every Effort for Every Child' contained five priority areas that DCP focused on over the next three years. These priorities are:

- Delivering a needs based system
- Growing family-based care
- Transforming non-family-based care
- Improving transition from care
- Enhancing quality and safety

The third key strategy is 'Investing in their future', a whole-of-government strategy to ensure that children and young people in care receive priority access to services in order to achieve better outcomes in their health, education and wellbeing. This strategy recognises the role and efforts of government and non-government agencies to assertively respond, not only to address vulnerability but also to keep children safe. It promotes a new, community approach to partnering with and recognising the State Government's responsibility to actively pursue opportunities for children and young people who come into care.

## Legislative reform

Consistent with the national commitments, DCP has been actively pursuing amendments to the legislation to fully embed the Aboriginal Child Placement Principle in South Australia's legislation to the standard of active efforts. This includes the full articulation of the five elements – prevention, partnership, placement, participation and connection. DCP has also committed to support legislative amendments that uphold the right of Aboriginal people to self-determination in child protection decision-making and to enable the progressive delegation of legislative authority to Aboriginal people and/or organisations.

Importantly, DCP has pursued legislative reform since its establishment, recognising that it is a critical driver of the shift to Aboriginal-led decision-making, which we know is required to see a reduction in Aboriginal children in care, and to improve the experiences of Aboriginal children and families in contact with the child protection system.

In response to recommendations made by the Nyland Royal Commission, the *Children's Protection Act 1993* (being the legislative framework for child protection in South Australia) was replaced with

the *Children and Young People (Safety) Act 2017* (CYPS Act). In relation to Aboriginal children and young people, the CYPS Act embedded the Principle as a placement hierarchy and also included provisions relating to the recognition of Aboriginal organisations for the purposes of consultation on placement decisions. It did not fully articulate the Principle or extend its application to other decisions. That is, the Principle is not currently directed towards the issue of removal and the Act expressly provides that the Principle cannot be used to justify the displacement of the paramount consideration of safety. It is also expressly subject to the placement principles provided under section 11.

In 2020, DCP worked with stakeholders to begin the process of examining opportunities to strengthen the existing Aboriginal Child Placement Principle provisions and introduce amendments consistent with these commitments. In doing so, it worked closely with a dedicated Expert Aboriginal Child Protection Advisory Committee, comprised of nationally recognised child protection experts including the Commissioner for Aboriginal Children and Young People. Amendments were introduced, but unfortunately and despite best efforts, these did not pass prior to the proroguing of Parliament.

DCP is taking the opportunity of the full scheduled review of the CYPS Act to deliver on its commitments under the First Action Plan and Closing the Gap, and in partnership with Aboriginal leadership, to consider how the whole legislative framework might embed the commitment to the Principle. This includes pursuing amendments that require active efforts to fully implement the Principle; recognise and enliven the right to self-determination; ensure access for Aboriginal families to family led decision-making and in particular family group conferencing; expand the role of gazetted organisations, and enable the progressive delegation of legislative authority to Aboriginal people, communities and organisations.

In addition to directly consulting on principles for Aboriginal children and young people, relevantly the review has consulted on a range of other provisions directly supporting efforts to fully implement the Principle. Specifically, this included:

- a public health approach to child protection; recognising the role of a range of portfolios – particularly Department of Human Services – in keeping children safe;
- embedding requirements for government to provide targeted therapeutic interventions to support families whose children have been the subject of a screened in notification to stay safely together; and,
- being clear about the scope of government’s responsibility to children and families beyond safety (e.g. considering broader concepts of wellbeing, best interests, supporting families to stay to together).

The current review has included a series of consultations across regional and metropolitan South Australia targeted to Aboriginal stakeholders to ensure the review was informed by Aboriginal voices, expertise and lived experience. DCP also met with, and received, a submission from the Commissioner for Aboriginal Children and Young People. Approximately 17% of the 900 people engaged with the review were Aboriginal respondents. In addition to the public consultation process, and delivering on the State Government’s commitment under Closing the Gap, DCP is also partnering with the South Australian Aboriginal Community Controlled Organisation Network (SAACCON) in the amendment process.

The review report was provided to the Minister for Child Protection in February 2023. It was tabled in March 2023. Importantly, the report identifies strong support across communities and stakeholders for:

- Embedding the Aboriginal Child Placement Principle to the standard of active efforts as the paramount decision-making framework for Aboriginal children, aside from safety
- Recognising the right of Aboriginal people to self determination
- Embedding Aboriginal family led decision-making, including a requirement for Family Group Conferencing for Aboriginal families at the earliest point of contact
- Requiring government to provide intensive therapeutic supports to families whose children are the subject of a screened in notification
- Providing for the progressive delegation of legislative authority to Aboriginal entities and expanding the role of gazetted organisations
- Committing to investment in Aboriginal-led service delivery proportionate to the level of over-representation.

DCP is committed to continue to work with SAACCON, the Commissioner for Aboriginal Children and Young People, SNAICC and other Aboriginal partners on the drafting of any related amendments arising from the review, including particularly as it relates to the delivery of its commitment to fully implement the Principle to the standard of active efforts.

## Agency level frameworks

As it works to lay the foundations for transformative change at a national and state level, DCP has also been active in its efforts at an agency level to strengthen its practice and policy settings through the Aboriginal Child Placement Principle as the key decision-making framework for Aboriginal children. This is reflected across DCP strategic planning documentation, most relevantly including:

- The [DCP Strategic Plan 2022-2026](#) which includes the priority 'Closing the Gap', and the objective of "a transformed child protection system where Aboriginal people and communities lead decision-making about the care and wellbeing of Aboriginal children and young people." This builds on previous Strategic Plans and associated action plans.
- The [DCP Aboriginal Action Plans](#) which apply the Principle as the guiding framework for action. The plans also make clear the importance of the commitment to active efforts by all areas of the department across each of the five core elements and the precursor (identification). Progress against these plans is monitored by DCP's Senior Executive Group and end of year reporting implemented.

These plans have sharpened the focus of child protection efforts, led to a range of policy and practice improvements, and have raised the profile of the Aboriginal Child Placement Principle throughout the department, across service delivery and corporate functions. The next Aboriginal Action Plan is being developed to complement the new DCP Strategic Plan 2022-2026 and related Action Plans.

As a new department, DCP also committed to participate in Reconciliation Australia's Reconciliation Action Plan (RAP) program as a dedicated child protection agency.

- DCP's first [Reconciliation Action Plan](#) was at the Innovate level spanning 2019-2021. DCP's successive RAP, registered at the Stretch level, spans 2022-2025 and was formally launched on

4 August 2022. The achievement of registration as a Stretch RAP recognises the progress of DCP since its establishment as a standalone agency in 2016.

Alongside these frameworks, DCP has recognised the need for targeted and deliberate effort to invest in Aboriginal employment within DCP and a broader strategy to increase investment in the ACCO sector to achieve the goal of Aboriginal-led service delivery for Aboriginal children and families.

- The Aboriginal Workforce Strategy (previously the Aboriginal Employment Strategy 2019-2022) is currently under development for launch in 2023. The inaugural strategy was developed following the establishment of the Principal Aboriginal Workforce Consultant role in 2017 to lead and inform our Aboriginal recruitment and retention strategies. At that time, DCP recognised that as we work towards Aboriginal-led service delivery for Aboriginal children across the child protection sector, we also needed to build the capacity of the DCP workforce to support Aboriginal children and families. Currently DCP is a leader across the public sector with approximately 5.3% of employees identifying as Aboriginal (as at 31 December 2023). We are working towards 10%.
- The Aboriginal Procurement Policy was designed to support DCP to deliver on its goal to continue to expand service partnerships and investment in ACCO-led service delivery and sector capacity building. In recognition of its success, DCP won the Supplier Diversity category at the 2020 Chartered Institute of Procurement and Supply Australasia Awards. In 2021-22, 8% of DCP's total procurement spend was invested into ACCOs (approximately \$25 million). At 31 December 2022, the figure was 8.2%, with a target of 10% in 2023-24 and future targets committed to through the First Action Plan.

DCP is confident these efforts will be further consolidated through the commitment to investment and capacity building strategies being developed and implemented as part of the national frameworks, and the commitment to support the development of the first Aboriginal-led SA Strategy for Aboriginal Children and Young People, which we recognise is fundamental to the goal of transformational child protection systems change.

## Strengthening practice with Aboriginal families

Working through deliberate efforts to establish strategic frameworks to support system and structural change, DCP has also pursued an active agenda to improve its capacity for quality practice, clearly embed the Aboriginal Child Placement Principle and have a clear focus on improving the way child protection practitioners engage with, and support, Aboriginal families.

The first step was to embed a tailored child protection practice framework.

- The DCP Practice Approach was designed to provide an integrated and contemporary approach to child protection practice that supports our vision for all children and young people grow up safe, happy, healthy, and nurtured to reach their full potential. It is unique to South Australia's legislative and cultural context. The approach was developed in partnership with staff, young people, families, carers, and service providers. DCP acknowledges that many Aboriginal people generously shared their experiences and knowledge to collaboratively build an approach that strives to be culturally safe.
- The DCP Practice Approach was informed by the *Australian Centre for Child Protection's Assessing the Quality and Comprehensive of Child Protection Practice Frameworks* which had a specific focus on the capacity for culturally safe and responsive practice. The Practice

Approach incorporates the department's recognised practice elements, including practice principles, foundational theories and knowledge and tools, processes and practice guidance. All of these practice elements include an emphasis on practical application of the elements of the Aboriginal Child Placement Principle for Aboriginal children and young people.

- The Manual of Practice is a critical tool that supports staff to implement the requirements of DCP's Practice Approach. The aim of the Manual of Practice is to provide streamlined information on processes and best practice for staff working in DCP regional offices. The Manual of Practice is regularly reviewed and updated. During 2022, these updates included embedding 'active effort prompts' throughout all chapters of the Manual of Practice to support staff to implement the Principle's elements in their work with Aboriginal children, young people and families.
- In June 2019, DCP also established the Policy Governance Committee (PGC), which is the decision-making body responsible for oversight and approval of development, implementation, review and retirement of all governing documents. PGC comprises representatives from key areas across DCP and meets monthly, noting urgent items can be considered out of session to ensure the timely consideration and processing of all applications.

Supporting implementation of the quality practice agenda and clinical governance, a new structure was introduced. This included the establishment of the Quality and Practice Director, the Lead Psychiatrist, the Lead Practitioner, and most recently, Practice Leads. A Practice Lead is currently located in every metropolitan office. For smaller country offices, Practice Leads are allocated across two offices. The Practice Lead role was specifically designed to strengthen practice through a range of functions:

- Provide leadership, professional development and mentoring to staff about the DCP Practice Approach and their daily work with children and young people, and their families and carers
- Share their expert social work knowledge and drive practice excellence to achieve improved outcomes for children and families
- Work closely with the Lead Practitioner, Office Manager and Supervisors and monitor practice quality within the office, identify practice issues and develop and implement quality improvement strategies
- Participate as part of a network of Practice Leads located across individual DCP offices and program areas who work together to drive practice excellence across the organisation
- Inform and contribute to DCP policy and program development as it relates to practice quality and best practice standards and provide expert practice advice to inform strategic planning across DCP
- Provide local leadership of the DCP Practice Approach and support staff to apply the DCP Practice Approach in the pursuit of practice excellence
- Build practice through the continuum of supervision, application of a trauma lens, professional development, accountability and continuous improvement.

## Embedding Aboriginal Practice Leadership

Recognising the importance of a specific focus on strengthening DCP practice with Aboriginal children and young people, and to start to build cultural governance and oversight, a priority action

of the new department was to invest in Aboriginal practice leadership. We knew this required a targeted and deliberate approach:

- In 2017, DCP established the Principal Aboriginal Workforce Consultant role to lead and inform our Aboriginal recruitment and retention strategies to continue to increase our Aboriginal workforce, with the aim of achieving 10 percent Aboriginal employment.
- In 2018, DCP established the Aboriginal Practice Directorate, with the appointment of the Director of Aboriginal Practice and an Aboriginal Lead Practitioner to provide leadership and promote culturally safe and responsive practices that meet the needs of Aboriginal children, young people and families, and that recognises the inherent strengths of Aboriginal culture.
- The Aboriginal Lead Practitioner works with the department's Lead Practitioner and drives implementation of DCP's quality practice agenda with a focus on cultural safety and responsiveness.
- The Aboriginal Lead Practitioner also works closely with the Principal Aboriginal Consultants ('PACs'). As part of DCP's response to the Nyland Royal Commission, DCP doubled the number of PACs from 5 in 2015 to 10 in 2018. Two positions were established in each of DCP's four operational regions, and one in each of Out of Home Care and Residential Care, with a further expansion currently being implemented in order to further strengthen practice (see below).
- DCP practice guidance makes clear the requirement to consult with and seek advice from PACs at all stages of engagement with a child and their family, including during case planning, annual reviews and when a significant decision is made in relation to Aboriginal children. This is complemented by targeted training and DCP's mandatory Cultural Footprint Training program for all staff.

We note that the PAC role was recently reviewed by the Department with the assistance of an external facilitator and in consultation with the current PACs. As a result of the review, DCP has committed to engage dedicated Aboriginal Practice Leads/PACs in every metropolitan office and ensure one is available to every country office. A further 10 additional Principal Aboriginal Consultants are currently being recruited to support the model.

Complementing this work, DCP has also put in place ongoing cultural development training supports for all service delivery staff to engage in culturally safe practice, including the Aboriginal Cultural Footprint training. Recognising that cultural learning is an ongoing requirement, this program comprises four steps and participation is mandatory for all employees.

## Oversight and accountability mechanisms

We acknowledge that the child protection system requires rigorous oversight and accountability mechanisms. Since 2016, the government has continued to invest in, and expand the following roles and child focused functions:

- The Office of the Guardian for Children and Young People in Care, an independent statutory body, which advocates for and promotes the rights and best interests of children and young people under guardianship;
- The Commissioner for Children and Young People, an independent statutory office created in 2017 to advocate for the rights, interests and wellbeing of all children in South Australia and to help bring about improvements to the systems that impact them most;

- The Commissioner for Aboriginal Children and Young People, an independent role created in 2018 to promote the rights, development and wellbeing of Aboriginal children and young people. Following the passing of the Children and Young People (Oversight and Advocacy Bodies) (Commissioner for Aboriginal Children and Young People) Amendment Act 2020, the Commissioner now has statutory powers from 21 October 2021;
- In 2022, the Government funded the Child and Young Person Visitor scheme and appointed the Guardian for Children and Young People as the Visitor. Recruitment to the scheme was finalised in late 2022 and visits have commenced;
- DCP also funds the CREATE Foundation, which is the national peak consumer body representing children and young people who have had an experience in care. It provides a range of support, advocacy and skill development opportunities for children and young people. DCP partners with CREATE on a number of initiatives.
- DCP also works to support transparency and accountability through practice compliance audits, annual reporting, reporting through national data sets including the ROGs and contributing to the annual Family Matters report and the Aboriginal Child Placement Principle reporting (through SNAICC).

Most recently, and following the strong advocacy of Aboriginal people and stakeholders, including the Commissioner for Aboriginal Children and Young People, DCP was thrilled to confirm that it has secured \$3.2m funding for the establishment and implementation of a Peak Body for Aboriginal Children and Young People that will:

- Privilege the voices and agency of Aboriginal children and young people, maintaining a clear focus on protecting and promoting safety and wellbeing;
- Partner with government to reduce the over-representation of Aboriginal children and young people in the child protection system, including those in care;
- Have a focus on building the capacity of the Aboriginal community-controlled sector to provide services to Aboriginal children, young people and families.

The Peak Body will form part of the Aboriginal governance and oversight to the implementation of national and state level commitments to deliver on Target 12 - Closing the Gap.

## The Aboriginal Child Placement Principle in Practice

Across all our efforts, DCP has worked to establish the Aboriginal Child Placement Principle as the key decision-making framework for Aboriginal children and their families across policy and practice. Fundamentally, we know that when active efforts are taken to establish the Principle and each of its elements as the central foundation for child protection work across system, we will see better outcomes for Aboriginal children.

A detailed snapshot of this activity is included in Appendix A. Notably, it includes:

- As a result of its dedicated Aboriginal workforce strategy, DCP currently reports one of the highest proportions of procurement investment in ACCOs across the public sector. As noted above, from an initial departmental target of 3%, DCP can now report an 8.2% investment in ACCOs as a proportion of its total spend.
- Recognising the need for more investment in keeping families safely together, DCP has continued to grow its Family Group Conferencing program, expanding to include an ACCO led



service and recently announced it has secured \$13.4m for a broader roll-out of ACCO led services targeted to Aboriginal families.

- DCP has worked with its government partners responsible for broader intensive family support to prevent child protection engagement, welcoming the investment of \$52m over four years for the DHS led Intensive Family Services (IFS) programs, 30% of which is dedicated to working with Aboriginal children and families.
- DCP has also acknowledged the need to improve supports provided to expectant mothers and newborns identified as being at risk of child protection engagement. It has worked with SA Health to build the capacity for specialised responses and pilot new ways of working, and has invested \$1.1m per annum in 10 new DCP High-Risk Infant Worker positions to build capacity.
- DCP has entered into a number of formal partnership agreements with a number of Aboriginal organisations including Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council (and the WA and NT governments); Nunkuwarrin Yunti; Narungga Nation Aboriginal Corporation and SNAICC. It is in the process of negotiating further agreements with SAACCON, KWY and Pangula Mannamurna
- Following the adoption and roll-out of the Winangay Assessment tool, DCP successfully advocated for the transfer of support for kinship carers of Aboriginal children and young people to ACCOs as part of a broader contract reform agenda. DCP initially invested \$3 million over two years in three ACCOs to deliver services. The program is now ongoing.
- Drawing on the success of this initiative, DCP has partnered with the NPY Women's Council to implement an APY Lands kinship carer support program.
- In 2022, and building on the work for the Family Scoping Unit, DCP has established Taikurtirna Warri-apingthi (Kurna word for Finding Family – previously known as Aboriginal Family Finding and Mapping Team) to identify appropriate kinship placement options for Aboriginal children and young people.
- DCP has made deliberate efforts to increase the employment of Aboriginal people in child protection. As at 31 December 2022, Aboriginal employees comprised 5.3% of DCP's workforce (142 employees) and is working towards 10%.
- DCP has worked to embed a therapeutic framework across DCP residential care through the implementation of the Sanctuary Model, which has a specific focus on culturally appropriate service responses and cultural safety.
- Building on cultural maintenance requirements in the CYPs Act, DCP implemented the Aboriginal Cultural Identity Support Tool (ACIST) as part of case planning for children and young people identified as Aboriginal and Torres Strait Islander.
- DCP continues to invest in Aboriginal family led decision-making (AFLDM). AFLDM is an Aboriginal community-led process that draws on traditional consultative methods to create spaces where 'families feel supported to make culturally- based, family-driven decisions in the best interest of Aboriginal children'.
- In 2018, the government appointed the first Commissioner for Aboriginal Children and Young People in South Australia. Following this, the Children and Young People (Oversight and Advocacy Bodies) Act 2016 was amended to enshrine the role in legislation, with the same powers and functions as the Commissioner for Children and Young People.
- In 2022, and in response to the longstanding advocacy of Aboriginal community leaders including the Commissioner, the Government committed to a \$3.2m investment in the implementation of an Aboriginal-led Peak Body for Aboriginal children and young people.

Through these efforts we are starting to see small but promising signs of progress:

- SA has seen a significant reduction in the growth rate of all children in care (under 18) from 7.9% at 30 June 2019 to 1.9% at 31 January 2023. Importantly, the growth rate of Aboriginal children in care has also significantly decreased from 12.1% to 2.3% during the same period. Notably, 2021-22 had the lowest number of new entries, and the highest number of exits, for Aboriginal children across the 4 year period.
- ROGS data suggests that SA has effectively maintained or reduced disproportionality ratios across notifications, IFSS, investigations, substantiations and carer and protection orders since 2016-17, at the same time as ratios have significantly increased in other jurisdictions.
- SA reported that 94.5% of Aboriginal children who exited care in 2019-20, did not return to care within 12 months (i.e. no further child protection intervention). This was the highest of all reporting jurisdictions and 7.4 percentage points higher than the Australia wide figure (87.1%).
- As at 30 June 2016, 18.7% of all Aboriginal children in care were placed in non-family based placements. As at 31 December 2022, 15.4% of Aboriginal children in care were placed in non-family based placements – a 3.3 percentage point improvement and reducing the gap to 0.5 percentage points above the figure for all children and young people in care.
- As at 31 December 2022, 58.1% of all children in family based placements were placed in kinship care placements. For Aboriginal children, this figure was greater, at 64.7%. Both these figures represent a significant increase on the data from 30 June 2016, where the proportions in kinship care were 45.3% and 52.1%, respectively.
- As at 31 December 2022, 89.0% of all children and young people in care had a current and approved case plan as at 31 December 2022, while the figure for Aboriginal children and young people was 89.2%. These figures are both 35.5 percentage points higher than they were as at 30 June 2018. Alongside this, DCP can report that the proportion of Aboriginal children and young people in care with a completed ACIST has increased from 20.5% in 2019 to 92.9% in 2022.

## Delivering transformational change

While it is useful to highlight progress made at a departmental level as a demonstration of our commitment, fundamentally we acknowledge that in order to change the experiences of Aboriginal children and families, transformational change is required and that this change will only be achieved where Aboriginal people lead all aspects of decision-making and service delivery across the child protection system, where there is complementary investment in the ACCO sector, the workforce and related infrastructure, and where there is adequate investment in early, targeted and culturally safe supports for Aboriginal children and families.

Which is why, alongside this work, SA has been working in partnership with Aboriginal leaders and other jurisdictions, to co-lead the national work to develop a consolidated strategy and commitment to action that will support this transition. As a result, and for the first time, we now have an Australia-wide commitment to fully implement the Principle in child protection legislation in every jurisdiction, to uphold the right to self-determination, to enable the progressive delegation of legislative decision-making to Aboriginal organisations, to invest in the Aboriginal workforce, in the community controlled sector and in data sovereignty with a view to genuine Aboriginal leadership across the child and family support sector.

By way of background, in July 2020, South Australia became a party to the National Agreement on Closing the Gap, refreshing the initial framework, and including Target 12 - the commitment to reduce over-representation of Aboriginal children and young people in care by 45% by 2031.

Importantly, this agreement was negotiated with Aboriginal Australians through the Coalition of Peaks, and with South Australia's Aboriginal Community Controlled Organisation Network (SAACCON) at the state level. DCP has worked closely with SAACCON to continue to negotiate the implementation plan and the schedule relating to Target 12, and more broadly South Australia has committed to increase the proportion of services delivered by the Aboriginal community controlled sector.

At the same time as this work was progressing, SA has co-led the development of *National Framework for Protecting Australia's Children 2021-31 – Safe and Supported* (Safe and Supported). Safe and Supported is the 10-year national framework to improve the lives of children, young people and families experiencing disadvantage or who are vulnerable to abuse and neglect. It is designed to make significant and sustained progress in reducing the rate of child abuse and neglect and its intergenerational impacts. It is the second National Framework for Protecting Australia's Children and was released on 8 December 2021.


Importantly, there has been an agreement by all jurisdictions to align efforts to achieve Target 12 with action under Safe and Supported.

As a result of this work, the First Action Plan for Aboriginal and children and families (the First Action Plan) was developed. The First Action Plan was developed in partnership with an Aboriginal Leadership Group supported by SNAICC, in a co-design process. The shared goal of all partners was to move away from a series of ad hoc actions and disparate strategies, and instead commit to a shared decision-making process through which partners could put into sharp focus the actions required to achieve transformational change through a planned transition to an Aboriginal-led child and family support sector.

After much negotiation, the First Action Plan was endorsed and released in January 2023 as part of the national launch of Safe and Supported and included eight focus areas each agreed as critical to driving the transition:

- Delegated authority – commit to progressive systems transformation that has self-determination at its centre
- Investing in the community controlled sector – shift toward adequate and coordinated funding of early, targeted and culturally safe supports for Aboriginal children and families
- Data sovereignty – building Aboriginal infrastructure for sovereignty of data and improve the Aboriginal evidence base
- Aboriginal workforce – national approach to continue building a sustainable Aboriginal child and family sector workforce.
- Active Efforts – implementing the Principle to the standard of active efforts
- Legal supports – improving availability and quality of legal support for Aboriginal children and families engaged with child protection systems
- Advocating for accountability and oversight – Aboriginal Commissioners
- Social determinants of child safety and wellbeing – working across portfolios impacting Aboriginal children and families.

At the centre of this work is the acknowledgement that Aboriginal community control is an act of self-determination and that Aboriginal community-controlled services are better for Aboriginal people, lead to more effective practice on the ground, and achieve better results.



All partners have agreed that implementation will continue to be guided by the commitment to a shared vision, robust governance and a partnership agreement that is founded on shared decision-making with the Aboriginal Leadership Group. To support accountability for action and outcomes, the Aboriginal Action Plan will be supported by an outcomes framework and theory of change, and through a monitoring and evaluation strategy to measure progress.

As demonstrated throughout this submission, DCP has already begun taking deliberate steps and built some of the much needed foundations to support the State Government's implementation of action under the Plan.

DCP is using the opportunity of the legislative review to support the full transition to Aboriginal-led decision-making and service delivery across the system, to require the implementation of the Aboriginal Child Placement Principle to the standard of active efforts and is working to embed a requirement for Family Group Conferencing and intensive, family supports to be made available to all Aboriginal families. It has successfully negotiated across government to secure significant additional investment in Family Group Conferencing and DHS-led IFS to make sure that the focus of government investment is in keeping families together, rather than the cost of out of home care. DCP has strongly advocated for the establishment of the Commissioner for Aboriginal Children and Young People in legislation, and more recently secured funding for an Aboriginal-led SA Peak Body for Aboriginal children and families.

We also know there is much more to do. In this context, we are committed to use the leverage of the state and national commitments to accelerate current investment and workforce strategies. We will continue to build partnerships with Aboriginal organisations and communities, and work to privilege Aboriginal voices in the ongoing reform of the child protection system. And we will continue to work to change and strengthen our practice as we transition towards Aboriginal controlled service delivery across the child protection system.

## Appendix A: Implementing the Aboriginal Child Placement Principle

DCP acknowledges the Principle as the paramount consideration for upholding the rights and interests of Aboriginal children in contact with the child protection system.

Fundamentally, we know that when active efforts are taken to establish the Principle as the central foundation for child protection work across system, we will see better outcomes for Aboriginal children. DCP is committed to this journey, and to getting the settings right.

DCP also acknowledges that to enliven the five core elements, there is a precursor that needs to take place – Identification. DCP recognises that identification of Aboriginal children needs to occur at the earliest opportunity of coming into contact with the system. This is outlined in DCP’s Aboriginal and Torres Strait Islander Child Placement Principle Practice Paper, available on DCP’s website and provided to the Commissioner in response to previous requests for information under this Inquiry

Building on the legislative, policy and practice settings we have put in place to support the transition to Aboriginal-led systems and service delivery, we recognise this needs to drive active efforts to implement all five elements of the Principle across our work. To demonstrate our commitment to these active efforts as we work to support the transition to Aboriginal-led service delivery, we have highlighted some key steps across each of the elements.



## Prevention

*Preventing the entry of Aboriginal children into care, and protecting Aboriginal children's rights to grow up in family, community and culture*

DCP recognises it is every child's rights to grow up in family, community and culture and that removal should be a last resort. We also know that prevention requires whole-of-government effort including accessible and culturally responsive universal, targeted and intensive family support services. DCP highlights the following steps taken to support that effort.

- Recognising the need for a consolidated strategic framework, in 2019 DCP led the development of 'Safe and well' (see above). This recognised that responsibility for keeping children safe sat across the system, and in particular in SA, that responsibility and funding for the delivery of prevention initiatives (i.e. Intensive Family Supports and family supports) sat with our partner agency DHS (i.e. outside the statutory child protection agency as is the model in most other jurisdictions).
- An integral part of 'Safe and well' was changing the way the sector works with Aboriginal families and communities to reduce over representation in all parts of the child protection system and provide culturally safe and responsive services. It recognises that to protect the right of children to be brought up with their families, there needs to be targeted efforts to ensure access to culturally safe services across education, health and housing, and that more vulnerable families can access targeted intensive supports within an integrated service system.
- Following the strategy release in 2021, the Minister for Human Services publicly announced an investment of \$52m over four years for the Intensive Family Services (IFS) programs, 30% of which is dedicated to working with Aboriginal children and families, ensuring a specific focus on improving child protection outcomes for Aboriginal children and young people. Targeted investment continues across the sector, particularly in ACCO-led intensive family support, through the *Roadmap for Reforming the Child and Family Support System 2021-23*, however we recognise that SA still lags in relation to other jurisdictions in terms of its proportion of investment in family supports.
- As part of driving reform at the state and national level, DCP has consistently advocated the need to shift the balance of sector investment away from sustaining the costs of placing children in care (approximately 80% in 2021-22), and towards topping up the relatively low proportionate levels of investment in keeping families the subject of a screened in notification safely together, and in particular in targeted specialised therapeutic interventions (approximately 9.7% in 2021-22). This advocacy has not only informed the development of Safe and well, but more recently, we can **confidentially** advise the Inquiry that it has resulted in the agreement to significant additional investment in intensive therapeutic supports targeted to Aboriginal families of children the subject of a screened in notification.
- At a practice level, DCP has invested in Family Group Conferences (FGC) as a critical mechanism to enable family led decision-making (FLDM) from the first point of engagement with child protection. Investment in FGC in SA commenced in early 2020 with a two-year pilot run by Relationships Australia South Australia. The FGC model had a strong focus on Aboriginal families,

however we recognised the importance of Aboriginal-led service delivery to support Aboriginal-led decision-making. As a result:

- In April 2021, DCP provided additional funding to pilot a dedicated FGC program for Unborn Child Concerns (UCC), with a focus on Aboriginal families. Since August 2021, Aboriginal Family Support Services has also been engaged to deliver an Aboriginal-specific FGC program.
- Annual data has shown the impact of investment in FGC. For example, FGC were held for 31 Aboriginal families in 2020-21 (40% of total), 74 in 2021-22 (62%), and 45 in 2022-23 to 31 December (62%). Over the life of the program, approximately 95% of participants surveyed were satisfied with the process, and around 90% of participating families continue to safely care for their children.
- Recognising this success, in March 2023, the Minister for Child Protection announced that \$13.4m has been secured for a broader roll-out of the successful FGC program. The funding is likely to support efforts to pursue legislative amendments to the CYPS Act that require Aboriginal families have access to FGC at the earliest opportunity.
- DCP has also acknowledged the need to improve supports provided to expectant mothers and newborns identified as being at risk of child protection engagement. In response:
  - DCP and SA Health have developed the Collaborative Case Management of high-risk infants in hospitals' policy directives to clarify roles and responsibilities between the departments for supporting optimal outcomes for women with high and complex needs and their infants.
  - DCP is piloting a new approach to service delivery for high-risk infants in the Southern area. High-risk infant services will be delivered by a specialised team across the Southern region with the aim of enhancing consistency, quality of service delivery and engagement with stakeholders and partners. The pilot services regional areas such as the Limestone Coast, Riverland and Murraylands, and a High-Risk Infant Worker is also based in Port Lincoln.
  - A Memorandum of Administrative Arrangement (MOAA) has been executed with the Southern and Northern Adelaide Local Health Networks (and is progressing with the Women's and Children's Health Network). The MOAA enables DCP High-Risk Infant Workers to work with SA Health staff at birthing hospitals, with a particular focus on supporting improved outcomes for Aboriginal unborn children and high-risk infants (the 10 DCP High-Risk Infant Worker positions are funded by DCP to approximately \$1.1m per annum).
- In addition, DCP, in partnership with the Department of Treasury and Finance, Social Ventures Australia and two non-government organisations, has developed two Social Impact Bond funded services commencing from July 2021.
  - The Resilient Families (RF) program, funded for \$11.3m over 6 years through DHS, is an intensive family support program to address concerns about the safety and wellbeing of children that, if left unaddressed, are likely to result in entry to care.

- The NEWPIN program (New Parent and Infant Network), delivered by Uniting Communities, is an intensive, centre-based child protection, parent education and family reunification program that works therapeutically with families who have a child or children who has/have been placed in care. The intention of NEWPIN is to provide intensive intervention for up to 18 months to support the reunification of children under 6 years to live safely with their families.
- Importantly, as part of the CYPs Act review, the government has also committed to consider the opportunity of legislative amendments for a public health approach to child protection to be embedded in legislation, recognising the role of all government agencies in supporting vulnerable families to keep children safely at home and specifically require government to provide intensive therapeutic supports to families the subject of screened in notifications.





## Partnership

*Ensuring the participation of community representatives in service design, delivery and individual case decisions*

We know that when ACCOs are involved in the design and delivery of services, they achieve better outcomes for Aboriginal children and young people. Similarly, Aboriginal practitioners are best placed to provide culturally responsive case management and support for Aboriginal children and young people.

DCP also acknowledges that best practice in upholding the partnership element of the Principle includes legislation, policy and practice that recognises and promotes self-determination and requires participation of ACCOs in all significant decisions about children. In this context, DCP has taken the following steps.

- DCP is strongly committed to increasing investment in the ACCO sector and currently reports one of the highest proportions of procurement investment in ACCOs across the public sector. DCP funds ACCOs to deliver a range of services including out of home care (foster and residential), kinship care, family group conferencing, family led decision-making and reunification. As noted above, from an initial departmental target of 3%, DCP can now report an 8.2% investment in ACCOs as a proportion of its total spend. This is a significant step towards an Aboriginal-led service sector for Aboriginal children and families.
- In addition to investment in ACCOs, DCP has entered into a number of formal partnership agreements with Aboriginal organisations, including with:
  - NPY Women’s Council (and the WA and NT governments) to develop and implement a tailored and integrated approach to child protection work in the cross-border region.
  - Nunkuwarrin Yunti for establishment of a process for Aboriginal applicants to gain priority access to relevant records held by DCP (including waiving of application fees).
  - Narungga Nation Aboriginal Corporation for establishment of a local level steering group to implement the child protection commitments in the Buthera Agreement across Narungga County (and for Narungga children more broadly); negotiation and commitment to principles of engagement; and provision of relevant data.
  - SNAICC to support the facilitation of the design of options for the first Peak Body for Aboriginal Children and Young people.
  - Various grants and supports to Aboriginal organisations including NAIDOC, Family Matters Working Group and Reconciliation SA.
- DCP is also currently working to formalise partnerships with:
  - SAACCON to support agreement on a schedule to support implementation of Target 12 under Closing the Gap, and as part of this has worked in close partnership with

SAACCON members in the design of changes to the CYPS Act under the legislative review.

- Pangula Mannamurna to become the second Gazetted Organisation in South Australia under the CYPS Act.
- To support Aboriginal policy leadership in DCP, in May 2021, the DCP established Kumangka Wangkanthi (Kaurna for ‘talking together’). This is a formal subcommittee of DCP’s Senior Executive Group comprised of senior Aboriginal employees across DCP. Kumangka Wangkanthi provides DCP with a strategic Aboriginal cultural lens to inform DCP business through the provision of cultural advice, project leadership and stakeholder engagement. It comprises senior Aboriginal employees from across DCP.
- DCP has made deliberate efforts to increase the employment of Aboriginal people in child protection were originally framed in the Aboriginal Employment Strategy 2019-22, with work now underway to finalise a new Aboriginal Workforce Strategy this year in consultation with Aboriginal employees and stakeholders across the sector. As at 31 December 2022, Aboriginal employees comprised 5.3% of DCP’s workforce (142 employees). As part of targeted retention strategies, DCP provides access to financial support and special leave with pay for Aboriginal employees completing degree level social work qualifications.
- DCP has also established the State-wide Aboriginal Network (SWAT) for DCP Aboriginal employees. Originally designed as a networking forum, in May 2019 Aboriginal child protection officers came together and agreed to a name change to reflect the shift to a training forum more closely aligned to departmental priorities. SWAT provides a forum for all DCP Aboriginal employees to share practical knowledge, receive professional training, and discuss experiences with colleagues in a supportive and culturally safe environment. It is also a mechanism for consultation on key policy and practice approaches across child protection.
- Recognising that working in child protection can be particularly difficult for Aboriginal people in the context of the impact of the Stolen Generations and the impacts of intergenerational trauma, DCP has also engaged a new panel of providers to deliver Employee Assistance Programs from February 2023, including introducing specific supports for Aboriginal staff where employees can access culturally appropriate services.
- The annual South Australian Child Protection Awards celebrate the outstanding achievements of people from across the child protection sector and include the ‘Active Efforts Award’ category recognising an individual or organisation who has made outstanding active efforts to implement the Aboriginal and Torres Strait Islander Child Placement Principle.



## Placement

*Placing children in care in accordance with the placement hierarchy*

We know that placement in care should be a last resort, and only considered when active efforts have been made to support the child to stay safely at home. DCP recognises that placement within family and community should be prioritised for all Aboriginal children, as this better supports connection to culture.

DCP acknowledges that best practice in upholding the placement element of the Principle includes legislation, policy and practice that recognises the placement hierarchy and requires 'all reasonable efforts' be made to adhere to it, along with family and ACCO participation in decision-making about placement. This also includes engaging ACCOs in supporting kinship carers.

- Section 12 of the CYPs Act sets out that placement of Aboriginal children in care should be prioritised in accordance with the hierarchy. It also requires that, where reasonably practicable, DCP must consult with and have regard to any submissions of a recognised Aboriginal organisation (recognised organisation) before an Aboriginal child is placed in a placement (though not on every decision which impacts a placement, particularly if that decision is made by an Aboriginal child or their family). At this point in time, the placement principle cannot be used to justify the displacement of the paramount safety consideration provided by section 7, and is expressly subject to the placement principles provided by section 11.
- As part of the CYPs Act review, the government is considering amendments to require active and timely steps to give effect to the Principles and each element, including the placement hierarchy. Related amendments identified in the review for consideration include:
  - Changing the way that the placement hierarchy is articulated within the CYPs Act. The focus of this work is to ensure the legislation requires the highest level of consultation with Aboriginal people in relation to a placement, and the highest level of connection possible with Aboriginal family, community and culture is maintained for a child in care.
  - Enabling progressive delegation of legislative authority, whereby in addition to consultation, Aboriginal entities may be recognised to exercise functions under child protection legislation, such as placement decisions, case management and even guardianship.
  - Ensuring recognised organisations and Aboriginal entities can demonstrate clear consultative mechanisms, and whether their function might expand to include the assembly of/and or consultation with an Aboriginal Family Care Program or similar.
- DCP acknowledges the need for more recognised Aboriginal organisations (or their equivalent following the review of the CYPs Act) to be prescribed, and is committed to active efforts to support increasing the number of recognised organisations in SA, including its current discussions with Pangula Mannamurna.
- As we work towards legislative reform, practice guidance has been developed by DCP to support consultation with a recognised organisation. This states that to ensure effective consultation, practitioners should:

- consult on placement decisions for all Aboriginal children and young people in care from the time they are first placed in care, as well as any subsequent placements
  - request the consultation before the placement begins (when a placement is identified) wherever possible
  - demonstrate how the placement hierarchy was considered in the decision-making
  - demonstrate how the child or young person and their family (inclusive of extended family) participated in the placement decision
  - take the recommendations made by the recognised organisation into account and provide a response advising of any actions taken
  - collaborate with the recognised organisation to resolve any differences to meet the needs of the child or young person.
- Practice guidance also states that scoping and identifying kinship placements for Aboriginal children must commence as soon as possible. This recognises that a family based placement is the best placement option for children generally, and particularly for Aboriginal children.
  - DCP is committed to undertaking Aboriginal family scoping at the earliest opportunity through Taikurtirna Warri-apinthe (Kurna word for Finding Family – previously known as Aboriginal Family Finding and Mapping Team) to identify appropriate kinship placement options for Aboriginal children and young people.
  - The family scoping unit was first set up centrally. Following a consultation process, changes to the program included an increase in FTEs and the placement of program officers in front end offices (as opposed to a centralised unit). This decision responded to advocacy from a range of stakeholders that DCP should increase the number of Aboriginal employees at the front line of service delivery, in effect to make sure the first point of contact for Aboriginal families would be an Aboriginal person wherever possible.
  - The new Taikurtirna Warri-apinthe program commenced in 2022. Practitioners support DCP to engage more effectively with Aboriginal families for the purposes of:
    - Identifying Aboriginal family, kin and community decision makers who can offer support and establish safety to avoid entry into care
    - Identifying Aboriginal family, kin and community decision makers who can provide care when required.
  - The focus on finding family as soon as possible is further supported through the development of genograms detailing family structures and relationships. DCP provides practice guidance on the use of genograms as a practice tool for all practitioners. Family scoping and mapping is also supported through Taikurtirna Warri-apinthe.
  - Once identified, kinship carers' capacity to provide safe care and nurture cultural connections is assessed. DCP recognised the importance of a culturally appropriate tool to make this assessment and consequently introduced the Winangay Assessment tool to provide this assessment for Aboriginal carers, and non-Aboriginal carers caring for an Aboriginal child. This tool is utilised by both DCP and ACCOs engaged in the Aboriginal kinship care program.
  - Further recognising the importance of placement with family or extended family, in addition to current investment in kinship care support programs, the government has also committed to

additional investment in support and advocacy services for Aboriginal carers, and in particular, for Aboriginal kinship carers.

- In late 2020, the reform journey saw DCP successfully advocate for the transfer of support for kinship carers of Aboriginal children and young people to ACCOs as part of a broader contract reform agenda. DCP initially invested \$3 million over two years. The program is now ongoing and recognises the urgent need to improve supports for Aboriginal kinship carers through improved and culturally safe supports, and in turn increase the number of Aboriginal children placed with kin.
- Drawing on the success of this initiative, DCP has partnered with the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council to implement an APY Lands kinship carer support program. This \$500,000 program, employs a full time team leader and full time lands based kinship care worker as well as a number of casual staff including a Malpa ("friends on the journey") Aboriginal worker in Pukatja (Ernabella).
- For those young people in residential care placements, DCP has worked to embed a therapeutic framework across DCP residential care through the implementation of the Sanctuary Model. This sits as part of a broader network of therapeutic supports that have been developed to support healing for young people in care generally, and the two dedicated PACs in OOHC. This includes the establishment of a dedicated specialist disability team as well as improved access to psychological supports and assessment (both by building in-house capability and external professional supports).
- Section 28 of the CYPS Act requires that all children and young people in care must have a case plan that is developed and maintained in partnership with children, families, carers and relevant professionals. For Aboriginal children and young people, case planning must include active efforts to honour the five elements of the Aboriginal Child Placement Principle - Prevention, Participation, Partnership, Placement, and Connection.



## Participation

*Ensuring the participation of children, parents and family members in decisions regarding care and protection*

We know that Aboriginal children, parents, family and relevant community members should be actively engaged in all relevant and significant decisions relating to care and wellbeing. DCP recognises that involving family members in decision-making processes assists to identify culturally safe supports and identify kinship placement options.

DCP practice guidance explains to practitioners that it is important to understand that participation extends beyond consultation and requires active and genuine partnerships. DCP also acknowledges the Commissioner's advocacy in this space. Key activity includes the follow initiatives.

- In 2018, the government appointed the first Commissioner for Aboriginal Children and Young People in South Australia. Following this, the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* was amended to enshrine the role in legislation, with the same powers and functions as the Commissioner for Children and Young People.
- The CYPS Act has a strong focus on participation, with section 10 stating that if a child is able to form their views on a matter concerning their care, they should be given an opportunity to express those views and have those views considered in the decision-making process across all levels of child protection interventions. DCP practice guidance makes clear that for Aboriginal children, this includes seeking a child's views about:
  - Identity
  - Connection to family, culture and community
  - Feelings about their siblings
  - Who they would like to live with
  - Safety.
- At a practice level, DCP continues to invest in Aboriginal family led decision-making (AFLDM). AFLDM is an Aboriginal community-led process that draws on traditional consultative methods to create spaces where 'families feel supported to make culturally- based, family-driven decisions in the best interest of Aboriginal children'.
- The DCP FLDM for Aboriginal Families Framework outlines the strategies to enable AFLDM across all levels of child protection decision-making and at all stages of engagement. The investment in FGC, as noted above, is one key element of the FLDM approach. As part of the CYPS Act review, the government is considering amendments to embed AFLDM in the legislation.
- The CYPS Act review has also identified the opportunity to ensure there is Aboriginal representation on panels responsible to review decisions and/or consider complaints. This builds on the current requirement that there is an Aboriginal panel member on the Contact Arrangements Review Panel when a decision involves an Aboriginal child or young person.



## Connection

*Maintaining and supporting connections to family, community, culture and country for children in care*

We know that it is of the utmost importance that when Aboriginal children are placed in care, every effort is made to support connections to family, community, culture, country, traditions and language. DCP recognises this is critical to support a child's identity, and for Aboriginal children to be strong in culture, and to take pride in who they are. DCP also recognises the best people to support connection are Aboriginal family and community members, and that active efforts must be made to ensure involvement in cultural support planning. To support connection, DCP has invested in the following supports.

- Cultural maintenance planning for Aboriginal children in care is a requirement under section 28 (2)(b) of the CYPS Act. In 2021 DCP embedded the Aboriginal Cultural Identity Support Tool (ACIST) in case plans for children and young people identified as Aboriginal and Torres Strait Islander. The ACIST must be reviewed regularly as part of the case plan review and annual review processes. The ACIST ensures that every Aboriginal and Torres Strait Islander child is given an opportunity to build and retain connections to family, community and culture, regardless of where they are placed in care.
- The ACIST is vital to the delivery of culturally appropriate services because it:
  - ensures that the case direction and case planning for Aboriginal children and young people includes appropriate and relevant cultural information;
  - ensures that cultural rights and the needs of Aboriginal children and young people are included as an essential component of case work, planning and management;
  - provides an opportunity to engage appropriate persons in the decision-making about immediate, short- and long-term service options for Aboriginal children and young people;
  - identifies opportunities for the child's participation in activities and experiences that will maintain their links with family, community and culture; and
  - helps ensure that important cultural and family information is maintained for any child who is too young to contribute to their own cultural support plan or for a child who does not want to identify with their community or culture.
- DCP has a strong focus on improving practice in this area and as a result of this work, the proportion of Aboriginal children and young people in care with a completed ACIST has increased from 20.5% in 2019 to 92.9% in 2022.
- In addition to the ACIST, life story work is used to record valuable information about a child or young person's family, history, community and personal development, which helps children or young people to maintain a connection to their identity, their birth family and their origins. The book captures childhood experiences and achievements and celebrates a sense of belonging. For Aboriginal children or young people, the Aboriginal Life Story Book covers information about

their cultural and kinship groups, elders, Dreaming stories and kinship genograms. DCP has Life Story Books which are tailored to the child or young person's own clan, nation or language group.

- The importance of contact between siblings who are not able to live together in out of home care is acknowledged and DCP is working with the CREATE Foundation and the Commissioner for Children and Young People to understand how we can better support the connection of siblings in care. Work is also being undertaken with the CREATE foundation to look at the ways young people (and young people's groups such as No Capes for Change) can contribute to the development of a practice paper regarding the importance of sibling contact.
- The Residential Care directorate stages a number of successful events throughout the calendar year to support Aboriginal children and young people connect to culture. These include the Aboriginal children and young people art exhibition and competition and NAIDOC week.
- The DCP MyPlace program works with staff and individual young people in residential care to create more nurturing and enriching environments. It is part of the department's commitment to embed more therapeutic approaches in residential care, which includes rolling-out the Sanctuary Model in all DCP-run homes.
- The Strong in Culture, Strong in Voice choir, made up of 10 young people living in residential care, is an ongoing initiative. Mentored by DCP's Principal Aboriginal Consultant, Residential Care and musician Tony Minniecon and Ngarrindjeri singer Ellie May Lovegrove, the Strong in Culture, Strong in Voice choir was designed to empower young people to become confident and provide them with another medium to have their voices heard.