



SNAICC

National Voice for our Children

**Baseline Analysis of Best Practice Implementation of the
Aboriginal and Torres Strait Islander Child Placement Principle
Western Australia**

April 2018

Introduction

This resource presents a baseline analysis of the progress of Western Australia in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) with reference to the best practice approach set out in [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle – A Resource for Legislation, Policy, and Program Development](#).

The baseline analysis considers the alignment of the five elements of the ATSICPP – prevention, partnership, placement, participation, and connection – with five interrelated system elements – legislation, policy, programs, processes, and practice. However, as the analysis reveals, there is significant interconnectedness and intersectionality of both the ATSICPP and system elements. Further, piecemeal compliance with a single or even several elements does not, and cannot, lead to the full realisation of the ATSICPP. Instead it is clear that holistic processes of reform are required to ensure full implementation and compliance with the ATSICPP's intent to keep Aboriginal and Torres Strait Islander children safely connected to their families, communities, cultures, and country.

It is important to note that the baseline analysis has a particular focus on child safety, protection, and family support service systems and the work of government departments with primary responsibility for those systems, and so has some limitations to its scope. For example, the prevention element of the ATSICPP covers a broad scope of systems and multiple departmental responsibilities for universal service provision in areas such as health, education, and disability; however, these broader support systems are largely outside the scope of this review. Another important caveat is that the analysis is based on available documentation gathered through a desktop review and requests to state and territories for relevant documentation.

The development of this resource – and equivalent analyses for each state and territory jurisdiction – has been guided by the work of the Aboriginal and Torres Strait Islander Working Group established under the *Third Three-Year Action Plan 2015-2018* for the *National Framework for Protecting Australia's Children 2009-2020*. The Working Group is tasked with ensuring implementation of the ATSICPP throughout the Third Action Plan and as part of this work seeks, through the current analyses, to establish the current status of implementation in each state and territory in order to track and measure progress towards enhanced implementation.

Overview – Western Australia

Western Australia meets some best practice elements of the Aboriginal and Torres Strait Islander Child Placement Principle and with the current overhaul of its child protection system, including periodic review of its child protection legislation, there is opportunity for the Department of Communities (Department) and Western Australian (WA) Government to make some significant commitments and to continue further reform.

Western Australian legislation does recognise the right to self-determination, preferences supporting families and notes the importance of contact with family and cultural identity, particularly for Aboriginal and Torres Strait Islander children. However, there is limited alignment with elements of the ATSICPP. In particular, the provisions relating to participation of Aboriginal and Torres Strait Islander children, families, and community organisations in decision-making are weak in that they do not mandate participation or even efforts to enable or facilitate participation. The accompanying policy, programs, and processes could similarly be strengthened to support family or community participation. A significant amount of consultation across decisions, such as placement and case planning, is provided only internally in the Department, by Aboriginal Practice Leaders in all district offices.

As part of the reform agenda, the WA Government has already made commitments strongly aligned with several elements of the ATSICPP. There are commitments to preventing entry into out-of-home care (OOHC), shifting focus to prevention and early intervention, reducing the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHC, and developing partnerships with Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs). The commitment to cultural support planning, even though it is currently not mandated by legislation, will require a cultural plan for all Aboriginal and Torres Strait Islander children in OOHC and stronger child, family, and ACCO participation in their development, implementation, and monitoring.

The Department has recently concluded a periodic review of the *Children and Community Services Act 2004*, making numerous recommendations for legislative and non-legislative change. These include some important recommendations supporting the ACCO sector and ACCO, child and family participation in decision-making. The review did not recommend legislated expedited permanency planning processes that go against principles of stability for Aboriginal and Torres Strait Islander children and that would be occurring in a context with few culturally safe and appropriate supports for Aboriginal and Torres Strait Islander families. However, the Department's policy nevertheless sets timeframes to promote timely decisions about long-term arrangements in the best interests of children. Long term arrangements include reunification to parents or long term stable care with extended family, or a foster carer. When a child needs to be cared for by an approved foster carer, maintaining connection to country, family, culture and community is an emphasis in care planning.¹ The Department is undertaking a Permanency Planning Policy and Practice Review, which is examining all aspects of permanency planning, with a particular focus on strengthening practice to improve outcomes for Aboriginal and Torres Strait Islander children and families. This includes alignment with all five elements of the ATSICPP and a focus on relational permanence.

Additional reforms may be required to support a system that is aligned with the ATSICPP. The WA ACCO sector maintains in relation to the legislative review that the whole Act requires a rewrite rather than amendment. Whilst the legislation currently has a number of overarching general principles which also apply to Aboriginal children and families (s.7 to 10), as well as specific principles relating to Aboriginal and Torres Strait Islander children (s.11 to 14), the sector calls for an Act that has a stronger cultural focus across all sections. The WA child and family welfare ACCO sector requires proper recognition, prioritisation and resourcing. Capacity recognition and strengthening of the ACCO sector is required so that there can be progress towards delegated case management by ACCOs. More broadly, there

¹ Refer for example to the Department of Communities: [Care Team Approach Practice Framework](#) pages 6 and 15 [Better Care, Better Services 2017](#) pages 7, 9 and 12 and Casework Practice Manual chapters: [3.4.1 Care planning - provisional care plans, care plans, and Viewpoint](#) and [3.4.6 Child placement principle](#).

needs to be significantly more ACCO-designed, led, and delivered services throughout WA and throughout the continuum of child protection involvement, including as preventative and early intervention family supports, family participation facilitators, and representative participants in decision-making and in reunification/reconnection programming. The Western Australian ACCO sector also highlights the urgent need for greater accountability in relation to casework practice. Even where there appears to be appropriate legislation, policy, programs, and processes, enforceability or accountability requirements could be strengthened.

In Western Australia at 30 June 2016, 53.95 per cent of all children in OOHC were Aboriginal and Torres Strait Islander, making Aboriginal and Torres Strait Islander children 17.3 times more likely than non-Indigenous children to be in OOHC. This means that at that time, 5.9 per cent of all Aboriginal and Torres Strait Islander children in Western Australia were in OOHC. In terms of placement, only 52.6 per cent of Aboriginal and Torres Strait Islander children in OOHC were placed with Aboriginal and Torres Strait Islander relatives/kin or other relatives/kin.

LEGISLATION				
Refers to the <i>Children and Community Services Act 2004 (WA)</i> unless otherwise stated				
PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>Western Australian legislation acknowledges the primary role of parents, families, and communities in safeguarding and promoting the wellbeing of children and that the preferred way of achieving this is to support parents, families, and communities (ss6, 9).</p> <p>In determining a child's best interests, the Act points to consideration of the effects of separation from family, and the need to maintain contact with family, and cultural identity; specifically for Aboriginal and Torres Strait Islander children, the need to maintain connections to lifestyle, culture, and traditions (s8).</p> <p>The Act sets out that one of the Department's functions and duties is to consider and</p>	<p>Section 13 sets out the principle that Aboriginal and Torres Strait Islander people should be allowed to participate with as much self-determination as possible in the care and protection of their children.</p> <p>There is limited provision however for partnership with Aboriginal and Torres Strait Islander community organisations in decision-making.</p> <p>Section 14 provides that 'where appropriate' a representative organisation should be given an opportunity and assistance to participate in decision-making in relation to matters that are likely to have a significant impact on the life of a child. However, there are no</p>	<p>Section 12(2) sets out the hierarchy of placement so far as is 'practicable', prioritising placement with the child's family. The next preferred placement is with an Aboriginal or Torres Strait Islander carer in the child's community, then an Aboriginal or Torres Strait Islander person, and finally a non-Indigenous person who is sensitive to the child's needs and capable of promoting the child's ongoing affiliation with culture and family.</p> <p>The recent statutory review of the Act recommended that the placement hierarchy in section 12 be amended to recognise the importance of proximity to family, community and country.</p> <p>Before a placement decision is</p>	<p>Western Australian legislation is relatively weak in mandating child and family participation despite a principle of the Act stating that parents and other significant persons should be given opportunity and assistance to participate in decision-making (s9(j)).</p> <p>There is some allowance for family participation: section 13 refers to self-determination, section 14 provides for kinship groups to be provided with opportunity and assistance to participate in significant decisions, and section 81 allows for consultation with an Aboriginal or Torres Strait Islander person who has relevant knowledge of the child, family, or community.</p> <p>The recent legislative review</p>	<p>The Act recognises a child's best interests are determined with reference to contact and connection to family and culture (ss8, 9) and section 12(1) specifically states that the objective of the ATSI CPP is to maintain connections to family and culture. However legislative provisions regarding contact and cultural support plans are weak.</p> <p>Contact may be court ordered on interim orders (s133) and protection orders (special guardianship) (s63), or otherwise is specified by the Department in provisional care plans (s39) and care plans (for children in the Department's care) (s89).</p> <p>Care plans (s89) and provisional care plans (s39) are provided</p>

LEGISLATION

Refers to the *Children and Community Services Act 2004 (WA)* unless otherwise stated

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>initiate, or assist in the provision of social services – such as preventative and support services – to children, families, and communities (ss 21, 32, 33B). When a protection order (supervision) is in force – an order where the child remains in the care of the parent/s, to be supervised by the Department – the Department must provide all services that it considers appropriate (s53).</p>	<p>provisions or examples setting out what are significant decisions, what are ‘appropriate’ circumstances, and who are ‘representative organisations’.</p> <p>The legislative provision in relation to placement decisions is stronger but still does not necessitate the participation of a community representative organisation (such as an ACCO). Section 81 mandates ‘consultation’ with an Aboriginal or Torres Strait Islander Departmental officer, another Aboriginal or Torres Strait Islander person who has relevant knowledge of the child, family, or community, or an Aboriginal or Torres Strait Islander agency that has that relevant knowledge. This means that the decision-maker may only consult with a Departmental officer, not a person or Aboriginal agency.</p> <p>Section 21 provides that one of the functions of the CEO of the Department is to give particular consideration to the ‘interests and aspirations’ of Aboriginal and Torres Strait Islander</p>	<p>made, section 81 requires consultation with an Aboriginal or Torres Strait Islander Departmental officer, another Aboriginal or Torres Strait Islander person who has relevant knowledge of the child, family, or community, or an Aboriginal or Torres Strait Islander agency that has that relevant knowledge.</p> <p>In relation to protection orders (special guardianship) – orders that give parental responsibility to a non-parent and not the Department until a child is 18 years of age – the Department must provide the court with a report about the suitability of a proposed special guardian, having assessed suitability against the section 12 ATSICPP (s61(4)).</p> <p>The recent review also recommended that the Department be required to demonstrate its application of the section 12 placement-hierarchy in the section 61 and section 143 reports to the Children’s Court during proceedings, including consultations under section 81 and other efforts it has made</p>	<p>recommended that section 13 be amended to provide that in performing a function under the Act, a person, court or tribunal must observe that Aboriginal people have a right to participate in the protection and care of their children with as much self-determination as possible.</p> <p>Sections 32 and 33B provide that the Department may arrange or facilitate a meeting including parents and relatives for the purpose of developing a plan to address ongoing needs of the child.</p> <p>The only provisions setting out any type of family group conferencing is for a court-ordered pre-hearing conference that provide an opportunity for family members to discuss and agree (or not) on applications before the court (s136 and Regulations that allow ‘parties’ to attend).</p> <p>The Act does provide that a child’s (ss8, 10) and family’s views should be considered in relation to reviewing care plans (s90).</p> <p>Section 148 sets out how and</p>	<p>for in the Act, with provisional care plans required within 7 working days after the child is taken into care. However consideration or reference to cultural needs is not required. Both types of care plans do require documentation of decisions about contact with parents and family (ss39(1)(c)(ii) and 89(1)(c)(ii)). As care plans are for children in the CEO’s care, a care plan is not legislatively required for children subject to protection orders (special guardianship). The recent review proposes that a cultural support plan should accompany the reports that the Department must provide to the Children’s Court pursuant to sections 61 and 143 when applying for protection orders (special guardianship) (Rec. 10). It also recommends that a cultural support plan should become a specific requirement as part of a care plan under section 89 and decisions about cultural support should be reviewable by the Care Plan Review Panel and the State Administrative Tribunal (Rec. 11).</p>

LEGISLATION

Refers to the *Children and Community Services Act 2004 (WA)* unless otherwise stated

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
	people.	to make placements in accordance with the hierarchy.	<p>when legal representation for children is arranged.</p> <p>There is a requirement for family to be provided with adequate information to understand decisions and outcomes (s9(k)) and in court proceedings for the court to do all that is practicable to ensure parties understand proceedings (s153).</p>	<p>Furthermore, the review proposes the Act should include cultural support planning provisions similar to sections 176(3) and (5) of the <i>Children, Youth and Families Act 2005 (Vic)</i> that reflects a child’s cultural support needs (Recc. 13).</p> <p>Section 90 provides for review of the care plan within 12 months and in the course of review, for regard to be had to views expressed by the child, parents, carer and any other person the Department considers has a direct and significant interest in the wellbeing of the child.</p>

POLICY

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>The <i>Building a Better Future, Out-Of-Home Care Reform in Western Australia</i> plan states that the first priority for the Department is to prevent children from entering OOHC, with a specific focus on reducing the rate of Aboriginal and Torres Strait Islander children entering OOHC.¹ This <i>plan</i> proposes to review existing family support programs, realign existing funding to more clearly focus on preventing the need for entry into OOHC, strengthen culturally responsive services, and ensure that services are delivered by or in partnership with ACCOs where possible.² The <i>Building Safe and Strong Families Earlier Intervention and Family Support (EIFS) Strategy</i> focuses on four key areas: delivering shared outcomes through collective effort; a culturally competent service system; diverting families from the child protection system; and preventing children entering OOHC.³ The Department has endorsed the <i>Intensive Family Support (IFS) Approach</i>, prioritising</p>	<p>Western Australian policy goes beyond legislative provisions for ACCO participation in decision-making, recognising and promoting future ACCO development and partnership with the Department. The <i>Building a Better Future, Out-Of-Home Care Reform in Western Australia</i> plan states that the Department will strategically support the growth of ACCOs so ACCOs can support Aboriginal Departmental workers to support children and families. This <i>plan</i> further seeks to explore contract OOHC partnerships with ACCOs.⁵ The <i>EIFS Strategy</i> confirms this position, stating that the option for the development of a peak representative body will also be explored. This plan calls for a co-design approach to develop culturally safe family support services.⁶ The <i>Aboriginal Services and Practice Framework</i> contains strong language recognising and promoting self-determination, participation, Aboriginal leadership, community consultation, community control and</p>	<p>The <i>Building a Better Future, Out-Of-Home Care Reform in Western Australia</i> plan recognises the prioritisation of placement of Aboriginal and Torres Strait Islander children in line with the placement hierarchy.⁸ This <i>plan</i> involves implementing a number of policy, funding and workforce changes to increase the support provided to family carers. Procurement will be a particular focus on supporting Aboriginal family carers, including services that support Aboriginal family carers to overcome issues of structural disadvantage, such as lack of housing, to care for their family.</p>	<p>There is little Western Australian policy that explicitly provides for or promotes child and family participation in decision-making. The <i>Aboriginal Services and Practice Framework</i> restates legislative provisions that ‘allow’ for family participation in significant decision-making, however, there is little specific policy that sets out how this family participation will occur (see ‘Programs’ and ‘Processes’ sections below).⁹</p>	<p>Western Australian policy goes further than legislation to require a cultural component as part of all care plans for children in the care of the Department, and a specific cultural plan for all Aboriginal and Torres Strait Islander children in OOHC (see ‘Processes’ section below). The <i>Building a Better Future, Out-Of-Home Care Reform in Western Australia</i> plan states that the first priority is to prevent children entering OOHC, where possible. When children enter OOHC, the priority immediately shifts to the second priority, which is reunifying children with parents, with a particular focus on Aboriginal children and families.¹⁰ The Department has just released <i>Better Care, Better Services – Safety and quality standards for children and young people in protection and care</i>. Standard 3 provides that ‘Aboriginal children and young people are supported to maintain meaningful</p>

POLICY

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>families most vulnerable to their children entering OOHC for intensive service provision, through the establishment of district IFS teams.⁴ The <i>EIFS Strategy</i> and <i>IFS Approach</i> captures the work previously delivered under the former <i>Family Support (Responsible Parenting) Framework</i>. Senior Aboriginal Child Protection/Field Officer positions undertake case management and work in partnership with identified at risk families. They assist other workers in the IFS team to improve service responses for Aboriginal children and families.</p>	<p>partnership.⁷ The Department has endorsed an <i>ACCO Strategy</i> to 2022 to increase opportunities for ACCOs to deliver contracted child protection and earlier intervention and family support services to their communities. <i>The ACCO Strategy</i> focuses on co-design, ACCO procurement and ACCO capacity building. The current <i>Permanency Planning Policy and Practice Review</i> will involve targeted consultations with external stakeholders (including ACCOs) on ways to improve cultural planning and the partnership element of the ATSCPP.</p>			<p>connections to their family, community, land and culture in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.¹¹</p>

PROGRAMS

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>Family Support Networks are an alliance of community sector services and the Department that provide a common entry point to services so as to deliver earlier, targeted support to families.¹²</p> <p>They have been set up in the last year in Armadale, Mirrabooka, Geraldton and Fremantle.</p> <p>Intensive Family Support Services both in relation to family preservation and family reunification also operate.</p> <p>The <i>EIFS Strategy</i> supports the development of an Aboriginal In-Home Support Service to provide intensive in-home support to Aboriginal families with complex needs to divert them from the care system.</p> <p>The service model, designed with the Aboriginal community, will be delivered by an ACCO from May 2018.¹³</p> <p>Funding for a new parent-baby support service specifically for Aboriginal parents (15-25 years) has been announced to support new babies to remain in their parent’s care. The service model will be co-designed with ACCOs.</p>	<p>A ‘representative organisation’ or Aboriginal and Torres Strait Islander agency may be involved in placement or significant decision decision-making (see ‘Legislation’ above), however this is not through any formal program.</p> <p>As set out above in the ‘Policy’ section above, the Department is exploring contract OOHC partnerships with ACCOs.¹⁴</p>	<p>A ‘representative organisation’, Aboriginal and Torres Strait Islander agency, and family may be involved in placement decision decision-making, however this is not through any formal program.¹⁵</p>	<p>A pre-hearing conference during the course of court proceedings may be ordered by the court and may involve the family (see ‘Legislation’ section above).</p> <p>The ‘Signs of Safety’ meetings, set out in the <i>Casework Practice Manual</i>, provide an opportunity for family participation.¹⁶ The meetings are part of a process of safety mapping and planning.</p> <p>General legal services and Aboriginal and Torres Strait Islander legal services may provide government-funded legal advice and representation to children, parents and family members in child protection matters.</p>	<p>Care plans and cultural plans are to be developed with family at meetings (see ‘Processes’ section below).</p> <p>In relation to family reunification programs – see ‘Prevention – Programs’.</p>

PROCESSES

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>A detailed online <i>Casework Practice Manual</i> sets out processes for child protection practitioners.¹⁷</p> <p>The <i>Manual</i> requires whether a child is identified as Aboriginal and/or Torres Strait Islander to be recorded, but does not appear otherwise to specify when identification should occur and who can assist with this.</p> <p>The <i>Manual</i> clearly sets out potential referrals to support services. It also states that ‘the first consideration for all children is whether the family can be supported to provide for the child’s well-being without the Department making a placement arrangement (placing the child into OOHC). Early intervention and individual and family supports should be considered’.¹⁸</p>	<p>The <i>Aboriginal Services and Practice Framework</i> confirms the legislative provision that representative organisations are to be provided with assistance and opportunity to participate in decision-making in relation to decisions that are likely to have a significant impact on a child.¹⁹</p> <p>The process for identifying and inviting a representative organisation for consultation in decision-making is set out in the ‘Placement – Processes’ section.</p> <p>The <i>Manual</i> specifies that all consultation – internal and external – must be recorded.²⁰ The process of section 81 consultation regarding placement is that an Aboriginal officer be on call after hours for consultation relating to placement of an Aboriginal child.</p>	<p>The <i>Manual</i> instructs practitioners to consult with a Departmental Aboriginal Practice Leader in relation to decisions about placement of a child. It then states that in consultation with the Aboriginal Practice Leader, a representative organisation may be identified for consultation or advice regarding placement.²¹ The <i>Aboriginal Services and Practice Framework</i> directs practitioners to meet with family to help identify possible options for placement.</p> <p>The <i>Framework</i> requires confirmation, in consultation with an Aboriginal Practice Leader, that all family placement options have been identified and explored.²²</p> <p>The <i>Manual</i> sets out processes for arranging, supporting and reviewing family placements but does not detail processes specific to Aboriginal and Torres Strait Islander children apart from mandatory consultation with an Aboriginal Practice Leader.²³</p>	<p>As set out above in ‘Programs’, ‘Signs of Safety’ meetings provide an opportunity for family participation. However, the meetings are not specifically designed or made culturally safe and accessible for Aboriginal and Torres Strait Islander families. There are only minor references to ‘suggested questions when working with Aboriginal people’ and ‘developing family trees and social maps with Aboriginal families’.²⁴</p> <p>In a similar way, pre-hearing conferences as referenced above in ‘Programs’ and pre-birth meetings, are also not culturally safe and do not involve any real measure of self-determination. These conferences and meetings are managed and facilitated internally by the Department, not by ACCOs or community. The Department has partnered with Legal Aid WA to create the ‘Pre-Hearing Conference Signs of Safety Aboriginal Support’ Project to better prepare and increase the participation of Aboriginal families in Pre-Hearing Conferences and facilitate agreement without</p>	<p>The <i>Manual</i> states that care plans – for children in the care of the Department – must include a culture and identity component that outlines the connection of the child with his/her cultural origins and that this must be maintained throughout their period of care. The <i>Manual</i> requires consultation with a Departmental Aboriginal Practice Leader when developing a care plan. The <i>Care Planning Policy</i> requires the care plan to include the views and wishes expressed by participants – child, parents, carers, other significant persons in the child’s life – during any meetings, that where meetings are not possible that other forms of consultation occur, and that review of the care plan be inclusive. The care plan must set out decisions regarding placement and contact.²⁷</p> <p>A cultural plan for an Aboriginal or Torres Strait Islander child should address the need to preserve and enhance the child’s culture and connection to country.²⁸</p> <p>The <i>Policy</i> and <i>Manual</i> require</p>

PROCESSES

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
			<p>court intervention. Staff use a Getting Ready handbook (verbal and pictorial) to talk through the process with Aboriginal families.</p> <p>For pre-birth planning the Department has commenced a project 'Getting Ready for Pre-Birth Planning' to increase the number of Aboriginal families actively participating and promote earlier collaborative planning. Early collaboration involves a partnership between the Department, an ACCO and the family.</p> <p>The <i>Aboriginal Services and Practice Framework</i> outlines that in practice the legislative participation principles require a practitioner to meet with the family, develop a family genogram and explore family placement options.²⁵</p> <p>The <i>Manual</i> provides the most guidance for family participation in relation to care planning – families are to be invited to meetings, given notice of meetings and given the opportunity to provide information.²⁶</p>	<p>that care plans are prepared within 30 days of a child coming into care. Similar provisions exist for provisional care plans. For Aboriginal and Torres Strait Islander children, a cultural plan must be developed within 30 days of the child being placed in OOHC. Similar to the legislative provision, the <i>Manual</i> states that care plans must be reviewed at regular intervals not exceeding 12 months. As set out above, the review is to be inclusive of all parties.</p> <p>The Department's <i>Care Team Approach Practice Framework</i> aims to maintain and support a child's care arrangement and their continued connection to parents, siblings, their wider family, network, community and culture. The emphasis is to create stability and reduce the disruption to lifetime connections and increase naturally occurring networks that a child belonged to before coming into care. It provides that that development of a strong and secure cultural identity is integral to an Aboriginal child's wellbeing, and the care team must</p>

PROCESSES

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
				<p>promote and support this. An Aboriginal Practice Leader must be consulted when identifying care team members for an Aboriginal child, and where possible the majority of people in the child’s care team should be Aboriginal.²⁹</p> <p>In relation to reunification, the <i>Manual</i> states that ‘assessment and planning about the likelihood of reunification must commence from the time the child enters provisional protection and care’.³⁰ The Department’s <i>Permanency Planning Policy</i> similarly states that assessment regarding likelihood of reunification must begin when a child enters care, and further that permanency planning must involve parallel processes of reunification as the primary permanency plan and permanent care as the secondary permanency plan.³¹</p> <p>At least monthly planning meetings are required with the family, safety network and key stakeholders to assess progress on the primary and secondary plan.</p> <p>The <i>Permanency Planning Policy</i> requires decisions about (whether to proceed with)</p>

PROCESSES

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
				reunification within 12 months for children who enter provisional protection and care at less than three years of age, and within two years for all other children. However, for children on a protection order (until 18), permanent care is the only permanency plan. ³²

PRACTICE

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>The proportion of Western Australian spending on intensive family support services and family support services in relation to total spending including on OOHC and other child protection services has been 11.96% in 12/13, 11.7% in 13/14, 10.7% in 14/15 and 11.2% in 15/16.³³</p> <p>Of all children commencing an intensive family support service in WA within 2015-2016, only 33.5% were Aboriginal and Torres Strait Islander. This proportion is down from 34.6% in 2011-2012.³⁴</p> <p>In Western Australia, Aboriginal and Torres Strait Islander children represented 53.95% of all children in OOHC at 30 June 2016, an increase from 47.47% as at 30 June 2012.³⁵ Aboriginal and Torres Strait Islander children were 17.3 times more likely than non-Indigenous children to be in OOHC at 30 June 2016, an increase from the rate of 12.9 times more likely as at 30 June 2012.³⁶ As at 30 June 2016, 5.9% of all Aboriginal and Torres Strait Islander children in WA were in OOHC, an increase from 4.4%</p>	<p>There are several active ACCOs in the WA child and welfare sector, however there has not been any government support for a state peak body. There has however, been financial assistance from government to set up the regional peak body – Noongar Child Protection Council – which does not deliver services but connects and refers families to ACCOs and advocates for the rights of Aboriginal children on Noongar country. Funding for the Noongar Child Protection Council ends on 31 May 2018.</p> <p>The Family Matters Statement of Commitment has not been signed following requests of the Family Matters WA Working Group.</p> <p>The WA ACCO sector report that there was limited Aboriginal engagement and consultation in both the recent legislative review and development of recent prevention and early intervention programs. The Department reports: consultations held across the</p>	<p>The proportion of Western Australian Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander kin or other family, or an Aboriginal or Torres Strait Islander home-based carer has fallen from 67.3% at 30 June 2012 to 61.6% at 30 June 2016.³⁸</p> <p>However, in terms of the first preferred placement, as at 30 June 2016 only 52.6% of children were placed with Aboriginal and Torres Strait Islander kin or family, a fall from 54.7% at 30 June 2012.³⁹</p> <p>Feedback from the WA ACCO sector is that in practice, placement decisions are made quickly in a way that dismisses placement with Aboriginal family or does not even seek to contact Aboriginal family before placement with non-relative strangers. In many cases, children are placed with an approved competent carer before being placed with family.</p> <p>There are also reports and concerns that Department policy and processes for the approval of placements,</p>	<p>There are no available statistics, reports, or reviews of the participation of children and families in decision-making, such as by pre-hearing conferences or ‘Signs of Safety’ meetings.</p> <p>Feedback from the WA ACCO sector is that the ‘Signs of Safety’ meetings are not culturally safe or competent, with non-Aboriginal facilitators and decision-makers, and no decision-making ability for Aboriginal family.</p> <p>More broadly, as noted above in ‘Processes’, ‘Signs of Safety’ meetings, pre-hearing conferences, and pre-birth meetings are all managed and facilitated internally by the Department in a way that is not culturally safe, does not effectively enable and promote participation, and does not move towards self-determination.</p>	<p>82% of Aboriginal and Torres Strait Islander children and 87% of non-Indigenous children in OOHC have care plans in WA.⁴¹</p> <p>There is very little information available on reunification. Nationally, 38% of Aboriginal and Torres Strait Islander children admitted to OOHC in 2014-15 had been discharged by July 2016.⁴² No other statistics, reports or reviews are available regarding reunification or reconnection of Aboriginal and Torres Strait Islander children in OOHC.</p> <p>The Department is working with key stakeholders to progress practice alignment in relation to Native Title for Aboriginal children in OOHC. This work will help strengthen Aboriginal identity and connection to country, family, culture and community for Aboriginal children in OOHC.</p> <p>Anecdotal evidence from the WA ACCO sector suggests that in many cases family are not involved in care planning, are not empowered or enabled to participate, and that completed care plans do not include cultural plans that detail how</p>

PRACTICE

PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
<p>at 30 June 2012.³⁷</p> <p>The WA ACCO sector reports that Family Support Networks (FSNs) have been functioning for more than a year but to date have failed to effectively engage the most at risk vulnerable Aboriginal families. The Department indicates that the 'Aboriginal Engagement Project' has been running for 8 months at the Mirrabooka FSN in conjunction with local Elders, the Looking Forward Project/Curtin University and MercyCare. Discussions are underway to expand the project to other FSN sites. More broadly, the ACCO sector are concerned that programs do not in fact operate as either 'preventative' or 'early intervention' programs, and instead appear too late in the life of issues where families are on the cusp of having their children removed. The sector is also concerned that the new Aboriginal In-Home Support Services will not be able to effectively support families to deal with diverse and complex issues in the maximum identified 16-week period of</p>	<p>state in 12 Aboriginal community areas for the legislative review; statewide consultation for the Intensive Family Support Service; consultations in Perth metropolitan area and some regional locations for Family Care Support Service; and consultations in areas of service delivery for the Aboriginal In-Home Support Service and Family Support Networks. These 'consultations' were considered by some community sector members to be information sessions rather than opportunities to facilitate co-design.</p>	<p>particularly placements lower in the hierarchy, are not being followed. The process is understood to involve endorsement by an Aboriginal Departmental officer, usually the Aboriginal Practice Leader, endorsement by the Executive Director, and then approval by the Director General. Anecdotal evidence suggests this process is followed in only very few cases. Support of kinship, or relative, carers is inadequate, as highlighted by the Ford Review in 2007. This includes disparity of financial and practical supports between foster and relative carers.⁴⁰ The Department indicates that this is being redressed through 'Building a Better Future: Out-of-Home Care Reform in Western Australia.'</p>		<p>children in OOHc will be connected to family, community, culture, and country.</p> <p>The WA ACCO sector reports that families are not generally involved in developing cultural support plans, which then lack depth and critical information, and are sometimes incorrect. The sector is also concerned that work with families before the expiry of orders, is not happening, preventing opportunity for safe and timely reunification. This is despite the requirement for work to start 6 months before expiry of the orders.</p>

PRACTICE				
PREVENTION	PARTNERSHIP	PLACEMENT	PARTICIPATION	CONNECTION
support.				

¹ Department for Child Protection and Family Support (DCPFS), Government of Western Australia, *Building a Better Future – Out-of-Home Care Reform in Western Australia*, April 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

² DCPFS, Government of Western Australia, *Building Safe and Strong Families – Earlier Intervention and Family Support Strategy*, September 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

³ DCPFS, Government of Western Australia, *Building Safe and Strong Families – Earlier Intervention and Family Support Strategy*, September 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

⁴ DCPFS, Government of Western Australia, *Family Support (Responsible Parenting) Framework*, revised December 2013, available at <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Family%20Support%20Framework%202013.pdf>

⁵ DCPFS, Government of Western Australia, *Building a Better Future – Out-of-Home Care Reform in Western Australia*, April 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

⁶ DCPFS, Government of Western Australia, *Building Safe and Strong Families – Earlier Intervention and Family Support Strategy*, September 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

⁷ DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>

⁸ DCPFS, Government of Western Australia, *Building a Better Future – Out-of-Home Care Reform in Western Australia*, April 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

⁹ DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>

¹⁰ DCPFS, Government of Western Australia, *Building a Better Future – Out-of-Home Care Reform in Western Australia*, April 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

¹¹ Department of Communities (DC), Government of Western Australia, *Better Care, Better Services: Safety and Quality for Standards for Children and Young People in Protection and Care*, November 2017, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Better%20care%20better%20services%202017%20November.pdf>

¹² DCPFS, Government of Western Australia, *Family Support (Responsible Parenting) Framework*, revised December 2013, available at <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Family%20Support%20Framework%202013.pdf>

¹³ DCPFS, Government of Western Australia, *Building Safe and Strong Families – Earlier Intervention and Family Support Strategy*, September 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

¹⁴ DCPFS, Government of Western Australia, *Building a Better Future – Out-of-Home Care Reform in Western Australia*, April 2016, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

¹⁵ DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>

¹⁶ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/HomePage.aspx?Mobile=0>

¹⁷ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/HomePage.aspx?Mobile=0>

¹⁸ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=274>

-
- ¹⁹ DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>
- ²⁰ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=186>
- ²¹ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=246>
- ²² DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>
- ²³ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=246>
- ²⁴ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=266>
- ²⁵ DCPFS, Government of Western Australia, *Aboriginal Services and Practice Framework 2016-2018*, available at <https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>
- ²⁶ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=214>
- ²⁷ DCPFS, Government of Western Australia, *Care Planning Policy*, January 2016, available at <http://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/CarePlanningPolicy.pdf>
- ²⁸ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=246>
- ²⁹ DCPFS, Government of Western Australia, *Care Team Approach Practice Framework*, December 2016, available at <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Care%20Team%20Approach%20Practice%20Framework.pdf>
- ³⁰ See <https://manuals.dcp.wa.gov.au/CPM/SitePages/Procedure.aspx?ProcedureId=178>
- ³¹ DCPFS, Government of Western Australia, *Permanency Planning Policy*, December 2014, available at <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Permanency%20Planning%20Policy.pdf>
- ³² DCPFS, Government of Western Australia, *Permanency Planning Policy*, December 2014, available at <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/Permanency%20Planning%20Policy.pdf>
- ³³ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.1
- ³⁴ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.30
- ³⁵ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17
- ³⁶ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17
- ³⁷ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.17 and Table 16A.34
- ³⁸ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.23
- ³⁹ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.23
- ⁴⁰ Prudence Ford, *Review of the Department for Community Development – Review Report*, January 2007, available at [http://www.merredin.com/merredin/d/Residents/Your Community/Government Portal/Department for Child Protection/Downloads/FXQZZ639L6QKMTE12K12P3UA9UC4CZ/0A2UICTV6IL2OM3.pdf/D_CDRPTFordReview2007.pdf](http://www.merredin.com/merredin/d/Residents/Your%20Community/Government%20Portal/Department%20for%20Child%20Protection/Downloads/FXQZZ639L6QKMTE12K12P3UA9UC4CZ/0A2UICTV6IL2OM3.pdf/D_CDRPTFordReview2007.pdf)
- ⁴¹ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services – Chapter 16 – Child Protection*, 2017, Table 16A.21
- ⁴² Australian Institute of Health and Welfare, *Children Admitted to Out-Of-Home Care- 2014-15*, November 2017, available at <https://www.aihw.gov.au/getmedia/41ca92ec-dbb4-4d5e-b6fa-ee559e10b5ac/aihw-aus-217.pdf.aspx?inline=true>