

Aboriginal Agency Forum 23 October 2015 – Communiqué



Plan for Aboriginal children and young people

Aboriginal agencies overwhelmingly supported the draft plan for the Aboriginal Child and Family Sector in NSW, developed through an extensive co-design process with FACS. At the heart of this plan is the need to empower Aboriginal communities to participate in the sector and decision making about Aboriginal children, ensuring that Aboriginal community-controlled organisations are properly resourced and supported to deliver the necessary tailored services in their communities across a continuum of need and care. This plan represents our commitment to meet the needs of our children, supporting families to heal and ensuring that Aboriginal children who do require alternate care have their rights respected, including their cultural rights to be meaningfully connected to their family, community, culture and Country.

Agencies were united in their view that this plan is not a menu of options that can be implemented piecemeal, but rather represents a whole-of-sector reform to deliver holistic Aboriginal child and family services across the continuum of care (universal community-based supports, targeted prevention, early intervention and family preservation services, as well as crisis and out-of-home care management). Aboriginal agencies were clear that this plan be implemented in full for the safety, welfare and wellbeing of Aboriginal children, their families, and the future of our communities.

Aboriginal communities continue to fight to have their voices heard when it comes to the safety, welfare and wellbeing of Aboriginal children. As a collective Aboriginal sector, the focus is now on AbSec and Aboriginal community controlled organisations with the support of AbSec, Aboriginal communities and Aboriginal people to design and deliver services for Aboriginal children and young people in need. Again, Aboriginal agencies called on FACS to deliver on their commitment to have all Aboriginal children in out-of-home care managed through accredited Aboriginal agencies. Agencies remain committed to ensuring that the care of Aboriginal children is accountable to the Aboriginal community through Aboriginal community-controlled organisations. Aboriginal agencies are united in their desire for a fair and flexible Aboriginal service system that provides a comprehensive cultural safety net of Aboriginal services across the state so that every Aboriginal child and family can access the services and supports they need, when they need them.

Outcome: The plan was endorsed as the way forward for the Aboriginal sector to respond to vulnerable Aboriginal children, young people, and families, recognising a need to take a more holistic approach to providing needed supports in Aboriginal communities, and ensuring full cultural connection to enable better outcomes. Those present want to see FACS and the NSW Government commit to supporting the plan by the end of the year, ensuring this as the transformational focus over the coming 5 to 6 years to better support Aboriginal children, young people and families.

Aboriginal agencies also want greater transparency from FACS on the placements of Aboriginal children and young people, including regular data on order and placement types, current case management arrangements and transitions at the local (CSC) level.

In committing to this plan, Aboriginal agencies raised a number of concerns regarding the sustainability of the existing Aboriginal OOH sector, in the context of existing placement rules, including:

- Exceptions placements with late or contested payments. Smaller agencies in particular are not able to absorb these costs while awaiting payment.
- Cultural care and support is a specific service for Aboriginal children and young people that is essential to their wellbeing. There should be funding associated with each Aboriginal child in out-of-home care provided directly to Aboriginal community-controlled organisations to

provide ongoing monitoring and support for the child's cultural needs and ensure that the cultural rights of Aboriginal children and young people are protected.

Guardianship and permanent care orders

There remains a significant concern regarding guardianship orders in NSW and their application to Aboriginal children and young people. In general, any form of permanent care order for Aboriginal children and young people administered by non-Aboriginal people is viewed as a return to past policies of forced removals. In this context, guardianship orders are seen as a "quasi-adoption" order, without any safeguards to ensure the Aboriginal families and communities participate in decision making for the long-term care of their children and have their views respected. In the context of persistent concerns regarding adherence to the Aboriginal child and young people placement principles, the lack of meaningful engagement with Aboriginal families and communities about the safety and wellbeing of Aboriginal children and their placement options, as well as the development and implementation of quality cultural care and support plans for Aboriginal children and young people, Aboriginal communities see this as a return to policies of forced removal, dispossession and disconnection.

The key concern was the need to develop and establish appropriate approaches that promote stability for Aboriginal children and young people while protecting their cultural rights and maintaining a legal mechanism for the ongoing monitoring and support of placements, including the implementation of cultural support plans. These processes should be developed and controlled by Aboriginal people, allowing Aboriginal families and communities to participate in the care and protection of Aboriginal children with significantly greater self-determination, as per the Children and Young Persons (Care and Protection) Act 1998.

Aboriginal agencies are concerned about the lack of oversight and casework support provided to Aboriginal children and young people that may be subject to permanent care orders such as guardianship and adoption. Ongoing casework support for children and young people in out-of-home care is an essential element of ensuring the best interests of the child. Ongoing casework support:

- Provides specialist support for both children and young people directly, as well as for those that care for them, to overcome the impacts of trauma (including arising from separation) that may arise in childhood, adolescents and into adulthood
- Promotes the safety and wellbeing of children and young people, reflecting the issues identified in the ongoing Royal Commission into Institutional Responses to Child Sexual Abuse. While small in number, AbSec and the collective Aboriginal sector believe that the government has a responsibility to ensure that vulnerable children are not abused or neglected in their statutory placements, and promotes a child-safe approach to out-of-home care.
- Ensures that Aboriginal children and young people have their cultural rights protected, and allows the implementation of cultural care and support plans to be monitored across their time in care to keep children connected to their family, community, culture and country.

The commitment of FACS that no child should be worse off as a result of being placed under a guardianship order is acknowledged; however the ability of FACS to assure this in absence of ongoing supports, given the dynamic nature of the needs of children and young people, creates scepticism.

Our agencies report that many carers in their communities who were encouraged to move to guardianship were misled on what this entailed, in particular the absence of ongoing support. Where Aboriginal kinship carers have expressed some interest in these types of orders, it is often in the

context of no longer wanting FACS in their lives due to historic and contemporary issues of distrust between FACS and Aboriginal people. This reinforces the need for Aboriginal children and carers to be supported by Aboriginal agencies, who are best placed to meet their needs.

Aboriginal agencies were concerned about the cultural appropriateness of the existing and planned guardianship assessments. Any guardianship assessments with respect to Aboriginal children must be conducted in a way that is acceptable to the Aboriginal community. At the same time, it was felt that it was inappropriate to talk about assessment when concerns regarding guardianship have still not been resolved.

Outcome: Aboriginal agencies endorsed the position developed by AbSec on guardianship and permanent care orders as not being an appropriate option for Aboriginal children, and that more focus needs to be applied towards supporting stability rather than permanent removal. Agencies want to see the development of Aboriginal-led solutions to the issue of placement stability, providing formal and informal supports to Aboriginal children, their families and communities.

Targeted Earlier Intervention Program Reforms

Aboriginal agencies emphasised the need for greater universal and targeted supports for Aboriginal children, families and communities, aimed at reducing the contact of Aboriginal children and families with child protection system (and other systems).

The Targeted Earlier Intervention Program Reforms need to see greater funding for the Aboriginal sector, in line with current need and the over-representation of Aboriginal children and families in the sector, with Aboriginal children representing 35-40% of all children.

Agencies clearly felt that a coordinated network of Aboriginal community-controlled organisations providing a comprehensive safety-net of culturally enriched services tailored to the needs of local families and supported by their community is essential to addressing the over-representation of Aboriginal children in the system, as well as delivering better outcomes for vulnerable and at risk Aboriginal children and young people.

The reform approach needs to build in more flexible, outcome-focused funding rather than program-based funding with many restrictions (geographic, client eligibility etc) that limit the ability of local Aboriginal services to be flexible and innovative in meeting the needs of children and families in their community. Importantly, the future needs to be designed by Aboriginal people for Aboriginal children, young people and families, recognising a genuine self-determination approach.

Within this, there needs to be a focus on supporting the transition of Aboriginal community-controlled services, building on accredited out-of-home care agencies to become holistic Aboriginal child and family services providing wraparound services across the continuum of care in Aboriginal communities state-wide.

Ultimately, the future cannot consist of one-size-fits all approaches for Aboriginal communities across NSW if as an Aboriginal sector; we are genuine about addressing the vulnerability experienced by Aboriginal children, young people and families and cater to the needs of our communities.

Outcome: Aboriginal agencies want their communities to be empowered to design and deliver universal and targeted interventions to support vulnerable children and prevent Aboriginal children and families from coming into contact with the child protection system. Agencies want to see the TEIP reform process invest adequate funding (35-40%) in the development of a cultural safety net for Aboriginal families and communities across the continuum of care, including the transition of accredited out-of-home care agencies to holistic Aboriginal child and family services, in line with AbSec's plan for the sector.