

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
TASMANIA
2019



SNAICC
National Voice for our Children

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1. Introduction

This report reviews the progress of the Tasmania Government in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). This review is conducted on the basis of the best practice approach set out in SNAICC, 2017, [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle – A Resource for Legislation, Policy, and Program Development](#) and SNAICC, 2018, [The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation](#).

It considers changes in the implementation of the five elements of the ATSICPP – prevention, partnership, placement, participation and connection – described in the diagram below across five interrelated system elements, since the comprehensive baseline analysis SNAICC released in April 2018 ([2018 Baseline Analysis](#)).¹ These system elements are legislation, policy, programs, processes and practice. The current review therefore only considers ATSICPP implementation efforts over the past year (from 1 May 2018 – 30 April 2019).

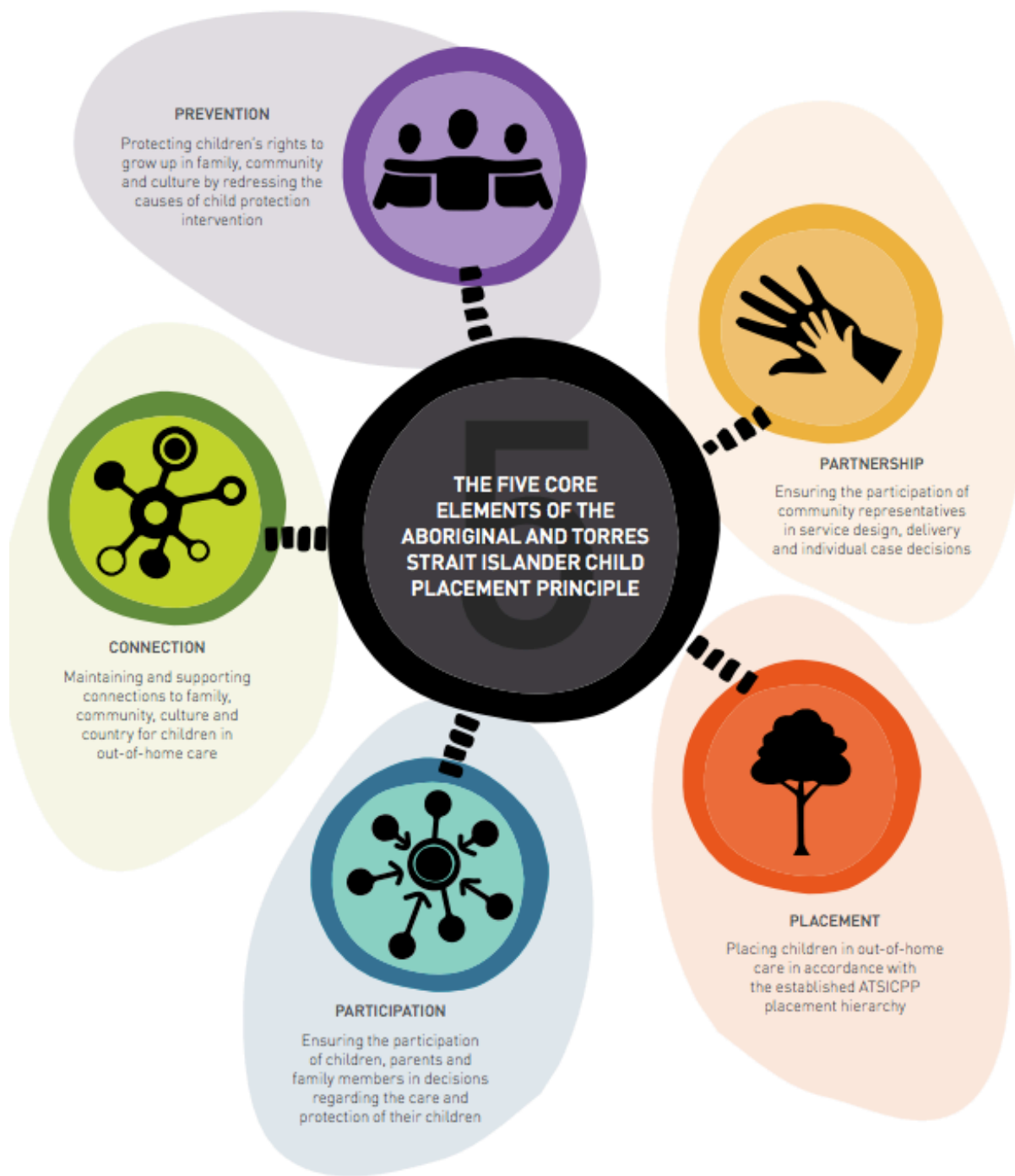
It is important to note that the review is somewhat limited in scope. It has a particular focus on child safety, protection, and family support service systems, and the work of government departments with primary responsibility for those systems. For example, the prevention element of the ATSICPP covers a broad scope of systems and multiple departmental responsibilities for universal service provision in areas such as health, education, and disability; however, these broader support systems are largely outside the scope of this review.

This review is based on available documentation gathered through a desktop review and input provided by the Tasmanian Government and Aboriginal and Torres Strait Islander sector leaders.

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

The purpose of this review, which will take place annually for all Australian states and territories, is to establish the current status of implementation of the ATSICPP in each state and territory in order to measure progress towards enhanced implementation.

¹ SNAICC (2018). *Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle, Tasmania, April 2018*. Available at <https://www.snaicc.org.au/wp-content/uploads/2019/02/ATSICPP-Baseline-TAS-Final-April-2018.pdf>.



2. Overview – Tasmania

Tasmania continues to have limited alignment of legislative, policy and process frameworks to meet the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP).

Importantly, the Tasmanian Government has continued its redesign of its child safety system towards prevention and early intervention (Strong Families, Safe Kids), with an additional \$24 million committed during this period, the launch of an Advice and Referral Line to establish a ‘single front door approach’ for earlier intervention and the trial of Intensive Family Engagement Services (IFES). The other major focus, however, has been the development of a Permanency Framework to strengthen placement stability for children and young people in the OOHC through permanent care options. This is concerning in the general context of poor implementation of the ATSICPP in Tasmania and the specific lack of mechanisms to ensure Aboriginal and Torres Strait Islander participation in policy reform, decision-making, system/service design or service delivery.

Key reform documents released since the 2018 Baseline Analysis continue to lack reference to Aboriginal and Torres Strait Islander self-determination or any significant emphasis on such participation. Policy developments, like the *Outcomes Framework for Children and Young People in Out of Home Care*, would have benefited from greater participation of Aboriginal organisations, with important opportunities to strengthen implementation of the ATSICPP missed. The engagement of an Aboriginal organisation to deliver an IFES is a promising exception.

There continues to be no Department-established placement programs or processes that align with best practice – for example, kinship and family scoping programs, placement identification, assessment and support programs, Aboriginal and Torres Strait Islander family-led decision-making (ATSIFLDM) for placement identification and decision-making or reconnecting programs. While a Foster Care Recruitment Project commenced, it does not include any specific supports for kinship carers.

Similarly, there remain no available policy documents or existing programs that provide for culturally safe and/or Aboriginal organisation supported family group conferencing. There is also no ATSIFLDM. While the Department reports that a case and care-planning project commenced in 2018, and includes considerations for cultural planning, there are still no publicly available procedures or guidelines about cultural support plans. There continues to be no publicly available processes generally and it therefore remains difficult to determine implementation across any of the ATSICPP domains.

The Tasmanian Government recently appointed the State’s first Child Advocate, an important development to support accountability and systems oversight. However, there remains no Commissioner for Aboriginal and Torres Strait Islander children and no funded peak body for Aboriginal and Torres Strait Islander children and families.

Data for 2017-2018 experienced a gap in data processes on disaggregation by Indigenous status as the Government moved from one process to another, leading to a higher number of clients of unknown Indigenous status. As a result of the high proportion of unknowns reported for 2017-18, this report excludes some relevant data for Tasmania in line with the approach taken by the Australian Institute of Health and Welfare in the 2019 Child Protection Australia report. The proportion of spending on intensive family support and family support in relation to other child protection services can be reported. This remains low and has decreased from 14.1% in 2016-17 to 13.1% in 2017-18,² below the national average of 17.1%.

Overall, the findings of this report highlight that Tasmania has a significant way to go to fully implement all elements of the ATSICPP. There are opportunities for strengthening its implementation in ongoing reform processes that could be seized and better utilised.

² Report on Government Services (2019). Chapter 16, Table 16A.7. Available at <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/community-services/child-protection>.

3. Prevention

There have been no changes to the relevant legislation, the *Children, Young Persons and Their Families Act 1997* (Tas), since the 2018 Baseline Analysis.

The Strong Families, Safe Kids (SFSK) reform that commenced in 2014 to reorient the out-of-home care (OOHC) system towards prevention and early intervention continued throughout the reporting period. In June 2018, the Tasmanian government committed an additional \$24 million to the redesign process on top of \$51.2 million already committed.³

The SFSK Advice and Referral Line was launched in December 2018 to establish a 'single front door approach' for earlier intervention. The consultation paper on the new service notes that Aboriginal organisations are to be the key service providers engaged in the referral process.⁴ The Department informs that this means that concerns relating to an Aboriginal child will be referred, where required, to an Aboriginal organisation. There is no publicly available information yet on family engagement with the Advice and Referral Line. The Department has committed to appointing two Aboriginal Liaison Officers within the new advice and referral service in 2019.⁵ The *Strong Families, Safe Kids Implementation Plan 2016-2020* indicates that there will be further consultation with the Aboriginal community regarding the proposed Aboriginal liaison officers.⁶ The Department did not report if this has occurred or if the Aboriginal liaison officers have yet been appointed.

The trial of Intensive Family Engagement Services (IFES) commenced in earnest during this period. Four organisations, including one Aboriginal organisation – TAC – were engaged in February 2018 to trial evidence-based intensive engagement, practical supports and role modelling with families to prevent the need for the removal of children. In a July 2018 update, the Department stated that an evaluation of the trial is set to commence "shortly" with the appointment of an independent evaluator.⁷ There have been no further public updates on this evaluation. An additional \$7.5 million has been allocated from 2018–19 to increase the availability of these services to more families and identify which evidence-based programs would be most effective for longer-term implementation in Tasmania across all population groups.⁸ While this is promising, there continues to be limited Department-funded and Aboriginal-run family support services, with the Department Annual Report 2017-18 listing only two funded Aboriginal organisations delivering community support programs (TAC and Karadi Aboriginal Corporation).⁹

The Department reports that the three-year Aboriginal Family Safety Initiative aimed at building the capacity of frontline services to support Aboriginal women and children affected by family violence also continued through the reporting period (Action 22 of *Safe Homes, Safe Families Tasmania's Family Violence Action Plan*). The Department informs that the initiative provides culturally appropriate support to Aboriginal women and children affected by family violence through two avenues: Aboriginal

³ Roger Jaensch, Minister for Human Services (2018). *An extra \$24 million to protect Tasmanian children at risk*, available at [http://www.premier.tas.gov.au/budget_2018/budget_releases/an_extra_\\$24_million_to_protect_tasmanian_children_at_risk](http://www.premier.tas.gov.au/budget_2018/budget_releases/an_extra_$24_million_to_protect_tasmanian_children_at_risk).

⁴ SNAICC (2018). *Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle, Tasmania, April 2018*, available at <https://www.snaicc.org.au/wp-content/uploads/2019/02/ATSICPP-Baseline-TAS-Final-April-2018.pdf>.

⁵ Department of Social Services (DSS), Australian Government (2018). *Fourth Action Plan 2018-2020*, available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf.

⁶ Department of Health and Human Services (DHHS), Tasmanian Government (2016). *Strong Families Safe Kids: Implementation Plan 2016-2020*, available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0007/220696/0032_Strong_Families_Safe_Kids_-_Implementation_v9_final.pdf.

⁷ DHHS, Tasmanian Government (2018). *Project Update - July 2018*. Available at https://www.dhhs.tas.gov.au/children/strongfamilies-safekids/cps_redesign_documentation/project_update_-_july_2018.

⁸ DSS, Australian Government (2018), *Fourth Action Plan 2018-2020*. Available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf.

⁹ DHHS, Tasmanian Government (2018). *Annual Report 2017-18*. Available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0005/355577/DHHS_Annual_Report_2017-18.pdf.

Family Safety Workers and a pre-employment training program. There are no publicly available policy documents on how this is being realised.

There continues to be no publicly available processes and it therefore remains difficult to determine if processes exist across any of the ATSI CPP elements.

The proportion of spending on intensive family support and family support in relation to other child protection services remains low, and has decreased from 14.1% in 2016-17 to 13.1% in 2017-18.¹⁰ This sits below the national average, which is 17.1%.

For 2017-18, Indigenous status in Tasmania was not cross checked with data from other databases. As a result, the number of clients of 'Unknown' Indigenous status is larger than in previous years, impacting the reliability of data disaggregated by Indigenous status. As a result, this report excludes data from Tasmania in line with the approach taken by the Australian Institute of Health and Welfare in the 2019 Child Protection Australia report. The Government informs that it has remedied this issue for future years.

¹⁰ Report on Government Services (2019). Chapter 16, Table 16A.7. Available at <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/community-services/child-protection>.

4. Partnership

Legislative and policy requirements for the partnership element of the ATSICPP remain weak, with very little emphasis on partnerships. The Department informs that a state-wide 'whole system' stakeholder engagement process called *Our Voice Our Future* occurred in February and March 2019. There is no publicly available information on this process; however, the Department reports that its aim was to create strategies for how government, non-government organisations and community work together to give vulnerable children in Tasmania the best opportunity to reach their potential. The Department also reports that ACCOs were included in a number of consultations over the reporting period. However, there is no publicly available evidence of any Aboriginal and Torres Strait Islander-specific consultations and there continues to be a lack of design, development and delivery of policy and programs in Tasmania by Aboriginal organisations. TAC's engagement to trial the IFES offers a promising exception.

There remain no Department-established programs for Aboriginal organisations to participate in child protection decision-making, to assist or lead in family participation through family group conferencing (there is no ATSIFLDM), or to take up case management or guardianship powers and functions.

There also remains a lack of identifiable processes that demonstrate best practice. It is understood that the Department is developing strategies to engage Aboriginal and Torres Strait Islander people to become contracted family group conferencing facilitators. The Department also reports that Child and Youth Services (CYS) finalised a new child safety practice framework in May 2019 and that '*Being culturally responsive*' is one of the four key practice elements. A plan is currently being developed to implement the framework throughout the Department and followed by external stakeholders. This framework is not yet publicly available.

In a positive step, in June 2018 the Tasmanian Government appointed the state's first child advocate (see 'participation'). However, there is still no Aboriginal Children's Commissioner to advocate for the interests of Aboriginal children in Tasmania.

The Department did partner with SNAICC over the reporting period to hold a two-day workshop to improve implementation of the ATSICPP. The Department also reports that it engaged an Aboriginal trainer to develop and deliver a training package *Understanding Aboriginal Children and Families* to Child Safety Staff to improve child safety and youth justice outcomes for Aboriginal children and their families in Tasmania.

5. Placement

There continues to be no available policy documents that emphasise preference for high-priority placements, or recognise or promote family and/or Aboriginal organisation participation in placement decision-making or otherwise-set-out best practice for this element.

The OOHC Foundations Project commenced during the reporting period to improve the quality of OOHC services and create a strong foundation for the OOHC system. It aims to deliver three outputs: an outcomes framework; a quality and accountability framework; and a future model for family-based care. *The Outcomes Framework for Children and Young People in Out of Home Care (Outcomes Framework)* was released by the Department in October 2018.¹¹ It seeks to establish clear expectations of what successful OOHC looks like to inform policies, procedures and practices across the OOHC system.¹² While the Outcomes Framework identifies family participation in decision-making as a success factor, it does not highlight the importance of identifying family and kin, nor does it include the importance of placing Aboriginal children with family. Additionally, the framework lacks emphasis on the importance of identification at the earliest possible point of child protection involvement, stating that this should occur “upon entry to care”.

A companion document that outlines an approach to monitor and report against the Outcomes Framework was due for completion in late 2018. The Department reports that this is still in development. The quality and accountability framework to identify roles, responsibilities and standards to be met by the Department and service providers in delivering outcomes for children and young people in OOHC is expected to start shortly, with consultations with key external stakeholders including Aboriginal organisations due to occur in mid-2019.

The Department also released *A Discussion Paper: A Future Program for Family Based Care* as part of the OOHC Foundations Project which considers the core elements required in family-based care.¹³ While the paper notes the need for a review of assessment tools for family-based carers, including specialist tools for Aboriginal and non-Aboriginal kinship carers, there is significant room for improvement to ensure that a future program for family-based care will have positive outcomes for Aboriginal and Torres Strait Islander children. Although it refers to using family group conferencing as a means of identifying who may be best placed within the family to take care of the child, noting that this could assist Aboriginal children to remain connected to family, community and culture, it does not include any information specifying culturally safe or adapted processes for Aboriginal families.

The discussion paper includes strengthening continuity of care for a child or young person as a core element in a future approach to family-based care. It states that the aim under this approach is to facilitate secure attachment, and consideration should be given to the appropriateness of accommodating carers seeking adoption or guardianship if the child is unable to return home.¹⁴ It failed to confirm, however, that Aboriginal and Torres Strait Islander communities and their organisations must lead the development of legislation and policy for permanent care of their children based on an understanding of their unique kinship systems and culturally informed theories of attachment and stability. Further, while the discussion paper highlights the delivery of therapeutic relationship-based care as a core element of family-based care, it does not acknowledge that trauma-informed responses for Aboriginal and Torres Strait Islander children must be led by Aboriginal and Torres Strait Islander peoples and communities. In November 2018, forums were held in a number of locations across Tasmania for carers, government and non-government agencies to discuss the

¹¹ Department of Communities, Tasmanian Government (2018). *Outcomes Framework for Children and Young People in Out of Home Care 2018*, available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0009/353979/Outcomes_Framework_for_OOHCT_20181011.pdf.

¹² Ibid.

¹³ Department of Communities, Tasmanian Government (2018). *Discussion Paper Series: A Future Program for Family Based Care Out of Home Care Foundations Project 2018*, available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0003/351957/Discussion_Paper_Future_Program_Family_Based_Care_17_October_2018.pdf.

¹⁴ Ibid.

issues identified in the paper. The Department reports that this process included consultation with Aboriginal organisations.

Consistent with the conclusions in the 2018 Baseline Analysis, there are no Department-established programs that align with best practice on placement – for example: kinship and family scoping programs; placement identification, assessment and support programs; ATSIFLDM for placement identification and decision-making; or reconnecting programs. In terms of assessment and support programs, the Government reports that a Foster Care Recruitment Project commenced in the reporting period. This includes a foster carers recruitment, assessment and retention team appointed for two years from early 2019 and a foster care helpline. However, the project does not include any specific supports for kinship carers who are the first priority in the ATSI CPP placement hierarchy for Aboriginal and Torres Strait Islander children.

It is unknown if there have been changes to practice in relation to the placement element due to a lack of reliable data.

6. Connection

The primary development in implementation of the connection element of the ATSI CPP during this period concerns permanency planning. Work commenced on the development of a *Permanency Framework*. The Tasmanian Government has committed \$900,000 over three years, from 2018–19, “to strengthen placement stability for children and young people in the child safety system through permanent care options”.¹⁵ The permanency framework will focus on timely decision-making; the provision of family engagement services to prevent children and young people entering the child protection system; ensuring children and young people that enter the system do so for the shortest time possible; and the ability to secure a permanent solution for children and young people that best meets their needs, now and into the future. It will also include the development of better processes and systems to support guardianship and adoption, with the support of targeted funding.

The Department states that the Permanency Framework will be developed in line with the Permanency Guiding Principles which have been agreed to by the Community Services Ministers across Australia. One of the nine principles is that compliance with all five domains of the ATSI CPP must be supported and measured. A Consultation Paper was released and key stakeholders were invited to make submissions in June this year.¹⁶ However, again, it is unclear if Aboriginal and Torres Strait Islander-specific consultation has or will occur. As previously mentioned, it is critical under the ATSI CPP that Aboriginal and Torres Strait Islander communities and their organisations lead the development of legislation and policy for permanent care of their children.

There are no specific references to any cultural care or support elements of case or care plans – or the plans themselves – in any available Tasmanian policy documents. The former Department of Health and Human Services (DHHS) released an updated *Tasmanian Child and Youth Wellbeing Framework* (the Wellbeing Framework) in June 2018.¹⁷ Its primary aim is to ensure that everyone, in all parts of Tasmania’s service system as well as in the broader community, has a strong, common understanding of child and youth wellbeing. The framework does not account for the unique centrality of culture, kin and community in the health and wellbeing of Aboriginal and Torres Strait Islander children. On a more positive note, the new Outcomes Framework on the wellbeing of children in OOHC (see ‘Placement’) does highlight the need for “Aboriginal and Torres Strait Islander children and young people [living in OOHC to] develop and maintain a connection with Aboriginal and Torres Strait Islander family, community and culture”.¹⁸

In terms of development in programs, the Department reports that a Tasmanian Aboriginal Elder regularly visits Aboriginal children in OOHC that are now in the Ashley Youth Detention Centre to support them to maintain a connection with their cultural heritage. It is unclear whether this is part of a broader program.

During the reporting period, the Department informs that they commenced a case and care-planning project to improve case and care planning for children and young people in OOHC. The Department reports that the project includes considerations for cultural planning. The project also considers case and care planning to deliver permanency. It is critical that permanence for Aboriginal and Torres Strait Islander children is identified by a broader communal sense of belonging; a stable sense of identity, where they are from, and their place in relation to family, mob, community, land and culture. There is

¹⁵ DSS, Australian Government (2018). *Fourth Action Plan 2018-2020*. Available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf.

¹⁶ Ibid.

¹⁷ DHHS, Tasmanian Government (2018). *Tasmania Child and Youth Wellbeing Framework 2018*. Available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0004/250987/Tasmanian_Child_and_Youth_Wellbeing_Framework_-_Web.pdf.

¹⁸ Department of Communities, Tasmanian Government (2018). *Outcomes Framework for Children and Young People in Out of Home Care 2018*. Available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0009/353979/Outcomes_Framework_for_OOHCT_20181011.pdf.

no publicly available information on this project or more generally on cultural care and support planning for Aboriginal and Torres Strait Islander children in OOHC.

The Department also reports that the redesign of its child protection services (known as Child Safety Services) has commenced as actioned in the *Strong Families Safe Kids Implementation Plan 2016-20* (Action 15: “restructure current child protection resources into small Child Safety Teams”).¹⁹ A Redesign Plan, developed in 2018, includes a set of strategies to guide the project. This is not publicly available and SNAICC is seeking further information about the Redesign Plan from the Department. However, the 2018 Baseline Analysis reported that the new structure of Child Safety Services includes reunification teams that will ‘work in partnership with services across government and the community sector’.²⁰ The Department provides no update on this.

There continues to be no reporting by the Department or otherwise on the completion, quality or implementation of case or care plans, including cultural care planning, or the rate of reconnection or contact with family.

¹⁹ DHHS, Tasmanian Government (2016). *Strong Families Safe Kids: Implementation Plan 2016-2020*. Available at https://www.dhhs.tas.gov.au/_data/assets/pdf_file/0007/220696/0032_Strong_Families_Safe_Kids_-_Implementation_v9_final.pdf.

²⁰ DHHS, Tasmanian Government (2016). *Redesign of Child Protection Services Tasmania – Report March 2016*. Available at http://www.dhhs.tas.gov.au/_data/assets/pdf_file/0003/214356/Redesign_of_Child_Protection_Services.pdf.