

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
SOUTH AUSTRALIA
2020



SNAICC
National Voice for our Children

Review of the ATSI CPP implementation efforts over the reporting period 1 May 2019 – 30 April 2020

By SNAICC March 2021

About SNAICC

SNAICC – National Voice for our Children (SNAICC) is the national non-government peak body for Aboriginal and Torres Strait Islander children.

SNAICC works for the fulfilment of the rights of our children, in particular to ensure their safety, development and well-being.

The SNAICC vision is an Australian society in which the rights of Aboriginal and Torres Strait Islander children, young people and families are protected; our communities are empowered to determine their own futures; and our cultural identity is valued.

SNAICC was formally established in 1981 and today represents a core membership of Aboriginal and Torres Strait Islander community-controlled organisations providing child and family welfare and early childhood education and care services.

SNAICC advocates for the rights and needs of Aboriginal and Torres Strait Islander children and families and provides resources and training to support the capacity of communities and organisations working with our families.

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Introduction

This report reviews the progress of the South Australian Government, through the Department of Child Protection (the Department), in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). This review is informed by the best practice approach set out in SNAICC [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle – A Resource for Legislation, Policy, and Program Development](#) and SNAICC (2018) the [Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation](#). Based on these resources, SNAICC undertook comprehensive baseline analyses of the progress of states and territories in implementing the full intent of the principle in 2018. Following from the baseline analysis, SNAICC undertakes annual state and territory compliance reviews to map the progress and gaps in the implementation of the ATSICPP across Australia.¹ The current review considers ATSICPP implementation efforts over the past year (from 1 May 2019 to 30 April 2020).

In undertaking the review, SNAICC uses both quantitative and qualitative analysis to measure and review state and territory progress against the five elements of the ATSICPP – Prevention, Partnership, Placement, Participation, and Connection – across five interrelated systems elements – Legislation, Policy, Programs, Processes, and Practice. The reviews primarily focus on the actions of child welfare agencies across Australia and therefore do not fully consider the progress of other departments and agencies. However, the child welfare agencies consulted are encouraged to provide information about whole-of-government efforts and the initiatives of other agencies that contribute to implementation of the ATSICPP. The reviews are developed with input from Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and state and territory governments.

The Aboriginal and Torres Strait Islander Working Group for the National Framework for Protecting Australia’s Children guides the development of the reviews. The Working Group is tasked with ensuring implementation of the ATSICPP in line with the agreement under the Fourth Action Plan to “uphold the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle to recognise the rights of Aboriginal and Torres Strait Islander children to be raised in their own culture and the importance and value of their family, extended family, kinship networks, culture and community”.²

The review aligns with the priority reform areas of the new *National Agreement on Closing the Gap*. It aims to hold governments accountable to reforming their systems in a way that will achieve better outcomes for Aboriginal and Torres Strait Islander children and their families, as well as highlight the successes of their reforms.

¹ SNAICC – National Voice for our Children (2018). *Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: South Australia*, available at <https://www.snaicc.org.au/wp-content/uploads/2019/04/ATSICPP-Baseline-SA-Final-April2018.pdf>

² Commonwealth of Australia (2018). *Fourth Action Plan 2018-2020: Supporting Families, Communities and Organisations to Keep Children Safe*, available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf

Snapshot of progress and areas for improvement

Progress highlights

Areas for improvement

Implementation across all elements

Introducing a new whole-of-government child protection strategy, *Safe and Well*, with a focus on reducing over-representation of Aboriginal children in all parts of the child protection system.

Introducing an Aboriginal Employment Strategy.

Introducing an Aboriginal Procurement Strategy.

Releasing a three-year care system reform plan, *Every Effort for Every Child*, recognising the ATSICPP as a central principle guiding the strategy.

Deliver the commitment to legislate the role and powers of the Commissioner for Aboriginal Children and Young People

More consistent provision of culturally responsive service delivery when working with Aboriginal children, young people and families

Stakeholders expressed concerns about limited publicly available information outlining detail of high-level aspirational policy implementation

Prevention element

Focusing the *Safe and Well* strategy to provide earlier, intensive and targeted support to families.

Introducing a strategy for a new Child and Family Support System.

Committing \$2.2. million for the co-design of an intensive family support program and committing 30% of that funding to ACCOs.

Reduce the over-representation of Aboriginal children and young people in out-of-home care, noting that it has risen to 10.8 from 10 the previous year.

Improve the response to Aboriginal mothers who are the subject of unborn concerns, reflecting stakeholder concerns that Aboriginal babies are being removed through poor processes.

Implement a stronger focus on family-led decision-making, as per the Department's practice approach, to address stakeholder concerns about the lack of consultation preceding and following the removal of children and young people.

Partnership element

Recognising the need to build relationships with Aboriginal children, young people, families and organisations in the *Reconciliation Action Plan*.

The opening of a new Aboriginal-specific residential care service for young people run by an ACCO.

Signing of a Memorandum of Administrative Agreement with Narungga National Aboriginal Corporation.

Establishing an Expert Aboriginal Child Protection Advisory Committee to guide the Department's policy, practice and programs for Aboriginal children and young people.

Improve engagement and consultation with ACCOs.

Only 2.9% of total expenditure on child protection services in 2018-2019 was provided to ACCOs.

Placement element

Embedding the ATSICPP into DCP's new Practice Approach combined with the ATSICPP workplace learning program.

Introduction of a new \$3 million program for three ACCOs to deliver specialised support for kinship carers.

Implemented changes to DCP's client management system to include all South Australian Aboriginal Nations to enable caseworkers to more accurately reflect a child's cultural identity.

Percentage of Indigenous children placed with kin or other Aboriginal and Torres Strait Islander carers dropped from 61% to 58.3% in 2019.

Percentage of placements of Indigenous children with kin or Aboriginal and Torres Strait Islander carers has continually decreased over the past 15 years.

Participation element

Launching the \$1.6 million Ngartuitya Family Group Conferencing Program, with a strong focus on supporting Aboriginal children and families to lead decision-making.

Continued funding of \$1.6 million over two years for the establishment of the Family Group Conferencing Program.

The provision of access to Family Group Conferences or any other family-led decision-making process is not mandatory.

The Family Group Conference program is not designed or delivered by ACCOs.

Overall, limited initiatives to improve child and family participation in decision-making.

Connection element

Recognising that "For Aboriginal children and young people... culture [is] a critical protective force" as part of the *Safe and Well* strategy.

Investment in an Aboriginal-specific residential care program.

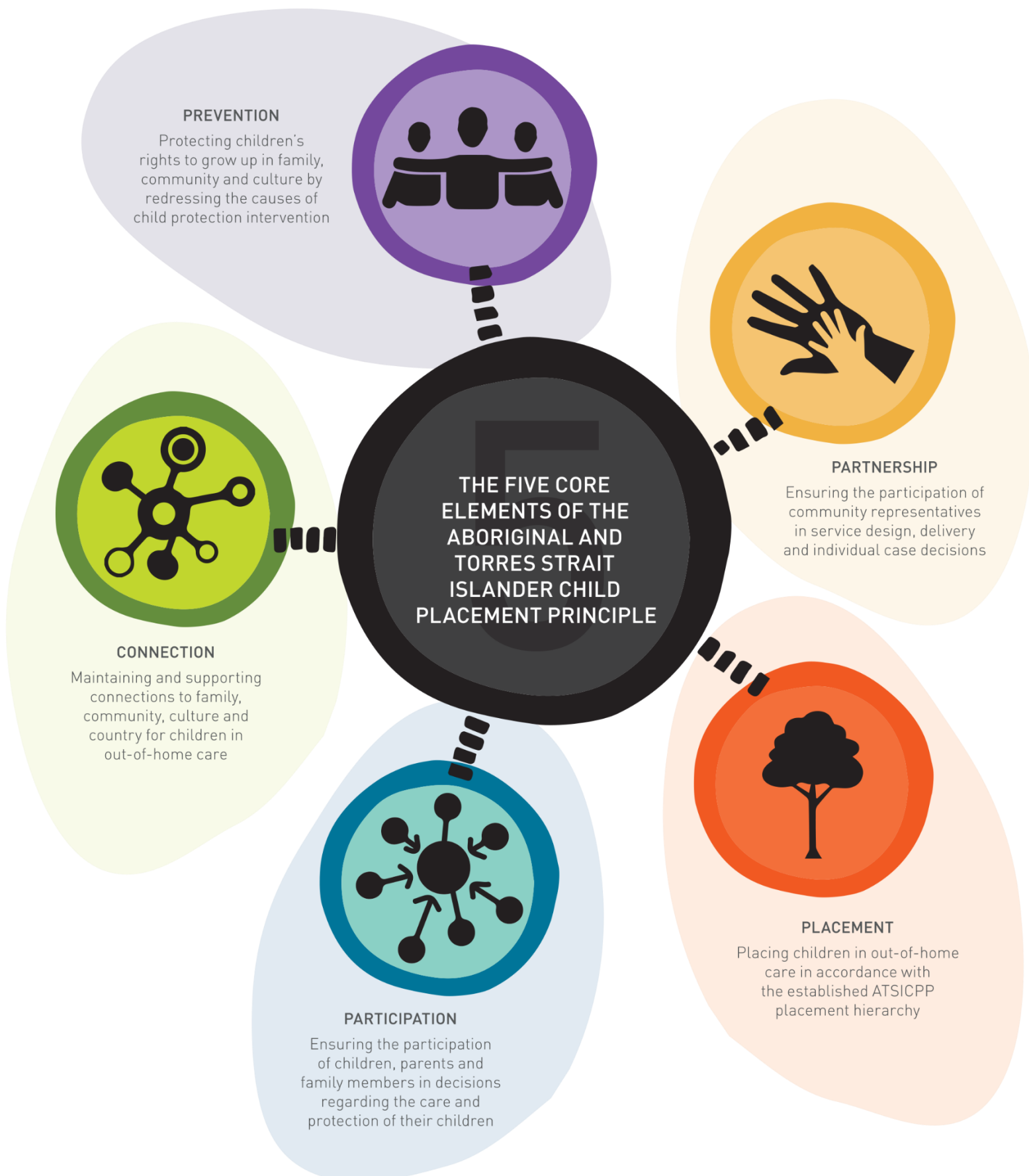
Implementation of an Aboriginal Cultural Identity Support Tool.

Changes to the Client Management System to support identification.

Develop and implement further policy and practice enhancement that support connection to family, community culture and country for Aboriginal children and young people.

Sector leaders and Aboriginal community members continue to express concerns that the system fails to adequately support connection to culture for Aboriginal children and their families.

The Five Core Elements of the Aboriginal and Torres Strait Islander Child Placement Principle



Overview

Key findings

South Australia has introduced and continued several reforms in the reporting period to better support Aboriginal and Torres Strait Islander children and their families, and to improve the child protection system. Despite this, community feedback expressed concerns that while the reform aspirations are promising at a high level, there is a shortage of transparency in the detail of how they are to be implemented. Key findings for each element include:

- **Prevention:** the introduction of a strategy for a new child and family support system and announcement of the investment of \$2.2. million for a new intensive family support program demonstrates South Australia's commitment to improving and increasing early intervention and prevention. However, there is still a long way to go, with the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care (OOHC) rising to 10.8 times in 2019 from 10 times in 2018 – the rate for non-Indigenous children the previous year suggesting that reforms are yet to take practical effect. Further, the proportion of expenditure on family support and intensive family support has fallen by 6.4% since 2016-2017³, suggesting a significant need for investment, particularly given that the increasing number of children in OOHC suggests that there is an increasing need for family support.
- **Partnership:** while some progress has been made to implement the Partnership element, including establishing a new dedicated ACCO program and funding stream for kinship care, the low percentage of expenditure on ACCOs (2.9%) reported in 2018-2019 is concerning. Community leaders continue to report a lack of meaningful engagement and partnership on the part of government with the Aboriginal and Torres Strait Islander community.
- **Placement:** in relation to the Placement element, some efforts were made, including the introduction of a new \$3 million program for three ACCOs to deliver specialised support for kinship carers. However, this is yet to be reflected in the data, which showed a 2.7% drop of Indigenous children placed with kin or other Aboriginal and Torres Strait Islander carers in 2019 compared to 2018.⁴
- **Participation:** while funding has continued to roll out the Family Group Conference and support the implementation of the Participation element, it is still not mandatory, nor ACCO-developed designed and delivered. Further, there was stakeholder concern around the transparency of the programs progress and outcomes, with no publicly available data around its operation.
- **Connection:** several initiatives have been implemented to improve connection to culture and cultural practice; nevertheless, some stakeholders continue to suggest that the system does not adequately meet the cultural needs of Aboriginal and Torres Strait Islander children.⁵

³ Table 16A.7 (SCRGSP, 2020)

⁴ Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

⁵ Community voices input, Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

Key overarching initiatives

South Australia has continued to progress reforms to support Aboriginal and Torres Strait Islander children and their families, including:

- **Safe and Well Strategy** – in late 2019, the Department of Child Protection issued a new whole-of-government framework, *Safe and Well*⁶, which the Department described as providing “the framework for all government agencies, non-government partners and the community to understand how [they] will organise and prioritise what [they] will do over the next three years to keep vulnerable children and families safe and well”. According to the Department, *Safe and Well* presents a coordinated approach to the child protection system and aims to provide support to families at risk of entering the child protection system and children and young people already in the system. The policy recognises that “the Aboriginal and Torres Strait Islander Child Placement Principle is a central part of the strategy and the child protection system”. It also has three areas of focus: supporting, protecting, and investing. Implementation of *Safe and Well* is guided by an inter-agency committee established to improve outcomes for Aboriginal and Torres Strait Islander children and families by driving activity built on the Family Matters principles. South Australia’s Commissioner for Aboriginal Children and Young People has been appointed as an independent member of the subcommittee to represent the views of Aboriginal and Torres Strait Islander children, families and communities, and to support government accountability. Despite positive aspirations, stakeholders have however expressed concerns that there continues to be a lack of transparency in detail as to how the framework is to be achieved.
- **Reconciliation Action Plan** – the Department for Child Protection launched its first *Reconciliation Action Plan (RAP)* in August 2019. The RAP includes actions under four key areas: Relationships, Respect, Opportunities, and Governance.⁷ The Department’s RAP Working Group, co-chaired by the Deputy Chief Executive and the Director, Aboriginal Practice, leads the monitoring and implementation of RAP actions, comprising 61 deliverables. The Department’s “vision for reconciliation is for Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander peoples to be empowered to work together to ensure that Aboriginal and Torres Strait Islander children and young people in care are safe, cared for, and connected to family, culture, community and Country”. The Department states this “can only be achieved with the involvement of both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander children and young people, carers, families, communities and organisations.”
- **Aboriginal Employment Strategy** – the Department’s Aboriginal Employment Strategy commits to building a diverse and inclusive workforce and increasing capability to provide culturally responsive care.
- **Aboriginal Procurement Policy** – the Department’s Aboriginal Procurement Policy sets targets for minimum representation of Aboriginal Businesses within the Department’s business partners. In setting these targets, the Department seeks to maximise opportunities for Aboriginal Businesses to engage and partner commercially with the

⁶ The Government of South Australia (2019). *Safe and Well: Supporting families, protecting children*, available at https://www.childprotection.sa.gov.au/_data/assets/pdf_file/0011/126497/19-070-Safe-and-Well-State-Reform_final.pdf

⁷ Department for Child Protection (2019). *Reconciliation Action Plan June 2019 – June 2021*, available at https://www.childprotection.sa.gov.au/_data/assets/pdf_file/0011/114041/reconciliation-action-plan.pdf

South Australian Government.

- **Every Effort for Every Child: South Australia's Strategy for children and young people in care 2020-2023** – released on 20 January 2020, the strategy recognises the ATSICPP as a central element and outlines the Department's priority areas on which it will focus on over 2020-2023.
- **Commissioner for Aboriginal Children** – while the appointment of April Lawrie, the Commissioner for Aboriginal Children and Young People, in the previous reporting period is a positive step in terms of oversight and accountability, the position continues to lack legislative powers. An amendment Bill was introduced on 3 December 2020 to provide the Commissioner legislative powers (although this is outside of the scope of the reporting period). Legislating the role of the Commissioner for Aboriginal Children and Young People will be an important step towards implementing the ATSICPP.
- **Aboriginal Action Plan 2019-20** – the Department's *Aboriginal Action Plan* employs the ATSICPP as its guiding framework, with deliverables sitting across the five elements of prevention, partnership, placement, Participation, and Connection. Of the plan's 33 targets, 29 were attained in 2019-20, with the remaining four to be pursued under the *Aboriginal Action Plan 2020-21*. The plans underpin the Department's efforts to achieve the goal of the Family Matters campaign – to eliminate the over-representation of Aboriginal and Torres Strait Islander children in out of home care by 2040. While the *Aboriginal Action Plan* contains promising policy objectives, there was stakeholder concern about the lack of detailed policy that provides direction to practitioners about how to practically implement the ATSICPP. In particular, there was concern around the lack of detail in how participation of Aboriginal and Torres Strait Islander children, their families and communities is to be meaningfully enabled.

Community voices

While the South Australia Government's high-level policy aspirational are laudable, stakeholders are concerned that there is a lack of detailed policy measures being undertaken to translate them into practice. Despite steps being undertaken by the South Australian Government to embed the ATSICPP, community leaders continue to call for systems to heal unresolved transgenerational collective traumas of Aboriginal and Torres Strait Islander families and communities. Stakeholders reported that a key shortcoming in South Australia's reform efforts is meeting the cultural needs of children, young people and families. Aboriginal and Torres Strait Islander families and communities in South Australia are becoming more vocal and more organised in their advocacy efforts, as another generation of our children and young people are 'lost' to 'the needs' of an obviously overwhelmed system that continues to see Aboriginal and Torres Strait Islander children and young people removed from their families but placed in care environments where they are still at significant risk of harm.

The *Commissioner for Aboriginal Children and Young People Inaugural Report*, released in December 2019, highlighted continued issues faced by Aboriginal and Torres Strait Islander

children and families as a result of poor practice.⁸ In the consultation that informed the report, Aboriginal community members told the Commissioner:

“We need to stop the Stolen Generation happening again. It is the same policy. Just a different face.”
(Aboriginal community member, Port Pirie)

“In all of their (Department for Child Protection) policies and procedures there is no proper support for the family, for Mum, for Dad, to build the family up in a cultural way.” (Aboriginal Elder, Port Adelaide)

The report concluded that an essential feature of the stories and experiences shared was about the disregard and lack of respect for Aboriginal and Torres Strait Islander culture and identity. This has led to limited Aboriginal engagement and marginalised Aboriginal involvement in critical decision-making regarding Aboriginal and Torres Strait Islander children’s contact with and journey within pre-statutory service responses. Finally, the report recommended the establishment of Aboriginal Family Care Panels (AFCPs) as the lynch pin in the application of all elements of the ATSICPP. AFCPs could provide a governance structure to support local Aboriginal communities to participate and partner with DCP in decision-making. There has been no formal government response in relation to the recommendation around AFCPs.

Overall, there needs to be specific measurable mandated policy guidelines developed in partnership with Aboriginal and Torres Strait Islander families and communities for the implementation of the ATSICPP, with AFCPs and FLDM at its core. These should be transparently reported for the purpose of data collection to ensure that the ATSICPP, as mandated, is being complied with. Without this data there is no accountability.

What the data says

Data indicates that Aboriginal and Torres Strait Islander children continue to be over-represented in the child protection system. In relation to South Australia’s child protection outcomes, key data for the reporting period includes that:

- Aboriginal and Torres Strait Islander children are 10.8 times more likely to be placed in OOH than a non-indigenous child, slightly higher than last year’s rate of 10.0⁹
- thirty-eight point five per cent of all children and young people in OOH in South Australia are Aboriginal and Torres Strait Islander. This is a slight increase from 34% in 2017-2018.¹⁰
- fifty-six point five per cent of Aboriginal and Torres Strait Islander children in care have a completed Aboriginal Cultural Identity Support Tool (ACIST), up from 20.2% in 2019

⁸ Lawrie, A. (2019). *What matters to Aboriginal Children and Young People, their Families and Communities*. South Australia’s Commissioner for Aboriginal Children and Young people Inaugural Report, available at <https://cacyp.com.au/wp-content/uploads/2020/05/South-Australias-Commissioner-for-Aboriginal-Children-and-Young-People-Inaugural-Report-December-2019.pdf>

⁹ Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

¹⁰ Table 16A.19 (SCRGSP, 2020)

- in 2018-2019, only 2.9% of the total expenditure on services delivered to children by the Department for Child Protection was spent on Aboriginal and Torres Strait Islander community-controlled services.
- in 2017-2018 12 children exited OOHC to reunification and returned to care within 12 months, while 42 did not return to care
- in 2018-2019, 136.3 Aboriginal and Torres Strait Islander children per 1,000 were in contact with Child Protection. This is a slight increase from 132.1 per 1,000 in 2017-2018.¹¹

Prevention

The Prevention element of the ATSICPP aims to ensure Aboriginal and Torres Strait Islander children and their families grow up healthy, safe, and within their own family and community. Features of Prevention are broad and can include addressing social determinants of health, organisational reforms to address institutional racism, or more-targeted earlier interventions aimed at supporting families and preventing children from entering the child protection system. As a result, most government departments have a role to play in Prevention. In 2019, the South Australian Government announced the design of a new Child and Family Support System (CFSS) with the Department of Human Services. In the reporting period, the South Australian Government has implemented a number of measures to support the implementation of the Prevention principle, including:

- the launch of the *Safe and Well* strategy to "provide earlier, intensive, targeted support to families with multiple and complex needs, to reduce incidents of child abuse and neglect and prevent children entering the child protection system in the first place"
- the introduction of a strategy for a new Child and Family Support System (CFSS)¹²
- the announcement of the co-design of a new \$2.2 million intensive support program for Aboriginal and Torres Strait Islander children and their families.¹³

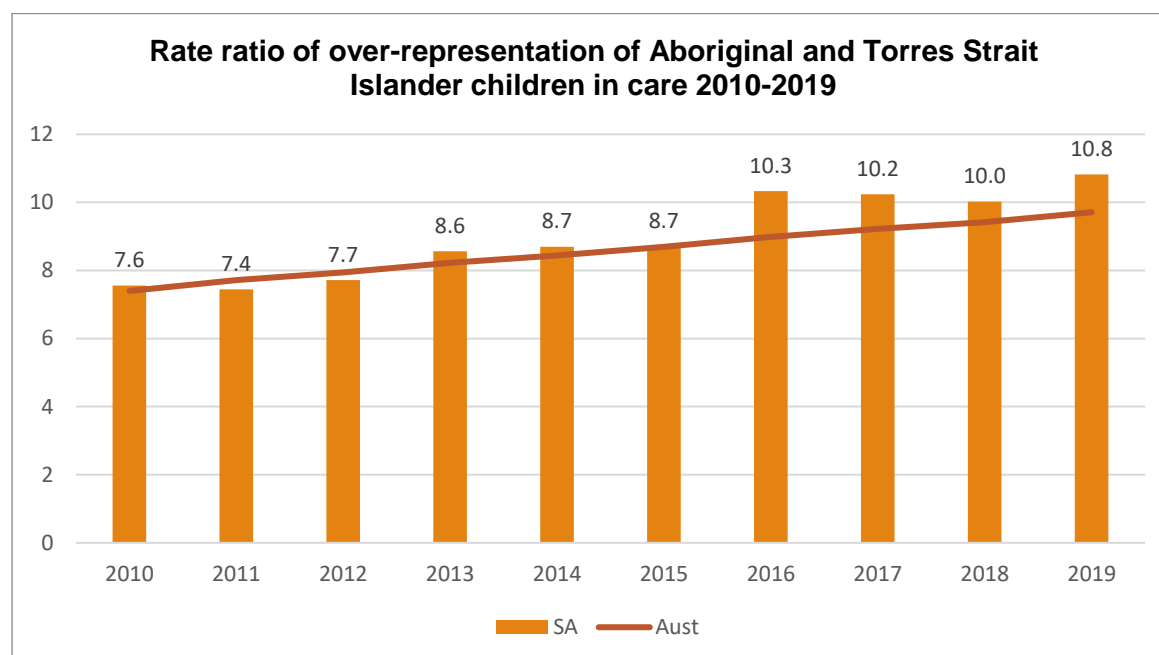
Despite actions to invest in preventative responses to vulnerability, the rate per 1,000 Aboriginal and Torres Strait Islander children in contact with Child Protection increased to 136.3 from 132.1 last year. Concerningly, **Figure 1** shows that the rate of over-representation of Aboriginal and Torres Strait Islander children in care has continuously increased from 7.6 in 2010 to 10.8 in 2019.

¹¹ Australian Institute of Health and Welfare (2020). *Child Protection Australia 2018-2019*.

¹² Department of Human Services (2019). *An Intensive Support System for South Australia's Children and Families*, available at https://dhs.sa.gov.au/_data/assets/pdf_file/0003/78870/Reform-Strategy-March-2019.PDF

¹³ Michelle Lensink MLC (2019). *A new intensive support program for Aboriginal families in Adelaide's West*, available at, <https://www.premier.sa.gov.au/news/media-releases/news/new-intensive-support-program-for-aboriginal-families-in-adelaide-s-west>

Figure 1: Rate ratio of over-representation of Aboriginal and Torres Strait Islander children in care 2010-2019¹⁴



In June 2020, the Commissioner for Aboriginal and Torres Strait Islander Children and Young People reported that since 2018, her office was made aware of five separate instances of Aboriginal babies being removed from their mothers at hospital antenatal or birthing units across regional and metropolitan Australian. She noted that the practice was ‘racist’ and ‘left mother absolutely helpless’.¹⁵ The *Inaugural Report* (2019) similarly reported that far too often Aboriginal infants and children are removed and relocated away from family with their family having little or no say in ongoing decisions.¹⁶ Thus, further commitment and investment in preventative measures is required to effectively implement the prevention element and achieve better outcomes for Aboriginal and Torres Strait Islander children and their families.

Investment in family support and intensive family support services is essential for strengthening families and preventing them from entering the child protection system. **Figure 2** indicates that the South Australian Government’s expenditure on Family Support and intensive family support remained at 8.6% of the overall real expenditure on child protection in 2018-2019. This is just over half of the Australian average proportion of expenditure and a significant under-investment in supports that promote the wellbeing of children and families. Concerningly, **Figure 3** shows a decrease in percentage of expenditure on family support and intensive family support over the last few years dropping 6.4% since 2016-2017. It is unclear whether the announcement of the new child and family support system will increase

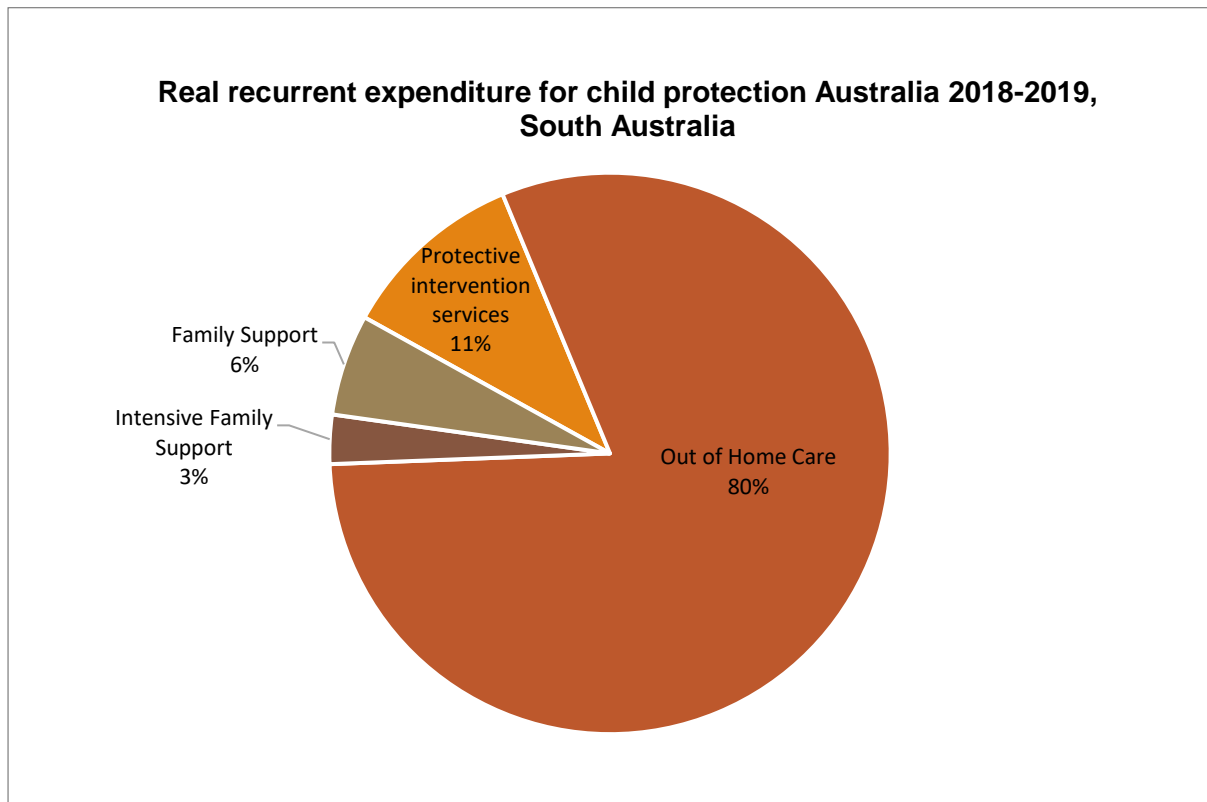
¹⁴ Table 16A.2 (SCRGSP, 2020)

¹⁵ Richards, S. (2020, 29 June). ‘Aboriginal mothers “absolutely helpless” after babies taken at SA hospitals’. *In Daily*, available at <https://indaily.com.au/news/2020/06/29/aboriginal-mothers-absolutely-helpless-after-babies-taken-at-sa-hospitals/>

¹⁶ Lawrie, A. (2019). *What Matters to Aboriginal Children and Young People, their Families and Communities: South Australia’s Commissioner for Aboriginal Children and Young People Inaugural Report*, available at <https://cacyp.com.au/wp-content/uploads/2020/05/South-Australias-Commissioner-for-Aboriginal-Children-and-Young-People-Inaugural-Report-December-2019.pdf>

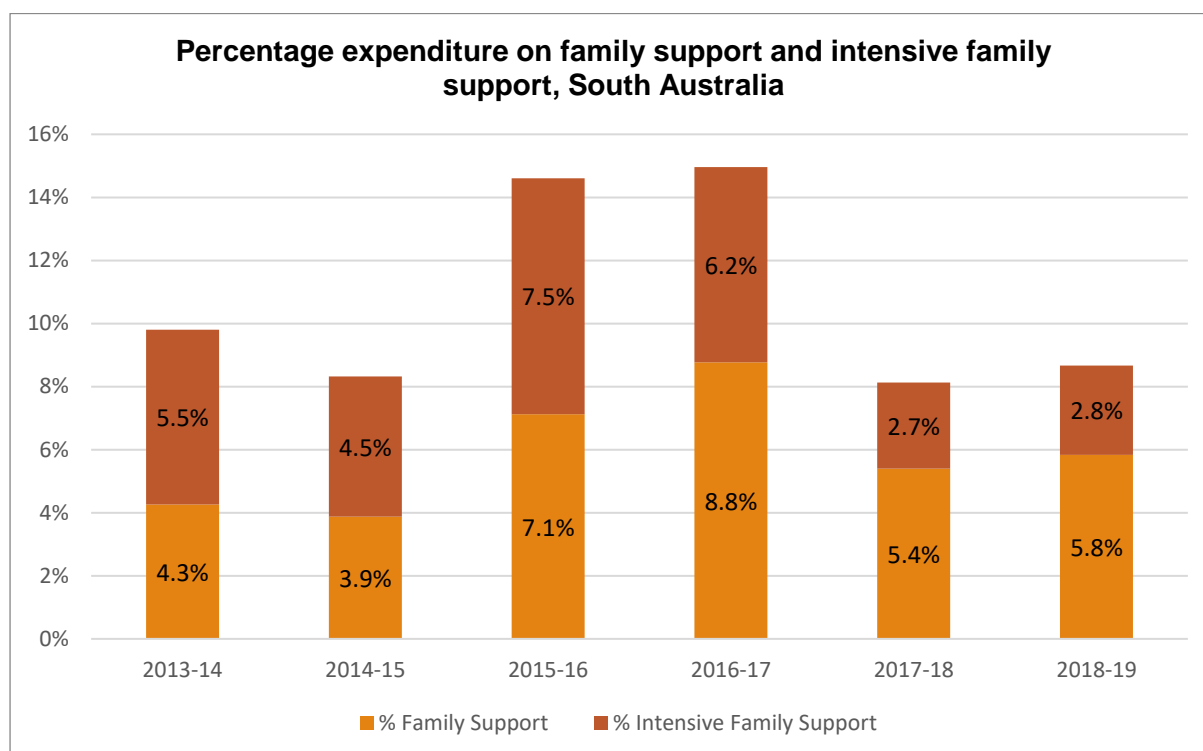
the percentage of expenditure in the coming years.

Figure 2: Real recurrent expenditure for child protection Australia 2018-2019, South Australia¹⁷



¹⁷ Table 16A.7 (SCRGSP, 2020)

Figure 3: Percentage expenditure on family support and intensive family support, South Australia¹⁸



Child and Family Support System

In March 2019, the South Australian Government approved a strategy for a new Child and Family Support System (CFSS) to address growing child abuse and neglect concerns, including increasing numbers of children needing to enter care.

The Department of Human Services (DHS) is undertaking a co-design process on the development of the new CFSS.¹⁹ Extensive consultations occurred with Aboriginal leaders and communities, which led to a commitment to a new system that will:

- work with Aboriginal cultural authorities in designing services for Aboriginal families and funding ACCOs
- reflect Aboriginal cultural strengths
- reflect Aboriginal people's right to self-determination
- reflect the truth of our shared history²⁰.

The resulting Aboriginal and Torres Strait Islander co-design principles include that:

- the co-design process recognises the history and wisdom of Aboriginal and Torres Strait Islander peoples, and will work to create Aboriginal-led systems and services that support self-determination and safeguards these approaches
- the co-design process will ensure and give status to the diverse voices, knowledge, experiences, skills, and perspectives of Aboriginal and Torres Strait

¹⁸ Table 16A.7 (SCRGSP, 2020)

¹⁹ DS Consultancy & Think Human for the Department of Human Services (2019). *Co-designing the Child and Family Support System: Final Qualitative Report*, available at https://dhs.sa.gov.au/data/assets/pdf_file/0010/89353/Co-designing-new-CFSS-Final-Qualitative-Report-2020.pdf

²⁰ Ibid.

Islander Nations, communities, families and individuals, acknowledging the intergenerational and complex traumas experienced in the community and the hopes and strengths of communities

- Aboriginal and Torres Strait Islander people will be involved in all aspects of the co-design process from the beginning, and will be involved in the evaluation of the process and outcomes
- the views and perspectives of Aboriginal and Torres Strait Islander people will inform the broader co-design project in addition to the Aboriginal and Torres Strait Islander-specific element

In this process, Aboriginal and Torres Strait Islander people will be supported by co-design allies. Allies are non-Aboriginal and Torres Strait Islander people who will work alongside the co-design process. Allies will throughout the co-design process and within their power to:

- work to support the self-determination of Aboriginal and Torres Strait Islander people in the co-design process and in true partnership
- ensure they deeply listen and learn and seek guidance and direction on the right protocol and ways of working
- ensure they are self-reflecting and building their cultural fitness and responsiveness and practising cultural humility and respect
- work with Aboriginal and Torres Strait Islander people to translate their vision into the systemic design, and challenge the barriers to this including systemic racism and individual and organisational white privilege.²¹

DHS is utilising these design principles to inform system redesign, with cultural governance provided by an Aboriginal Leadership Group. As part of the establishment of the new system, the South Australian Government is re-commissioning intensive Child and Family Support services. It has committed 30% of this funding for ACCOs.

Intensive Support Program

In October 2019, the South Australian Government announced that ACCO KWY Aboriginal and Torres Strait Islander Family Services will co-design a new \$2.2 million intensive support program, gaining input from Aboriginal community members and other government and non-government stakeholders over the next six months. The program is being delivered over two years and run by KWY in Adelaide's western suburbs, with the aim of "supporting families with complex needs so that their children can grow up safely with their family and connected to community and culture". The pilot will be subject to independent and professional evaluation and potential refinement. The Department indicated the intention for similar programs to be adopted across the state in future.

Child Family Referral Network Program (CFARN)

South Australian Department of Human Services provides the Child Family Referral Network Program (CFARN). This is designed as a single point of entry and preventative case management of multiple services, currently focusing on the first two years of life. The CFARN trial has been reviewed and has been largely seen as a successful approach to ensuring that appropriate, non-duplicated service provision in complex cases occurs with a

²¹ Ibid.

central point of case-management.²² Stakeholder feedback supported the CFARN, however noted the following recommendations to improve its service delivery:

- Enable the Multi-Agency Protection Services (MAPS) to refer to CFARN early when concerns arise about truancy, housing, overcrowding, developmental delay, potential disability, and other indicators of child neglect because of poverty or where parents have disability or suspected disability and are not accessing services.
- Expand CFARN services to be available to all children and young people.
- Increase recurrent expenditure to CFARN and implement strong mandatory policy and guidelines about the implementation of the ATSICPP.
- Enable strong links between CFARN, ACCOs, Aboriginal Family Care Panels (AFCPs) and family-led decision-making.

Conclusion

While the increased focus and commitment for a new child and family support system is a promising step towards implementing the prevention element, the views of key stakeholders combined with the data provided indicates that significant further work is required. The proportion of funding for family support and intensive family support is amongst the lowest in the nation (second lowest after Western Australia).²³ The *Commissioner for Aboriginal and Torres Strait Islander Children and Young People Inaugural Report* reported that Aboriginal children are still being removed unnecessarily and relocated away without families having a say in the decisions.²⁴ Further, the Commissioner's reporting of poor and cruel processes of removal of babies at birth is highly concerning. Expenditure on Family Support and Intensive Family Support has been decreasing since 2016-2017,²⁵ despite the rise in demand for these services. Substantive further action and investment is required to prevent Aboriginal and Torres Strait Islander children from coming in contact with the child protection system. The extent of South Australia's commitment to a successful new child and family support system will become clearer in the coming years.

Partnership

South Australia has implemented a range of measures that support the implementation of the Partnership element of the ATSICPP. These include:

- the co-design of Child and Family Support System components with the Aboriginal community (see Prevention)
- recognising the need to build strong relationships with Aboriginal and Torres Strait Islander children, young people, families and organisations in the *Reconciliation Action Plan*

²² Harman-Smith, Y., Pilkington, R., Van Diermen, S., Gardner-Brunton, S., Pollock, D., Wilson, A., Brushe, M., Sincovich, A., Montgomerie, A., Lynch J., Grant, J., Haag D., and Brinkman, S.A., (2019). *Evaluation of the Child and Family Assessment and Referral Network (CFARN)*. Government Report. Department for Human Services. Adelaide.

²³ Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

²⁴ Lawrie, A. (2019). *What Matters to Aboriginal Children and Young People, their Families and Communities: South Australia's Commissioner for Aboriginal Children and Young People Inaugural Report*, available at <https://cacyp.com.au/wp-content/uploads/2020/05/South-Australias-Commissioner-for-Aboriginal-Children-and-Young-People-Inaugural-Report-December-2019.pdf>

²⁵ *Report on Government Services (2020)*, Child Protection Table 16A.7

- the announcement of a new pilot intensive family support program that will be co-designed and run by an ACCO (see Prevention)
- the opening of a new additional Aboriginal-specific residential care service for young people, run by InComPro, an ACCO
- the establishment of an Expert Aboriginal Child Protection Advisory Committee to guide the Department's policy, practice, and programs for Aboriginal children and young people
- the signing of a Memorandum of Administrative Agreement (MoAA) between the Department and Narungga Nation Aboriginal Corporation.
- investment of \$3 million for ACCOs to deliver a Kinship Carer Support Program (see Placement).

Reconciliation Action Plan

As part of the *Reconciliation Action Plan (RAP)*, the Department has committed to delivering 61 actions across the areas of Relationships, Respect, Opportunities and Governance, including for example:

- establishing and maintaining mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders
- building and maintaining new relationships through the celebration of National Reconciliation Week
- promoting reconciliation through its sphere of influence
- promoting reconciliation in the Department's four operational regions
- promoting positive race relations through antidiscrimination strategies.²⁶

While the *RAP* includes promising goals, there are no reports available that comment on the Department's success (or otherwise) since its launch. The *RAP* noted that at the commencement of its launch, 4.8% (110 employees) of the Department of Child Protection workforce identified as Aboriginal and/or Torres Strait Islander people. The *Compliance Review 2019*²⁷ referred to the *Aboriginal Action Plan 2019-20*, which commits to increasing Aboriginal employment from 4.8% to 5.5% (towards 10%). The long-term goal of reaching 10% Aboriginal and Torres Strait Islander employment falls under the Opportunities principle. In the area of Governance, the Department commits to maintaining Aboriginal and/ or Torres Strait Islander representation on the RAP Working Group (RWG). It is unclear whether this would translate to increased ACCO participation in significant decision-making. The RWG consists of both Aboriginal and non-Aboriginal representation from across the Department.

Expert Aboriginal Child Protection Advisory Committee

The Department has engaged a group of nationally recognised child protection experts to help it to deliver on its commitment to full implementation of ATSICPP and to support better outcomes for all Aboriginal and Torres Strait Islander children and young people in care.

The Committee meets quarterly and comprises of government and non-government representatives, including Department's Aboriginal Practice Director Tracy Rigney,

²⁶ Department of Human Services (2018). *DHS Innovate Reconciliation Action Plan 2018–20*, available at <https://dhs.sa.gov.au/about-us/key-strategies-and-plans/reconciliation-action-plan>

²⁷ SNAICC, *2019 ATSICPP Compliance Review*, available at https://www.snaicc.org.au/wp-content/uploads/2020/01/ATSICPP-compliance-review-2019_SA.pdf

Commissioner for Aboriginal Children and Young People April Lawrie and AFFS Chief Executive Sharron Williams.

The Committee is part of the commitment to embedding Aboriginal governance across the Department's activities. This includes the role of the Department's Aboriginal Practice Directorate, which has been working to ensure that the strengths of Aboriginal culture are recognised and embedded within the Department's strategic framework and practice approach.

The EACPAC provides advice directly to senior representatives of the Department and is, a significant step towards implementing the partnership element of the ATSICPP. The extent of the uptake of the advice is yet to be ascertained and will become clearer throughout next year.

Agreement with Narungga National Aboriginal Corporation

As part of the Buthera Agreement, the Department and the Narungga Nation Aboriginal Corporation (NNAC) (representing the Narungga community) have entered into a Memorandum of Administrative Agreement (MoAA). The MoAA and associated work plan describe how the Department and NNAC will work together on shared priorities. Current activity includes establishing protocols for engagement, increasing employment opportunities for Narungga people, and strengthening implementation of the ATSICPP in the Department's work with Narungga children and families.

Conclusion

Aboriginal and Torres Strait Islander families and communities in South Australia are becoming more vocal and organised in their advocacy efforts and are seeking greater involvement in decision-making for children in contact with the child protection system.²⁸ While some progress has been made, sector leaders continue to call for the South Australian Government to proactively engage and consult with ACCOs, as it is not evident where they have been included in the reform decision-making processes and partnerships. This engagement is considered crucial given the critical role ACCOs have in the health and wellbeing of Aboriginal children, families and communities across the state.²⁹ This view is supported by the data provided on South Australia's expenditure on ACCOs. In 2018-2019, South Australia reported that only 2.9% of its total expenditure on child protection services was provided to ACCOs. This falls significantly short of the percentage of children in OOHC that are Aboriginal (35%), which provides an indication of the service demand. South Australia's legislation continues to have few and relatively weak provisions relating to Aboriginal and Torres Strait Islander communities. Notably, there is no express reference to the right of self-determination in the *Children and Young People (Safety) Act 2017*. While section 45 allows the Minister or Chief Executive to delegate functions and powers, it is not apparent that this has been designed to delegate functions and powers to recognised organisations or ACCOs generally, and there has been no action to progress delegations. Further, there continues to be a lack of commitment to establishing and funding a state peak body. Thus, despite some positive achievements, there is still a long way to go for South Australia to effectively implement the Partnership element of the principle.

²⁸ Community voices input, Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

²⁹ Ibid.

Placement

South Australia has implemented a range of measures that support the implementation of the Placement element of the ATSICPP. These include:

- placing “an emphasis on family-based care, reunification and permanency” and committing to developing a system of care that prioritises opportunities for family-based care, permanency and reunification as part of the *Safe and Well* strategy
- continued implementation of the Winangay Kinship Carer Assessment Tool, which is embedded as a key practice tool in the DCP’s updated *Manual for Practice*
- implemented changes to DCP’s client management system to include all South Australian Aboriginal Nations to enable caseworkers to more accurately record a child’s cultural identity
- announcing that the State Government will not pursue changes to make it easier for Aboriginal children to be adopted by non-Aboriginal families, confirming that the ATSICPP will continue to provide the framework for permanency planning
- the introduction of a new \$3 million program for three ACCOs to deliver specialised support for kinship carers (announced on 12 June 2020, outside of reporting period).

Despite positive intentions to implement the Placement element, the data and input from sector leaders suggests that progress on implementing the element is slow. Examples were provided by community stakeholders of Aboriginal family members being unfairly excluded from consideration as a kinship carer due to outdated information, such as criminal history, with little regard to their current circumstance. Another issue that was raised was the separation of siblings in cases where this is unnecessary. One example provided was of an Aboriginal carer who was a social worker and was refused as a carer for a third sibling on the basis that the Department determined she had no capacity to take on another child, even though she had put her hand up for it and had been successfully looking after two of the children. The result was the siblings were separated and one child was placed with a non-Aboriginal carer.

Figure 4 indicates that the percentage of Indigenous children placed with kin or other Aboriginal and Torres Strait Islander carers dropped from 61% in 2018 to 58.3% in 2019. Further, the percentage of Indigenous children placed with kin or other Aboriginal and Torres Strait Islander carers has steadily decreased over the last 13 years, dropping from almost 80% in 2006. South Australia’s commitment to an ACCO-delivered kinship care program is promising; however, turning this decreasing trend around requires prolonged resources and commitment to implementing the placement element of the ATSICPP.

Figure 5 indicates the percentage of Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander carers. This figure may be a better representation of children who are placed in accordance of the ATSICPP, as while they are not deemed ‘kin’, Aboriginal and Torres Strait Islander carers may help children maintain connection to culture more effectively than non-Indigenous people of significance in the child’s life.

In South Australia, the number of children placed with Aboriginal and Torres Strait Islander carers decreased from 41.3% in 2018 to 38.9% in 2019. This is a significant decrease from 68.8% in 2006, and lower than the 2019 national average of 43.8%.

Figure 4: Percentage of Indigenous children placed with kin or other Aboriginal and Torres Strait Islander carers between 2006 and 2019³⁰

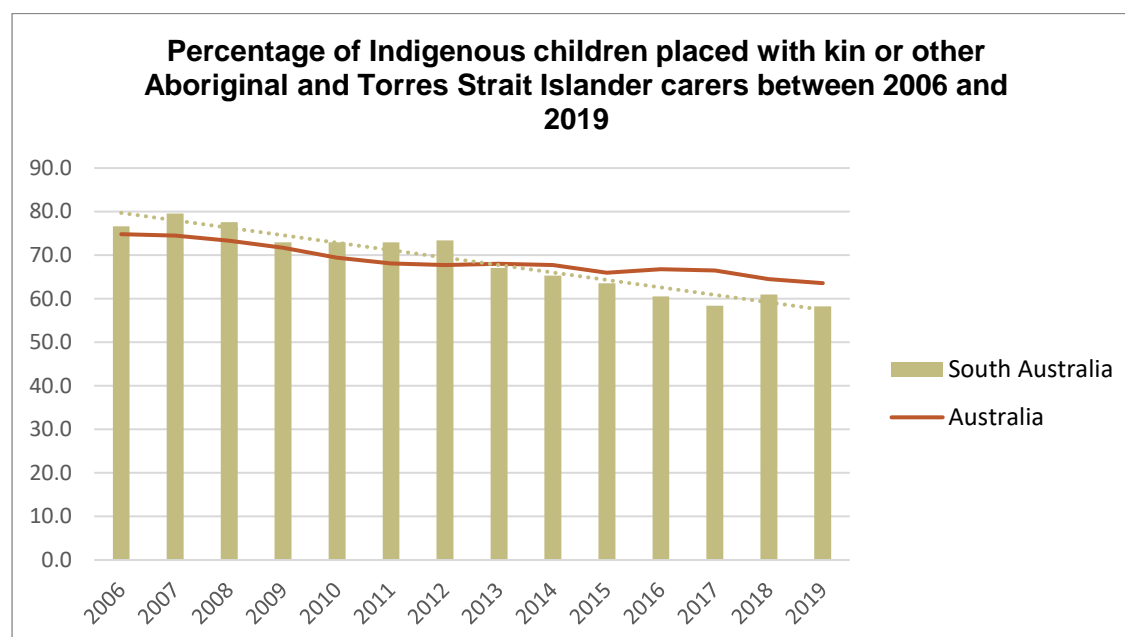
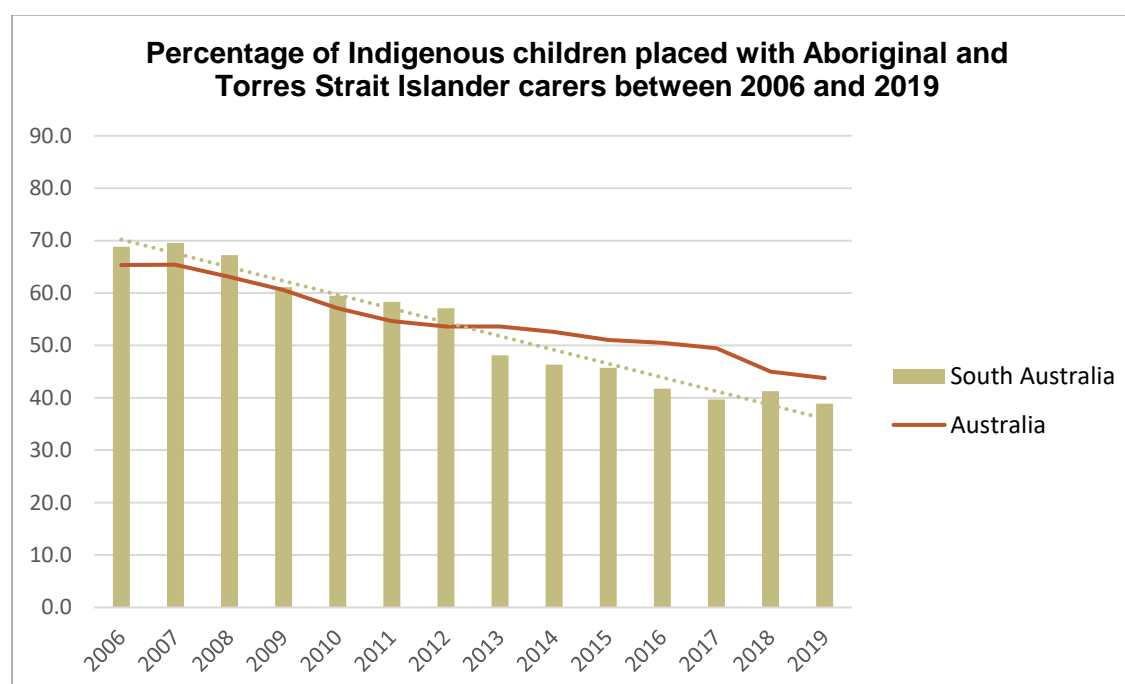


Figure 5: Aboriginal and Torres Strait Islander family-led decision-making³¹



Kinship Carer Support Program

Although the announcement was made outside of the reporting period, this review will consider this program with the assumption that the budget allocation and majority of the planning and designing the program occurred during the reporting period. The funding was awarded to AFSS, InComPro and KWY. The two-year program will deliver more

³⁰ Table 16A.20, Table 16A.21 (SCRGSP, 2019, 2020)

³¹ Ibid.

training for kinship carers, better supporting them to connect with services such as trauma specialists, education and health. This investment recognises that ACCOs are best placed to deliver culturally safe responsive services.

Conclusion

South Australia's declining percentage of placements with Aboriginal and Torres Strait Islander kin and carers over the last 15 years is highly concerning. Nevertheless, the government is taking steps to address this, with the announcement of \$3 million investment into a Kinship Carer Support Program delivered by ACCOs. Kinship carer programs around Australia have demonstrated success in increasing the percentage of Indigenous children placed with Aboriginal kin. Thus, this announcement is promising and demonstrates a commitment to keeping Aboriginal and Torres Strait Islander children and young people connected to family, community and culture. Nevertheless, sector leaders reported that the current DCP *Manual of Practice* contains limited guidance about what compliance with the ATSICPP looks like and how to go about it.

Participation

South Australia has implemented a range of measures that support the implementation of the Participation element of the principle. These include:

- committing \$1.6 million over two years for the establishment of the Family Group Conferencing Program, which has now commenced
- commencing a collaborative research project with the Social Work Innovation Research Living Space (SWIRLS) called Privileging Aboriginal Culture and Strength; Building Strength.

Family Group Conferencing

In 2019, the South Australian Government announced a commitment of \$1.6 million over two years for the establishment of the Family Group Conferencing (FGC) pilot program. The program is being delivered by Relationships Australia South Australia (RASA) in partnership with the DCP. In February 2020, RASA launched their Ngartuitya Family Group Conference program, which has a strong focus on supporting Aboriginal children and families and family-led decision-making. The Ngartuitya (Kurna word meaning 'for the children') program aims to enable families to take the lead in the planning and decision-making about how their children will be loved, protected, and parented.³²

While this is a significant step, FGC is still not mandatory, nor is it an ACCO-developed, designed and delivered Aboriginal family-led decision-making model. It therefore falls short of the necessary criteria to implement the Participation element of the ATSICPP.³³

While the *Children and Young People (Safety) Act* provides an opportunity for FGC to be called by the Chief Executive DCP, it is not a requirement and is limited to a situation where the child is at risk. In practice, community leaders provided feedback that FGC's are not called as a matter of course prior to removal and only called infrequently by the court. While the investment in pre-court FGC is welcomed by stakeholders, it has only reached 26 Aboriginal families out of a total of 56 and is not specifically structured with Aboriginal and

³² Relationships Australia (2020) Yara Palti for Ngartuitya Family Group Conference Service Launch, available at <https://www.rasa.org.au/ngartuitya-family-group-conference-service-launch/>

³³ SNAICC understanding and applying the ATSICPP.

Torres Strait Islander families and communities in mind, nor led by them. Further concerns were raised about the lack of publicly available policies or procedures specific to Aboriginal family-led decision-making practice that aligns to the ATSICPP.

Family-led decision-making

Aboriginal and Torres Strait Islander family-led decision-making draws on traditional consultative methods to create spaces where “families feel supported to make culturally-based, family-driven decisions in the best interest of Aboriginal children”³⁴ Although South Australia has invested \$1.6 million over two years in FGC, and it has commenced, it is apparent that the model is not fully aligned to best practice in Aboriginal and Torres Strait Islander family-led decision-making. This view is also captured in the Commissioner’s *Inaugural Report* which stated, “Family-led decision-making is very important, as families are experts in their own experiences. However, current practices and attitudes of practitioners exclude and alienate the families of many Aboriginal children and young people. Decisions are therefore made without informed discussion, and child removals occur quickly with little or no family involvement in planning and decision-making. Prioritising cultural and community connection by allowing family led decision making will ensure all Aboriginal children and young people are cared for effectively.”

Conclusion

Ensuring children and families meaningfully participate in the decisions made about them is essential to a successful system and implementation of the Participation element. Although South Australia has continued its commitment of \$1.6 million over two years for the establishment of the FGC pilot program, it is limited in comparison to other states and territories which have implemented more comprehensive, ACCO-led family-led decision-making programs. Best practice evidence recognises that Aboriginal-designed and led approaches to facilitating and enabling the participation of Aboriginal and Torres Strait Islander families in child protection decisions support stronger engagement and lead to better outcomes. Currently, section 12(3)(c) of the *Children and Young People (Safety) Act* only prescribes an obligation for the Chief Executive to consult with a recognised Aboriginal organisation about whether there has been an effort to comply with the placement hierarchy. No such obligation is in place for consulting with the child’s Aboriginal family. Sector leaders continue to report that DCP policy about what meaningful shared decision-making looks like and where it should occur is opaque and very poorly understood. In relation to child participation, despite having some emphasis on considering the views of the child in legislation, there remains no express policy focus on Aboriginal child participation in decision-making.

Connection

South Australia has introduced a range of measures that support the implementation of the Connection element of the principle. These include:

- recognising that “For Aboriginal children and young people... culture [is] a critical protective force. Aboriginal families, communities and service

³⁴ Wathaurong. ‘Aboriginal Family Led Decision Making’, available at <https://www.wathaurong.org.au/aboriginal-family-led-decision-making/>

providers must be at the centre of decision-making and support for Aboriginal children and young people in care” as part of the *Safe and Well* strategy

- investment in an Aboriginal-specific residential care program (see Partnership)
- the implementation of the Aboriginal Cultural Identity Support Tool (ACIST)
- changes to the Client Management System to support identification
- investment of \$3 million for ACCOs to deliver Kinship Carer support programs (see Placement).

Aboriginal Cultural Identity Support Tool (ACIST)

A key way in which the South Australian Government is working towards implementing the Connection element of the ATSI CPP is through the Aboriginal Cultural Identity Support Tool (ACIST). Upon release of the Department’s first *Aboriginal Action Plan 2019-20*, only 20.2% of Aboriginal children and young people in care had a completed ACIST. As at 30 June 2020 this proportion increased to 56.5%, and the Department is committed to continuing this focused effort to ensure 100% of Aboriginal and Torres Strait Islander children and young people in care have a completed ACIST. Practice guidance on ACIST completion highlights the importance of ensuring the views of Aboriginal children and family members are incorporated, and that ACISTs are updated as part of annual case-planning reviews. There is also a focus on ensuring that carers are supported to understand their roles and responsibilities in relation to cultural connections.

Principle Aboriginal Consultants (PACs)

A key activity undertaken to strengthen service delivery for Aboriginal and Torres Strait Islander children was the appointment of 10 Principle Aboriginal Consultants (PACs) across service delivery directorates. PACs provide advice, tools, information and advocate for referrals to other service providers.³⁵ Community leaders expressed concerns that there are only 10 PACs to cover a department that employs 2,000 people and it is thus a highly under-resourced initiative. Further, stakeholders stressed that it is inappropriate for knowledge on connection with family and community to be placed as a role within the department.

Reunification

A lack of legislative and policy commitment to prioritising and pursuing reunification has continued during the reporting period, and there remain no publicly available procedures on early and continued assessment of reunification opportunities or supports. While the assessment framework³⁶ provides guidance on reunification, there is no specific reference to reunification in the context of Aboriginal and Torres Strait Islander children and their families. Further, there appears to be no publicly available plans or strategies demonstrating active efforts in pursuing reunification for Aboriginal and Torres Strait Islander children. This is concerning, particularly considering the low reunification rate for Aboriginal and Torres Strait Islander children reported in 2018-2019 (35%) compared to non-indigenous children (65%).³⁷

³⁵ Department of Child Protection (2018). *Connecting to Aboriginal and Torres Strait Islander Culture*, available at https://cfc-sa.org.au/wp-content/uploads/2018/09/CFKC-SA_ConnectingToCultureResource_Jun2018.pdf

³⁶ Department of Children Protection South Australia. *Assessment Framework*, available at https://www.childprotection.sa.gov.au/_data/assets/pdf_file/0017/126125/Assessment-framework.pdf

³⁷ Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

Conclusion

Despite some improvements to implementation of the Connection element through the Aboriginal Cultural Identity Support Tool (ACIST), initiatives to support implementation of the Connection element appear limited. This is supported by concerns from the Aboriginal and Torres Strait Islander community that the system does not adequately meet the cultural needs of Aboriginal and Torres Strait Islander children.³⁸ The Commissioner for Aboriginal children and young people's *Inaugural Report* (2019) also reported that many Aboriginal Elders and families feel that there is a lack of culturally safe support for Aboriginal children and their families.³⁹ Thus, while the intention to implement the Connection element has been recognised in high-level policies, feedback from the lived experiences of Aboriginal and Torres Strait Islander children and their families suggests that implementation is limited in practice.

³⁸ Community voices input, Family Matters (2020). *The Family Matters Report 2020*, available at https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf

³⁹ *South Australia's Commissioner for Aboriginal Children and Young people Inaugural Report (2019)*