



Discussion paper: Developing a Western
Australian 10 Year Roadmap to address the
overrepresentation of Aboriginal children in out-
of-home care

October 2022

SNAICC – National Voice for Our Children

Overview

Aboriginal people and organisations in WA have been calling for changes to the child protection system and more early support for families for many years. The Western Australian (WA) Government is committed to developing a 10-year Roadmap (the 'Roadmap') to address the overrepresentation of Aboriginal children in the state's child protection system and reduce the number of Aboriginal children entering out-of-home care. The WA Government recognises the best long-term strategy is to invest in initiatives that support Aboriginal families so their children can remain safely with them at home.

SNAICC – National Voice for our Children ('SNAICC') has been contracted to partner with the Department of Communities ('Communities') in a co-design process to ensure that the voices of children, their families and carers, and Aboriginal and Torres Strait Islander communities and organisations are front and centre in development of the Roadmap.

Who is involved?

SNAICC – National Voice for our Children ('SNAICC') is working with community leaders, Aboriginal Community Controlled Organisations (ACCOs) and the Department of Communities ('Communities'), to facilitate the design of the Roadmap with Aboriginal communities in WA.

Why do we need a Roadmap?

Across Australia, Aboriginal children are more likely to be the subject of substantiations, on care and protection orders, and in OOHC at a significantly higher rate than non-Aboriginal children.¹ Overrepresentation is a significant issue nationally.

Aboriginal children in Western Australia (WA) are over 17 times more likely to be removed from their families than non-Aboriginal children.²

There are many underlying causes of this high rate, including the ongoing impacts of trauma and policies of forced removal of Aboriginal children, lack of access to appropriate support, and socio-economic disadvantage.³

The Western Australian (WA) Government is committed to developing a 10-year Roadmap (the 'Roadmap') to address the overrepresentation of Aboriginal children in the state's child protection system.

¹ Australian Institute of Health and Welfare (2022) *Child protection Australia 2020–21*, AIHW, Australian Government.

² The Family Matters Campaign. (2021). *The Family Matters Report 2021*, p. 20. Retrieved from: <https://www.familymatters.org.au/wp-content/uploads/2021/12/FamilyMattersReport2021.pdf>

³ *Ibid.*, pp. 65-93.

To make sure that this Roadmap works for Aboriginal children and families it must be designed by Aboriginal people and organisations in WA.

The WA State Government recognises that the number of Aboriginal children entering care, in care, and the amount of time they remain in care is unacceptable and we can only address this by working together on a combined response.

To reduce the overrepresentation of Aboriginal children in out-of-home care the Government will listen to and be led by the voices of Aboriginal people. The Roadmap will be designed by Aboriginal people and ACCOs in WA and will be the key strategy for how the WA Government will achieve Target 12 under the National Agreement on Closing the Gap, and implement WA's commitments under *Safe and Supported: National Framework for Protecting Australia's Children 2021-2031* and the forthcoming *Safe and Supported* Action Plans. The Roadmap will guide the Government for the next 10 years on how to improve outcomes for Aboriginal children and families. Recent initiatives delivered in WA are making an impact but more needs to be done. Achieving Target 12 of the National Agreement on Closing the Gap, to reduce the overrepresentation of Aboriginal children in out-of-home care by 45 per cent within a decade, will require a focus on supporting children to remain safely at home with their families.

The Roadmap will be a whole of State Government strategic response to the very important issue of addressing the devastating and continuing impacts of past and current laws, policies and practices that too often caused disconnection, trauma and disadvantage. The Roadmap will commit State Government agencies to working differently with Aboriginal children, families and communities, to build on their strengths and change the ways that government works with communities. The Roadmap will consider the current landscape, what we know is already having an impact, and develop new responses to make a difference. Consideration will be given to current policies, strategies, programs, initiatives and reforms at the national, state and community level such as:

- A Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020-2030
- Aboriginal Family Safety Strategy 2022-2032
- All Paths Lead to a Home: Western Australia's 10 Year Strategy on Homelessness 2020-2030
- Aboriginal Community Controlled Organisation Strategy 2022-2032
- Aboriginal Cultural Capability Reform Program
- Building Safe and Strong Families: Earlier Intervention and Family Support Strategy including the Aboriginal In-Home Support Service, Pre-birth planning program, Best Beginnings Plus.
- Family Care Support Service

- Out-of-Home Care Commissioning Project
- Dandjoo Biki-ak: Therapeutic Pilot Court
- Target 120
- Health Navigator pilot
- Aboriginal Family Led Decision Making pilot
- Aboriginal Representative Organisations pilot
- At-Risk Youth Strategy 2022-2027

The Roadmap will bring together all the Government stakeholders that are needed to create a coordinated approach with community to reduce overrepresentation of Aboriginal children in OOHC.

Intended outcomes of the Roadmap

- Reduction of over-representation of Aboriginal children in out-of-home care and entering care
- Frontline staff have effective culturally competent and appropriate child protection practices
- Aboriginal children remain connected to culture, cultural identity, kin, and Country
- New ways of working are explored
- Aboriginal children and families are safe, maintain cultural connection and are thriving
- Communities contribute to the safety and wellbeing of Aboriginal Western Australians who access their services
- Internal staff are culturally competent
- Respectful and meaningful relationships with children, families and stakeholders are established, maintained, and strengthened
- Data research partnerships and coordination enable systemic reform.

Key considerations

SNAICC proposes that the Family Matters Building Blocks (the 'Building Blocks') are utilised to frame the action areas for the Roadmap. The Building Blocks are based on research, best practice and the knowledge of Aboriginal and Torres Strait Islander community and sector leaders. The Building Blocks are:

1. All families enjoy access to quality, culturally safe, universal and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive.

2. Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children.
3. Law, policy and practice in child and family welfare are culturally safe and responsive.
4. Governments and services are accountable to Aboriginal and Torres Strait Islander people.

BUILDING BLOCKS



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Prevention and early intervention – Addressing underlying factors driving overrepresentation of Aboriginal children in out-of-home care

The Roadmap will offer an opportunity to assess how current and past efforts to prevent entry into out-of-home care (OOHC) have worked, and what needs to be improved in order to address the factors that are driving overrepresentation of Aboriginal children in OOHC.

In WA, Aboriginal and Torres Strait Islander children are most likely to be notified for neglect and emotional abuse. Factors such as living in a socioeconomically disadvantaged area and families having inadequate resources to support children, exposure to domestic and family violence, and parental mental health or substance use concerns contribute to these outcomes. In many instances, a tertiary child protection intervention is unlikely to provide an

appropriate response for cases of neglect, where access to resources and education to support families is needed.⁴

Early investment in strengthening families provides long-term social and economic benefits by interrupting trajectories that lead to health problems, criminalisation, and child protection intervention.⁵

Developing the Roadmap will offer an opportunity to identify how these factors can be better addressed through prevention and early intervention, to consider how universal services and systems such as health, early childhood education and care, housing and education need to contribute to prevent child protection involvement, and to develop solutions in partnership with Aboriginal people, families and communities.

Creating mechanisms for Aboriginal self-determination and participation in shared decision-making with government

This Roadmap is being developed in the context of a range of reforms with respect to how government works with Aboriginal families, communities and organisations. Across the country, processes such as Aboriginal Family-Led Decision-Making (AFLDM), and delegation of statutory authority for decision-making are measures being enacted by governments to increase the participation and control that Aboriginal and Torres Strait Islander people have over decisions affecting children and families. Pilots for AFLDM and for Aboriginal Representative Organisations to be involved in placement decisions and the development and review of cultural support plans for Aboriginal children in OOHC are some recent initiatives in WA that will be considered as part of the development of the Roadmap.

At a national level, the *National Agreement on Closing the Gap* outlines Priority Reforms for government relationships with Aboriginal and Torres Strait Islander people, communities and organisations. Commitments to Partnerships and Shared Decision-Making have created effective mechanisms for Aboriginal and Torres Strait Islander people to participate in systemic and policy decision-making.

This Roadmap offers an opportunity to develop mechanisms for Aboriginal people in WA to participate equally in decision-making, system design and policy, alongside government. All options, such as the creation of a representative peak body, and expansion of existing initiatives that are working well to increase participation in decision-making and promote better outcomes for Aboriginal children, families and communities, will be considered.

⁴ Ibid.

⁵ The Family Matters Campaign (2017) *The Family Matters Roadmap*, retrieved from: <https://www.familymatters.org.au/wp-content/uploads/2016/11/TheFamilyMattersRoadmap.pdf> , p. 14.

Transforming systems, policy and practice

SNAICC and other experts in Aboriginal and Torres Strait Islander child safety and wellbeing agree that legislative, policy and practice changes are needed to support and drive change. The Roadmap may build on and strengthen key legislative reforms in the *Children and Community Services Amendment Act 2021* by embedding the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP),⁶ and , for example the inclusion Aboriginal Family-Led Decision-Making under legislation.

The Roadmap will also offer opportunities to build on initiatives such as the *Aboriginal Community Controlled Organisations Strategy 2022-2032* and the commissioning of out-of-home care services by building in further mechanisms for Aboriginal people, communities and organisations in WA to participate in system oversight, design, development and decision-making.

The processes and resourcing to support Aboriginal people, families and communities to participate effectively can be enhanced under the Roadmap. For example, the support required for Aboriginal kinship carers, legal and other support required by families can be reviewed and improved.

The Roadmap will also be able to consider the needs of the child protection workforce and service providers to develop more culturally safe ways to work with Aboriginal children and families. Developing the cultural capabilities, systems, processes and ways of working is essential for the Roadmap to be implemented effectively.

Creating mechanisms for better oversight, transparency and accountability

The Roadmap will also include measures to monitor, assess and evaluate the effectiveness of reforms, and for ongoing shared decision-making. Access to data, improving the evidence about what works, and providing Aboriginal communities, families and organisations with the information required to have effective input into decision-making will be key to ongoing implementation of the Roadmap.

Applying lessons from good practice in other jurisdictions

SNAICC will be referring to good practice examples of strategies, reforms and policy frameworks from other jurisdictions that align to the Family Matters Roadmap⁷ and which have progressed implementation of the Aboriginal and Torres Strait Islander Child Placement Principle.

⁶ SNAICC (2017) *Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle: A resource for legislation, policy and program development*, SNAICC – National Voice for our Children.

⁷ The Family Matters Campaign (2017) *The Family Matters Roadmap*, retrieved from: <https://www.familymatters.org.au/>

Victoria's *Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement* has been a significant step in government commitment towards self-determination. Signed in April 2018, *Wungurilwil Gaggapduir* is the country's first tri-partite agreement between the Aboriginal community, government and community services organisations committing to better outcomes for Aboriginal children and young people. The *Wungurilwil Gaggapduir Strategic Action Plan* outlines specific steps to be taken to address over-representation. Progress is monitored by the Victorian Aboriginal Children's Forum. The agreement and action plan aim to progress self-determination for Aboriginal peoples by ensuring that Aboriginal organisations are fully resourced to participate in program design and delivery. Important and significant features of the Agreement include a commitment to co-design a family services and out-of-home care model in partnership with ACCOs, resourcing for ACCOs to strengthen organisational capability in research and evaluation, and an outcomes framework based on key performance indicators identified by the Aboriginal Children's Forum.

Queensland's *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037* was developed by the Queensland Government in partnership with Family Matters to develop the Roadmap.⁸ *Our Way* outlines a commitment by the Queensland Government and the Aboriginal community to work together. It incorporates the four Family Matters Building Blocks based on research, best practice and the knowledge of Aboriginal community and sector leaders. Key aspects of the *Our Way* strategy will be outlined for stakeholder feedback as part of the co-design process.

Grounding in the knowledges, cultures, and experiences of Aboriginal communities in WA

Although Victoria's and Queensland's experiences can help inform development of the WA Roadmap, it is essential that the Roadmap is grounded in the unique experiences, cultures, and knowledge of the diverse Aboriginal communities throughout WA. Aboriginal and Torres Strait Islander stakeholders in WA have called for a fundamental reorientation of the child protection system by:

- replacing removal with healing and support for families
- prioritising reunification
- enabling self-determination
- strengthening families
- ensuring an Aboriginal-led response
- addressing structural racism

⁸ *Queensland's Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037* [Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families \(cyjma.qld.gov.au\)](https://www.cyjma.qld.gov.au/our-way)

- acknowledging the past as we move forward
- delegating decision-making and authority to ACCOs
- strengthening communities
- knowing and supporting the wellbeing of each child
- prioritising culture, language, Country and kinship
- embedding a holistic and trauma-informed approach
- following the Aboriginal and Torres Strait Islander Child Placement Principle, and
- cultivating strong relationships and communication.⁹

Building Blocks

In the following table, the Family Matters Building Blocks are used to set out broad directions for achieving this fundamental reorientation, and to provide a foundation for discussion. Further detail and specific actions will be developed through the co-design process.

Building Blocks	Potential Actions	Critical Questions
<i>All families enjoy access to quality, culturally safe, universal, and targeted services necessary for Aboriginal and Torres Strait Islander children to thrive</i>	<ul style="list-style-type: none"> – Introduce Three-Year Kinder to ensure Aboriginal and Torres Strait Islander children have access to 15 hours of funded kindergarten. – Stronger investment in ACCO-led early intervention and prevention services to ensure equity in coverage across the state and enable families to self-refer 	<ul style="list-style-type: none"> – How can the Roadmap improve access to ACCO-led early intervention and prevention services for children and their families? – What initiatives that are currently underway are working successfully and should we be expanding or building upon? – How can the Roadmap ensure that the limited investment in ACCO-led child and family services in WA is addressed? – How will we know we are succeeding in implementing Building Block 1?
<i>Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children</i>	<ul style="list-style-type: none"> – Commitment to expand the AFLDM Pilot Project to ensure broader coverage across the state and enable a placed-based approach – WA Government commits to establishing a state-based peak body for Aboriginal and 	<ul style="list-style-type: none"> – How can the Roadmap ensure that Aboriginal and Torres Strait Islander children and their families have increased participation in child protection decision-making? – What role do non-Indigenous organisations have in supporting Aboriginal and Torres Strait Islander people and organisations to achieve self-determination in the context of child and family services?

⁹ Centre for Social Impact. (2020). *Care and Protection System Co-Design Report: Moving to Child Safety and Family and Community Wellbeing*. Retrieved from: <https://www.wa.gov.au/system/files/2021-10/OOHC-Care-and-Protection-System-Co-Design-Report.pdf>

Building Blocks	Potential Actions	Critical Questions
	Torres Strait Islander children and families	– How will we know we are succeeding in implementing Building Block 2?
<i>Law, policy and practice in child and family welfare are culturally safe and responsive</i>	<ul style="list-style-type: none"> – ACCOs are resourced to participate in co-design process for scope and operation of Aboriginal Representative Organisations – ACCOs are resourced to engage in independent policy and advocacy work around child and family safety and wellbeing 	<ul style="list-style-type: none"> – How can the Roadmap ensure increased implementation of all five elements of the ATSI CPP? – What is required to successfully implement the legislative measures under the <i>Children and Community Services Amendment Act 2021</i>? – How will we know we are succeeding in implementing Building Block 3?
<i>Governments and services are accountable to Aboriginal and Torres Strait Islander people</i>	<ul style="list-style-type: none"> – Resourced, independent Aboriginal and Torres Strait Islander governance of the Roadmap – Establishment of a dedicated commissioner for Aboriginal and Torres Strait Islander children 	<ul style="list-style-type: none"> – What would effective, independent Aboriginal and Torres Strait Islander oversight of the Roadmap look like? – How can the Roadmap ensure that Aboriginal and Torres Strait Islander peoples lead in advancing the rights of children in WA? – How will we know we are succeeding in implementing Building Block 4?

How are we developing the Roadmap?

To make sure that the Roadmap is designed by Aboriginal communities and organisations, SNAICC in partnership with local ACCOs, will be holding regional forums across the state. Then a group of representatives, nominated by local community, from each of these regional forums will come together with Government in a state-wide workshop to design the Roadmap.

The development of the Roadmap will be guided by principles of partnership and shared decision-making to ensure that Aboriginal and Torres Strait Islander peoples are directly engaged and involved in its development. Partnership and shared decision-making with Aboriginal and Torres Strait Islander peoples has unique elements based on their internationally recognised rights to participate in decisions about the care and protection of their children, including:

1. **Representative participation:** Aboriginal and Torres Strait Islander peoples select their own representatives in decision-making and participate through their own institutions and procedures.
2. **Consultation in good faith:** Negotiations take place with Aboriginal and Torres Strait Islander peoples from the beginning and throughout decision-making with the aim of reaching agreement.

3. **Free, prior and informed consent:** Aboriginal and Torres Strait Islander peoples have adequate financial and technical resources, time and information to reach decisions without external coercion or manipulation. Their perspectives and positions are reflected in the outcomes of decision-making processes.¹⁰

Timeline

Year	Month	Steps
2022	October-November	Regional Consultation Forums coordinated and facilitated by SNAICC, in partnership with local ACCOs.
	November	Establishment of Roadmap Leadership Group to guide development of the Roadmap and initial action plan for its first 3 years of implementation.
2023	February	The Leadership Group, regional representatives, SNAICC and Government to participate in co-design forum and Roadmap drafting.
	March-June	Development of first 3-year action plan with direction from the Leadership Group.

How do I have my say?

Regional forums

You can have your say about what should be included in the 10 Year Roadmap by attending a regional consultation forum. Regional consultation forums are primarily seeking to engage Aboriginal community members and Aboriginal Community Controlled Organisations in WA. Details of regional consultation forums are available on the SNAICC website at:

<https://www.snaicc.org.au/wa-roadmap/>

Written or verbal submissions

If you would prefer you can provide a written or verbal submission to some or all of the questions below, and any aspect outlined in this Discussion Paper.

You can provide a written submission at submissions@snaicc.org.au or via the post:

SNAICC
Policy and Research Unit
27 Budd Street
Collingwood, VIC, 3066

¹⁰ SNAICC – National Voice for our Children. (2013). *Whose Voice Counts: Aboriginal and Torres Strait Islander participation in child protection decision-making*, p. 3-4. Retrieved from: <https://www.snaicc.org.au/wp-content/uploads/2016/03/Whose-Voice-Counts.pdf>

If you would like to speak with someone, to provide a verbal submission, please phone the SNAICC Policy and Research Unit on (03) 9419 1921 or email Emily Armstrong at Emily.armstrong@snaicc.org.au

Consultation questions

Prevention and early intervention – addressing underlying factors

1. How can the Roadmap address the factors for Aboriginal children and families that contribute to child protection involvement?
 - a. What needs to be done to increase availability and improve access to ACCO-led early intervention and prevention for Aboriginal children and their families?
 - b. What is already happening in communities and/or through ACCOs to support families that Government should support or build on?
 - c. What are the biggest challenges with ensuring access to early support services, early childhood education and care, and other services (such as health and housing)?
 - d. What needs to change in mainstream services and systems (e.g. early childhood education and care, health, housing and education) to enable better outcomes for Aboriginal children and families?

Progressing self-determination – effective family, community and state-wide participation and control in decision-making

2. What is needed to ensure Aboriginal and Torres Strait Islander children, their families and communities have increased participation and control in child protection decision-making?
 - a. What is needed for state-wide Aboriginal leadership and governance that will advance self-determination?
 - b. What do Aboriginal families and communities need for effective participation in decision-making?
 - c. What is needed for Aboriginal communities in WA to have effective ongoing oversight over implementation of the Roadmap?

Transforming systems, policy and practice

3. What needs to change in child protection systems, programs and practice to support increased cultural safety and better outcomes for Aboriginal children and families?
 - a. What are the gaps or barriers in legislation or policy and how do they need to change?
 - b. What practice changes are needed and what is needed to support changes in practice?

- c. How can support for Aboriginal children and families involved with the child protection system be improved?
- d. What support is needed for ACCOs to grow and implement their roles under the Roadmap?
- e. What role do non-Indigenous community services organisations have in supporting Aboriginal self-determination in child and family services?

Where can I find more information?

You can contact SNAICC on the details provided above if you would like to speak to someone about this project and how to participate.

You can also find SNAICC's Background Paper here if you would like to read more about the Roadmap project.