

NATIONAL FRAMEWORK FOR PROTECTING AUSTRALIA'S CHILDREN 2021–2031

SUCCESSOR PLAN CONSULTATION REPORT



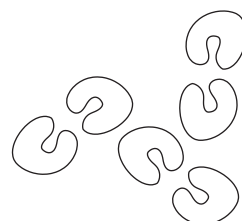
This consultation report has been developed by SNAICC – National Voice for our Children. Research and drafting were undertaken by Jacynta Krakouer, Nicolette Solomon, Lisa Hillan, and John Burton. Special thanks to Catherine Liddle, Sue-Anne Hunter, Paul Gray, Candice Butler, Judith Lovegrove, and John Leha who co-hosted the knowledge circles, and Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) and AbSec – NSW Child, Family and Community Peak Aboriginal Corporation for their support with consultations in Queensland and New South Wales respectively.

SNAICC thanks the Aboriginal and Torres Strait Islander Leadership Group for the *National Framework for Protecting Australia's Children 2009-2020* and SNAICC's National Council who informed the engagement approach.

SNAICC also acknowledges the Australian Government Department of Social Services, who have funded this work. The views in this publication do not necessarily reflect those of the Australian Government.

© Copyright, SNAICC, November 2021.

Throughout this document we may use different terms for Aboriginal and Torres Strait Islander peoples. We acknowledge that the terms 'Aboriginal' and 'Indigenous' do not capture the entire diversity and complexity of Australia's Aboriginal and Torres Strait Islander peoples and cultures. Our intent is always to use terms that are respectful, inclusive and accurate.



Graphic design and artwork by Mazart Communications



TABLE OF CONTENTS

Acronyms	4
Executive summary	5
SECTION 1: Knowledge circles	7
Key themes	7
a. Punitive responses resulting in punishment, not help	8
b. Inadequate responses to poverty and other drivers of child protection involvement	9
c. Lack of accountability and transparency in government	10
d. Data deficiencies	10
e. A lack of political will to drive change	10
f. 'We're tired of talking; do what you know needs to be done'	11
g. Power imbalances and systemic racism	11
h. Failure to apply, and uphold, the ATSICPP	12
i. Greater accountability and transparency of child protection systems to Aboriginal and Torres Strait Islander people	13
j. Aboriginal and Torres Strait Islander self-determination	14
k. Adequate funding for ACCOs	15
l. Reorientate the system onto family support	15
m. Champion Aboriginal and Torres Strait Islander kinship care	17
n. Uphold the rights of the child and young person	17
o. Connection to family, community and culture	17
p. Workforce development	18
SECTION 2: Quantitative survey results	20
Demographic information	20
Child protection issues impacting Aboriginal and Torres Strait Islander children in child protection and out-of-home care	21
Barriers impacting Aboriginal and Torres Strait Islander children in child protection and out-of-home care	22
SECTION 3: Qualitative survey results	24
SECTION 4: Written submissions	27
SECTION 5: 'Turning the Tide' National Forum	28
SECTION 6: Conclusion	31
References	32
Appendix A Self-determination definition	33
Appendix B Family Matters building blocks	34
Appendix C Knowledge circles interview schedule	37
Appendix D Online survey template	38

ACRONYMS

ACCO	Aboriginal and Torres Strait Islander community-controlled organisation
ATSICPP	Aboriginal and Torres Strait Islander Child Placement Principle
CAFS	Child and Family Services
ECEC	early childhood education and care
NGO	non-government organisation
OOHC	out-of-home care

EXECUTIVE SUMMARY

From late March 2021 until the end of April 2021, SNAICC – National Voice for our Children conducted a series of national consultations to guide the co-design of the successor framework to the National Framework for Protecting Australia's Children (the 'successor plan') (Department of Social Services (DSS) 2009).

Consultations took various forms, including jurisdictional knowledge circles with Aboriginal and Torres Strait Islander peoples; invited written submissions from key experts, including Aboriginal community-controlled organisations (ACCOs) and non-Indigenous organisations; as well as surveys open to Aboriginal and Torres Strait Islander and non-Indigenous peoples with a vested interest in child protection issues that impact Aboriginal and Torres Strait Islander children, families, and communities.

This report presents the findings from the various consultations in the following order:

1. Knowledge circles results (Aboriginal and Torres Strait Islander knowledge holders only)
2. Quantitative survey results (Aboriginal and Torres Strait Islander and non-Indigenous respondents)
3. Qualitative survey results (Aboriginal and Torres Strait Islander respondents only)
4. Written submissions summary (submissions received from non-Indigenous parties only)

In relation to the knowledge contributed by Aboriginal and Torres Strait Islander peoples, the key findings from consultations were that:

- Aboriginal and Torres Strait Islander peoples expressed continued frustration at a perceived lack of political will to implement actions to rectify child protection over-representation, such as the recommendations of previous government inquiries, including the *Bringing Them Home* report (Lavarch 1997), the *Royal Commission into the Detention and Protection of Children in the Northern Territory* (White & Gooda 2017) and the independent *Family is Culture* review (Davis 2019).
- Aboriginal and Torres Strait Islander people were highly concerned about a lack of government accountability and transparency across all levels of government around child protection issues, including resourcing and investment. Results indicated that Aboriginal and Torres Strait Islander peoples believed that governments needed to be held accountable to Aboriginal and Torres Strait Islander communities for their action and inaction in addressing the rising rates of Aboriginal and Torres Strait Islander child removals. Data sovereignty and transparency were highlighted as critical by this stage.
- There were concerns that the child protection system is too punitive and not supportive enough to effectively support families to keep their children or have them reunified. Aboriginal and Torres Strait Islander peoples expressed a lack of trust in both child protection personnel and government more broadly, lamenting that systemic racism and interventions based on Western middle-class normative parenting standards were greatly contributing to the over-representation crisis. Power imbalances between Aboriginal and Torres Strait Islander peoples and governments were reiterated as key concerns.
- Aboriginal and Torres Strait Islander peoples were concerned about the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). It was felt that the onus should be on child protection services to prove that they were making all reasonable efforts to implement all elements of the ATSICPP. Failure of systems to uphold the ATSICPP were reiterated by Aboriginal and Torres Strait Islander peoples, as well as the perceived cultural incompetency of child protection professionals.
- There were repeated concerns about child protection systems not reflecting Aboriginal and Torres Strait Islander cultural values. Some knowledge holders commented on the historical resonances of contemporary Australian child protection systems with the *Native Welfare* and *Aborigines Protection Boards* documented in the *Bringing them Home* report (Lavarch 1997).

Knowledge holders expressed communities' concerns that Aboriginal and Torres Strait Islander children are too often placed in non-Indigenous care, separating them from their vital cultural and kinship connections without well-defined cause and with no clear plan to reunite children with their families.

- Aboriginal and Torres Strait Islander peoples expressed frustration at continually being consulted to provide advice on long-standing issues, lamenting that the same conversations have been had over the past 20 years, with limited action taken despite numerous recommendations from various sources to address child protection issues. Aboriginal and Torres Strait Islander peoples strongly asserted that governments need to listen and act on the knowledge of Aboriginal and Torres Strait Islander peoples in order to address increasing removal of Aboriginal and Torres Strait Islander children from their families.
- Aboriginal and Torres Strait Islander people emphasised the importance of this plan realising their right to self-determination; with increased support for community-controlled organisations and applied recognition of the known benefits of strengths-based locally owned cultural practices. Knowledge holders' experiences have shown that programs designed and overseen by Aboriginal communities and delivered by an empowered Aboriginal and Torres Strait Islander workforce have the greatest and most affordable benefits for Aboriginal and Torres Strait Islander children and families.

Mirroring input from Aboriginal and Torres Strait Islander knowledge holders, non-Indigenous respondents also highlighted numerous concerns – including the need for increased prevention and early intervention supports – that extend beyond the realm of child protection services, and the problematic orientation of child protection services that focus too much on immediate fixes and not enough on long-term preventative change. There were also concerns raised about a lack of involvement of children and young people in decision-making processes that impact on their lives. These concerns reflected those highlighted by SNAICC in *The Family Matters Report 2020* (Hunter et al. 2020).

Overall, the consultations evidence the urgent need for governments to take action and invest resources accordingly, to demonstrate their political will to significantly reduce the rising numbers of Aboriginal and Torres Strait Islander children who are involved in child protection and out-of-home care systems. All Australian governments need to act on the solutions previously provided by SNAICC, the Family Matters campaign building blocks, and the recommendations of previous governmental inquiries as a matter of urgency. Nothing short of significant reform – and a demonstration of transparent political will to address the over-representation crisis – will suffice.

SECTION 1: KNOWLEDGE CIRCLES

Between March and April 2021, 12 knowledge circles were held with Aboriginal and Torres Strait Islander people ('knowledge holders') throughout all states and territories. Knowledge holders were people with current insights and experiences into Australia's child protection systems, including Elders, carers, and professionals from ACCOs, non-Indigenous organisations and government services.

These knowledge circles were designed to provide a safe and supported place for Aboriginal and Torres Strait Islander people to speak to what they consider are: the most pressing issues for Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems; the key barriers to addressing systemic issues; the change that is required to realise the *Family Matters* building blocks (see Appendix B) across state and territory child protection and out-of-home care systems; and the critical solutions, measures and outcomes that the next National Child Protection Framework (successor plan) should focus on to drive change.

All knowledge circles were facilitated by an Aboriginal or Torres Strait Islander facilitator, with notes taken by a staff member from SNAICC. The identities of knowledge holders were kept confidential. With most knowledge circles, scribed notes were provided back to knowledge holders to verify and make any changes if required.

An interview schedule for knowledge circles was developed, with a series of key questions (see Appendix C) formulated beforehand to assist knowledge holders to provide their insights. These questions were provided to knowledge holders in advance of the relevant knowledge circle. In total, approximately 70 people attended the knowledge circles in all six states and two territories.

Responses from these knowledge circles were themed, analysed and nationally aggregated to look at:

- what are understood as the systemic issues causing over-representation of Aboriginal and Torres Strait Islander children and young people nationally
- what knowledge holders considered as the critical solutions in driving change for Aboriginal and Torres Strait Islander children and young people
- what is critical to include in the successor plan to achieve change in line with the aspirations of Aboriginal and Torres Strait Islander communities
- what measures and outcomes could be incorporated to ensure the successor plan was on track to achieve its intended change.

KEY THEMES

The **key issues** impacting on Aboriginal and Torres Strait Islander children in child protection and out-of-home care contexts, as highlighted by knowledge holders in all jurisdictions, included the following:

- a) Punitive responses by child protection systems that resulted in punishment, not help.
- b) Inadequate responses to poverty and other drivers of child protection involvement.
- c) A lack of accountability and transparency in government (including child protection systems).
- d) A lack of political will to make change and address issues, including failure of governments to act on solutions and recommendations previously posed.
- e) Data deficiencies.
- f) 'We're tired of talking; do what you know needs to be done'.
- g) Power imbalances between Aboriginal and Torres Strait Islander people and government (including child protection systems), reflecting a lack of self-determination for Aboriginal and Torres Strait Islander peoples, communities and organisations.
- h) Systemic racism, including the child protection system not reflecting Aboriginal and Torres Strait cultural values.
- i) Failure to apply and uphold the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).

During all knowledge circles, knowledge holders also put forward and discussed what they considered to be the **key drivers of change**. These fed into and overlapped with many key issues (listed above) and included:

- j) Greater accountability and transparency of child protection systems to Aboriginal and Torres Strait Islander people.
- k) Increased self-determination for Aboriginal and Torres Strait Islander people, including a transfer of control and power from non-Indigenous organisations and governments to Aboriginal and Torres Strait Islander peoples, communities and organisations.
- l) Increased funding for and autonomy of Aboriginal and Torres Strait Islander community-controlled organisations.
- m) Reorienting the system to family support.
- n) Championing Aboriginal and Torres Strait Islander kinship care.
- o) Upholding the rights of the child and young person.
- p) Connection to family, community and culture.
- q) Workforce development, both improved support and empowerment of Aboriginal and Torres Strait Islander workers and improved cultural competency of non-Indigenous workers.

A. PUNITIVE RESPONSES RESULTING IN PUNISHMENT, NOT HELP

Knowledge holders felt that the main issue perpetuating many of the problems seen in Australian child protection systems was the tendency for punitive responses of child protection professionals to result in punishment, not help, for Aboriginal and Torres Strait Islander families. Knowledge holders raised concerns about the perceived failure of child protection and out-of-home care systems to apply solutions to keeping families together. Knowledge holders described Australian child protection and out-of-home care systems as punitive, highlighting the cycle of punishing vulnerable families by flagging their vulnerabilities as reasons to remove their children.

For many of the moms, these moms suffer twice. They experience domestic violence and they have their child removed, so the mom loses access to her kids.

Knowledge holders were concerned that the values, morals and attitudes of professionals within Australian child protection and out-of-home care systems resulted in understandings of neglect and abuse that were misaligned with, and discriminatory towards, Aboriginal and Torres Strait Islander families. Knowledge holders were also concerned that any form of notification (including a mother / family's request for help) leads to the punitive involvement of the child protection system, with the eventual outcome of having the child removed from their parent/s, family and community, despite the family's positive help-seeking behaviours.

Failure by the system to think outside the box when looking at solutions to keep Aboriginal children with Aboriginal families.

The first notification put on a child is through their mother when that mum asks for help from the system.

The approach is 'you are in trouble' rather than 'how can we support you?'

Once there is contact with the child protection system, removal is pretty much on the cards. Currently a notification is a pathway to removal. We need to change this, we need to do much more in targeted and sustained services for children and families.

There was a strong sense that the child protection system does not allow Aboriginal and Torres Strait Islander families to obtain help, but instead, punishes families who are seeking support either via over-surveillance, court orders or child removal. Throughout knowledge circles, knowledge holders raised numerous concerns that the child protection system keeps perpetuating itself; when support is sought by a family, that first contact with child protection is noted as a red flag and if, and when, there is future contact with the child protection system, that first involvement is used to justify assessments of heightened risk. Knowledge holders strongly articulated the position that the current child protection system – across all states and territories – is at odds with Aboriginal and Torres Strait Islander cultural values; that it lacks attention to Indigenous human rights; and lacks focus on applying a child rights framework.

We keep going around in circles.

We need a greater focus on Aboriginal attachment theory written by our Aboriginal leaders in this space – we need to challenge the current Western paradigm – we cannot keep having our systems based on Western scientific theories.

Looking at what the data is saying – the most pressing issues – we are still working within a welfare paradigm in undertaking a rights-based approach. We fundamentally have a paradigm conflict. When we are trying to look at a rights-based paradigm, we are seeing the child protection system is stuck in a welfare paradigm. We need to shift out of this to a rights-based one as a necessary first step.

B. INADEQUATE RESPONSES TO POVERTY AND OTHER DRIVERS OF CHILD PROTECTION INVOLVEMENT

The failure to address poverty and drivers of the child protection system's involvement was seen as one of the largest systemic failures. Indicators of poverty discussed in knowledge circles included issues with housing (including homelessness, insecure and unaffordable housing, and large waitlists for public housing); and parents struggling to afford essentials, such as food and the payment of utility bills. It was widely thought that child protection services conflated child risk concerns, such as neglect, with what were essentially poverty issues – thereby punishing families for their poverty rather than assisting them.

You have to say your child's at risk if you want to take advantage of services, so you're the first person to put yourself and your child on notice.

[A] barrier is that families are judged by child protection workers for accessing family support services.

Knowledge holders also spoke about the interaction between child protection systems and education systems, noting that teachers and early childhood educators are subject to mandatory reporting requirements in all jurisdictions. Many knowledge holders felt that notifications to the child protection system were often unjustified (particularly amongst schools), and that schools were complicit in reporting families to the child protection system for reasons that did not reflect genuine protective concerns.

Taking the kids because of neglect, low school attendance – reports from services to Territory Families – they are trying to protect their family and get help but get reported and removed for accessing services.

Unjustified complaints made against parents and get recorded and keep getting brought up – for example., child didn't attend three-year-old kinder, child bit someone. Constant accusations and malicious reports.

Most knowledge holders felt that, overall, families are judged by child protection workers and that systemic racism and a paternalistic attitude are major barriers to families being supported in the first instance. These attitudes were also barriers to families also having input and receiving respect.

Knowledge holders also commented on the morals, values and judgements made by child protection practitioners, commenting that their training reflects Western (white) middle-class norms concerning child rearing that do not accord with Aboriginal and Torres Strait Islander parenting and/or cultural norms.

The biggest issue is the child protection workers – their morals, values and attitudes. We need to look at what training and information they are getting when they are going to university. The workers are not following the policies and procedures and look down on families. They are arrogant.

Judgement is a big issue from case managers – they don't show up to a meeting.

It is a power struggle – we are getting more voice as Aboriginal people, but it is seen as a threat, not being heard by non-Indigenous workers.

C. LACK OF ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT

Knowledge holders raised concerns about a lack of accountability and transparency of governments – including child protection departments – in their practice, policy and funding concerning child protection issues for Aboriginal and Torres Strait Islander children and families. Of concern was the tendency for Aboriginal and Torres Strait Islander parents and families to demonstrate their compliance with child protection mandates, while (seemingly) the onus to demonstrate full compliance with the ATSICPP – and the clear provision of support to families – was not placed on child protection departments.

We have a huge onus on families changing but what is the onus on the department to support families?

There is a lack of monitoring and accountability for workers who do not comply with the policies and procedures.

Some knowledge holders stated that governments consult tokenistically with Aboriginal and Torres Strait Islander peoples, choosing not to listen when it suits them, and that this has resulted in repeated conversations being had about the same issues. Knowledge holders highlighted the significant lack of transparency and accountability in the system, especially to Aboriginal and Torres Strait Islander peoples and communities, articulating the need for urgent reforms to a system that is causing harm to Aboriginal and Torres Strait Islander children and families.

We are up against large systems that are not listening to us.

Non-Indigenous NGOs have loads of money; there is no accountability to our children – we are concerned about the NGOs wanting the money but not being accountable about this.

D. DATA DEFICIENCIES

Many knowledge holders felt that one of the key drivers of a lack of accountability is the inability to access data to understand the impact of policies and practices. Knowledge holders spoke about the importance of Indigenous data sovereignty, with some knowledge holders raising the belief that data are not presented objectively, but instead, governments manipulate the

data to tell the story that they want portrayed. These data deficiencies reflected concerns about the lack of accountability and transparency of government approaches to child protection more generally.

The extension to the data question is the accountability – we know there's not enough accountability and transparency about responsibility to our kids.

Where's the accountability on government? The government predictably have decided they are best placed to do qualitative file reviews. We need to have independent statutory officers and independent file reviews, not just be focused on certain service provider organisations.

Knowledge holders articulated that data are not being made available; at other times, knowledge holders lamented that data are not being captured. This means that Aboriginal and Torres Strait Islander peoples, communities and researchers cannot ascertain where issues that need additional attention might lie. This also often means that issues within policy or practice can worsen before any action can be taken to create changes that will support better outcomes for Aboriginal and Torres Strait Islander children.

There is such a low level of transparency in the data to understand fully what is causing over-representation.

One of the major gaps is the data on reunification in Queensland – we cannot understand the efforts or activity on reunification as the data is not available – as the system responsible, that we cannot look at their efforts to reunifying our children is a terrible blight.

[We] should be able to get NSW data. Is there any issue in accessing this data? There should be raw data, and this should be published annually.

There is a big service gap for our families and children in getting the services they need – because we do not have good information, we do not have a good understanding of what is needed.

E. A LACK OF POLITICAL WILL TO DRIVE CHANGE

Knowledge holders highlighted an overwhelming weariness and distress at the number of government and independent inquiries, reviews and other evidence reports conducted and produced, with clear recommendations made to address

numerous concerns, such as over-representation. Knowledge holders lamented the subsequent failure of governments to implement the numerous recommendations of past inquiries, reviews and reports, raising concern about the lack of accountability for governments to implement the recommendations. In one knowledge circle, a senior knowledge holder spoke about the lack of outcomes seen following the *Royal Commission into the Detention and Protection of Children in the Northern Territory*, stating that without action, these processes produce nothing but harm to Aboriginal and Torres Strait Islander peoples.

We need to use what has been done before so the same problems / mistakes don't happen again.

Child protection and youth detention – recommendations that came out of royal commission – when will / why don't these get revisited and implemented?

Most knowledge holders felt that a failure by governments to adopt recommendations and take action to address systemic issues in the child protection system – like the growing over-representation of Aboriginal and Torres Strait Islander children – is a result of a lack of political will and willingness to do things differently to disrupt the status quo.

Knowledge holders also felt that this lack of political will to drive change was also indicative of government's lack of willingness to listen and act on Aboriginal and Torres Strait Islander voices and knowledge. It was felt that too often governments made tokenistic efforts to consult with Aboriginal and Torres Strait Islander peoples so that they could appear to be 'doing the right thing', with knowledge holders feeling that there was ultimately no desire for governments to adopt the solutions proposed by Aboriginal and Torres Strait Islander peoples.

There's a lack of political will to follow evidence and move the focus to prevention and family support – don't know what the answer is to make them do it.

There was also a sense that change is too slow and too incremental to make any real difference, with governments not appreciating the urgency needed to address the over-representation crisis.

For me the single issue is leadership.

There is not a sense of equity – there is a belief that everyone has to get their share – but these will not

change the issues – equity is extremely important.

F. 'WE'RE TIRED OF TALKING; DO WHAT YOU KNOW NEEDS TO BE DONE'

Overwhelmingly, knowledge holders were very weary of repeating solutions and continually providing guidance to government to drive change. Knowledge holders repeatedly flagged the failure of successive governments to fully commit to the transformative change required to make a generational impact, including adequate investment in prevention and early intervention (from a holistic standpoint, with a whole-of-government approach) to address intergenerational trauma and poverty.

Knowledge holders spoke of feeling exhausted at constantly being consulted but never seeing change, and of saying the same things on a regular basis with no action taken to rectify the concerns repeatedly expressed by Aboriginal and Torres Strait Islander communities. One knowledge circle spoke in-depth about the need to have a royal commission into all of the recommendations of past government royal commissions and inquiries that have never been implemented.

Knowledge holders urged governments to take the necessary action to achieve the change, lamenting that the solutions have been proposed multiple times before, and that what is needed now, is commitment and action by all Australian governments lest they be complicit in the perpetuation of yet more Stolen Generations.

We are going backwards not forwards – there is need for radical action – we can no longer pussy foot around.

At what point are we going to do things differently, at what point do we have a change – we are sick of saying the same thing.

No new reports commissioned until all existing recommendations have been implemented.

G. POWER IMBALANCES AND SYSTEMIC RACISM

The driving force behind the limited accountability

discussed by knowledge holders was the power imbalance between Aboriginal and Torres Strait Islander peoples and the child protection systems with which they interact. By extension, knowledge holders spoke of the power imbalance between Aboriginal and Torres Strait Islander peoples and all Australian governments more broadly, noting that resourcing decisions and other policy directives are ultimately at the discretion of the government.

Knowledge holders felt this most acutely within the statutory system, feeling that even when their opinions or recommendations are requested, there is no power to ensure that these are followed.

Generally, knowledge holders felt that this reflected systemic racism in the system, the failure to address white privilege, and/or be prepared to even discuss this within government departments.

[There is a] real power imbalance here – we do not have empowerment – [it] took forever for our children’s commissioner to get powers and this still has not been enacted.

Gatekeepers hold the power – I’m the government and what I say goes. Mums can’t think about change because government is holding their babies and holding power over them.

Number one issue is that the wrong people are making the decision, non-Indigenous government systems who are deciding what is in the best interest for our kids, families, communities. This has been going on for a long time. If we don’t address that issue, it doesn’t matter how many services you put up, how much data you collect, it will keep coming back to the same place, because the wrong people are answering the question.

Decisions about removing children reflect systemic racism.

They all have an Anglo-Saxon view of child protection system – there is little focus on our kinship system – need a focus on this to create change.

Knowledge holders also felt that significant power is held by non-Indigenous non-government organisations (NGOs) that are substantively larger (and have a stronger financial footing) than the Aboriginal and Torres Strait Islander sector. Knowledge holders articulated their perception that government systems listen more to the various actors within non-Indigenous NGOs comparative to the views of Aboriginal and Torres Strait Islander peoples and organisations. This was also reiterated in the national forum (detailed in Section 5).

Not just the state government – but these big

organisations have power – they are doing deals behind closed doors and we are the last ones at the table.

The power of our ability to have voice and be listened to does not happen. We can do all of the work, but they still ignore our services. If we are funded to do these services, then why is our voice not heard?

As an organisation, we are asked to provide opinions – direction – however, we do not have any authority to change the statutory authority decisions.

Knowledge holders voiced concerns about the lack of self-determination held by Aboriginal and Torres Strait Islander peoples, communities and organisations in child protection contexts, lamenting that there is no real power for Aboriginal and Torres Strait Islander peoples to implement the solutions needed to enable positive generational change.

H. FAILURE TO APPLY, AND UPHOLD, THE ATSICPP

There was strong recognition that whilst many states and territories have implemented new legislation and policy frameworks that aim to uphold the ATSICPP, including family-led decision-making, many of these are not followed or implemented effectively.

Knowledge holders were concerned about the level of genuine participation of Aboriginal and Torres Strait Islander peoples in child protection decision-making, including prevention, placement and connection elements of the ATSICPP.

We have mechanisms in place – family group conferencing, family functional therapy – but the child protection workers don’t follow and respect the process.

The practice is really inconsistent – some children need child protection involved but where are they? – and then others get removed and there’s no good reason.

When we look at DCP [the Department of Child Protection] their practice policies and procedures – they are well written but no accountability to what is written – policies do not reflect practice.

Did the new legislation training – found a lot of discrepancies and no guidelines in legislation – people are applying the legislation inappropriately and from their all their personal agendas rather than the intent of the legislation.

All of this adds up to the failure to fully implement the

ATSICPP, and in some jurisdictions, it was felt that there is disregard for the importance of the ATSICPP. There was universal concern that particularly the *connection* element is being disregarded, and that many children are being placed in non-Indigenous placements (often with their non-Indigenous side of the family), with limited funding and support being provided to implement kinship care systems.

Aboriginal and Torres Strait Islander Child Placement Principle is not followed – we find that there is more of a focus on the non-Indigenous family members.

The Department is ignoring the Aboriginal and Torres Strait Islander Child Placement Principle.

The placement of our children with non-Indigenous carers means their culture is being lost – this is so frightening – who has the right to make these decisions – how are our families not being kept in contact with their families and cultures – no one is listening to our children and what their needs are.

We have the placement principle but the funding, the services, the respect, the practice doesn't match up to the principle.

We are not addressing the ATSICPP – most children are going to non-Indigenous people.

We need an audit done on the ATSICPP.

Aboriginal and Torres Strait Islander Child Placement Principle – they see it is a principle despite it being in the Act – one of the managers said this to me – they have a lot of means of over-riding the principle.

I. GREATER ACCOUNTABILITY AND TRANSPARENCY OF CHILD PROTECTION SYSTEMS TO ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

Overall, there was a strong call for greater accountability and transparency of child protection systems to Aboriginal and Torres Strait Islander people to rectify power imbalances between governments and Aboriginal and Torres Strait Islander peoples.

This was recurring theme with the knowledge circles and considered to be a key driver for change.

There was a strong sentiment that without greater accountability, the successor plan would fail to interrupt the current trajectory of an increasing over-representation of Aboriginal and Torres Strait Islander children in out-of-home care.

Knowledge holders were very clear:

Accountability and governance are our strongest focus; when we have this, we will see change.

We need to hold the system to account – we need to have strong governance to hold the jurisdictions to account – we have no way to do this currently.

The means to achieve greater accountability was clearly outlined with a focus on:

- The need for a national Aboriginal and Torres Strait Islander children's commissioner / state-based Aboriginal and Torres Strait Islander children's commissioners

The national plan should call for a dedicated Aboriginal and Torres Strait Islander plan and a national Aboriginal and Torres Strait Islander children's commissioner; and where there are states that have no commissioner, it should call for this.

Recommend leadership of First Nations people at a national level – very important that this executive senior leadership is funded and supported – national Aboriginal and Torres Strait Islander children's commissioner important in achieving this.

- Better funding and legislative power for existing state-based Aboriginal and Torres Strait Islander children's commissioners and guardians.

Real power imbalance here – we do not have empowerment – took forever for our children's commissioner to get powers and this still has not been enacted.

The more and more I think about this – there is the need for an Aboriginal and Torres Strait Islander national commissioner that is resourced effectively with the resources, powers and guts to change the system.

- Strong child protection peak bodies in each state.
We need a peak for our families and organisations to have a voice in our community and accountability.
A key barrier is not having an Aboriginal voice – a peak body is desperately needed.

- A dedicated national Aboriginal and Torres Strait Islander child protection plan.

We know that to get the outcomes for our children, we need to have that dedicated plan for Aboriginal and Torres Strait Islander children.

We need an Aboriginal action plan – co-designed with the Aboriginal sector – that includes governance, authoring and actionable measures.

- Alignment to the national Close the Gap target.

The national framework needs to have great alignment around the Close the Gap target of community control – looking at all the drivers into child protection.

Through Closing the Gap, they've signed up; we have the National Agreement and priorities to give power back to our organisations, we need to hold them accountable to that.

Meeting the targets with Closing the Gap – align Commonwealth and states and territories' policies around that.

J. ABORIGINAL AND TORRES STRAIT ISLANDER SELF-DETERMINATION

Knowledge holders considered that self-determination of Aboriginal and Torres Strait Islander peoples is paramount to achieving real change. Some knowledge holders felt that self-determination can only be achieved if funding is provided to ACCOs.

Government has had control for too long – this needs to change – we need to build our own services and our community sector.

The system is a mess – we need referring early – we will always be chasing the ambulance. How many years have we been talking about empowering families – being able to self-refer is part of this – we are talking about empowerment right there – but we are putting on more restrictions and creating more restrictions on services and our cultural responsibilities.

Something we need to be strong on – it should be our own Aboriginal services should be the one's scoping.

Knowledge holders appealed for substantive change to the status quo. There were calls for government to step out of the way and relinquish power to Aboriginal and Torres Strait Islander peoples;

for self-determination to be realised in practice, policy and legislation; and for Aboriginal and Torres Strait Islander peoples to gain the ability to commission their own work and develop their own agendas, in line with the human rights principles of self-determination set out in the *UN Declaration on the Rights of Indigenous Peoples*.

Disrupting the status quo and the power imbalance – the system should be centred on the voice of our children and families – in my observation this is where things are not working – currently the system is supporting itself not the children.

We need to have self-determination – we need to have our own services to be empowered to make decisions for our families – we need to be diversified in our state to ensure that our lands and our cultures can be able to speak for themselves.

The Commonwealth funding – a lot of our funding is going to non-Indigenous organisations – they are taking our knowledge and using this – when we look at how the money should be given, [we should have] the right to determine funding – we want our own ability to set the directions of the criteria and ability to commission our own work – understand how the funds are rolled out and support the development of Aboriginal and Torres Strait Islander innovation and development – this should be regionally- and locally-based – has longevity – responsive programs developed for community – has to be longer term.

Knowledge holders were clear that Aboriginal and Torres Strait Islander self-determination would lead to the right solutions being enacted. It would drive change and result in improved outcomes for children and families. The failure to enable this was highlighted as a key barrier to achieving change.

The aspirations of Aboriginal and Torres Strait Islander people, same as anyone's aspirations, but the big one for this base and First Nations families, it's about empowerment, about recognition of culture in every aspect of people's lives.

Seriously addressing the legacy of Bringing Them Home. Genuinely addressing self-determination, giving the local communities their own decisions and implement those decisions into practice.

One change to the system – self-determination built into the system – built into legislation, processes.

The value of community needs to be heightened – there needs to be respect and support for this.

K. ADEQUATE FUNDING FOR ACCOS

Funding provided to ACCOs was seen by knowledge holders as both a current barrier and a potential driver of change .

Problem of lack of community membership and authority of the Aboriginal people with decision-making power – organisations are not rocking the boat because of their funding.

How do we actually capture the positives of how we work, stop basing funding off this deficit model?

Government is not allowing independence of the services they fund – using the funding as a system of control for Aboriginal organisations.

There are some wonderful programs, but they are pilots and don't get continued.

Knowledge holders discussed that where ACCOs have been funded, funding has not been proportionate to the need or has not been able to provide the quality or quantity of services required by Aboriginal and Torres Strait Islander children and families.

We're setting up programs to fail – chronic under-funding of initiatives.

We have large caseloads and how much can we support people.

Yes, we do have great front-line services on the ground, but our organisations do not have any funds, no brokerage, no way to help a family and get them out of homelessness.

The continued provision of funding to non-Indigenous services rather than to ACCOs to directly support and empower Aboriginal and Torres Strait Islander children and/or families was seen as a driver of limiting cultural capabilities and culturally safe services in the sector.

Knowledge holders described having witnessed a high turnover of staff in non-Indigenous organisations, which in turn meant that funded cultural trainings and on-the-job cultural learnings within non-Indigenous organisations have had limited benefits. These knowledge holders felt that the provisions of funds directly to ACCOs would resolve issues of needing to build sustained cultural capabilities and culturally safe services in the sector.

Mismatched funding – one non-Indigenous organisation has \$28 million in funding but ACCOs are not funded to this level – theirs has grown as our funding has shrunk.

The non-Indigenous agencies have high turnover, and their lenses are different – they don't understand what we need.

We are not investing money in local people who will be here for the long haul / the duration – we know turnover of people is massive – massive cost to organisations to bring people in and train people up – talk about this in the education space, not just training for training's sake but really develop.

Dealing with complex sensitive cultural issues in child protection – this can only be done by Aboriginal organisations.

In particular, knowledge holders called for funding provided to Aboriginal and Torres Strait Islander organisations to go towards early intervention services. This was considered a key pathway to drive positive change and drive down over-representation.

We need to unlock the resources out of child protection into the early intervention space – quantifying of money that is dedicated to early intervention – all well and good to have strategies, but unless we have the resourcing and redistribution, we will not get much change.

Commonwealth funding – a lot of our funding – is going to non-Indigenous organisations; they are taking our knowledge and using this [to gain funds] – should be given the right to determine funding – we want our own ability to set the directions of the criteria and ability to commission our own work.

[We want to] understand how the funds are rolled out and support the development of Aboriginal and Torres Strait Islander innovation and development.

L. REORIENTATE THE SYSTEM TO FAMILY SUPPORT

Knowledge holders want to see the successor plan focus on family support, with a reorientation of child and family welfare systems at state, territory and federal levels to provide:

- early help to families and community
- family and community assistance
- better resourcing to address the intergenerational impacts of trauma, including housing, financial support, domestic and family violence, mental health, and substance misuse.

Knowledge holders spoke about the urgent need for the Commonwealth Government to ensure that solutions to the over-representation crisis are not left to the self-perpetuating child protection system. Instead, government needs to recognise and act on the complex interplay of other factors – such as poverty and trauma – that often result in child protection involvement.

Overwhelmingly, knowledge holders felt that families are being let down by all stakeholders, as families “fail” their way into the system, and that not enough is being done at a systemic level to stop the flow of Aboriginal and Torres Strait Islander children into the child protection system. Knowledge holders were very concerned that once families enter the child protection system, it is almost impossible to get out.

We need to have significant ability to support families; if we do not have the capacity to do this early then we cannot stop the flow of children into care.

Try to ensure the families are given the opportunity and the resources to build the capacity in themselves to bring up good, healthy kids.

We know that our children are coming into care due to substance misuse and domestic violence – we need better support and funding for these services to support our families in this space.

We need a major shift of resources and effort into family support and universal and preventive services.

As raised in Section 1.a, there was a recurrent theme across knowledge circles that the child protection system identifies, tracks and acts on Aboriginal and Torres Strait Islander families much earlier than families from other demographics. There were also significant concerns that a failure to adequately fund family support systems across the country is leading Aboriginal and Torres Strait Islander families to have increasing involvement with the child protection system.

Governments don't pay for family wellbeing; they pay for services once the family fall apart.

Our families are out there doing it tough; they are getting turned away by agencies because there are wrong doors – we then have them have a notification and removal.

A majority of knowledge holders felt that the current family support system was orientated to only provide assistance when a family was already in distress and this was too late. A focus on early intervention in family support therefore was considered critical by knowledge holders.

Families can't access family functional therapy unless they are in the system.

Help only comes if a family is having a crisis. A family should be able to refer themselves – if we are not able to do this we are adding to the crisis of our families.

We get them when our families have broken down entirely – our families are getting beaten around quite badly by the system – there is so much further trauma in then trying to get reunification.

Early intervention really needs to be looked at – if we could keep our kids at home – especially mums having babies – they have spent half of their lives institutionalised – and then we are taking their babies. We have failed our families and are not giving them support and then we take their babies.

Need to improve practice for early intervention and prevention – keeping them at home and out of the system.

Knowledge holders want increased funding or a reorientation of existing funding to ensure that more work is done to support families at multiple levels and that the issues of intergenerational poverty and distress are deeply understood, respected and addressed in future funding models.

We need to have community referrals and responses to actually focus on prevention – the government controls and restricts how the Aboriginal organisation uses the funds.

Instead of putting money to removal, why not provide more in-home help – removing them from mum isn't a good solution.

We only have programs and support in place for the bare minimum – families can't get the support that they need.

Money goes to non-Indigenous NGOs to strengthen families – but there is no money going to Aboriginal families to assist with what they need.

M. CHAMPION ABORIGINAL AND TORRES STRAIT ISLANDER KINSHIP CARE

A common theme was the importance of Aboriginal and Torres Strait Islander kinship care and its importance in realising the commitments of all state governments to the ATSICPP. Knowledge holders considered this care type as vital for the wellbeing of Aboriginal and Torres Strait Islander children and that it needs to receive significantly more government championing.

Knowledge holders felt that there also needs to be an improved and respectful focus by government and the child protection system on Aboriginal and Torres Strait Islander kinship care as a key pillar in realising Aboriginal and Torres Strait Islander children's rights. This includes a child's rights to having their cultural connections realised and supported.

Aboriginal carers do often work to make sure our children are connected.

The system rather should have more money going into kinship care.

Sub-themes arising during kinship care discussions included: addressing the systemic barriers to identifying and supporting more Aboriginal and Torres Strait Islander kinship carers; significantly improving non-Indigenous understanding and appreciation for this type of care; ensuring that Aboriginal and Torres Strait Islander kinship carers are provided with the appropriate resources and supports – both financial and non-financial – to carry out their role; that it is making progress and working subject to the limitations of the system; and aligning the kinship care funding to the recognition of the impacts that intergenerational poverty has had on Aboriginal and Torres Strait Islander families. The strain and challenges for families resulting from informal kinship care that occurs outside child protection systems with no support and remuneration for carers were identified as a significant concern.

We forget what the Aboriginal Placement Principle is about – it is about placing Aboriginal children in Aboriginal family and community to keep them connected to their culture – we should be continuously looking at extended family.

Families not getting enough financial support – especially where grandparents and other family members are caring outside the system (there needs to be more support for informal kin carers) – the more we can have kinship care, the better; but we are not making that possible.

If they are going to focus on the Placement Principle – then they need to match it with funding to support kinship carers.

N. UPHOLD THE RIGHTS OF THE CHILD AND YOUNG PERSON

There was a focus in the knowledge circles on the rights of Aboriginal and Torres Strait Islander children. There was strong support for ensuring that there are more mechanisms for children to have a voice in decisions that affect them and the need for a human rights approach to ensure that there is adequate funding for education, health, trauma and healing to ensure that children can thrive.

Knowledge holders felt that systems need to be accountable to children, and that Aboriginal and Torres Strait Islander people should not have to trade off their cultural rights for any other rights. This is reflected in the measures that are important to people.

The system should be centred on the voice of our children and families – in my observation this is where things are not working – currently the system is supporting itself not the children.

We need to have a measure for how we get our children's voices heard – we have children not knowing their rights – we need to ensure that this is changed; they can speak up about contact and placements, but there is not enough of it.

We are not doing enough about making sure our children have a voice.

We should not have a second-rate system for our children.

O. CONNECTION TO FAMILY, COMMUNITY AND CULTURE

Many knowledge holders were concerned about the failings of the child protection system to protect children's right to connection to culture. They outlined how cultural identity is foundational to mental health and wellbeing.

There was consistent and emphasised concern that too many Aboriginal and Torres Strait Islander children are removed from their families and communities; that their extended families – even grandparents – are not being recognised as suitable and readily-available carers; and children are being placed into

non-Indigenous households. At the same time, the child protection system does not make the required effort to reunify these children with their families, kin and communities.

The placement of our children with non-Indigenous carers means their culture is being lost – this is so frightening – who has the right to make these decisions – how are our families not being kept in contact with their families and cultures – no one is listening to our children and what their needs are.

People need to see a difference between the impacts of poverty and the strengths of culture. Culture must be seen as the pillar that people can build their lives around, not the problem that has led them into contact with the child protections system.

Cultural inclusiveness does not mean safety is abandoned; these are not exclusive.

We don't have anything to target those children to help them connect and build their cultural identity.

Knowledge holders asserted the importance of culture, community and kin, articulating the imperative to ensure that children's and community's cultural rights are realised:

We need families and communities empowered to keep connected to their culture – removal severs everything.

Culture and being Aboriginal should be recognised as a priority in legislation for the wellbeing of the child.

Culture should be weighted, it should be respected, and we need this elevated and respected not just consulted.

Culture isn't an add on or appendix.

Our children stay longer in out-of-home-care – this is a definite trend – they are staying longer in the care of non-kinship care – what we can ascertain from this that our right to grow up in culture is being diminished by the system.

P. WORKFORCE DEVELOPMENT

The child protection systems workforces were regularly raised as barriers and/or weaknesses in the system to have a positive impacts and outcomes for Aboriginal and Torres Strait Islander families and children. Knowledge holders identified the importance of having a culturally informed workforce, one that was

listening to and genuinely supporting Aboriginal and Torres Strait Islander families.

Getting people in the roles in child protection that understand the background and understand how our services work and our families – we have a workforce that does not understand the impacts.

If the managers are not Aboriginal, how can we rely on them in terms of the cultural understanding; how will they know what is culturally appropriate and culturally safe?

Knowledge holders proposed that the best way to achieve cultural understanding and cultural safety within the system is by increasing the numbers of Aboriginal and Torres Strait Islander staff, including in key decision-making roles in government and non-Indigenous agencies. The ingrained cultural knowledge and wisdom that Aboriginal and Torres Strait Islander staff bring in is critical to creating the policies, programs and practices that will benefit Aboriginal and Torres Strait Islander families and children.

What would happen if all of the key staff in the department were Aboriginal – what would happen... system listening – system being brave – letting our Aboriginality lead the change.

The way it is done inside the department – the ideal would be a higher group of Aboriginal people – inside the department a group that report to us and they could monitor more closely ... if they really want to do self-determination then our Aboriginal workers should be stronger – they should have power, not tokenistic – this should be our own people.

Alongside institutional racism, the workforce capacity is a real concern – we need a greater focus on cultural capability. Some knowledge holders also recognised that there are lessons to learn from what had been achieved in the Aboriginal and Torres Strait Islander health sector.

Aboriginalising our workforce must be a focus – there is a lot of learnings from an Aboriginal health practice – we could do this in child protection and family support work – we should take some points from this.

Take a leaf out of health – and set up our own workforce – Aboriginal career structure – we need to ensure we are developing our Aboriginal family practice.

Knowledge holders recognised a key driver of change is by the system – and the successor plan – ensuring that the Aboriginal and Torres Strait Islander workforce receives greater nurturing and respect, because of their importance in effecting change for Aboriginal and Torres Strait Islander families and children.

Need to nurture our workforce – we need to ensure our workers are protected and that we have the right training.

How can we support our Aboriginal and Torres Strait Islander workforce in holding their authenticity and [their authority] line – [what do I do] when I am the only worker and people are not listening to me?

We are losing our workforce due to burnout and the burden that is put on us – not given the right the supervision.

Better cultural supervision for the workforce where they are held accountable to the cultural authority on the ground.

We need good cultural education for our staff – this is critical.

Social worker and Aboriginal health worker – this model is proving to work.

SECTION 2: QUANTITATIVE SURVEY RESULTS

This section presents the quantitative findings from the survey data, which predominately relate to issues and barriers impacting on outcomes and service delivery for Aboriginal and Torres Strait Islander children in child protection and out-of-home care settings.

A total of 525 survey responses were received. Of these, 421 responses were included for analysis. The remaining 104 responses were excluded from analysis as they were partially completed survey responses that did not progress beyond Section 1: *demographic information* (such as, beyond Question 6). These responses were deemed to not have fully engaged with the survey, having provided no response to questions concerning child protection issues for Aboriginal and Torres Strait Islander children.

DEMOGRAPHIC INFORMATION

Of the 421 responses that were included for analysis, 197 respondents identified as Aboriginal, nine respondents identified as Torres Strait Islander, another nine respondents identified as both Aboriginal and Torres Strait Islander, while 197 respondents identified as non-Indigenous. An additional nine respondents did not disclose their identity status. Figure 1 depicts this information visually, by percentage.

Nearly half of respondents were not SNAICC members ($n=206$, 48.9%), just over one quarter were SNAICC members ($n=110$, 26.1%), while just under one quarter did not know if they were SNAICC members ($n=105$, 24.9%).

Most respondents resided in New South Wales ($n=133$, 31.6%), with the second highest number of respondents residing in Queensland ($n=81$, 19.2%), followed by Victoria ($n=67$, 15.9%). The state or territory that respondents resided in is depicted visually in Figure 2.

Figure 1. Indigeneity of respondents, by percentage

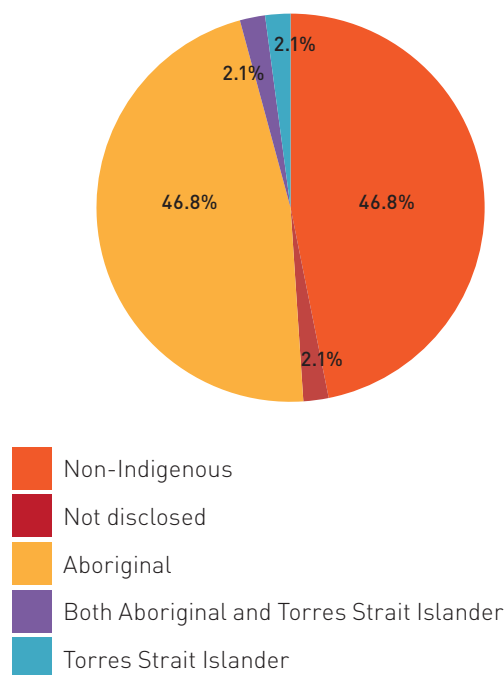
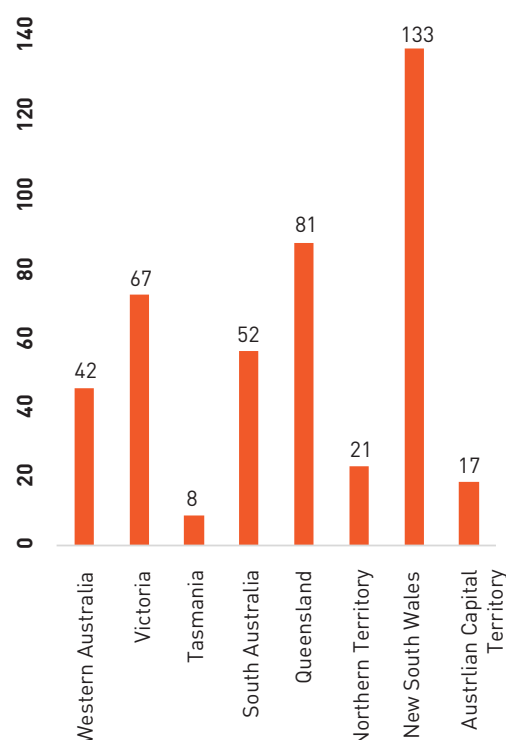


Figure 2. Location of respondent residence, by state or territory, by frequency

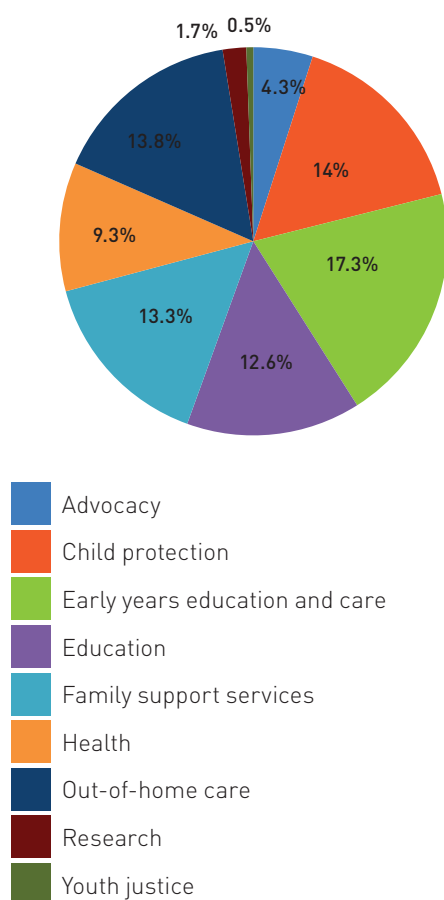


Most respondents worked or volunteered with Aboriginal and Torres Strait Islander children or young people ($n=331$, 78.6%), while the remaining 90 respondents (21.4%) did not work with Aboriginal and Torres Strait Islander children or young people.

Of those respondents who did work or volunteer with Aboriginal and Torres Strait Islander children or young people, one third worked for a non-Indigenous non-government organisation ($n=141$, 33.5%), just over one quarter worked for government ($n=122$, 29%), 15.9% worked for an Aboriginal community-controlled organisation (ACCO) ($n=67$), 6.2% worked at a university or training institution ($n=26$), and 10.2% selected 'other' ($n=43$). Of those who selected 'other', most ($n=18$, 4.3%) worked in early childhood education and care (ECEC) or school institutions.

The main work undertaken by the organisation respondents worked or volunteered for involved delivering ECEC services ($n=73$, 17.3%). The main role of the organisations respondents worked or volunteered for is depicted visually in Figure 3.

Figure 3. Main role of organisations, by percentage



In addition to employment or volunteer status, most respondents were not parents to Aboriginal or Torres Strait Islander children ($n=288$, 68.4%), while 31.6% of respondents were parents to Aboriginal or Torres Strait Islander children ($n=133$). Most respondents were not family members of Aboriginal or Torres Strait Islander children ($n=285$, 67.7%). Furthermore, most respondents were not carers to Aboriginal or Torres Strait Islander children ($n=359$, 85.3%), while 62 respondents (14.7%) were carers to Aboriginal or Torres Strait Islander children. Just over half of respondents ($n=249$, 59.1%) did not identify as community members to Aboriginal or Torres Strait Islander children.

When split by Indigeneity, more than half of Aboriginal and Torres Strait Islander respondents were parents to Aboriginal or Torres Strait Islander children ($n=126$, 58.6%). More than half of Aboriginal and Torres Strait Islander respondents were also family members to Aboriginal or Torres Strait Islander children ($n=123$, 57.2%). And most Aboriginal and Torres Strait Islander respondents identified as community members to Aboriginal or Torres Strait Islander children ($n=131$, 60.9%).

CHILD PROTECTION ISSUES IMPACTING ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN CHILD PROTECTION AND OUT-OF-HOME CARE

Respondents ranked the importance of eight pre-determined issues impacting on Aboriginal and Torres Strait Islander children in child protection and out-of-home care. These issues were: over-representation; reunification; cultural connection; placement issues; leaving care; permanent care; access to early intervention and family support; and, upholding the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). Respondents were also asked to enter a ninth issue of their choosing in an open-ended text box. Each issue was ranked individually on a scale of 1-9, with 1 equalling 'most important issue' and 9 equalling 'least important issue'.

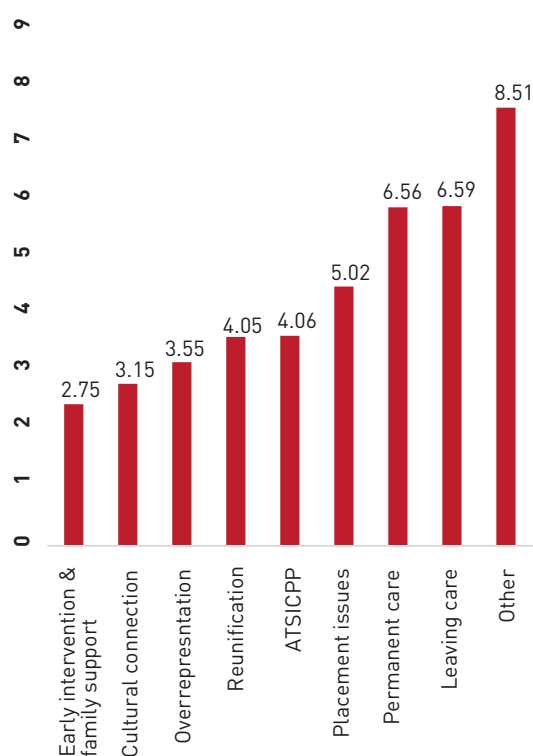
In relation to issues impacting on Aboriginal and Torres Strait Islander children in child protection and

out-of-home care, 31.4% of respondents identified **early intervention and family support as the most important issue** impacting on Aboriginal and Torres Strait Islander children, while 29.9% of respondents identified **over-representation as the most important issue impacting on Aboriginal and Torres Strait Islander children**. **Cultural connection** was listed as the most important issue impacting on Aboriginal and Torres Strait Islander children by 16.4% of respondents.

Comparing the average (mean) score for responses across all nine issues, with issues ranked from 1-9, the issues identified as most important for Aboriginal and Torres Strait Islander children in child protection and out-of-home care are displayed visually, below, in Figure 4.

Comparing average (mean) responses by Indigeneity, non-Indigenous respondents ($\bar{x}=2.52$) were more likely to rank early intervention and family support as more important compared to Aboriginal and Torres Strait Islander respondents ($\bar{x}=2.97$), with this difference being statistically significant ($p=0.02$).

Figure 4. Ranking of issues identified as priorities for Aboriginal and Torres Strait Islander children in child protection and out-of-home care, displayed by average (mean) score, from 1-9



Conversely, Aboriginal and Torres Strait Islander respondents ($\bar{x}=3.83$) were more likely to rank **upholding the ATSCPP as more important** compared to non-Indigenous respondents ($\bar{x}=4.30$), with this difference also found to be statistically significant ($p=0.04$).

There were no statistically significant differences found between Aboriginal and Torres Strait Islander and non-Indigenous respondents across the remaining issues (cultural connection, over-representation, reunification, placement issues, permanent care, and other).

BARRIERS IMPACTING ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN IN CHILD PROTECTION AND OUT-OF-HOME CARE

Respondents also ranked the importance of 10 pre-determined barriers impacting on Aboriginal and Torres Strait Islander children in child protection and out-of-home care. These issues were:

- a lack of funding to ACCOs
- a lack of investment in community healing programs
- government decisions not reflecting the evidence and research
- a lack of research into what is/is not working
- agencies not working together (in other words, working in silos)
- a lack of staffing and/or high staff turnover in child protection agencies
- too much focus on immediate fixes (such as child removal) and not enough on long-term preventative change (such as addressing housing, poverty, etc.)
- a lack of meaningful Aboriginal and Torres Strait Islander child and youth involvement in decision-making
- a lack of meaningful Aboriginal and Torres Strait Islander family and community involvement in decision-making
- Aboriginal and Torres Strait Islander communities are not able to design and deliver their own approaches.

Respondents were also asked to enter an 11th issue of their choosing in an open-ended text box.

Each issue was ranked individually on a scale of 1-11, with 1 equalling the 'main barrier' and 11 equalling the least significant barrier.

In relation to barriers impacting on Aboriginal and Torres Strait Islander children in child protection and out-of-home care, 22.3% of respondents identified **'too much focus on immediate fixes and not enough on long-term preventative change'** as the biggest barrier impacting on Aboriginal and Torres Strait Islander children, while 12.1% of respondents identified **'Aboriginal and Torres Strait Islander communities are not able to design and deliver their own approaches'** as the biggest barrier impacting on Aboriginal and Torres Strait Islander children. **'Government decisions not reflecting the evidence and research'** and **'a lack of meaningful Aboriginal and Torres Strait Islander family and community involvement in decision-making'** also had 10.5% of respondents identifying these barriers, respectively, as the biggest barrier impacting on Aboriginal and Torres Strait Islander children.

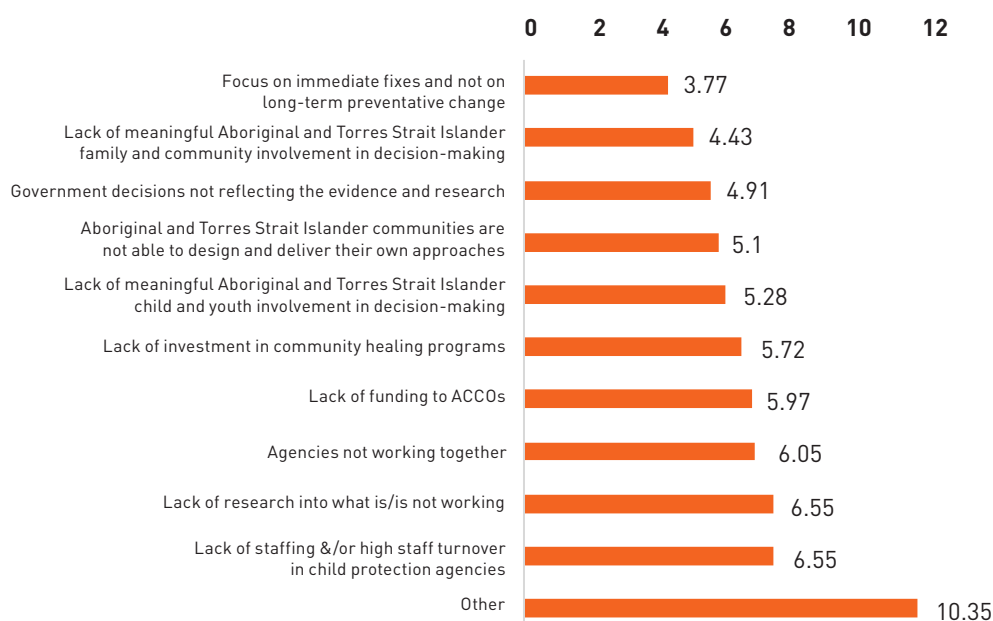
Comparing the average (mean) score for responses across all 11 barriers, with barriers ranked from 1-11, the barriers identified as 'the main barriers' for Aboriginal and Torres Strait Islander children in child protection and out-of-home care are displayed visually in Figure 5.

Comparing average (mean) responses by Indigeneity, Aboriginal and Torres Strait Islander respondents ($\bar{x}=5.57$) were more likely to rank **a lack of funding to ACCOs** as a bigger barrier compared to non-Indigenous respondents ($\bar{x}=6.35$), with this difference being statistically significant ($p=0.02$).

Conversely, non-Indigenous respondents ($\bar{x}=3.39$) were more likely to rank **'too much focus on immediate fixes and not enough on long-term preventative change'** as a bigger barrier compared to Aboriginal and Torres Strait Islander respondents ($\bar{x}=4.16$), with this difference also found to be statistically significant ($p=0.009$).

There were no statistically significant differences found between Aboriginal and Torres Strait Islander and non-Indigenous respondents across the remaining barriers (lack of investment in community healing programs; government decisions not reflecting the evidence and research; lack of research into what is/is not working; agencies not working together; lack of staffing and/or high staff turnover in child protection agencies; lack of meaningful Aboriginal and Torres Strait Islander child and youth involvement in decision-making; lack of meaningful Aboriginal and Torres Strait Islander family and community involvement in decision-making; Aboriginal and Torres Strait Islander communities are not able to design and deliver their own approaches; and other).

Figure 5. Ranking of barriers identified as priorities for Aboriginal and Torres Strait Islander children in child protection and out-of-home care, displayed by average (mean) score, from 1-11



SECTION 3: QUALITATIVE SURVEY RESULTS

This section presents the qualitative findings from the survey data of 215 Aboriginal and Torres Strait Islander respondents.

Please note that this section is under development as analysis continues. The interim findings from our analysis are presented below.

Eleven questions in the survey required qualitative responses:

- Can you tell us a bit more about why you selected your number one as the most important issue [for Aboriginal and Torres Strait Islander children and families in child protection / out-of-home care]?
- Can you tell us why you have selected your top three as the main barriers?
- Thinking about these building blocks, if one thing could change to:
 - prevent Aboriginal and Torres Strait Islander children and families from entering child protection, what would it be?
 - increase the participation of Aboriginal and Torres Strait Islander children, families, and communities in child protection and/or out-of-home care decision-making, what would it be?
 - make systems and services – such as laws, policies, and practices – more effective for Aboriginal and Torres Strait Islander children and families what would it be?
 - make governments and services more accountable to Aboriginal and Torres Strait Islander people, what would it be?
 - What would you change?
- How would you make this change happen?
- The last national framework did not achieve the necessary change. What needs to be done differently for the next 10-year national plan to be a success?
- How will we know that the next national child protection plan is succeeding?
- Is there anything else you wanted to say?

Interim themes from the qualitative responses coded to date mirror the issues outlined in the previous two sections, with the interim top five themes being:

1. EARLY INTERVENTION

The most predominant theme coming up in survey responses was the need for government and services to focus on providing families with sufficient *early* support so that they are “better able to meet their children’s needs from an early age and throughout their lives”.

Alongside this theme was that respondents consider services that are *culturally safe* and *culturally appropriate* to be fundamental to providing quality services to Aboriginal and Torres Strait Islander families and children.

“Early intervention and supports can assist more than removal, lack of identification of health issues and more. There’s enough research to support early intervention with families.”

“My experience and research indicate that early, culturally safe support for families in the early years is vital to attachment, positive relationship building, and early brain development. Culturally appropriate wrap around services that provide information, practical strategies, and emotional support are needed - during pregnancy and in the early formative years.”

“I feel that there needs to be more focus and policies for early intervention family support, and more ATSI workers working with our mob.”

2. CULTURAL AND FAMILY CONNECTION

Another prominent theme was the importance of cultural connection (and by extension, Aboriginal and Torres Strait Islander family connection).

Speaking about cultural disconnection as the opposite of cultural connection, respondents spoke about the negative impacts of cultural disconnection for Aboriginal and Torres Strait Islander children and young people, highlighting the individual impacts, which included feelings of identity confusion and loss. Respondents also emphasised the community impacts associated with cultural disconnection and the ramifications at a community-level of “continuation of oppression and denial” seen throughout the Stolen Generations.

“I work alongside young people that have been removed from their family and community. I see personally the impact it has on our young being disconnected, from their culture and the continuation of oppression and denial. We should be more active in working with families and communities seeking long lasting improvements rather than removal.”

“When you look at the Stolen Generations and how they lost their way in life and culture how they were affected, we don’t want our children to lose their way. That’s why it’s important that our children are our future so keeping them culturally connected.”

“The latest report from the Commissioner for Aboriginal Children and Young People regarding young people have outlined that young people in out-of-home care long for cultural connection and feel a loss of identity when they are placed with non-Aboriginal carers.”

References were made to the system still being based on colonial models and outdated and inappropriate for addressing contemporary challenges.

“Had an issue where mum agreed with [Child Protection] to voluntarily remove children (due to CP advice they won’t have to go to court if voluntary) then CP dropped it and no supports were put into place for mum / reunification, and for children with kinship carer, no brokerage, therapeutic intervention, a kinship carer who had no idea of her legal rights to looking after the children, and a mum who was not allowed to see her children, everything in limbo with CP is not good enough.”

“My heart is broken on this issue. I am privileged to meet these beautiful kids who’ve been failed by so many systems and so frustrated with burnt out DCJ workers who don’t understand trauma or culture and won’t fund therapies like psych, speech and OT. I really hope this time we get actual good change.”

“Through cultural knowledge sharing, people can feel connected emotionally and practically to family and kin. This has been lost over time and now child protection systems are based on colonial models and do not support Aboriginal families well. Staff often don’t have the time or don’t prioritise finding the right family, and placements are not strong from the start, leading to further problems.”

“The Government needs to change its perspective on how our jarjums are raised. They need to listen to our Elders and they need to change their policies and procedures now as they are way outdated and do not work for our people.”

3. THE CHILD PROTECTION SYSTEM

Respondents feel let down by the child protection system and related government departments, and that children are being failed by “so many systems”.

Components of the child protection system were raised as likely causes to the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care, including the lack of genuine support and cultural respect by agency workers, time limitations and burnout within the workforce, and that the system continues to ignore cultural compliance requirements.

4. THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE (ATSICPP)

The ATSICPP, and the system's failure to comply with the ATSICPP, was a recurrent theme in survey data, echoing the knowledge circles' data. While respondents were concerned about the lack of adherence to all elements of the ATSICPP, respondents particularly focused on the placement principle element. Respondents were concerned about the continued placement of Aboriginal and Torres Strait Islander children into non-Indigenous homes. This also repeats respondents' perception of the cultural incompetency of child protection professionals.

"If the placement principles were upheld, Aboriginal children would be given the opportunity for their family and community to make decisions about them, they would remain connected, in their family and community and would have decision made by Aboriginal people."

"Because the principle that Aboriginal children should be placed with safe immediate paternal and maternal extended family. There needs to be family-led decision-making processes that work with family in a real and practical manner. I don't think these principles has been adhered too as it was intended by the legislation."

"If the ATSICPP is respected and implemented properly (so all elements are acted upon) I think the out-of-home care system would reduce the numbers of children coming into care. The high representation of our children in the system is a national crisis and that requires more Indigenous influence and involvement in the system."

Respondents highlighted the imperative for Aboriginal and Torres Strait Islander families to be considered first for placements and to be involved in all decision-making about Aboriginal and Torres Strait Islander children and young people in out-of-home care. Respondents considered this to be critical to reduce the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care.

5. DESIRE TO SEE CHANGE

Echoing what was raised in the knowledge circles, survey respondents wanted to see substantial changes to the sector and government's approach to ensuring the wellbeing of Aboriginal and Torres Strait Islander children. These changes, and the policies and actions shaping these, need to go beyond lip-service. Respondents stated that they will know that this change is happening when they see fewer children entering the child protection and out-of-home care systems.

"Actions speak louder than words. If it becomes policy – have a time frame to have it implemented by. The policy needs to run deep - we don't need another band-aid – we need change."

"Systemic failure continues. Apologies without change are just manipulation."

"Community are more connected, less children are being removed and more families are accessing intervention."

"Less of our children in the system."

SECTION 4: WRITTEN SUBMISSIONS

Four written submissions were received, one from a non-Indigenous NGO, and the remaining three from non-Indigenous scholars with expertise in child protection. A brief overview of the main points articulated in written submissions are provided in this section.

The largest submission was received by the non-Indigenous NGO, the CREATE Foundation, “the national consumer body representing the voices of children and young people with an out-of-home care experience” (CREATE Foundation website n.d.). There were three overarching ideas articulated by the CREATE Foundation:

1. Embedding children’s and young people’s voices in the successor plan.
2. Increasing a focus on prevention and early intervention.
3. Better outcomes are achieved through Aboriginal and Torres Strait Islander community leadership and service delivery.

The CREATE Foundation expressed concerns that despite commitment to child and youth participation in the *National Framework for Protecting Australia’s Children (2009-2020)*, “children and young people continue to be overlooked in decision’s affecting their lives” (CREATE 2021, p. 3). CREATE’s submission emphasised the importance of Aboriginal and Torres Strait Islander children and young people having increased opportunities for participation in decision-making, alongside their families and communities.

CREATE supported the need for an increased focus on prevention and early intervention, noting that “unless the drivers of contact with Child Protection are addressed with culturally safe prevention and early intervention support, over-representation will continue to increase across all Australian jurisdictions” (CREATE 2021, p. 4).

CREATE highlighted that any increased focus on prevention and early intervention should be accompanied with “matching resources”, yet “should not reduce [current levels of] funding expenditure” nor shift the focus away from the “45,000 children and young people who are currently in out-of-home care in Australia, 40% of whom are Aboriginal and Torres Strait Islander children and young people” (CREATE 2021, p. 4).

CREATE also noted that within their own consultations, Aboriginal and Torres Strait Islander children and young people “consistently express the benefits of accessible, culturally safe services, with many children and young people voicing their preference for Aboriginal and Torres Strait Islander organisations and/or workers” (CREATE 2021, p. 5). However, CREATE noted that many Aboriginal and Torres Strait Islander children are harmed by culturally unsafe experiences with “statutory bodies and mainstream services” (CREATE 2021, p. 6), indicating the importance of Aboriginal and Torres Strait Islander-led services in the Successor Plan to ensure cultural safety and the mitigation of racism. Aboriginal and Torres Strait Islander kinship care was also highlighted by CREATE as both positive and important to Aboriginal and Torres Strait Islander children and young people, particularly concerning connection to culture and “safe, positive placements” (CREATE 2021, p. 7).

The remaining three written submissions were from experts in child protection and midwifery who reiterated the importance of increased prevention and early intervention. Their submissions also outlined support for many of the drivers associated with Indigenous child protection involvement that are articulated in the Family Matters (2020) report as well as the building blocks solutions outlined therein.

SECTION 5: 'TURNING THE TIDE' NATIONAL FORUM

A national forum was held online on 20 April 2021 and was attended by approximately 41 people.

Participants included:

- Aboriginal and Torres Strait Islander Leadership Group members
- ACCO representatives
- Australia's National Children's Commissioner
- state commissioners for Aboriginal and Torres Strait Islander children and young people
- representatives from non-government organisations, including representatives of the National Coalition on Child Safety and Wellbeing and the National Forum for Protecting Australia's Children
- leading academics
- heads of child protection institutes
- Commonwealth Department of Social Services representatives
- states and territories' Child and Family Services (CAFS) representatives.

The forum's theme was, "designing a new plan to address the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care". Its purpose was to discuss the role that non-Indigenous organisations and people need to play to support the priorities for Aboriginal and Torres Strait Islander children in the successor plan.

Presentations recognised that resources need to be transferred from large non-Indigenous organisations to community-control; that the failure to enable community-control continues to be a core concern and theme when consulting with Aboriginal and Torres Strait Islander peoples on the best ways to protect our children; and increasing community control is a critical solution to this challenge. Presenters also raised the importance of fully implementing the ATSICPP in all jurisdictions; actively engaging Aboriginal and Torres Strait Islander children, young people, families and communities by implementing Aboriginal-led solutions; and ensuring strong Aboriginal and Torres Strait Islander representation in all governance

mechanisms. Both Priority Reform 2 in the new *National Agreement on Closing the Gap* (Closing the Gap) and the four Family Matters building blocks were raised as priorities for the successor plan.

Two key questions were discussed by the group:

1. REFLECTING ON THE PRIORITIES IDENTIFIED, WHAT'S ONE KEY CHANGE THAT THE SUCCESSOR PLAN SHOULD DRIVE FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN?

One of the most critical changes identified by participants is the need for greater investment in and focus on early intervention and prevention; echoing the voices of knowledge holders. Participants spoke of how a stronger early intervention system response would include better referral pathways and give families and children access to all the services required to address all their needs. They also identified that change may require reframing child protection services to involve the whole context surrounding a family and child so that the multiple interrelated issues can be addressed. Funding also needs to be inverted, to address disproportionality – both from its current focus on the tertiary end of the child protection system towards early intervention and prevention, and from currently going to mainstream organisations rather than ACCOs.

Why is there over-representation? It's about appropriate resourcing to address the causes of over-representation.

Further necessary changes identified as critical to this successor plan include:

- review child protection systems to ensure that they are fit for purpose, including addressing racial and cultural bias and assumptions about what is a safe environment
- strengthen government accountability mechanisms and build in greater accountability of all stakeholders, including ACCOs

- recognise the importance of and embedding the four priority reforms of Closing the Gap, the five principles of the ATSICPP, and the four Family Matters building blocks
- underpin the successor plan with an outcomes framework that is Aboriginal-led
- address inconsistencies between states and territories' child protection policies and active efforts standards
- recognise the structural issues that manifest in factors that may lead to harm or adverse events
 - for example, child neglect might be caused by the broader issue of poverty
- the Commonwealth Government to play a bigger role in addressing these structural issues.

Two further themes were to have a stronger / first point of focus on connection to family and kin and shifting the definition and role of frontline workers.

From an out-of-home-care perspective, foster care and non-related carers are pushed as the first option and thus are much better resourced over relatives and kinship carers. Participants raised the need for the Commonwealth Government to play a bigger role in supporting family and kinship care placements, so to avoid family separations.

Currently, the child protection sector does not have a plan on how to encourage more Aboriginal and Torres Strait Islander people into its workforce. This could happen through supporting Aboriginal and Torres Strait Islander people to gain necessary qualifications, engaging universities and TAFEs, and by exploring the 'professionalisation' of cultural competency. Workforce training on cultural awareness, trauma and intergenerational cycles of disadvantage needs to be undertaken by all workers at all organisational levels. All staff also need support to manage their own vicarious trauma and the trauma of families who they are supporting.

In pre-empting the second question, participants identified that many ACCOs are already creating their own change and have a positive track record in doing so, whether it be workforce strategies or program redevelopment. At the same time, it was recognised that there is a seeming lack of understanding and momentum in the non-Indigenous community to support what works for Aboriginal and Torres Strait Islander children and families. ACCOs "can, will and should" develop and implement solutions for their people.

Accountability needs to address power imbalances and structural inequalities.

The ATSICPP should be everyone's business, not just the ACCOs and Government.

It's about working alongside Aboriginal communities.

2. HOW DOES THE PLAN NEED TO SUPPORT COMMUNITY CONTROL AND THE ROLE OF NON-INDIGENOUS ORGANISATIONS IN DOING SO?

Participants were in strong agreement that Aboriginal community control needs to increase and that non-Indigenous organisations can play a valuable role in ensuring this happens.

Participants discussed how support for community control is often considered to be a case of government and non-Indigenous organisations needing to first build the capability of ACCOs, but that this can be patronising and ignore current realities, especially of well-established ACCOs who have existing cultural authority. Both government and non-government systems need to first recognise and value current capabilities of many ACCOs.

Also recognised was that partnerships portrayed as a non-Indigenous organisation *helping* an ACCO to build capacity are not helpful. Instead, non-Indigenous organisations should be demonstrating how they will transfer resources over to ACCOs, what are the clearly delineated ways of working and shared values, and is a transition plan with a clear timeframe in place. Governments can support this by ensuring ACCOs have adequate resourcing to take lead partner roles, and by linking funding and procurement rules to contracts.

It also is important that non-Indigenous organisations stop tendering when Aboriginal and Torres Strait Islander families are the primary service users, and work to shift the perception (and/or reality) that Aboriginal child protection programs are part of their essential business model. These larger non-Indigenous organisations need to support ACCOs to be the lead partner as soon as possible and then clearly step away.

One NGO's CEO has come onto the record to say they'll transfer money to ACCOs in three years.

The option was discussed for ACCOs to get first right of refusal to Aboriginal and Torres Strait child protection work and funding. If an ACCO is unable to take on the work, then it may be possible to set up a partnership arrangement, with a clear transition plan as a contract deliverable.

During discussions, participants spoke of how community control needs to be introduced straight from the contracting level; resources and case management need to be transferred to ACCOs through new commissioning and procurement frameworks; ACCOs need to have decision-making power over those decisions relating to Aboriginal and Torres Strait Islander children and families; and ACCOs need to be able to define what success looks like. A clear policy framework that prioritises investment to ACCOs and recognises the magnitude of this undertaking is essential at this stage.

Through the forum's discussions, participants recognised that ACCOs are more effective at getting children home sooner, with Aboriginal community-controlled child protection services being inclusive of early intervention, prevention and intensive family support, including pre-statutory work. In taking active efforts to handover to ACCOs, governments would realise some of their commitments under Closing the Gap, support true self-determination, and help communities to realise their obligations to their children and child rights.

A final point raised in these discussions was the importance of data, including that good data on investment directed to ACCOs and the design of national minimum data set is now critical. In particular, improved funding data should be addressed as a matter of priority, enabling changes to be monitored.

If it's all Western constructs, you miss the cultural richness of what we do, of nurturing and community.

If Aboriginal people are going to be more involved, the system is going to look different and be done differently. There has to be an acceptance of that.

SECTION 6: CONCLUSION

The extensive data gathered during the consultations evidence the urgent need for governments to demonstrate their political will, enact significant reforms, and invest resources accordingly to address, and significantly reduce, the rising numbers of Aboriginal and Torres Strait Islander children who are involved in child protection and out-of-home care systems.

This action has been evidenced in the consultation data as critical to the realisation of the Closing the Gap target of reducing the rate of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031.

The consolidation of themes emerging through these consultations include:

1. Greater accountability and transparency of child protection systems to Aboriginal and Torres Strait Islander people to rectify power imbalances between governments and Aboriginal and Torres Strait Islander peoples.
2. Increased self-determination for Aboriginal and Torres Strait Islander people, including a transfer of control and power from non-Indigenous organisations and governments to Aboriginal and Torres Strait Islander peoples, communities and organisations. This includes:
 - a. increased funding for ACCOs
 - b. increased Aboriginal and Torres Strait Islander self-determination and leadership across all facets of child protection, including in government departments.
3. A systemic shift from 'crisis mode' and punitive responses to a focus on holistic prevention, early intervention and family support. This includes:
 - a. responses extending beyond child protection systems to include wraparound socioeconomic support services, and other mechanisms to address: poverty, housing and homelessness, health and mental health, education (including early childhood education and care), criminal justice, and family and domestic violence
 - b. provision of holistic healing services to families and children to break intergenerational trauma, and prevent intergenerational involvement in child protection systems
 - c. improved support for families to reorient the system to one that begins by supporting families prior to consideration of child removal
 - d. championing of Aboriginal and Torres Strait Islander kinship care and support within natural family systems.
4. Developing legislation, agreed standards, consistent policy and improved application of the ATSICPP at Commonwealth and state and territory levels, including:
 - a. putting the onus on child protection systems and services to prove that they are making all reasonable active efforts to implement all elements of the ATSICPP
 - b. significantly improving and demonstrating cultural competency, awareness and respect of child protection professionals.
5. Achieve a stronger human rights focus, including:
 - a. a focus on children's and young people's rights, including their rights to connection to family, community and culture as a critical element of these rights, as stipulated in the United Nations Declaration on the Rights of Indigenous Peoples (2007).
6. Workforce development, both to improve support and legitimacy of Aboriginal and Torres Strait Islander workers and to improve cultural capabilities within the government and NGO non-Indigenous workforce.

What has been reiterated throughout consultations is the urgent need for meaningful systemic reform that fully includes Aboriginal and Torres Strait Islander people via true self-determination. Consultations have made clear that all Australian child protection and out-of-home care systems are failing Aboriginal and Torres Strait Islander peoples – including their children and their young people – and that all Australian governments need to listen and take action on the knowledge, wisdom and solutions provided by Aboriginal and Torres Strait Islander peoples. Without significant financial investment, appropriate resourcing and true Aboriginal and Torres Strait Islander self-determination (refer to Appendix A) – the over-representation crisis is likely to not only continue but worsen.

REFERENCES

- CREATE Foundation 2021, *CREATE Submission to Turning the Tide: Designing a new plan to address the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care*. Spring Hill, QLD.
- Davis, M. 2019, *Family is Culture: Independent Review of Aboriginal Children in OOHC*. <https://www.familyisculture.nsw.gov.au>
- Department of Social Services 2009, *National Framework for Protecting Australia's Children 2009-2020*. <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>
- Hunter, S-A., Burton, J., Blacklaws, G., Soltysik, A., Mastroianni, A., Young, J., Jones, M., Jayakody, N., Bhathal, A., Krakouer, J., Tan, W.W., Parolini, A., Tilbury, C. & Shlonsky, A. 2020, *The Family Matters Report 2020: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia*. SNAICC, <https://www.familymatters.org.au/the-family-matters-report-2020>
- Lavarch, M. 1997, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Human Rights and Equal Opportunity Commission (HREOC), <https://humanrights.gov.au/our-work/bringing-them-home-report-1997>
- United Nations General Assembly 2007, United Nations Declaration on the Rights of Indigenous Peoples: Resolution. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- White, M., & Gooda, M. 2017, *Royal Commission into the Detention and Protection of Children in the Northern Territory*, volumes 1-4. Royal Commission, Australian Government, <https://www.royalcommission.gov.au/royal-commission-detention-and-protection-children-northern-territory>

APPENDIX A:

SELF-DETERMINATION DEFINITION

Self-determination is a collective right of Aboriginal and Torres Strait Islander peoples to determine and control their own destiny. It is a right of Aboriginal and Torres Strait Islander peoples to exercise autonomy in their own affairs and a right to maintain and strengthen distinct political, legal, economic, social and cultural institutions (UNDRIP 2007). As identified in the *Bringing Them Home* report, “self-determination requires more than consultation because consultation alone does not confer any decision-making authority or control over outcomes. Self-determination also requires more than participation in service delivery because in a participation model the nature of the service and the ways in which the service is provided have not been determined by Indigenous

peoples. Inherent in the right of self-determination is Indigenous decision-making carried through into implementation.” (Lavarch 1997) As described in the recent *Family is Culture* review in NSW, “the right to self-determination is not about the state working with our people, in partnership. It is about finding agreed ways that Aboriginal people and their communities can have control over their own lives and have a collective say in the future well-being of their children and young people” (Davis 2019).

Self-determination recognises that Aboriginal and Torres Strait Islander communities are best placed to make informed decisions about the safety, wellbeing and protection needs of Aboriginal and Torres Strait Islander children (Family Matters 2020).

APPENDIX B: FAMILY MATTERS BUILDING BLOCKS

The table below aligns the key themes identified in the knowledge circles to the Family Matters building blocks and includes key measures and outcomes that were identified during the consultations.

FM BUILDING BLOCK	THEMES IDENTIFIED	MEASURES
Building block 1 All families enjoy access to quality culturally safe universal and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive.	All systems have to orientate to a rights-based approach. This includes a stronger focus on having the voices of children heard, valued and central to all work. This includes adequate funding for education, health, housing, and mental health supports. A focus on early intervention in family support services.	More Aboriginal children and families diverted from the child protection system – too many children in the system who do not need to be there.
Building block 2 Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children.	Transfer of resources to Aboriginal and Torres Strait Islander community-controlled organisations. A strong focus on nurturing the workforce, providing good training and cultural supervision - including a well-developed workforce strategy. Increasing the numbers of Aboriginal and Torres Strait Islander staff in key decision-making roles in government, non-Indigenous agencies and in positions of power. A substantive change to the status quo. Government to step out of the way and support self-determination to be realised in practice, policy and legislation. The ability to commission own work, develop own agenda. A refocus of funds from out-of-home care onto a preventative focus. Investing in cultural solutions will be achieved through self-determination.	<i>"We need to have a measure for how we get our children's voices heard – we have children not knowing their rights – we need to ensure that this is changed – they can speak up about contact and placements – but there is not enough of it – we are not doing enough about making sure our children have a voice."</i> <i>"We need to measure the children's voices, stories, and outcomes when they have been in the system."</i>

FM BUILDING BLOCK	THEMES IDENTIFIED	MEASURES
Building block 3 Law, policy and practice in child and family welfare are culturally safe and responsive	<p>A transformed child protection system with a focus on providing family support.</p> <p>Reimagine and refocus the importance of kinship care, including greater funding and support for the development of effective models.</p> <p>Changed focus from child protection intervention to family support.</p> <p>Substantive additional funding for Aboriginal and Torres Strait Islander services.</p> <p>Legislation and policy changes to strengthen the application of the ATSICPP.</p> <p>Rigorous systemic application of the ATSICPP within early intervention responses.</p> <p>A system grounded in self-determination and focused on healing.</p> <p>Strengthening the oversight function of Aboriginal and Torres Strait Islander organisations.</p> <p>A focus on connection.</p>	<p>Better focus on reunification.</p> <p>Families feeling supported and not tricked or cheated.</p> <p>Increased numbers of children knowing their identity.</p> <p>Measuring reunification rates – if practice not being done properly, then it is not going to occur – things need to be in place – need to stop thinking about children as a commodity – we need to think about them as individual lives.</p> <p>Parents are not fearful to get support - because the department shows respect, listens, and treats us like humans. Families aren't scared that 'care and protection' are coming. They don't expect the systemic racism.</p> <p>Change in the morals, values, and attitudes of non-Indigenous workers.</p>

FM BUILDING BLOCK	THEMES IDENTIFIED	MEASURES
Building block 4 Governments and services are accountable to Aboriginal and Torres Strait Islander people	<p>The need to have measures for outcomes.</p> <p>Strengthening accountability for implementation of the ATSICPP.</p> <p>Mechanisms for children to have a voice.</p> <p>Improved cultural capability of the system.</p> <p>Need for national Aboriginal and Torres Strait children's commissioner / state commissioners.</p> <p>Better funding and legislative power for existing state-based Aboriginal and Torres Strait Islander children's commissioners and guardians.</p> <p>Strong child protection peak bodies in each state:</p> <p>"We need a peak for our families and organisations to have a voice in our community and accountability"</p> <p>A dedicated national Aboriginal and Torres Strait Islander child protection plan.</p> <p>"We know that to get the outcomes for our children, we need to have that dedicated plan for Aboriginal and Torres Strait Islander children".</p> <p>"We need an Aboriginal action plan – co-designed with the Aboriginal sector – and includes governance authoring and actionable measures".</p> <p>Alignment to the National Close the Gap target:</p> <p>"The national framework needs to have great alignment around the Close the Gap target of community control – looking at all the drivers into child protection".</p>	<p>We need an Aboriginal action plan, (genuinely) co-designed with the Aboriginal sector. This includes governance, authoring and actionable measures.</p> <p>Our children leaving care should be doing better. They should be provided much better tools to survive and we should be making sure that they have the right system. They need to receive / have received proper appropriate education and be supported to leave care effectively. What supports do children have after care – this is not ok – this is a real concern and that children currently are not supported properly when they are leaving care.</p> <p>A cultural practice standard that is audited – the government care and protection system should be audited and accountable – for example, how was the decision made? What input did family have? What support did the family receive? What did the children say and how did we listen?</p> <p>Periodic evaluations –within service providers, integrate a quality-assurance process & external evaluations – for that, you need to collect good data – creates accountability (governments and organisations need to be accountable back to communities).</p> <p>Government departments are genuinely engaged – really do have legs in transitioning services and resources – not just talking about strategic efforts – recognising decision-making power is dynamic – not just static agreement.</p>

APPENDIX C: KNOWLEDGE CIRCLES INTERVIEW SCHEDULE

1. In your opinion, what is the most pressing issue for Aboriginal and Torres Strait Islander children and families in [relevant state or territory]’s child protection/out-of-home care system?
2. What are the key barriers to addressing systemic issues – such as over-representation – in [relevant state or territory]’s child protection/out-of-home care system?
3. Within your jurisdiction, if one thing could change to prevent Aboriginal and Torres Strait Islander children and families from entering child protection, what would it be?
4. Within your jurisdiction, if one thing could change to increase the participation of Aboriginal and Torres Strait Islander children, families, and communities in child welfare decision-making, what would it be?
5. Within your jurisdiction, if one thing could change to make systems and services – such as laws, policies, and practices – more effective for Aboriginal and Torres Strait Islander children and families what would it be?
6. Within your jurisdiction, if one thing could change to make governments and services more accountable to Aboriginal and Torres Strait Islander people, what would it be?
7. Imagine that you could make one significant change to [relevant state or territory]’s child protection/out-of-home care system overnight. What would you change?
8. How would you make this change happen?
9. If we could achieve one critical success through the successor plan what would that be?
10. How can the successor plan meet the aspirations of Aboriginal and Torres Strait Islander families and communities?
11. How will we know we are succeeding?
12. What the critical outcomes and measures that we should focus on?

APPENDIX D:

ONLINE SURVEY TEMPLATE

INTRODUCTION

SNAICC – National Voice for our Children currently is consulting with Aboriginal and Torres Strait Islander families and communities, members of Aboriginal community-controlled organisations, and other key stakeholders to inform the next (successor) plan to the *National Framework for Protecting Australia's Children (2009-2020)*.

This survey forms part of these consultations and we welcome your input.

The successor plan aims to improve outcomes for Aboriginal and Torres Strait Islander children, young people, families and communities in relation to child protection and out-of-home care. The plan will align with the Closing the Gap target: *to reduce the numbers of Aboriginal and Torres Strait Islander children in out-of-home care by 45% within the next 10 years, by 2031.*

This survey asks you to draw on your own experiences and insights to reflect on how the successor plan can meet the aspirations of Aboriginal and Torres Strait Islander families and communities.

Results will be used to inform government policy on child protection and out-of-home care – specifically, Australia's next national child protection plan.

WHAT HAPPENS TO MY INFORMATION?

We will ensure that your privacy is protected. Your information will be treated confidentially in line with the legal requirements of the Privacy Act 1988. You will not be named in any reports or publications. We will store your information securely at SNAICC, and only the SNAICC Policy and Research Team will be able to access it. Your information will not be shared with any other organisation. Your information will only be used for the purposes of informing the co-design of the successor plan and seeking government commitments to reform systems and practice for the benefit of Aboriginal and Torres Strait Islander children, families and communities.

SECTION 1 – DEMOGRAPHIC INFORMATION

#	QUESTION	OPTIONS
1	* Are you an Aboriginal and/or Torres Strait Islander person? (* required to answer) (if 'Prefer not to say' is selected, response treated as non-Indigenous)	Yes, Aboriginal Yes, Torres Strait Islander Yes, both Aboriginal and Torres Strait Islander No, I am non-Indigenous Prefer not to say
2	Are you a SNAICC member?	Yes No Unsure / don't know

SECTION 1 – DEMOGRAPHIC INFORMATION

#	QUESTION	OPTIONS
3	In which state or territory do you currently live?	<p>New South Wales</p> <p>Victoria</p> <p>Australian Capital Territory</p> <p>Tasmania</p> <p>Queensland</p> <p>Western Australia</p> <p>Northern Territory</p> <p>South Australia</p> <p>Other (please specify)</p>
4	What is your primary relationship to Aboriginal and Torres Strait Islander children or young people? (can select more than 1 option)	<p>Work or volunteer with Aboriginal and Torres Strait Islander children, families or young people</p> <p>Parent</p> <p>Carer</p> <p>Family member</p> <p>Community member</p> <p>Other (please specify)</p>
5	If you currently do work or volunteering related to Aboriginal and Torres Strait Islander children, families or young people – what type of organisation do you work or volunteer for:	<p>Aboriginal CCO</p> <p>Non-Indigenous, non government organisation</p> <p>Government agency</p> <p>University/training institution</p> <p>Other (please specify)</p>
6	If you currently do work or volunteering related to Aboriginal and Torres Strait Islander children, families or young people , what is your organisation's main role with Aboriginal and Torres Strait Islander children?	<p>Early years education and care</p> <p>Child protection</p> <p>Out-of-home care</p> <p>Family support services</p> <p>Youth justice</p> <p>Education</p> <p>Health</p> <p>Research</p> <p>Advocacy</p> <p>Other (please specify)</p> <p>n/a</p>

SECTION 2

– IDENTIFICATION OF SYSTEMIC ISSUES (CHILD PROTECTION AND OUT-OF-HOME CARE)

The next national plan has a focus on Australian child protection and out-of-home care systems, services and practices.

Numerous Aboriginal and Torres Strait Islander people, families, communities, and organisations have identified a range of issues with Australian child protection and out-of-home systems for our kids, our mob, and our communities.

#	QUESTION	OPTIONS
7a	<p>In your opinion, how would the following list be ranked in order of importance for Aboriginal and Torres Strait Islander children and families in child protection/out-of-home care?</p> <p>1 = Most important issue 2 = Second most important 3 = Third most important</p>	<p>Overrepresentation Access to early intervention and family support Reunification Cultural connection Placement issues Upholding the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) Leaving care Permanent care Other</p>
7b	Can you tell us a bit more about why you selected your number 1 as the most important issue?	[100-word text box]
8a	<p>How would you rank the main barriers to child and family service systems improving outcomes for Aboriginal and Torres Strait Islander children?</p> <p>1 = Most important 2 = Second 3 = Third</p>	<p>Lack of funding to ACCOs Lack of investment in community healing programs Government decisions not reflecting the evidence & research Lack of research into what is/ is not working Agencies not working together (i.e. in silos) Lack of staffing and/or high staff turnover in child protection agencies Focus on immediate fixes (i.e. child removal) and not on long-term preventative change (i.e. addressing housing, poverty, etc.) Lack of meaningful Aboriginal and Torres Strait Islander child and youth involvement in decision-making Lack of meaningful Aboriginal and Torres Strait Islander family and community involvement in decision-making Aboriginal & Torres and Strait Islander communities not able to design and deliver their own approaches Other – please explain (max 25 words)</p>
8b	Can you tell us why you have selected your top three as the main barriers?	[200-word text box]

SECTION 3 – SYSTEMIC REFORM

Through the Family Matters campaign, SNAICC and Aboriginal and Torres Strait Islander leaders from across the country have called for change in four key areas that we have called the 'building blocks' for change:

1. *Universal and prevention services to ensure children can thrive in connection with family and culture.*
2. *Participation for Aboriginal and Torres Strait Islander children, families, and communities in the decisions about children's safety and wellbeing.*
3. *Developing culturally safe and effective laws, policies, and practices.*
4. *Ensuring accountability of governments and services to Aboriginal and Torres Strait Islander people.*

#	QUESTION	OPTIONS
9	Thinking about these 'building blocks', if one thing could change to	prevent Aboriginal and Torres Strait Islander children and families from entering child protection , what would it be? [100-word text box]
10		increase the participation of Aboriginal and Torres Strait Islander children, families, and communities in child protection and/or out-of-home care decision-making , what would it be? [100-word text box]
11		make systems and services – such as laws, policies, and practices – more effective for Aboriginal and Torres Strait Islander children and families what would it be? [100-words text box]
12		make governments and services more accountable to Aboriginal and Torres Strait Islander people, what would it be? [100-word text box]

SECTION 3 – SYSTEMIC REFORM

Through the Family Matters campaign, SNAICC and Aboriginal and Torres Strait Islander leaders from across the country have called for change in four key areas that we have called the 'building blocks' for change:

1. *Universal and prevention services to ensure children can thrive in connection with family and culture.*
2. *Participation for Aboriginal and Torres Strait Islander children, families, and communities in the decisions about children's safety and wellbeing.*
3. *Developing culturally safe and effective laws, policies, and practices.*
4. *Ensuring accountability of governments and services to Aboriginal and Torres Strait Islander people.*

#	QUESTION	OPTIONS
13a	Imagine that you could make one significant change to Australian child protection and/or out-of-home care.	<p>What would you change?</p> <p>Change legislation</p> <p>Improve the focus on prevention and early intervention, including the ability for families to get help early</p> <p>Ensure that health, housing, criminal justice, family violence and child protection services/ systems work together effectively</p> <p>Improve the cultural competency of the non-Indigenous workforce (including government)</p> <p>Address systemic racism</p> <p>Increase funding for ACCOs Aboriginal and Torres and Strait Islander communities not able to design and deliver their own approaches</p> <p>Aboriginal and Torres Strait Islander communities design & deliver their own approaches</p> <p>Improve Aboriginal and Torres Strait Islander participation in decision-making</p> <p>Make all child protection and/or out-of-home care services run by Aboriginal and Torres Strait Islander community organisations</p> <p>Other – please explain (max 25 words)</p>
13b	How would you make this change happen?	[100-word text box]

SECTION 4 – NATIONAL POLICY TO EFFECT CHANGE

The National Framework for Protecting Australia's Children (2009-2020) was Australia's only national policy approach to child protection. It contained ideals that do not always occur in reality.

Policy doesn't always lead to changes in practice. However, it can create targets, standards and investment priorities to guide and advance change.

Within the next national plan, SNAICC is concerned with achieving meaningful and fundamental change for Aboriginal and Torres Strait Islander children, families and communities.

#	QUESTION	OPTIONS
14	The last national framework did not achieve the necessary change. What needs to be done differently for the next 10-year national plan to be a success?	[150-word text box]

SECTION 5 – MEASURING IMPACT

15	How will we know that the national child protection plan is succeeding?	[300-word text box]
----	---	---------------------

SECTION 6 – CONCLUSION

16	Is there anything else you wanted to say?	[300-word text box]
----	---	---------------------

END OF SURVEY

If you have more to say, we would love to hear from you. If it is more than the space available here, we welcome written submissions and/or relevant organisation materials by Wednesday 14 April: submissions@snaicc.org.au

If someone you know also has valuable insights to contribute to the co-design of successor plan, please forward this survey to them.