



FAMILY MATTERS

Kids safe in culture, not in care

Western Australian Report June 2014





1. Introduction

As part of the Secretariat of National Aboriginal and Islander Child Care's (SNAICC) strategy to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care *Family Matters, Kids safe in culture, not in care* are rolling out state and territory forums engaging with key stakeholders on this important issue. Early childhood and child protection service providers, representatives from Aboriginal controlled organisations and members of the community are being invited to identify local issues and recommend solutions which could be implemented by the community, government and non-government sectors.

Family Matters, Kids safe in culture, not in care hosted its second public forum in Perth on Friday 13 June and a community meeting in Fitzroy Crossing on Tuesday 17 June 2014. The Perth Forum was organised in partnership with Yorganop and the Western Australian Council of Social Service (WACOSS) and the community meeting in partnership with the Baya Gawi Buga yani Jandu yani u Centre, the Children and Family Centre In Fitzroy Crossing. The Perth forum was attended by 201 people, 58 per cent were from non-government organisations, 35 per cent from government and 6 per cent from academia. The community meeting in Fitzroy Crossing attracted 10 people all from the non-government sector.

An issues paper focussing on Western Australia was distributed to all participants prior to the forum and provided a comprehensive evidence base to inform discussions. The issues paper is available at www.snaicc.org.au. The public forum was opened by the Federal Member for Hasluck, the Honourable Ken Wyatt and was closed by the Minister for Child Protection, Helen Morton. A panel of speakers provided context to the small group discussions and included Virginia Dingo, Manager Yorganop; Jim Morrison, Co-chair of the Stolen Generations Alliance; Emma White, A/DG Department of Child Protection and Family Support; Dennis Eggington, CEO Aboriginal Legal Service and Jacqueline McGowan-Jones, Executive Director, Department of Education.

The outcomes of the forum discussions which are detailed in this report provide a contextual layer to the evidence base presented in the issues paper. They give an insight to the lived experience of Aboriginal and Torres Strait Islander peoples who have had contact with the child protection system in Western Australia.

2. Evaluation

A survey distributed at the end of the public forum in Perth evaluated participants' experience of the day. Sixty surveys were completed, this represents a 30% per cent response rate to the total number of people attending the forum. Of the survey respondents:

- 92% thought the forum increased their understanding of the issue
- 97% believed the forum has motivated them to make a difference to the lives of Aboriginal and Torres Strait Islander children
- 95% thought the speakers were well-informed and their speeches stimulating
- 92% felt their voices were heard and the facilitator was good
- 58% thought the forum was the right length of time
- 97% thought the venue was suitable and had good facilities and
- 100% enjoyed the food and said it met their dietary requirements.

It was interesting to note the large percentage of people (42%) who did not think the forum was the right length of time. Many comments received on the evaluation forms indicated participants would have preferred two days to discuss the issue and identify solutions. Suggestions were also made regarding conducting forums in the future to monitor the issue and facilitate the progression of recommended strategies.



3. Acknowledgements

The Secretariat of National Aboriginal and Islander Child Care (SNAICC) gratefully acknowledges the financial support and sponsorship of the *Family Matters - Kids safe in culture not in care* Perth forum and community meeting in Fitzroy Crossing from Baya Gawiy Buga yani Jandu yani u Centre, Department for Child Protection and Family Support, University of Western Australia School of Indigenous Studies, Western Australian Council of Social Service and Yorganop Association.

4. Small Group Discussions

At the time of registration participants at the public forum nominated one topic they wished to discuss. The issues paper circulated prior to the public forum provided an evidence base to these topics. The topics are derived from the Family Matters strategic framework and form the objectives for this national initiative.

4.1 Topic One - Understanding and respect for Aboriginal and Torres Strait Islander cultures, including child-rearing practices

Issue and Barriers

Participants at the Perth workshop discussed Aboriginal cultural child rearing practices, the role of mothers and aunties and older children having the responsibility of caring for others in the family. They highlighted how extended family relationships played a key role and that children will have a number of mothers not just their biological one. There was, they stated, little understanding due to a lack of education in broader society about Aboriginal and Torres Strait Islander culture and its complex kinship systems.

A participant stated when a child is placed with an Aboriginal family compared with a non-Aboriginal family, they have a very different exposure to their culture. When they are with Aboriginal people they are with people who are similar to them and have the same values and kinship ties. They stated that there was always lots of conversations about who they are and to which families they are related.

The high incarceration rate of mothers and fathers was also discussed and the impact that has on Aboriginal parenting. Comments were made about intergenerational issues in relation to male imprisonment and concern that boys and young men weren't learning fathering skills without male role models in their lives.

"Things are different now, it used to be that everyone knew who the kids were and who they belonged to and there used to be a lot more support within the community for raising children". Family Matters Perth Forum Participant

Comments were raised about the diversity in Aboriginal family and cultural groups. Participants in the Fitzroy Crossing meeting highlighted the lack of understanding about traditional practices by staff from the Department for Child Protection and Family Support (DCPFS). For example a father cannot attend meetings if their mother-in-law is present and men are less likely to attend if the meeting is with a female social worker. English (sometimes their fourth language) impacts on families' capacity to communicate and can lead to misunderstandings. There was a need they said for advocacy workers to attend meetings between Aboriginal families and departmental staff. One participant stated that if an Aboriginal person appears westernised there was a perception that traditional practices don't apply and that was not necessarily the case.



Participants at the Perth forum said the lack of awareness among non-Aboriginal people about the negative impacts that a dominant culture can have on a minority one was raised. Non-Aboriginal participants suggested that it was important to apply a cultural lens, examine their own assumptions and how this might negatively impact on interactions with Aboriginal clients.

They said there was a fear factor and misunderstandings arose between non-Aboriginal and Aboriginal people, which required greater understanding, and more communication. Aboriginal culture needed to be valued in a non-judgemental way and Aboriginal people allowed an equal voice. It was reiterated in this workshop and others that cross cultural training should be a pre-requisite for non-Indigenous people looking after Aboriginal and Torres Strait Islander children.

Recommendations

Government

Train child protection workers, non-Aboriginal carers and departmental managers about Aboriginal and Torres Strait Islander cultures and child rearing practices.

Involve Aboriginal people in decision-making. They know within their own families, who is and who is not safe to care for children and it will be less likely that poor decisions are made about children going into care.

Offer choices and options of agencies that Aboriginal people could engage with to obtain support, prevention and intervention services.

Increase representation and advocacy for Aboriginal families, particularly in remote communities.

Examine and remove systemic racism from policies and procedures.

Apply a cultural lens when working with Aboriginal and Torres Strait Islander families so the values and beliefs inherent in non-Aboriginal culture are not imposed.

Non-government

Establish cultural support groups for non-Aboriginal carers so they can share their experiences and develop cultural knowledge from Aboriginal community leaders (yarning cards could be used to start conversations on Aboriginal child rearing practices).

Introduce mentoring to foster care services and programs where an Aboriginal or Torres Strait Islander person is linked to a non-Aboriginal carer to support the development of their cultural competence.

Community

Aboriginal people need to step up and step forward in relation to improving service delivery to community and understand that the statutory side of DCPFS are not the only jobs available.

Educate young people about fertility, contraception and the challenges of parenting both from a financial and emotional perspective.

Seek out and build relationships with Aboriginal people in the same leisure groups, work groups, choirs, and sporting associations. Ask who's your mob? Share part of yourself and once you start sharing there will be a connection.

Talk and teach non-Aboriginal people about Aboriginal child rearing practices.

Promote and make Aboriginal culture more visible in the community eg: in the naming of streets and parks.





4.2 Topic Two - Aboriginal and Torres Strait Islander Involvement in Child Protection Decision-Making

Issues and Barriers

This discussion group identified that some families don't understand their rights to participate in child protection decision-making and are unaware of the support available or the complaint mechanisms and appeal processes. They said some families feel that even if they are involved, it doesn't matter, as the department has the final call anyway. Participants also highlighted that decision-making and Signs of Safety meetings are often occurring solely with immediate family members and don't recognise or include the role of extended family networks in child protection processes.

The group highlighted that Aboriginal and Torres Strait Islander children and young people are often left out of the equation when it comes to decision-making processes. When they are included their voices are often unheard when there are other adults present, such as workers, families and carers. Participants said while it is embedded in policy and practice guidelines that children and young people have the opportunity to participate in decisions being made about their lives, in reality this often doesn't happen meaningfully.

"Department of Child Protection and Family Support need to listen to their Aboriginal staff who work with our mob." Family Matters Perth Forum Participant

They said decision-making must occur in partnership with families and recognise that child protection workers, families, children and young people are all equal partners in these discussions. Participants noted that there was an immediate power imbalance because statutory child protection workers hold the authority and control to make final decisions, regardless of family input.

Participants at the Fitzroy Crossing community meeting noted that complex legal language in lengthy documents was a real barrier for parents for whom English was not their first language and who also had limited literacy. Parents and the community simply did not understand why their children were being taken away. Participants said Fetal Alcohol Syndrome Disorder (FASD) has a huge impact on participation in decision-making. It was cited that one in five adults and children in the community have FASD.

Communication and relationships with child protection workers was identified as a major issue and barrier both at the Perth forum and community meeting. For families to be able to participate meaningfully in decision-making, workers need to know how to encourage their participation, particularly in traditional communities. The key was to build relationships with families (immediate and extended) that are based on open, honest and transparent conversations. It was highlighted that for carers and family members with a past history of negative experiences with the department, coming into contact with DCPFS can be a trigger, and cause new trauma for the individual. The lack of trust towards DCPFS experienced by some Aboriginal people is built on decades of negative experiences.

Recommendations

Government

Utilise the role of Aboriginal Practice Leaders to promote and support best practice with Aboriginal families.

Continue to use Aboriginal Practice Networks to provide advice and problem solve with departmental staff about local issues.

Ensure cultural competencies are being met for workers and carers and that workers are equipped with practical skills, knowledge and tools to engage with Aboriginal families.



Consult with Aboriginal families, children and young people on the cultural appropriateness and effectiveness of the Signs of Safety (evaluation being conducted by University of South Australia).

Incorporate consultation with Aboriginal children and young people in any future evaluations of the Viewpoint program.

Ensure there is no anomaly between policy and practice in relation to Aboriginal and Torres Strait Islander participation in decision-making and introduce mechanisms so that extended family members are also involved.

Implement mechanisms to monitor consistent application of the Signs of Safety Framework and include it as part of staff performance management processes.

Recruit more Aboriginal and Torres Strait Islander staff within the department, particularly to higher decision-making positions.

Recognise that families, children and young people often hold unique insights and solutions to their own problems and place more onus on families to come up with solutions (rather than the Department mandating different forms of counselling, rehabilitation programs etc).

Inform Aboriginal families of their rights and the support services which are available (eg, Family Inclusion Network of WA which advocates on behalf of parents with children in departmental care) and promote the department's complaints procedures.

Non-government

Encourage young people to have a voice in decision-making impacting on their lives.

Liaise with key non-government stakeholders, draft a joint statement and present it to the Police advocating a more effective and culturally appropriate approach to family and domestic violence intervention (Fitzroy Crossing).

Liaise with universities and education providers about making provision for the entry of Aboriginal people in areas which have a high proportion of Aboriginal clients such as law and social work.

Community

Encourage and support Aboriginal community and family members to get help and engage in services to reduce the possibility of contact with the child protection system.

Support local community leaders to advocate on behalf of Aboriginal families.

4.3 Topic Three - Aboriginal and Torres Strait Islander Child Placement Principle

Issues and Barriers

Participants in this group discussed the challenges in finding sufficient kinship carers and the disparity in the number of people available to take placements with the number of children requiring care. They highlighted the long-winded assessment process and the overwhelming amount of paperwork as a real deterrent for applicants.

Participants discussed the criteria for carer assessment and identified the need for the Department for Child Protection and Family Support (DCPSF) to understand that most Aboriginal males will have a criminal record at some point in their lives. There needs to be flexibility in assessing a prospective carer's criminal





history in relation to the type and timeliness of the offence. It was suggested that some community members just wouldn't apply to become carers because of this criteria.

There was recognition that Aboriginal families (especially grandparents) are disadvantaged financially when they become kinship carers. A review was urgently required about the significant out-of-pocket expenses of kinship carers. Kinship carers should receive the same amount of financial resources and support as foster carers.

The group identified that there was only one Aboriginal service to provide foster care places and that there was a reliance on non-Indigenous services. Participants stated that their vision would be to have more Aboriginal agencies providing out-of-home care and child protection services. They suggested partnerships could be developed between established agencies like Wanslea and Parkerville with Aboriginal controlled organisations.

"I went down to Waroona to visit an Auntie and Uncle who wanted to become carers for their nephew. This young boy wanted to be with his family. His siblings were also in care but in different placements and he wasn't able to mix with them. The Uncle had a criminal record from a long time ago and the department rejected their application." Family Matters Perth Forum Participant

A participant stated that one of the challenges in applying the Aboriginal Child Placement Principle is the way children come into care, 90% are unplanned and 10% planned. In crisis care, finding placements are a struggle she said.

Participants said an out-of-home care plan concentrates only on one part of the child's life. It was suggested statutory authority should be held by the State Government and not by the Director General of the Department for Child Protection and Family Support. So then it becomes the responsibility of all agencies particularly housing, education and health to address the needs of Aboriginal and Torres Strait Islander children in care and at risk of going into care.

Stories were shared about the success of taking children who were placed with non-Aboriginal families back to country to keep them connected to their families and culture. Participants said it would be great if more agencies could do this but the red tape, layers of bureaucracy and the need to write funding submissions were preventative. Comments were also made about group homes and the need for Aboriginal teenagers to live in more normal and less structured environments.

Recommendations

Government

Speed up the process for the assessment of kinship carers, implement more flexible screening processes and put in place risk management strategies to ensure kinship carers aren't automatically excluded based on previous criminal records.

Start a process of transferring Aboriginal case management to Aboriginal community controlled agencies.

Implement a review of significant out-of-pocket expenses of kinship carers and amend policies and practices to ensure they receive the same amount of financial support as foster carers.

Share statutory responsibilities for care with Aboriginal controlled organisations as they do in other parts of the world with Indigenous populations.





Ensure that the child placement principle acknowledges and respects cultural responsibilities.

Recognise kinship carers officially and not label this as a 'family arrangement' so carers can receive financial and emotional support eg: Centrelink payments – grandparent payment.

Non-government

Establish stronger partnerships between non-Aboriginal organisations with Aboriginal controlled agencies.

Establish a peak Aboriginal controlled organisation to support the NGO sector involved in Aboriginal child protection.

Support Aboriginal children being placed with Aboriginal families within their local community (not necessarily family) so the children keep connected to their country.

4.4 Topic Four - Trauma, social and economic disadvantage links to child abuse and neglect Issues and Barriers

This group discussed the failure to address trauma that developed as a result of past policies and practices and how this directly relates to child abuse and neglect. Participants highlighted the lack of opportunity to deal with grief associated with loss of land, language, and culture and the subsequent social impacts results in Aboriginal families going from one traumatic experience to another. They said it was important to recognise the existence of intergenerational trauma and obtain bipartisan commitment to addressing the past, healing the present and structuring for a better future.


In Fitzroy Crossing, participants said that until we address the contributing factors to trauma; social and economic disadvantage, it is unlikely we will make a difference. A participant said overcrowded housing and violence in the home has become normalised. While alcohol and drugs had initially been used to deal with the pain of discriminatory and racist policies they had now become a habit. One participant stated that when women return to community there is no support available nor stability and they and their children are at risk of family violence. She went on to say she thought community leaders were getting old and burnt out and there was no longer the same level of respect from young people toward their elders.

Participants said a holistic approach to addressing these issues is required from all sections of the community, non-government and government sectors. Discussion was held on the silo effects of services not co-ordinating and working together. Large NGOs in Broome send counsellors who are scheduled to stay for just two days per month but frequently don't come for several months at a time. They can't develop relationships in that amount of time. Participants stated that practitioners need to recognise, acknowledge and act on the issue of trauma or risk continuing it through future generations.

"The system of child removal is still a colonial process that traumatises our children. Each time they move to a new out-of-home care placement they are traumatised again." Perth Family Matters Forum Participant

At the Perth forum, participants said systemic racism within government agencies contributes to economic disadvantage for Aboriginal people and their families. The 'three strikes and you are out' policy within state housing ignores the cultural obligations and responsibilities for Aboriginal people with their extended kinship relationships, such as the provision of accommodation and food. The eviction of Aboriginal families and subsequent homelessness increases the likelihood of children going into care. So government policy in itself is contributing to the high rate of children in out-of-home care.





The Perth participants said that while the child centred approach was important it did not look at the child in context to the family. A participant provided an example where a perpetrator of family and domestic violence used government systems and processes to continue to abuse his former partner, his children's primary caregiver. The perpetrator advised Centrelink that the mother no longer required social security payments and then rang the police to complain the children were not being looked after, as she had no form of income.

Discussion also explored issues to do with education and training. Participants said that practitioners are not educated or trained in Aboriginal history or culture and this learning occurs only on the job. All universities that have Reconciliation Action Plans should include a strategy to ensure Aboriginal history and cultural awareness is included as compulsory units in areas where there is significant Aboriginal disadvantage, such as social work, health, and education.

Recommendations

Government

Establish a Circle of Elders to provide guidance to the department on cultural security and intervention.

Create an Aboriginal controlled child protection agency to deliver prevention and intervention services and undertake case management.

Implement opportunities for policy officers from the department to engage with Aboriginal and Torres Strait Islander communities and organisations when they are developing policy.

Encourage greater involvement of Aboriginal people in child protection decision-making.

Provide greater support for kinship carers and cultural awareness training for non-Aboriginal foster carers.

Non-government

Establish an Aboriginal healing and rehabilitation organisation.

Lobby for bipartisan support and long term funding commitment to address Aboriginal disadvantage.

Create opportunities to collaborate, develop partnerships and share information across services.


Develop more outreach services and programs that address domestic and family violence.

Lobby universities to include in their Reconciliation Action Plans compulsory Aboriginal history and cultural awareness units in areas of study where there is significant Aboriginal disadvantage such as social work, health, and education.

4.5 Topic Five - Investment in Prevention and Early Intervention

Issues and Barriers

Significant discussion was held on the need for innovative prevention and early intervention programs that were outcome focussed, evidence based with trauma informed service delivery. Suggestions were made on soft entry points such as after school activities, free health clinics, hair-cuts and events which involved food. Solutions needed to be strength based, led by local Aboriginal people and which used local Aboriginal knowledge. Building capacity of local Aboriginal organisations to deliver services was reiterated consistently in this workshop. It was time they said to stop consulting and build relationships with Aboriginal people and know that they had the answer to problems within their own communities. They stated the need for prevention and intervention had to be identified much earlier than it currently is and requires wrap around services.



One participant highlighted that in Scandinavia, all cases of possible child abuse are referred to family support agencies and only 7% of these actually go onto child protection. In Western Australia the reverse is true. Participants highlighted that prevention and early intervention should be an essential and central driver of child protection and not something ornamental. Aboriginal community controlled family support services including the delivery of counselling should be at the forefront in ensuring the social and emotional development of Aboriginal and Torres Strait Islander children.

Fetal Alcohol Spectrum Disorder (FASD) was raised as a critical issue and should be part of prevention and early intervention both for adults and children with the disorder. Child protection workers need to be able recognise FASD as a disability so adequate care arrangements can be put into place for children in out-of-home care and supports made available for adults with FASD caring for children. Australian evidence shows a strong connection between FASD and juvenile incarceration rates. They said greater awareness in the early years of a child's life has the potential to change these outcomes. Complicating this issue was the fact that FASD was not officially recognised by government as a disability.

It was highlighted that successful prevention and early intervention is dependent on good relationships with clients, practitioners and decision-makers. They said it takes time to develop relationships and build trust and there needs to be more listening and yarning. Workers need to get out of the office and into homes talking with families, asking what do they want, rather than imposing programs on them.

"People don't realise that a mother may go on a drinking binge and not necessarily be an alcoholic but she gets branded by all the departments and it's on her file. When a woman is in that situation she should get help in her home environment." Fitzroy Crossing Community Meeting Participant

Better communication between services and clients was also cited as a major issue and a suggestion made that families need to be given hard copies of the notes from meetings they attend. This workshop also identified that Aboriginal workers in the system were not being heard or valued. There needed to be more 50D positions where Aboriginality was an essential selection criteria within the department and greater value placed on skills, knowledge and experience rather than qualifications.

Recommendations

Government

Review and improve communication and relationships between child protection workers and Aboriginal families.

Deliver cross-cultural training for non-Aboriginal carers as a pre-requisite for looking after Aboriginal children.

Introduce a new approach to consider generational Fetal Alcohol Spectrum Disorder (FASD) in child protection decision-making and prevention and intervention.

Fund NGOs to provide innovative, prevention and early intervention programs that are outcome focussed, evidence based with trauma informed service delivery.

Increase the number of Aboriginal and Torres Strait Islander workers (particularly 50D positions) to liaise with children and families and foster community development opportunities.

Adopt more culturally appropriate approaches with longer time frames, less formal engagement and soft entry points.



Non-government

Lobby to rescind the legislation around the 'three strikes and you are out' from Homeswest housing, which is putting children and families on the streets and at risk of child removal.

Establish an Aboriginal community controlled family support and advocacy service.

Build capacity of local Aboriginal organisations to deliver prevention and intervention services.

4.6 Topic Six - Level of expenditure on Aboriginal and Torres Strait Islander children and families in accordance with over-representation

Issues and Barriers

Participants in this group said it was important to link funding to need particularly in relation to maintaining contact between children and their families. Different rates of funding should be developed for rural, regional and remote areas where the cost of travel is significantly higher. A participant commented that other countries had undertaken research in this area and WA could look at the United Kingdom for a more sophisticated model for funding. Some people in this group expressed a need for an expenditure audit to assess where the money was being spent and to ensure resources were directed at people on the ground, not swallowed up at other levels. They said resources should be reallocated from tertiary to primary responses.

Discussion was held on the expansion in the number of Aboriginal controlled organisations delivering out-of-home care services. A suggestion was made that this should be done in a more sustainable way by building on the organisations that already exist rather than funding a plethora of smaller organisations. The work being done in NSW by ABSEC was highlighted. Partnerships that bring together the strengths of Aboriginal and mainstream organisations should be promoted. Recognition was given that one model doesn't fit all and Western Australia required different models for metropolitan, regional and remote services.

Cultural competency was essential when working with Aboriginal and Torres Strait Islander peoples and required formal training. Participants said cultural competency training could be undertaken on country and reflect traditional ways of learning. A more proactive approach was needed in the tender process and Aboriginal organisations needed to be sought out to provide this training.

Comments were made about the challenges for Aboriginal organisations in recruiting and retaining staff with competition from the mining industry that offered higher wages. High burnout was another problem in Aboriginal organisations. The group discussed the need to make child protection an attractive area of work and the need to foster work opportunities across the department and community sector, in both metropolitan and regional and remote areas. Access to tertiary education was also discussed and questions were raised how this could be fostered with universities. The importance of mentoring and the need for a workforce strategy was also raised.

They said the United Nations Convention on the Rights of the Child uses the 'best interests of the child' as the litmus test. However the Convention is not applied in the implementation of state based policies.


Recommendations

Government

Develop a sector wide strategy for workers and non-Aboriginal carers which includes training, professional development and secession planning.

Include the criteria of 'Demonstrated Cultural Competency' in contract tendering processes.





Provide 10-15% additional funding to NGO's for external evaluation of programs including qualitative and quantitative data and culturally safe ethical guidelines.

Non-government

Introduce a model for collective partnerships between Aboriginal and mainstream non-government organisations to share resources and tendering opportunities.

Review the implementation of report recommendations relating to child protection eg Bringing them Home, Gordon Enquiry Report, Royal Commission into Deaths in Custody, and Royal Commission into Child Sexual Abuse and hold government accountable for outstanding recommendations not already implemented.

Invite Yorganop to mentor other Aboriginal controlled organisations delivering child protection and prevention and intervention services.

SNAICC

Publish a report card on federal, state and local funding allocations for child protection.

" We need 'wrap round services' to support the needs of the child while at school. I was a ward of the state attending a Catholic Convent and I felt very lonely and isolated from family and culture. There was no emotional or cultural support we weren't even allowed to talk to Aboriginal people." Family Matters Perth Forum Participant