

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



SNAICC
National Voice for our Children

Table of Contents

| | |
|---------------------------------------|----|
| 1. Introduction | 3 |
| 2. Overview – Western Australia | 5 |
| 3. Prevention..... | 7 |
| 4. Partnership | 10 |
| 5. Placement..... | 12 |
| 6. Participation | 13 |
| 7. Connection..... | 14 |

1. Introduction

This report reviews the progress of the Western Australian 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](#)).² 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.

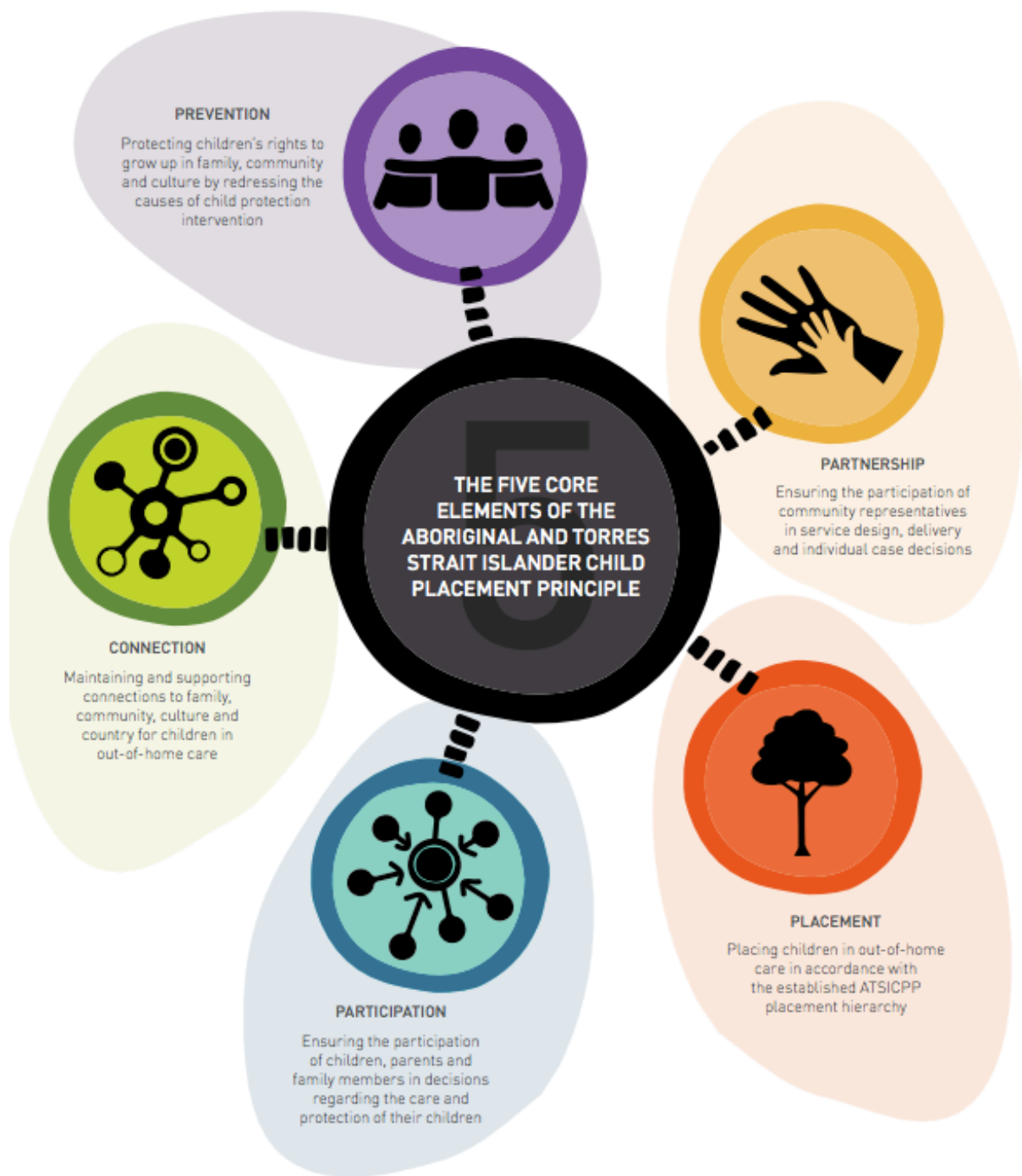
This review is based on available documentation gathered through a desktop review and input provided by the Western Australian Government and Aboriginal and Torres Strait Islander sector leaders.

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.”³

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.

² SNAICC – National Voice for our Children (2018). Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Western Australia. Available at <https://www.snaicc.org.au/wp-content/uploads/2019/06/ATSICPP-Baseline-WA-Final-April-2018.pdf>

³ Commonwealth of Australia (2018). Fourth Action Plan 2018-2020: Supporting Families, Communities and Organisations to Keep Children Safe. Available at https://www.dss.gov.au/sites/default/files/documents/01_2019/dss-fourth-action-plan-v6-web-final.pdf.



2. Overview – Western Australia

The *Children and Community Services Act 2004 (WA)* (the Act) continues to have limited alignment with the ATSI CPP elements. Legislative recommendations of the statutory review of the Act in 2017⁴ have yet to be implemented. While the Department has indicated their intention to amend the Act, it is not clear which of the recommendations will be implemented or when it will be initiated. The Department has acted on some of the non-legislative recommendations of the review.

The *Building a Better Future, Out-Of-Home Care (OOHC) Reform* continued over the reporting period, including the *Earlier Intervention and Family Support (EIFS)* strategy. The OOHC Reform Program Independent Reference Group, comprised of members from the sector, including ACCOs, Aboriginal representative bodies and public sector agencies, was established in 2019 to provide advice and support to the governing body (the OOHC Reform Program Board) to inform the design and implementation of the reform.

Despite a continued focus on early intervention and prevention policy and programs over the reporting period, the proportion of Western Australian spending on intensive family support services and family support services in relation to total child protection spending remained extremely low. Spending decreased from 6.7% in 2016-17 to just 4.8% in 2017-18.⁵ This is well below the national average expenditure of 17.1%, and Western Australia (WA) continues to have by far the lowest level of expenditure on intensive family support services and family support services in relation to total child protection spending.

Supporting the growth of ACCOs is included in the broader OOHC reforms and a recommendation of the 2017 statutory review. In the reporting period, the Department awarded tenders to 12 ACCOs directly or as partner agencies across WA's earlier intervention services. One of the awarded tenders was to a consortium of four Noongar ACCOs to provide Aboriginal In-Home Support Services. Increased funding for services delivered by ACCOs is a promising step towards realisation of the 'Partnership' element of the ATSI CPP. However, Aboriginal community sector input to this report informed that greater efforts are needed to increase the capacity of ACCOs. Specifically, there continues to be a very limited role for ACCOs in OOHC case management, with ACCOs supporting only 6% of Aboriginal children in OOHC through one funded agency.⁶ Further, while the Noongar Family and Safety Wellbeing Council remains funded as a regional peak body, there is no state-wide peak body and no dedicated commissioner for Aboriginal and Torres Strait Islander children in WA.

Measures taken to strengthen compliance with the placement hierarchy over the reporting period include the introduction of a KPI measure to monitor adherence to the placement hierarchy in the Client System, Critical Management Report and the commencement of the Family Care Support Service. However, the rate of placement of Aboriginal and Torres Strait Islander children with kin or other Aboriginal and Torres Strait Islander carers in WA remained unchanged in the reporting period. In 2016-17 and 2017-18, 59.5% of Aboriginal or Torres Strait Islander children were placed with kin or other Aboriginal and Torres Strait Islander carers.⁷ This is below the national figure of 64.5%.⁸ In 2017-18, 46.9% of Aboriginal and Torres Strait Islander children were placed with Aboriginal and Torres Strait Islander carers, a slight decrease from 47.4% in 2016-17.⁹

There continues to be very limited Western Australian policy, programs, processes and practice that explicitly provides for or promotes child and family participation in decision-making. There are some

⁴ Department of Communities (2017). Statutory Review of the *Children and Community Services Act 2004*. Available at <https://www.dcp.wa.gov.au/ccsactreview/Documents/Statutory%20Review%20of%20the%20Children%20and%20Community%20Services%20Act%202004.pdf>

⁵ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.7.

⁶ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

⁷ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

⁸ Ibid.

⁹ Ibid.

processes in place to ensure that Aboriginal convenors are sought out for pre-hearing conferences, and the Department reports that it is undertaking work to attract and retain Aboriginal 'signs of safety' convenors. However, without appropriate legislation, policy or programs that support independent participation, family meetings may remain culturally unsafe and not allow for Aboriginal children and families to be self-determining.

Similarly, there have been no changes to legislation, policy, programs or processes in relation to cultural support plans throughout the reporting period. Cultural support plans are not currently required by legislation and ACCO participation in their development, implementation and monitoring remains limited. It is noted that the recommendations of the statutory review include new requirements regarding cultural support planning and ACCO participation.¹⁰ The Department informed that its Stability and Connection Planning Policy is nearing its final stage of development and will replace the current Permanency Planning Policy. The Department reports that this includes policy and related practice guidance on the requirement for cultural support planning and will align with all five elements of the ATSCPP. The Department did not report if ACCOs were consulted in the development of the policy or practice guidance.

WA has the highest rate of overrepresentation in OOHC nationally. Aboriginal and Torres Strait Islander children in WA are now 17.8 times more likely to be placed in OOHC than a non-Indigenous child.¹¹ This represents a slight increase from the previous year (17.4 times more likely in 2016-17). Aboriginal children now represent more than 55% of the total children in OOHC in WA.¹²

Overall, the findings of this report highlight that while there has been some positive steps in implementation of the prevention and participation elements, significant work is required across each element before full implementation of the ATSCPP can be achieved.

¹⁰ Department of Communities (2017). Statutory Review of the *Children and Community Services Act 2004*. Available at

<https://www.dcp.wa.gov.au/ccsactreview/Documents/Statutory%20Review%20of%20the%20Children%20and%20Community%20Services%20Act%202004.pdf>

¹¹ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

¹² Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

3. Prevention

There have been no changes to the Act during this period and the recommendations from the 2017 legislative review have yet to be implemented. The 2016 *Building a Better Future, OOHC Reform in WA* continued during the reporting period, with its first priority to prevent children entering OOHC and a specific focus on reducing the rate of Aboriginal children entering OOHC.¹³ The *Building Safe and Strong Families: Earlier Intervention and Family Support (EIFS) Strategy* also continued in the reporting period as a key aspect of this broader OOHC reform.¹⁴ In 2018, the WA Government allocated \$110 million over five years for the EIFS Strategy to address the over-representation of Aboriginal children in OOHC.

In February 2019, Premier Mark McGowan announced the Government's *Our Priorities: Sharing Prosperity* targets, outlining six key outcome areas which aim to deliver better outcomes for all Western Australians.¹⁵ The Department reports that two of the key outcome areas, 'A Bright Future' and 'Aboriginal Wellbeing', set out activities to implement real, positive change for Aboriginal and Torres Strait Islander children. However, no targets are specific to Aboriginal children. The target for the 'Aboriginal Wellbeing' outcome is to reduce the number of Aboriginal adults in prison and the targets for 'A Bright Future' are focused on educational outcomes for *all* children from early years to high school. In addition, the Department reports that it is in the process of finalising an Action Plan for At Risk Youth with a series of strategic actions designed to improve outcomes for young people at risk in Western Australia.

In terms of programs, in April 2019, the Government announced an additional \$30.9 million to be provided in the 2019-2020 State Budget for the Government's Stopping Family and Domestic Violence Policy. This will deliver a suite of initiatives to address family and domestic violence (FDV) including \$11.7 million to establish two new FDV one-stop hubs and \$1.1 million continued funding for the Kimberley Family Violence Service. The hubs are being developed in consultation with key stakeholders and are expected to be established in 2020.¹⁶ The Department's *10 year Strategy for Reducing Family and Domestic Violence*, currently under development, will include a focus on primary prevention to address the drivers of FDV, including in Aboriginal communities. The Department reports that this will be developed in consultation with Aboriginal peoples and communities. As part of this process, the Department held the Aboriginal Family Safety Summit (Summit) in February 2019, with experts and leaders in Aboriginal family safety, to determine next steps for progressing a dedicated approach to Aboriginal family safety.

The EIFS Strategy supported the establishment of an Aboriginal In-Home Support Service (AISS) to provide intensive in-home support for families to address practical and therapeutic support needs in a culturally responsive manner.¹⁷ The Department provided funding in the reporting period for the pilot of an AISS, and a consortium of four Noongar ACCOs known as Wungening Moort (Healing Families) won the contract to deliver the pilot through a direct tender process.¹⁸ Under the AISS initiative, the

¹³ Department for Child Protection and Family Support (2016). *Building a Better Future, Out-Of-Home Care Reform in Western Australia*

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

¹⁴ Department for Child Protection and Family Support (2016). *Building Safe and Strong Families: Earlier Intervention and Family Support Strategy*. Available at

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

¹⁵ Government of Western Australia (2019). *Our Priorities: Sharing Prosperity*. Available at

<https://www.wa.gov.au/government/our-priorities-sharing-prosperity>

¹⁶ Government of Western Australia (2019). *\$30.9 Million Boost to Tackle Family and Domestic Violence*.

Available at <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/04/30-point-9-million-dollar-boost-to-tackle-family-and-domestic-violence.aspx>

¹⁷ Department for Child Protection and Family Support (2016). *Building Safe and Strong Families: Earlier Intervention and Family Support Strategy*. Available at

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20Safe%20and%20Strong%20Families%20-%20Earlier%20Intervention%20and%20Family%20Support%20Strategy.pdf>

¹⁸ Government of Western Australia. (2018). *\$20 Million Contract to Keep WA Children Out Of Care*, retrieved from Department for Child Protection and Family Support (2016). *Building Safe and Strong Families: Earlier*

Department reports that it is providing \$20.7 million over three years and five months for intensive in-home practical support for up to 240 high-risk Aboriginal families in the Perth metropolitan area. The sector reiterates concern that the new AISS will not be able to effectively support families to deal with diverse and complex issues in the maximum identified 16-week period of support. Each family is different and any model should have the flexibility to adapt support to their needs. The goals of the program would also be better met by allowing for ACCO, family and self-referral, in addition to Family Support Networks and the Department.

Family Support Networks (FSNs) continued to operate in the reporting period. FSNs are a partnership between the community service sector and the Department. These partnerships seek to enable an integrated and coordinated service approach by linking families into an integrated and coordinated range of services.¹⁹ FSNs provide two streams of support: assessment and coordination, and intensive case management. Currently, FSNs only operate in the metropolitan area. There are three lead service providers (Centrecare, MercyCare and Communicare) which each have partnered with an ACCO (Yorgum and Wungening) in service locations (Mirrabooka/Joondalup, Perth/Midland, Cannington/Armadale and Fremantle/Rockingham).²⁰ The Department does not currently have plans to roll out the FSNs to regional areas.²¹ According to the Department, the Aboriginal Engagement Project at the Mirrabooka FSN was a pilot project that ran from February to December 2017 and has not been continued or expanded to other sites.

Intensive Family Support Services (IFFS) were also included in the suite of new and/or enhanced community sector provided services as part of the EIFS Strategy. The Department reports that these services include tertiary family preservation, family enhancement and reunification services. The Department reports that from June to September 2018 numbers of IFSS increased from five to 17 and were expanded to regional areas. These contracted services prioritise Aboriginal family referrals and run until 30 June 2023.²²

The Department indicated that the proposed independent review of the Family Support Networks, which provide a common entry point to support services for vulnerable families, is currently underway. Further, no update was provided on whether the new parent-baby support service specifically for Aboriginal parents – announced in 2016 and which was to be co-designed with ACCOs – has progressed. An online fact-sheet produced in 2016 about the planned service states that it was due to commence in July 2018.²³

Despite a continued focus on early intervention and prevention policy and the EIFS seeking to more effectively target funding to services that divert families from entering OOHC, the proportion of WA spending on intensive family support services and family support services in relation to total child protection spending remains extremely low. Spending decreased from 6.7% in 2016-17 to just 4.8% in 2017-18.²⁴ This is well below the national average expenditure of 17.1% and WA continues to have by far the lowest level of expenditure on intensive family support services and family support services in

Intervention and Family Support Strategy. Available at <https://www.mediastatements.wa.gov.au/Pages/McGowan/2018/02/20-million-dollar-contract-to-help-keep-WA-Aboriginal-children-out-of-care.aspx>

¹⁹ SNAICC – National Voice for our Children (2018). Baseline Analysis of Best Practice Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Western Australia. Available at <https://www.snaicc.org.au/wp-content/uploads/2019/06/ATSICPP-Baseline-WA-Final-April-2018.pdf>

²⁰ Family Support Network (2018). WA Family Support Network Operating Framework, available at <https://www.wafsn.org.au/wp-content/uploads/2018/08/Operating-Framework.pdf>

²¹ Department of Communities (2019). Funding/Procurement/Consultation, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Pages/EIFSSQandA.aspx>

²² Department of Communities. (2018). Supporting Safer, Stronger Families in Regional Areas, available at <https://www.mediastatements.wa.gov.au/Pages/McGowan/2018/06/Supporting-safer-stronger-families-in-regional-areas.aspx>

²³ Department for Child Protection and Family Support (2016). Parent and Baby Support Service, available at <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Parent%20and%20Baby%20Support%20Service%20Fact%20sheet.pdf>

²⁴ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.6

relation to total child protection spending. Of all children commencing an intensive family support service in WA in 2017-2018, 32.5% were Aboriginal and Torres Strait Islander,²⁵ up from 31.3% in 2016-17.

Aboriginal and Torres Strait Islander children in WA are now 17.8 times more likely to be placed in OOHC than a non-Indigenous child.²⁶ This represents a slight increase from the previous year (17.4 times more likely in 2016-17). WA has the highest rate of overrepresentation in OOHC nationally. Aboriginal children in WA today represent more than 55% of the total children in OOHC.²⁷ In the 2016 Census, Aboriginal and Torres Strait islander people made up 3.1% of the population in WA.²⁸

More broadly, the ACCO sector remains concerned that programs do not in fact operate as either 'preventative' or 'early intervention' programs, and instead appear too late in the life of issues where families are on the cusp of having their children removed. WA has a significant way to go before the 'prevention' element of the ATSICPP can be realised.

²⁵ Steering Committee for the Review of Government Service Provision, Productivity Commission, Report on Government Services – Chapter 16 – Child Protection, 2019, Table 16A.32.

²⁶ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

²⁷ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

²⁸ ABS (2016). Census QuickStats. Available at https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/5?opendocument

4. Partnership

The recent statutory review of the Act recommended that strategies be implemented, in partnership with ACCOs, to support capacity building to enhance the role of ACCOs in delivering child protection and family support services to Aboriginal families and communities (recommendation 17).²⁹ The Department has incorporated a number of initiatives to progress this recommendation within the broader OOHC reform agenda. This was also a focus of the *Aboriginal Services and Practice Framework 2016-2018*, along with developing cultural safe and responsive practice and strengthening local partnerships.³⁰ The Department informs that a new framework is under exploration.

The OOHC Reform Program Independent Reference Group was established in 2019 to provide advice and support to the governing body (the OOHC Reform Program Board) to inform the design and implementation of the *Building a Better Future, OOHC Reform*. The Reference Group comprises members from the sector including ACCOs, Aboriginal representative bodies and public sector agencies. In particular, it will advise on the procurement of new models of OOHC from community service organisations (CSOs) to deliver agreed outcomes for children, particularly Aboriginal children.³¹

The OOHC Reform plan states that the Department will strategically support the growth of ACCOs to facilitate the increased provision of services to Aboriginal children and families, acknowledging that “service provision by Aboriginal people for Aboriginal people is appropriate and effective”.³² The Department reports that as part of the OOHC reform, service contracts will require all non-ACCO OOHC tender respondents to demonstrate partnership with an ACCO, Aboriginal Reference Group or Aboriginal community group. Tender responses are expected to include a plan that sets out what responsibilities will be assumed by each party in delivery of OOHC services and how. The *ACCO Strategy to 2022* outlines opportunities for ACCO procurement using least restrictive procurement processes and ACCO capacity building.³³ In the reporting period, the Department awarded tenders to 12 ACCOs directly or as partner agencies across WA’s earlier intervention services.³⁴ The Aboriginal In-Home Service was a restrictive tender for ACCOs and is now being delivered by a consortium of four Noongar ACCOs.

The Department informs that it has introduced capability matrices in case practice supervision, which all have a cultural lens component under skills, knowledge, behaviour and attitude, although it is not known what this includes. The Department reports that an Aboriginal Practice Leader was the primary author on the matrices; however, the extent of external consultation with Aboriginal organisations is unknown. Internal cross-cultural and cultural competence training for child protection workers incorporates both Aboriginal and non-Aboriginal perspectives throughout the training. The WA Government signed the Family Matters Statement of Commitment in the reporting period, pledging to break the traumatic cycle of Aboriginal and Torres Strait Islander child removal and halve the number of children in OOHC. The Department also partnered with SNAICC to hold a two-day workshop to improve implementation of the ATSICPP.

²⁹ Department of Communities (2017). Statutory Review of the *Children and Community Services Act 2004*. Available at

<https://www.dcp.wa.gov.au/ccsactreview/Documents/Statutory%20Review%20of%20the%20Children%20and%20Community%20Services%20Act%202004.pdf>

³⁰ Department for Child Protection and Family Support (2016). *Aboriginal Services and Practice Framework 2016-2018*. Available at

<https://www.dcp.wa.gov.au/Resources/Documents/ABORIGINAL%20SERVICES%20AND%20PRACTICE%20FRAMEWORK.pdf>

³¹ Department of Communities (2019). OOHC Project Reference Group – Terms of Reference April 2019, available at <https://www.communities.wa.gov.au/projects/oohc-reform-independent-reference-group/>

³² Department for Child Protection and Family Support (2016). *Building a Better Future, Out-Of-Home Care Reform in Western Australia*, p. 34

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

³³ Department of Communities (2018). *ACCO Strategy to 2022*. Available at

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/ACCO%20Strategy%20to%202022.pdf>

³⁴ Family Matters (2019). *The Family Matters Report 2019*. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

While these represent steps in the right direction, ACCO input informs that the Department's efforts to increase the capacity of ACCOs are yet to take effect in practice, with Yorganop remaining the only ACCO providing foster care in WA and only supporting a small proportion of Aboriginal children in OOHC (6%).³⁵ There also remain no formal programs for the involvement of a 'representative organisation' or Aboriginal and Torres Strait Islander agencies in placement or significant decision-making (as is required by the Act), no state-wide peak body and no dedicated commissioner for Aboriginal and Torres Strait Islander children in WA.

In 2017-18, 12% of funding was expended on ACCO-provided child protection, OOHC, family support and intensive support services, which was a slight increase from 10% in 2016-17.³⁶ However, it is important to note that the WA data is very different to data reported by other states and territories in the *Family Matters Report*, as the total expenditure provided in each category is only for external funded services, not the total state investment. This means that the percentage of funding to ACCOs is inflated and appears much higher than it would if the total budget funding was reported.

³⁵ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

³⁶ Ibid.

5. Placement

The Department has not yet responded to the series of legislative recommendations of the 2017 statutory review in relation to the order of the placement hierarchy and demonstration of its application.

The OOHC Reform plan involves a number of policy, funding and workforce changes to increase the support provided to kinship carers.³⁷ The Department reports that recent strategies and initiatives to provide improved support to kinship carers include developing a more inclusive assessment and review process, and providing kinship carers with more timely and accessible information and learning opportunities.

As part of the OOHC reform agenda, the Family Care Support Service commenced in October 2018 to provide support for kinship carers where there is a risk of children being moved to non-kinship care arrangements.³⁸ The service aims to strengthen and support care arrangements with family carers to keep children with family and maintain their connections with culture and country. The Department reports that the service has a focus on supporting Aboriginal children and family carers to overcome issues of structural disadvantage and intergenerational trauma.

A Care Arrangement Matching Framework has been developed and is being used to improve the Department's ability to link Aboriginal children with Aboriginal carers. The Department also reports that it is exploring the procurement of innovative models as part of service system redesign of OOHC focused on group foster care in regional and remote areas of WA, to support more children to remain in their community and with their siblings. However, there continue to be no programs for and limited avenues to support the role of ACCOs and families in kinship carer and other placement identification, assessment and support processes.

The Department reports that the Client System, Critical Management Report now contains a KPI measure relating to the placement element of the ATSI CPP, providing a clear way to track performance in relation to placing Aboriginal children in accordance with the placement hierarchy. In feedback to this report, sector leaders shared concerns, however, that Department policy and processes for the approval of placements were still not being followed. They also highlighted the importance of the Department demonstrating compliance with the placement hierarchy over time, as there is currently no ongoing monitoring of care arrangement changes and how these meet the ATSI CPP.

Despite an increased focus on supporting kinship carers and compliance with the placement hierarchy, the rate of placement of Aboriginal and Torres Strait Islander children with kin or other Aboriginal and Torres Strait Islander carers in WA remained unchanged in the reporting period (2017-2018) at 59.5%.³⁹ This is below the national figure of 64.5%.⁴⁰ In 2017-18, 46.9% of Aboriginal and Torres Strait Islander children were placed with Aboriginal and Torres Strait Islander carers, which is a slight decrease from 47.4% in 2016-17.⁴¹

Sector leaders expressed concern that placement decisions are still made quickly, seeking long-term solutions before fully exploring family and Aboriginal placements or finding placements where siblings can stay together. In many cases, sector leaders report that children are placed with an approved carer in circumstances where family has not even been approached.

³⁷ Department for Child Protection and Family Support (2016). Building a Better Future, Out-Of-Home Care Reform in Western Australia

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Building%20a%20Better%20Future.pdf>

³⁸ Government of Western Australia (2018). Supporting Safer, Stronger Families in Regional Areas. Available at <https://www.mediastatements.wa.gov.au/Pages/McGowan/2018/06/Supporting-safer-stronger-families-in-regional-areas.aspx>

³⁹ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf

⁴⁰ Ibid.

⁴¹ Ibid.

6. Participation

There remains very little WA policy that explicitly provides for or promotes child and family participation in child protection decision-making. The Department states that while there is no single 'participation' policy per se, the importance of child and family participation is integrated throughout Department policies, practice frameworks and procedures in the Casework Practice Manual. However, specific policies and quality family decision-making processes are needed to set out how child and family participation will occur. This is required to ensure Aboriginal children and families are involved in all child protection decisions affecting them, including intervention, placement, care and judicial decisions. There also remains no Aboriginal family-led decision-making model – best practice for this element.

Feedback from the WA ACCO sector remains that the 'Signs of Safety' meetings are not culturally safe or competent, with non-Aboriginal facilitators and decision-makers from within the Department, and no decision-making ability for Aboriginal family. For 'Signs of Safety' pre-hearing conferences, the Department reports that work has occurred to attract and retain Aboriginal Signs of Safety Convenors. The Department informs that Legal Aid always seeks an Aboriginal Convenor first if the pre-hearing conference is for an Aboriginal family. There is no data on the proportion of pre-hearing conferences that are facilitated by Aboriginal Convenors. Sector leaders are seeking the introduction of Aboriginal and Torres Strait Islander family-led decision-making as a best-practice approach for family participation.

In 2019, a pre-birth pilot for the facilitation of pre-birth meetings by an independent convenor was established at King Edward Memorial Hospital and Fiona Stanley Hospital. The Department informs that feedback to date has been positive from hospitals, families and communities districts. The Department did not report that any steps have been taken to ensure the pre-birth pilot is culturally safe for Aboriginal families, and sector leaders reiterated concern about the lack of cultural safety. There has been little progress in the project *Getting Ready for Pre-Birth Planning* which aims to increase the number of Aboriginal families actively participating in pre-birth meetings and to promote earlier collaborative planning, which is still in the commencement phase.

There is no available data on the participation of children and families in decision-making, such as pre-hearing conferences or 'Signs of Safety' meetings.

7. Connection

There have been no changes to legislation, policy, programs or processes in relation to cultural support plans throughout the reporting period. Department has not yet responded to the recommendation of the 2017 statutory review that cultural support plans accompany section 61 and section 143 reports (recommendation 10).⁴² Cultural support plans are not currently required by legislation and ACCO participation in their development, implementation and monitoring remains limited. The Manual specifies that care plans must include a culture and identity component and that an Aboriginal Practice Leader within the Department must be consulted when a care plan is being developed for an Aboriginal child (see the 2018 Baseline Analysis for more detail). There is no data available on the extent to which this occurs in practice.

The statutory review also recommended that the safety, stability and continuity of care, and sense of identity and belonging for children in the CEO's care should continue to be promoted through implementation of the Department's permanency planning policy (recommendation 35). The Department informs that its Stability and Connection Planning Policy is nearing its final stage of development and that it both includes policy and related practice guidance on the requirement for cultural support planning and will align with all five elements of the ATSICPP. It is not known whether ACCOs were consulted in the development of the policy. It is critical that Aboriginal and Torres Strait Islander communities and their organisations 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.

A Charter of Rights for Families is under development for families who have contact with the Department resulting from concerns about the wellbeing of their children. This was a recommendation included in the Statutory Review. It is not known whether the charter will include rights that are specific to Aboriginal children and families, including the right to self-determination and the right to grow up in community and culture.

The Native Title for Children in the Care of the CEO Policy has now been endorsed for implementation. The *Native Title Project: Connecting Aboriginal and Torres Strait Islander Children in Care* is an emerging initiative that aims to connect Aboriginal children in care to any entitlements arising from current or future Native Title claims in WA. Details of the project are not available online. It is not known when the policy, practice guidance and tools will be released.

The second priority of the OOHRC Reform plan is to reunify children with parents, with a particular focus on Aboriginal children and families. The Department did not provide any update on the rate that Aboriginal children were reunified with their families to inform the 2019 Family Matters Report. Publicly available data suggests that WA has lower rates of permanent care orders than most jurisdictions.⁴³

⁴² Department of Communities (2017). Statutory Review of the *Children and Community Services Act 2004*. Available at

<https://www.dcp.wa.gov.au/ccsactreview/Documents/Statutory%20Review%20of%20the%20Children%20and%20Community%20Services%20Act%202004.pdf>

⁴³ Family Matters (2019). The Family Matters Report 2019. Available at https://www.familymatters.org.au/wp-content/uploads/2019/10/1097_F.M-2019_LR.%C6%92.pdf