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SNAICC Policy Paper

SNAICC Service Development, Cultural Respect and Service Access Policy

(Endorsed by SNAICC National Executive, July 2008)

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Preamble

The development of Aboriginal and Torres Strait Islander community based organisations has been an important part of the response of Aboriginal and Torres Strait Islander people to colonisation. Through these organisations Aboriginal and Torres Strait Islander people have been able to express their collective will, advocate for their rights and needs, develop services and programs for their families and maintain their cultural traditions. Organisations have been developed at the local community, regional, state, territory and national level. Often local level organisations have formed out of the energy of extensive family, clan and kinship networks with some alignment to cultural and language groups reflecting ongoing connections to country, land and sea.

Since the earliest days of colonisation the well being of Aboriginal and Torres Strait Islander children and the right of parents and communities to keep their children with them has been of primary concern to Aboriginal and Torres Strait Islander community based organisations. These issues remain central to the relationship between Aboriginal and Torres Strait Islander community based organisations, governments and others with an interest in children's policy.

With the development of the Aboriginal Councils and Associations Act (1976) providing a legal framework for the establishment of Aboriginal Corporations the number and breadth of Aboriginal and Torres Strait Islander community based organisations accelerated rapidly. As part of a philosophical Commonwealth government commitment to self-determination these organisations were utilised to provide the local infrastructure through which government funded primary health, child and family welfare, childcare, early childhood, education, housing and legal services could be delivered.

It can be reasonably argued however that this developing service infrastructure, in part due to the bottom up nature of its development, was largely unplanned and poorly coordinated. Arising from this has been a fractured Aboriginal and Torres Strait Islander community based service system.

Taking child and family welfare services as just one example after some rapid expansion of these services in the early 1980's for the past two decades the number of services and the scope of these services has largely stagnated. In other sectors, such as housing, some regions have produced large numbers of relatively small Aboriginal housing organisations each competing for government investment and seeking to service the same region. This competition for scarce resources has often exacerbated local community tensions.

SNAICC has criticised child welfare policies of the 1970's and 80's that, after the establishment of Aboriginal and Islander Child Care Agencies, (AICCA's), assumed the problem of child welfare was largely resolved.

After decades of state neglect and harsh intervention into the lives of families the poverty and dysfunction created was in effect left to these emerging Aboriginal agencies to resolve. This was not a meaningful form of self-determination but rather a form of institutional neglect on the part of state welfare authorities. Not surprisingly AICCA's and other Aboriginal and Torres Strait Islander child welfare organisations have at times struggled to meet the complex needs of the many families in their communities requiring intensive long term support.

Their commitment to provide holistic long term support to families and the contractual requirements of funding bodies seeking short term outcomes have often created divisions and conflict between government and community based agencies. A common response from government to this form of conflict has been to assume that organisational governance and management capacity have been lacking rather than examine more fundamental issues relating to the design of programs and services or adequacy of funding. SNAICC believes that organisations have not been supported, assisted and funded at levels that match the level of need within their communities.

Further complicating this fragmented approach to service provision has been a level of uncertainty amongst non-Indigenous services in relation to their role and responsibilities towards Aboriginal and Torres Strait Islander people. Non-Indigenous services have often assumed that Aboriginal and Torres Strait Islander families are being supported and serviced by Indigenous specific services and that any attempt by them to open their services up to Aboriginal and Torres Strait Islander families will be seen as intrusive. Within government departments relatively small Indigenous specific programs have been unable to meet increasing demand and remain vulnerable to intense scrutiny and review. Meanwhile 'mainstream' programs often based on legislative entitlements (eg child care benefit) have increased rapidly but failed to deliver resources to Aboriginal and Torres Strait Islander families on an equitable basis.

SNAICC believes that the early impetus that flowed from the Aboriginal Councils and Associations Act (1976) needs to be recreated but in a planned and coordinated fashion. The most urgent need for this to occur is in relation to the development of Aboriginal and Torres Strait Islander child and family welfare organisations with the capacity and resources to deliver holistic family support and child protection services. This will require commitment from all governments, but particularly State and Territory governments, and from other stakeholders. At the government program level new funding allocation mechanisms need to be developed to ensure Aboriginal and Torres Strait Islander families receive at least an equal share of resources from 'mainstream' programs.

SNAICC believes that Aboriginal and Torres Strait Islander people, as Australian citizens, have a right to expect that all government funded and supported programs within the community services sector will be committed to culturally respectful service delivery and culturally safe practices.

As such government funding bodies should work respectfully, openly and collaboratively with Aboriginal and Torres Strait Islander communities, organisations and agencies to define, develop and deliver services and programs in a culturally respectful manner. As Aboriginal and Torres Strait Islander cultures are highly localised this requires meaningful, respectful, consultative and equal working relationships at the local level between government agencies, non-government agencies and Aboriginal and Torres Strait Islander services and communities.

Tertiary child and family welfare services

In relation to specialist tertiary child and family welfare services, (such as, child protection advocacy and support, placement support, out-of-home care, family support and reunification), SNAICC believes that:

- the rights of Aboriginal and Torres families are best protected and the best outcomes for children are achieved when Aboriginal and Torres Strait Islander community based organisations are trusted, empowered and appropriately resourced to work with and support families when children are at risk,
- where no such Aboriginal and Torres Strait Islander community based services exist Aboriginal and Torres Strait Islander specific services should be developed and government agencies and non-Indigenous community organisations should actively support this development including through the coordinated transfer of resources to new Indigenous specific services
- the role of tertiary services should include facilitating family based decision making, encouraging family and kinship networks to care for children at risk, supporting their capacity to care for children and resolving family issues that have created risks to the well being of children,
- Aboriginal and Torres Strait Islander community based services are best placed to intervene and support families where children are at risk as they have skills, knowledge and expertise to work with and within Aboriginal and Torres Strait Islander family and kinship systems to gain cooperation and engagement
- all Aboriginal and Torres Strait Islander families with identified child protection concerns should have available to them an Aboriginal and/or Torres Strait Islander community based service to assist them to resolve child protection issues and retain the care of their children

SNAICC acknowledges that expanding the coverage and capacity of Aboriginal and Torres Strait Islander community based services is an urgent and ongoing priority within the child and family services sector. Expanding the capacity and sustainability of Aboriginal and Torres Strait Islander community based services requires a long term commitment from SNAICC and its state & territory peak bodies, government funding bodies and departments, Aboriginal and Torres Strait Islander communities and non-Indigenous services providers. It requires increased investment, reallocation of existing resources from the government sector to the community based sector and from the non-Indigenous services sector to the Aboriginal and Torres Strait Islander community based services sector.

Tertiary child and family welfare services include statutory services for children who have been or are at risk of significant harm and where intervention is needed to ensure the ongoing safety of the child. These services include the statutory child protection advice and advocacy services and placement services, (for children who are unable to live at home), including foster care, kinship care and other out of home care. Tertiary services also include family support and assistance to families to ensure they meet the requirements of child protection orders, family reunification services and support for families to minimise the likelihood of ongoing child protection issues.

The provision of these services using an integrated model or as a continuum, by holistic Aboriginal and/or Torres Strait Islander community based providers, can have significant advantages for families and children. This is SNAICC's preferred model.

This model should incorporate Aboriginal and/or Torres Strait Islander community based providers acting as brokers or advocates for families and children to assist them access other services and programs provided by non-Indigenous community based or government agencies.

For cultural and spiritual reasons, maintaining contact or involvement with family or returning to family will always be in the long term best interests of Aboriginal or Torres Strait Islander children. Whilst child protection interventions must place child safety as paramount for Aboriginal or Torres Strait Islander children safety must include their cultural safety.

SNAICC believes that child welfare services must work with, strengthen and support a child's family of origin after the child has been removed so that the child can maintain connection to their family and hopefully be reunited with them. SNAICC's experience is that Aboriginal and/or Torres Strait Islander community based providers are best placed to build trust with local families, resolve child protection concerns and facilitate the care of children who cannot remain at home.

Community based tertiary services which are integrated with primary and secondary services have an enhanced capacity to work with statutory child protection, provide quality information on appropriate interventions and placement options should child removal be under consideration and support families after the removal of children. Families are less likely to experience service gaps if assisted by a holistic service provider and more likely to seek voluntary assistance early before child protection interventions become necessary.

In an integrated or holistic agency model spanning primary, secondary and tertiary services there are opportunities to engage with families early in the lives of their children and support healthy family practices which recognise that families have the ultimate responsibility for raising their children.

Out-of-home care services

The role of caring for a child who cannot remain with their immediate family due to child protection concerns is a very special, demanding and critically important role.

Consistent with the Aboriginal and Torres Strait Islander Child Placement Principle SNAICC believes that this role is best performed by a member of a child's immediate family. Equally we acknowledge that there are some instances when this is not possible and that other placement options must be pursued in order to provide children with a safer environment. Placement must never be the end of the process as for children it is the start of a new journey. Placements, particularly where Indigenous children are placed in non-Indigenous care, must be monitored and reviewed with ongoing efforts made to facilitate placements back with family and kin.

In the context of our ongoing advocacy for the proper implementation of the Aboriginal and Torres Strait Islander Child Placement Principle SNAICC acknowledges the importance of providing the best care possible for all Aboriginal and Torres Strait Islander children in out-of-home care.

As such SNAICC believes that:

- A member or members of a child's immediate family with support from an Aboriginal and/or Torres Strait Islander community based out-of-home care service provider is the best placement option for Aboriginal and Torres Strait Islander children in need of out-of-home care,
- Where children are placed away from family and kin statutory child welfare authorities must periodically review placements and explore new opportunities to place children within their family and kinship networks. Regular reviews should be predicated on a sound cultural plan for the child/ren developed at the time of reception into care with family and community input.
- Non-Indigenous carers caring for Aboriginal or Torres Strait Islander children must carry out this role in a manner that proactively builds the cultural identity of children and promotes strengthened family relationships, community connection and family reunification,
- Long term placement with non-Indigenous carers is not in the best interests of Aboriginal and Torres Strait Islander children; and
- Government funding bodies, SNAICC, Indigenous service providers and non-Indigenous service providers should collaborate and work together to ensure the cultural needs of all Aboriginal and Torres Strait Islander children in out-of-home care are met
- All Non-Indigenous services in the out-of-home care sector seeking to support Aboriginal and Torres Strait Islander families and children should commit to the medium term (2-3 year) transfer of service delivery to Aboriginal and Torres Strait Islander agencies; and in the interim to developing strong relationships with their local Aboriginal and Torres Strait Islander community and working within a framework of respect, collaboration and negotiated partnership. This framework of respect should extend to Non-Indigenous community based services working for long-term systemic change to strengthen the capacity, scope and reach of local Aboriginal and Torres Strait Islander community services.
- Non-Indigenous agencies, (government and non-government), currently involved in the delivery of tertiary child welfare and protection services such

as out-of-home care, must make commitments to transfer this service delivery over to specialist Indigenous agencies including by supporting the development of these agencies where none exist.

Primary and secondary child and family welfare services.

Access to high quality primary and secondary services and support in the early years of a child's life are significant factors in preventing child abuse and neglect. Services in the early years (0-8) need to integrate with services and support for older children and young people (8-17) to prevent risks at a later stage in a child's life when intensive interventions that achieve positive outcomes can be more difficult to implement. Supporting Indigenous specific and other services to cater for those children aged between 8 and 18 should be a particular priority for governments and non-government agencies.

SNAICC recognises that universal primary services, (such as preschool education childcare, child and maternal health) and secondary services, particularly those with a focus on parenting and family support, should deliver their programs in a culturally respectful manner. There should be flexibility and support enabling family programs to include relevant aspects of Aboriginal and Torres Strait Islander child rearing values and practices. All Aboriginal and Torres Strait Islander families should be able to access culturally relevant and safe programs delivered by a broad range of providers.

Extending the role and capacity of existing Aboriginal and Torres Strait Islander child welfare agencies, (which have historically been funded to provide tertiary level services), into primary and secondary service provision is a priority for SNAICC.

Equally there is an important role for existing non-Indigenous services and government agencies to provide Aboriginal and Torres Strait Islander families with appropriate support and assistance. As citizens Aboriginal and Torres Strait Islander people have a right to expect that any agency funded by government to provide family support or other general assistance to the local population will provide services which are accessible and relevant to Aboriginal and Torres Strait Islander families. This requires them to develop culturally safe and relevant programs and practice.

Within the community services sector Aboriginal and Torres Strait Islander families are often recognised as a high priority within government program guidelines and policy. There is little evidence however that such priority filters down to the local service level. Often Aboriginal and Torres Strait Islander families find that in a non-Indigenous service setting (large, formal and highly structured), ways of delivering programs, assumptions about child rearing and family kinship networks and inexperience in working with Indigenous families act to exclude them from services.

In relation to primary and secondary child and family welfare services SNAICC believes that:

- Aboriginal and Torres Strait Islander families have a right to expect that all government funded agencies will be required to working with them and their children in a culturally respectful manner
- Aboriginal and Torres Strait Islander families should be able to choose from a variety of culturally respectful programs delivered by competent Aboriginal and Torres Strait Islander services and culturally respectful non-Indigenous government and non-government agencies

- Government funding bodies should work respectfully and proactively with SNAICC and other stakeholders to expand the scope, capacity and number of Aboriginal and Torres Strait Islander service providers and assist non-Indigenous and Aboriginal and Torres Strait Islander service providers to develop and sustain culturally safe practices in their work with families and children
- Non-Indigenous community based services, which have strong relationships with their local Aboriginal and Torres Strait Islander community and work within a framework of respect, collaboration and negotiated partnership, are more able to support Aboriginal and Torres Strait Islander families. This framework of respect should extend to Non-Indigenous community based services working for long-term systemic change to strengthen the capacity, scope and reach of local Aboriginal and Torres Strait Islander community services.
- Development of the Aboriginal and Torres Strait Islander; child care, early years and child and family services national workforce will ensure improved programs and better outcomes for families across all service settings – Aboriginal and Torres Strait Islander specific, Non-Indigenous and government.