



# Delivering Better Outcomes for Aboriginal Children and Families in NSW

May 2018



Aboriginal Child, Family and Community Care State Secretariat (AbSec)

## About AbSec

The Aboriginal Child, Family and Community Care State Secretariat (AbSec) is the peak Aboriginal child and family organisation in NSW. AbSec is committed to advocating on behalf of Aboriginal children, families and communities, to ensure they have access to the services and supports they need to keep Aboriginal children safe and provide them the best possible opportunities to fulfil their potential through Aboriginal community controlled organisations.

Central to this vision is the need to develop a holistic approach to Aboriginal child and family supports delivering universal, targeted and tertiary services within communities that cover the entire continuum of care and reflect the broader familial and community context of clients. Such services and supports would operate to mitigate risk factors or vulnerabilities thereby reducing the need for more intensive or invasive interventions, as well as ensuring that tailored and critical Aboriginal out-of-home care and after care services are provided to intervene in the cycle of disadvantage that continue to impact generations of Aboriginal families.

Our vision is that Aboriginal children and young people are looked after in safe, thriving Aboriginal families and communities, and are raised strong in spirit and identity, with every opportunity for lifelong wellbeing and connection to culture surrounded by holistic supports.

In working towards this vision, we are guided by these principles:

- 1) acknowledging and respecting the diversity and knowledge of Aboriginal communities;
- 2) acting with professionalism and integrity in striving for quality, culturally responsive services and supports for Aboriginal families;
- 3) underpinning the rights of Aboriginal people to develop our own processes and systems for our communities, particularly in meeting the needs of our children and families;
- 4) being holistic, integrated and solutions-focused through Aboriginal control in delivering for Aboriginal children, families and communities; and
- 5) committing to a future that empowers Aboriginal families and communities, representing our communities, and the agencies there to serve them, with transparency and drive

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## Introduction

Aboriginal children and young people and their families continue to be over-represented across the continuum of care. This disparity for Aboriginal children and young people is most pronounced within crisis responses, including child protection and out-of-home care. More worrying is the persistence of this over-representation despite multiple reviews and reforms, and significant investment over recent years, demonstrating that current systems are not effective in addressing risk for Aboriginal children or intervening in intergenerational cycles of disadvantage that contribute to the underlying issues contributing to this disparity. This paper provides an overview of the four NSW Election Platforms AbSec, as the NSW Aboriginal child and family peak organisation, is seeking from any incoming government to deliver better outcomes for Aboriginal children, families and communities from an Aboriginal embedded perspective.

AbSec's NSW Election Platforms provides an overview of the cumulative work the organisation has undertaken to influence and transform the existing system to one that is focused on better outcomes for Aboriginal children, families and communities in NSW. Our focus is on delivering better outcomes for Aboriginal children and families in NSW, and this must be achieved by empowering Aboriginal communities to design, deliver and oversee the services and supports for Aboriginal children and families.

This paper complements AbSec's *Achieving a holistic Aboriginal child and family service system for NSW* and other associated papers, with the intent of articulating a comprehensive Aboriginal child and family system grounded in the rights of Aboriginal people. Importantly, it fulfils commitments made in the child and family system to date by the NSW Government dating back to 2009.

## Background

The statutory child protection system disproportionately impacts on and intervenes in the lives of Aboriginal children and families. In 2014, a co-design process between Aboriginal community controlled organisations within the child and family sector and representatives from the NSW Government developed a vision for a future service system focused on the sense of belonging, to family, community and culture, for every Aboriginal child. A self-determined Aboriginal sector was seen as central to achieving better outcomes for Aboriginal children and families, with a considerably greater focus on preventative services.

Subsequently, the NSW Government committed to this vision outlined in the *Plan on a Page for Aboriginal Children and Young People 2015-2021*, and embarked on a process to establish a NSW Aboriginal Child and Family Industry Development Strategy for a six year period. This strategy has been released, however, has not been funded.. Additionally, government policy to date is taken from a populous view rather than the best interests for Aboriginal children and families to ensure safety, wellbeing and positive development. These matters must be reset to align with an Aboriginal perspective to maximise outcomes for Aboriginal children and families into the future – or there remains the ongoing risk of greater over-representation within early intervention and child protection systems.

The future state envisioned by the collective group of Aboriginal organisations and government representatives committed to the need for a strong Aboriginal community controlled services network providing a state-wide safety net of care for Aboriginal children and families. These organisations would be supported by the Aboriginal peak body, focused on capacity and capability development to drive best practice in service delivery, with a genuine Commissioning for Outcomes approach delivered through a cross-sector statutory Aboriginal body. This would streamline functions of government to focus on core duties, and clearly define roles and responsibilities between statutory functions, and non-government service delivery – making clear that supports and services are best placed for delivery within an Aboriginal community controlled environment.

Although much development work has occurred since 2009, a genuine commitment to transformational change has been lacking. Transformational change that would identify a future state (10 – 20 years) and how a child and family wellbeing system should operate to address need, within targeted and restricted resourcing. It is AbSec's view that such change would also result in a drastic shift in representation rates within the existing child protection system, to a more positive outcome that will strengthen Aboriginal families, and allow Aboriginal children to thrive in a purpose built Aboriginal child and family wellbeing system for NSW.

## Establish an empowered Aboriginal Child and Family Commission

Aboriginal children and young people continue to be left behind within the mainstream approach taken by the existing child and family system. This is most clearly demonstrated in the ongoing over-representation across the statutory system, which grows as one moves towards the crisis end of the system. This data suggests not only that Aboriginal children and young people are more likely to come to the attention of the statutory system, but the interventions undertaken across the statutory system are less effective at diverting Aboriginal children and families from the crisis end of the system relative to their non-Aboriginal peers. This has significant long-term costs for Aboriginal children and young people, their families and communities, but also the broader NSW community.

A new approach to Aboriginal child and family service delivery is needed.

*Bringing Them Home* emphasised that the way forward was to empower Aboriginal communities to design and deliver the services that Aboriginal children, their families and communities need for their children to thrive. While the successive governments have slowly increased the participation of Aboriginal communities in service delivery, this approach lacks the flexibility and needs to deliver truly tailored, culturally embedded services and supports. Contracting arrangements limit the scope for Aboriginal communities to be innovative in the services they are able to provide. However, in those rare cases where innovation has been enabled, Aboriginal communities have developed effective solutions – mainly through their own means.

Our commissioning environment must enable rather than constrain the opportunity of Aboriginal communities to design new, effective approaches to the challenges they face, and back them to turn their aspirations into reality. To achieve this, AbSec proposes a new statutory Aboriginal body to focus investment on Aboriginal community-controlled child and family services.

*The Aboriginal Child and Family Commission would be responsible for:*

- the development of a strategic outcomes framework aligned to the expectations and aspirations of Aboriginal children and young people, their families and communities,
- directing government investment in Aboriginal child and family services to achieving these outcomes, regularly reporting progress directly to Parliament.
- establishing and overseeing a state-wide data system to empower communities to pursue data-driven approaches and promote evaluation, transparency and accountability
- whole-of-system oversight and advocacy on behalf of Aboriginal children and young people, their families and communities to ensure the rights of Aboriginal children and families are upheld – this means that the Commission would not be responsible for statutory child protection functions, but is responsible for provision of early intervention, family support, child protection and out-of-home care services
- support evidence-building and implementation through partnerships with Aboriginal communities

The Aboriginal Child and Family Commission would complement the statutory system, working alongside existing agencies in fulfilling their statutory responsibilities to Aboriginal children and young people, families and communities. This working arrangement would be defined in the first 12-months by an appointed Aboriginal taskforce.

*Investment approach:*

- Appoint an Aboriginal taskforce to explore functions and mechanisms of Aboriginal Child and Family Commission, reporting to Government and proposing appropriately qualified candidates for the inaugural Aboriginal Children and Families Commissioner (first 12 months)
- Appoint inaugural NSW Aboriginal Children and Families Commissioner (first 12 months)
- Undertake government changes to establish model, including legislation to provide significant responsibility and mandate to the Commission and ensure proportionate investment in Aboriginal children and families through appropriations (first 18 months)
- Establish the Commission, with a clear mandate for Aboriginal early intervention, intensive family/ preservation supports and out of home care, budgetary power and responsibility for commissioning for outcomes for Aboriginal children, families and communities in NSW (first 18 months)

## A strong Aboriginal child and family sector for Aboriginal children and families

A strong and sustainable Aboriginal child and family sector is an essential pillar in achieving a more effective, culturally-embedded support system that is able to support Aboriginal families and communities so that their children can thrive. Aboriginal families and communities are disproportionately affected by the systemic disadvantage, poverty and marginalisation arising from colonisation and inadequate responses of government to address these historic wrongs. The unfinished business of *Bringing Them Home* includes establishment of a state-wide safety-net of Aboriginal child and family services that are able to provide a holistic Aboriginal service system that is responsive to the needs of local Aboriginal families and communities, and is directly accountable to them for the outcomes achieved.

It is only through such an approach that the over-representation of Aboriginal children and families across the statutory system can be overcome. AbSec has been for the past three years working to develop our Aboriginal child and family sector to reach this safety-net, however, with little long term investment, the greatest impact is unable to be realised. This requires full investment in a long term Aboriginal Child and Family Industry Development Strategy.

AbSec has previously articulated a broad framework for a holistic Aboriginal child and family service system. This framework includes Aboriginal community controlled organisations being commissioned to provide an integrated local service, aligned to the needs and cultural values of local communities.

Achieving a strong Aboriginal child and family sector to meet the needs of Aboriginal children and families and achieve the best possible outcomes requires a deliberate strategy. This should include a comprehensive and resourced 10 year strategy to achieve state-wide coverage and strengthen the capacity and capabilities of Aboriginal community controlled organisations to develop and deliver evidence-informed approaches. This will be supported by the establishment of an Aboriginal commissioning approach, with clear reporting on investment in Aboriginal community-controlled approaches.

*A strong Aboriginal child and family sector can be achieved by:*

- Establish central government policy to provide equitable investment aligned to identified need to Aboriginal community-controlled organisations as the means of supporting Aboriginal children, families and communities in need (first 12 months)
- Establish and resource a 10 year strategy for a strong, state-wide Aboriginal child and family sector, including an embedded evidence framework through a genuine Aboriginal commissioning approach, investing in the Aboriginal peak body to perform sector building and change work (first 12 months)
- Establish a target of 18 recognised Aboriginal child and family organisations established and supported to deliver for vulnerable Aboriginal children and families, with annual reporting to Parliament through the Aboriginal Child and Family Commission.

*Investment approach:*

- Investing in this approach requires vision and long term commitment. It requires the ability to share in leaving a legacy that will deliver better outcomes for Aboriginal children, families and communities in NSW.
- AbSec estimates a total investment of \$49 million over 10 years (or \$4.9 million annually) will be required to establish a robust, state-wide network of Aboriginal community controlled organisations and build capacity to develop and deliver Aboriginal driven evidence-informed child and family supports aligned to outcomes for Aboriginal children and families. Importantly, this investment is about transforming the existing Aboriginal child and family sector to be holistic delivering across the continuum of support, inclusive of early intervention, child protection supports and out of home care.
- This investment recognises the poor access to services for Aboriginal children and families, as seen by the overrepresentation of Aboriginal children and families impacted by child protection and out of home care. This approach will transform service provision to Aboriginal children, families and communities, and ultimately deliver better outcomes for Aboriginal children and families through embedding Aboriginal delivered support to address need.

## Invest in responsive Aboriginal-led supports for Aboriginal children and families

Aboriginal-led solutions to issues in Aboriginal communities are widely recognised as more appropriate to addressing not only the crisis that is occurring, but going some way towards addressing the causal factors of disadvantage, poverty and limited economic engagement. These factors play a significant role in ensuring Aboriginal families are strengthened, and any opportunity to keep Aboriginal children at home, in community or connected to community is enhanced.

Taking the example of other jurisdictions such as New Zealand and Canada, targeted investment in Aboriginal-led solutions and supports will achieve better outcomes for Aboriginal children and families, and be delivered in a culturally embedded and sensitive way that ensures outcomes are sustained. Aboriginal community controlled organisations operating within child and family systems focus on innovative means to achieve issues impacting the family, realising benefits that allow Aboriginal children to be safe, and families strengthened.

Investing in Aboriginal-led solutions shifts the current under performance of the child and family system, enabling Aboriginal driven approaches that are likely to be more effective. An evidence based framework developed by Aboriginal people and communities, will ensure that lasting benefits for Aboriginal children, families and communities are achieved. AbSec calls for the investment of new resources in Aboriginal-led solutions over the forward years, at a cost of \$300 million commencing 2019-2020 to 2023-2024 through a mix of redistributing existing effort, and allocation of new resources targeted to the Aboriginal early intervention, and intensive family support and preservation area.

*For genuine outcomes for Aboriginal children and families through an Aboriginal-led design:*

- Change the current investment processes of government to invest needed resources in Aboriginal community controlled child and family organisations for Aboriginal children and families under a purpose-designed Aboriginal commissioning model, as suggested by AbSec<sup>1</sup>, proportionate with need.
- Establish a sound Aboriginal-led evidence based/ informed framework to allow Aboriginal organisations to test their service model and receive funding to continue doing more.
- Promote Aboriginal child and family investment state-wide, ensuring all Aboriginal communities are receiving the support they require, and tackling the issues that lead to child protection involvement, keeping Aboriginal families strong, and children safe.

*Investment period:*

- Budgeted for in the 2019-2020 NSW Budget. Forecasted over a four year period to 2023-2024, with a comprehensive Treasury evaluation strategy established to showcase the effectiveness and benefits of the approach to inform future years funding.
- Total investment of \$300 million over the period, or \$75 million annual investment for delivery through the model of Aboriginal commissioning, and Aboriginal approaches.
- Funds taken from a redistribution approach of existing investment proportionate to need (approximately \$45 million per annum) and new funding of approximately \$30 million per annum<sup>2</sup>. Over time, transition of funding proportionate to Aboriginal children in care directed through the Aboriginal Commissioning model.

*Investment approach:*

- Review existing expenditure and reorient this towards Aboriginal-led programs and service delivery to Aboriginal children and families in early intervention and intensive family/ preservation programs (Year 1).
- Identify and invest new resourcing of \$30 million per year to establish AbSec's model (Year 1).
- Establish localised approaches and modelling to deliver outcomes for Aboriginal children and families, from an Aboriginal perspective (Year 1).
- Full year allocation of investment to deliver for Aboriginal children and families (Year 2 - 5).
- Transition all other child and family programs proportionate to Aboriginal children and families in contact with the child and family system in NSW under the Aboriginal Commissioning model (Year 2 – 5).
- Establish a robust evaluation strategy, with Aboriginal people and community input and oversight, to test the effectiveness of the approach (Year 2 – 5).

<sup>1</sup> See AbSec website: [www.absec.org.au](http://www.absec.org.au)

<sup>2</sup> Pending Budgetary analysis

## Refocus current approaches to an Aboriginal-led design and delivery

The reform and establishment of the current system has been undertaken with limited to no involvement of Aboriginal people and communities. In accordance with the provisions in the Care and Protection Act, AbSec is seeking a commitment to refocus current approaches for Aboriginal children and young people and their families, including investment in service delivery for Aboriginal families, support for Aboriginal community controlled approaches, and the development of Aboriginal-led care and protection frameworks. This means stopping current approaches (particularly those that legal sever Aboriginal children from their families and communities), and engaging with Aboriginal people and communities to design an effective, child and family system, from early intervention through to out of home care.

The current overrepresentation of Aboriginal children and families within the child protection system, and underrepresentation of Aboriginal people accessing early intervention supports requires purpose-designed approaches and policy to achieve better outcomes. This means a service system that is based on the perspectives and aspirations of Aboriginal people and communities for our Aboriginal children and families, including Aboriginal-led service delivery, program design and establishment, and supported by government policy. There is significant concern of that current legal permanency approaches, such as adoption and guardianship that aim to permanently remove children from their families, community and cultural identity, will contribute to a lost generation disconnected from family, community and culture. AbSec seeks for these detrimental policies to be stopped, and genuine government policy and outcomes are designed by Aboriginal people and communities for Aboriginal children and families.

*For genuine approaches to be effective for Aboriginal children and families in NSW:*

- Stop all current government policy that will have a detrimental impact on Aboriginal children and families to permanently separate children from their families, as stated in numerous position papers developed by AbSec.<sup>3</sup>
- Establish a genuine engagement exercise, with AbSec, to develop a roadmap to ensure Aboriginal self-determination in child protection by engaging with Aboriginal communities.
- Reset the current investment in services for Aboriginal children and families, by quarantining funds and aligning it to an Aboriginal child protection roadmap that is embedded by Aboriginal voices.
- Embed new arrangements that will ensure Aboriginal voices are heard in all aspects of service system design as well as individual Aboriginal family matters.
- State clearly as government policy the importance of Aboriginal community controlled approaches as a means to delivering better outcomes for Aboriginal children, and to not repeat the acts of previous government policies.

*Refocus period:*

- It is expected that a reshaping of the child protection and early intervention system will take a number of years.
- A program of Aboriginal community engagement would be established in the first 12 months, enabling a genuine analysis of the current system and how changes must occur.
- Beyond this, the government would be expected to release a refreshed roadmap government policy for Aboriginal children and families, which is designed based on Aboriginal community involvement, and released in genuine partnership with AbSec as the NSW Aboriginal child and family peak.

*Refocus approach:*

- A commitment to invest in this approach must be made through AbSec to lead community engagement and design of the future system – taking a 10 and 20 year view.
- An immediate stop on all detrimental policies to Aboriginal children and families, particularly adoption orders given their effect of severing Aboriginal children and young people from their families, community and culture.
- That Aboriginal perspectives and aspirations are embedded in system design, including the rights of Aboriginal children, families and communities, with a government roadmap articulating necessary whole of government changes to place greater focus on Aboriginal children and families, and achievement of outcomes.
- In committing to this, a genuine statement must be upheld by government to genuinely engage with Aboriginal communities, and that no action will be done to Aboriginal people and communities, without the free, prior and informed consent of Aboriginal communities. This must be external to government agencies, via AbSec as the NSW Aboriginal child and family peak.

<sup>3</sup> See AbSec Website: [www.absec.org.au](http://www.absec.org.au)