

LAC Assessment of Aboriginal and Torres Strait Islander children in out of home care

Findings with respect to ethical and cultural issues

Research questions

- Does LAC assessment provide a good and culturally appropriate way of understanding and monitoring the development of Aboriginal and Torres Strait Islander children in out of home care?
- How can Aboriginal and Torres Strait Islander children in out of home care's culture, particularly when they are looked after by non Indigenous agencies and placed with non Indigenous families, be supported?

What are LAC Assessment and action records

- LAC is a system of documents for recording information about children in out of home care
- It was developed in the UK and therefore does not have an Indigenous focus
- Assessment records look at the health, education, identity, family and social relations, social presentation and emotional and behavioural development of a child or young person

Cultural care research questions

- What is cultural care?
- How can it be provided?
- How is the right to cultural care recognised in legislation and policy?
- What are the barriers to cultural care?

The Convention on the Rights of the Child

- Convention on the Rights of Child (CROC) recognises Indigenous children's culture
- Article 30 recognises the Indigenous children's right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.
- Article 20 which addresses cultural continuity in temporary and permanent out of care placements,
- Article 8 addresses identity rights
- Article 29 addresses the need to develop respect for a child's cultural identity, language and religion in their education.

Research questions

- To ask if the LAC assessment and action record can serve Indigenous children
- To ask how cultural care can be best be provided to all Aboriginal and Torres Strait Islander children in out of home care.

How was the research conducted

- Literature reviews with respect to LAC and Indigenous peoples
- Review of legislation and policy with respect to cultural care
- Focus groups with Indigenous and non Indigenous out of home care agencies
- Interviews with Indigenous agencies
- Interviews with government departments.

Overview of finding

The LAC assessment record is not used by many Indigenous agencies

- Processes and resources need to be put in place to ensure that all Indigenous children in out of home care receive cultural support. A large group of Indigenous children in non Indigenous care are not receiving cultural support.
- The aspects of the Aboriginal child placement principle that requires cultural support for Indigenous children in non Indigenous care are not being complied with.
- Indigenous out of home care agencies should be supported to increase their capacity to look after more Indigenous children.
- Cultural care should be provided by Indigenous agencies and they should where necessary be funded to support non Indigenous agencies provision of cultural care.

The Individualist focus of LAC assessment

- The assessment does not adequately take into account the high level of interconnectedness between individual and community well being.
- The assessment process does not address structural factors, which are largely outside of individual carer's, case workers, families or children and young peoples' control, which impact on Indigenous children's development.
- The assessment had limited capacity to include the broader extended family
- More work needs to be done to determine if the developmental assumptions set within the assessment process are applicable to all Indigenous communities

Style and purpose of assessment

- Assessment and case management more generally needs to be consistent with Indigenous style of service delivery
- The LAC Assessment and Action records are framed in a questioning and clinical style of language which is inconsistent with the more personal and narrative style of many Indigenous children's services.
- A level of cynicism was expressed about getting information about needs when those that are already known are not addressed.
- There was broader confusion about the purpose of the LAC assessment.

Gathering and use of assessment information

- Children and young people should be informed about the purpose of the assessment record
- Ethical engagement with information about Indigenous children requires a consideration of how that information is obtained, who controls how it is interpreted and used, who has access to it and how it is stored
- Indigenous children in out of home care are particularly vulnerable and special care should be taken to ensure that they do not suffer unnecessary harm as a result of information obtained through the assessment process.

Research

- It is a fundamental requirement of respectful and ethical research that the information which is gathered is done so with consent and for a purpose which is beneficial to Indigenous peoples and consistent with research ethics principles.
- Information provided by and about children and young people in assessment records is particularly sensitive because of the intimate, routine and extensive nature of personal information recorded.
- A central aspect of ethical research with Indigenous peoples relates to the level of input and control which they have over the research process, data storage and interpretation and how the research findings are presented and used.

Cultural Care

- Most Aboriginal or Torres Strait Islander children in out of home care with non Indigenous carers are looked after by non Indigenous agencies.
- This has very serious consequences. The most obvious being that many Aboriginal and Torres Strait Islander children are missing out on culturally appropriate case management and care.
- Many non Indigenous agencies try to address these issues by obtaining advice from Indigenous agencies.
- There is little funding this work and the need for Indigenous agencies to assist non Indigenous agencies places pressure on their core business and other responsibilities.

Conclusion

- The assessment records can be amended in a manner which makes them more sensitive (and recommendations for their amendment have been made in Victoria), however a more thorough going and holistic reform process is necessary if assessment which is culturally appropriate for Aboriginal and Torres Strait Islander children is to be developed.
- Incrementally, greater recognition of Aboriginal and Torres Strait Islander children and families needs and rights have been recognised in legislative and policy reform. However where recognised they need to be resourced and implemented if the benefits of reforms are to be obtained.