

Mr Romlie Mokak
Commissioner
Productivity Commission
Locked Bag 2, Collins St East
Melbourne VIC 8003
Via online lodgement

23 August 2019

Dear Mr Mokak,

RE: Indigenous Evaluation Strategy

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to provide advice in relation to the Productivity Commission's development of a whole-of-government evaluation strategy for policies and programs affecting Aboriginal and Torres Strait Islander people.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians and to strengthen the community services sector that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist people on low incomes and experiencing disadvantage Australia wide.

Between April 2018 and June 2019, WACOSS and the Noongar Family Safety and Wellbeing Council held a series of roundtables about partnerships between Aboriginal Community Controlled Organisations and Community Service Organisations. The purpose of the roundtables was to develop partnership values and practices to improve outcomes for Aboriginal and Torres Strait Islander children and families. Please find attached to this letter a copy of the report resulting from these roundtables to help inform your considerations regarding the Indigenous Evaluation Strategy.

Please do not hesitate to contact us if you have further questions. We would welcome the opportunity to discuss this with the Commission should you visit WA and would be happy to assist in convening a roundtable conversation with key stakeholders.

Yours sincerely,

Louise Giolitto
WACOSS CEO

**Partnering with Aboriginal Community Controlled Organisations
to deliver trusted services with stronger outcomes
for Aboriginal people**

**West Australian Council of Social Service and
Noongar Family Safety and Wellbeing Council**



CONTENTS

Executive Summary and Recommendations	3
Background	5
Purpose	5
Part 1 - A Better Future for Aboriginal Children	6
Vision statement	6
Improving outcomes for Aboriginal children and families	8
Values	8
Transitioning children from government care	9
Practice improvements	10
Accountability and monitoring	14
Legislation	15
Part 2 - Partnering Together for Ngulla Boodjar (Our Land); Ngulla Moort (Our Family); Ngulla Kaartadjin (Our Knowledge)	16
Introduction	16
Scope	18
Partnership values	18
Partnership practices	19
Government's role in facilitating partnerships	20
Table of partnership practices	22
Conclusion	23
Limitations of this Report	23

EXECUTIVE SUMMARY

Between April 2018 and June 2019, The West Australian Council of Social Service (WACOSS) and the Noongar Family Safety and Wellbeing Council (NFSWC), held a series of roundtables about partnerships between Aboriginal Community Controlled Organisations (ACCOs) and Community Service Organisations (CSOs). The purpose of the roundtables was to develop partnership values and practices to improve outcomes for Aboriginal and Torres Strait Islander¹ children and families and to better understand the systemic, cultural and inter-agency reasons why the potential of partnership with ACCOs has not been fully realised in WA. The project sought to articulate the rationale for improved engagement between ACCOs, CSOs and public sector agencies, and to identify common ground in our commitment to improving the lives of Aboriginal people.

Attendance was dominated by services involved in the children and family services sector, particularly Out of Home Care (OOHC) and child protection, including the Department of Communities (Communities). It became clear early in the project that the significant concerns of all participants about the wellbeing of Aboriginal children and families needed to be addressed, *in parallel with* conversations about partnering. These concerns included issues such as increasing rates of Aboriginal child removal; unsatisfactory rates of adherence to the Aboriginal Child Placement Principle; lack of documentation and implementation of robust Cultural Safety Plans; inadequate legal representation in court proceedings and a range of other issues.

From the outset there was agreement that we must do better for Aboriginal children and families and in order to do so we needed to listen and build trust between one another. By the end of the project a shared vision statement was agreed called **Ngulla Boodjar** (Our Land) **Ngulla Moort** (Our Family) **Ngulla Kaartadjin** (Our Knowledge). The signatories of agencies committing to this shared vision statement are listed on page 7.

This report contains two parts. Part 1 describes our shared vision, values and practice improvements to underpin **reforms** for a better future for Aboriginal children engaged with the OOHC and child protection system. Part 2 considers **partnerships** and includes values and practices for fair and equal partnerships and the means to measure their success, holding parties to account for their commitments.

Our recommendations are that:

RECOMMENDATION 1

The vision statement Ngulla Boodjar (Our Land), Ngulla Moort (Our Family), Ngulla Kaartadjin (Our Knowledge), informs and underpin future service design, commissioning, procurement and contracting of child protection and OOHC Services for Aboriginal children.

RECOMMENDATION 2

The values identified in this report concerning Aboriginal children growing up safe, connected to family, community, and culture, rights to autonomy and self-determination, inform and underpin future service design, commissioning, procurement and contracting of services by the Department of Communities (Communities).

¹ Throughout this document the term Aboriginal refers to First Nations People of Australia and includes Torres Strait Islander People.

RECOMMENDATION 3

Following the lead of other State Government authorities who are transitioning away from direct service provision, Communities commits to a timeline to transition all relevant child protection and OOHC Services to ACCOs and the Community Services Sector. There will be a re-focus on the development of a Commissioning Framework, co-designed with people with lived experience and services, that describes future purchasing and procurement intentions, rather than continue to provide services directly.

RECOMMENDATION 4

That the practice improvements identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

RECOMMENDATION 5

That the **accountability and monitoring strategies** identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

RECOMMENDATION 6

That in circumstances where ACCOs and CSOs choose to partner, the partnership **values** identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

RECOMMENDATION 7

That when partnerships between ACCOs and CSOs occur, the partnership **practices** identified in this report underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

We urge Communities to adopt the report's recommendations. In doing so, Communities will assist the WA Government to meet its targets under the *Fourth National Action Plan 2018-2020 on the National Framework for Protecting Australia's Children* and the proposed *Ten Year Strategy for Reducing Family and Domestic Violence*.

Most importantly, when implemented, these recommendations will make a small but important contribution to honoring the principles and practice of self-determination for Aboriginal people and ACCOs. In doing so they will manifestly improve the lives of Aboriginal children and their families, ensuring close connection to culture and families. As discussed at the Roundtables the *Uluru Statement from the Heart*, speaks to this aspiration.

This report is respectfully submitted by WACOSS and the Noongar Family Safety and Wellbeing Council to the Commissioner for Children and Young People, the Hon. Minister for Child Protection, and the Director General of the Department of Communities; for action by the newly formed *Out of Home Care Reference Group* chaired by Maria Harries and the ACCO Strategy Working Group.

BACKGROUND

In June 2017 WACOSS, in partnership with the NFSWC received a Peaks Capacity Building Grant from the Department of Finance to undertake a series of roundtables between ACCOs and mainstream CSOs to develop partnership principles and practices. We undertook to address focus area 2 and 3; *'Empowering Service Users in the Planning and Co-Design of Services and, Not for Profit Collaborative Arrangements, to establish an informed platform for better understanding how to plan, prepare and undertake partnerships'*.²

A series of five Roundtables were held with Aboriginal Community Controlled Organisations (ACCOs) Community Service Organisations (CSOs) and representatives from Communities. These roundtables explored and developed relationships; learned more about capacity development needs on both sides, and identified principles for how we might work fairly and equally in partnership together *when both parties elected to do so*.

For a number of reasons, including the impact of ongoing sector reform processes, attendance was dominated by services involved in the children and family services sector. Discussion of 'partnership' requirements focused on OOHC and child protection services. We sought to bring the focus back to whole of sector principles and practices as far as possible. However, the importance of reforming the delivery of services and supports to Aboriginal children and families in these sectors quickly became a focus and an opportunity for unifying our direction.

"Any partnerships that develop as a result of a reform process that has failed to address the fundamental flaws in the current system of care will at best be ineffective and at worst result in fractured relationships between the ACCO and NGO sectors and impede progress toward achieving the urgent need to stem the growing number of Aboriginal children entering the out of home care system".

Megan Richards, Uniting Care West

In finalising this stage of the work we see this as the beginning of a new journey, in which we can continue to build on the relationships that have established between the ACCOs and CSOs who have been a part of this project. We understand that improving outcomes for Aboriginal children requires all of our collective effort, not just Government's and it is in this spirit this final report is presented.

PURPOSE

This project seeks to articulate the rationale for improved engagement between ACCOs, CSOs and public sector agencies, and to identify common ground in our commitment to improving the lives of Aboriginal people. We have tried to better understand the systemic, cultural and inter-agency barriers to more effective partnerships between ACCOs and CSOs for effective service delivery for Aboriginal children, families and communities.

The report and recommendations reflect the deliberations of five Roundtables, held with ACCOs and Aboriginal people, CSOs, government representatives and other stakeholders. It reflects the desire of Roundtable participants to focus these efforts in the first instance in the area of child protection and family support. The report is in two parts.

² Department of Finance; Capacity Building Grants 2018.

PART 1 - A BETTER FUTURE FOR ABORIGINAL CHILDREN

VISION STATEMENT

Ngulla Boodjar

Our Land

Ngulla Moort

Our Family

Ngulla Kaartadjin

Our Knowledge

For millennia, Aboriginal people had systems of knowledge which informed family and kinship relationships and ensured children were cared for within their own families, cultures, country and communities.

ACCOs and CSO leaders who have come together at the 'Roundtable' are committed to addressing the impact of past and present trauma created by colonisation, removal and institutional care. The approach is grounded in culture and evidence-based research such as storytelling and Aboriginal community and family governance for the care and protection of children.

To keep Aboriginal children at home and in families and communities there needs to be co-designed and Aboriginal-led initiatives with collaborative, respectful relationships and partnerships for the development of culturally safe and strengths-based evidence frameworks.

The signatories below commit to this *Vision Statement* and agree to work towards the following:

1. Aboriginal children will not be unnecessarily removed from their families.
2. More Aboriginal children will be cared for safely within their family, communities and culture with the opportunity to develop to their full potential. More children will be raised in kinship care. There will be more active support for family reunification. Local knowledge and decision making will inform safe options and support structures within families and communities.
3. Over time, support for families through early intervention services will be rebalanced with services provided sooner, resulting in better outcomes that reduce numbers of Aboriginal children going into care. Culturally secure and evidence-based approaches will apply as will a shift to a public health model that reduces future care need.
4. A clear target and timeline will enable ACCOs to deliver services proportionate to the level of need. At a minimum, this would represent 55% of children receiving services, noting that many of those children and their families are at the highest levels of support need, hence deserving more than 55% of funding.
5. Following the lead of other Australian jurisdictions,³ over time children will be transitioned out of Government care. The majority of Aboriginal children are currently in the care of Communities and,

³ Transitioning Aboriginal children to Aboriginal community controlled organisations. State of Victoria, Department of Health and Human Services, Version 1, March 2018

for our vision of Aboriginal children to be safe in culture and community and cared for by their families, these children and services need to be transitioned from government to the ACCO sector.

6. More will need to be spent on ACCO and community-based services overall.

RECOMMENDATION 1

That the vision statement Ngulla Boodjar – (Our Land), Ngulla Moort – (Our Family), Ngulla Kaartadjin – (Our Knowledge), inform and underpin future service design, commissioning, procurement and contracting of child protection and OOHG Services for Aboriginal children.

LIST OF SIGNATORIES

AGENCY NAME

Anglicare WA	Mark Glasson
Australian Association of Social Workers WA	Michael Clare
Australian Childhood Foundation	Glenda Kickett
Centrecare	Tony Pietropiccolo
Coolabaroo	Joanne Della Bona
Commissioner for Children and Young People	Colin Pettit
Communicare	Melissa Perry
CREATE	Sarah Lewis
Children Youth and Families Agencies Association	Joanna Collins
Djinda Falcons	Sharon Kenney
FinWA	Debbie Henderson
Key Assets	Judith Wilkinson
Life Without Barriers	Jennie Burns
Local Drug Action Group Inc	Jennifer O'Mullane
Mackillop Family Services WA	Jennifer Hannan
MercyCare	Lyn Millett
Ngala	Fiona Beermer
Noongar Family Safety and Wellbeing Council	Joanne Della Bona
Nulsen Group	Gordon Trewern
Outcare	Paul McMullan
Parkerville	Joanna Collins
Ruah	Debra Zanella
Save the Children	Juan Larranaga
SNAICC Family Matters WA	Maureen O'Meara
Uniting Care West	Amanda Hunt
WA Council of Social Service	Louise Giolitto
Wanslea	Tricia Murray
Wungening Aboriginal Corporation	Daniel Morrison
Youth Affairs Council WA	Ross Wortham
Yokai	Jim Morrison
Yorganup	Dawn Wallam
Yorgum	Laurel Sellers

IMPROVING OUTCOMES FOR ABORIGINAL CHILDREN AND FAMILIES

The disproportionate number of Aboriginal children in out of home care continues to grow. In February 2019, 5,317 children were in care of which 2924 were Aboriginal, making up 55% of all children in care in WA. Further, Communities continue to struggle to meet the Aboriginal child placement principle target of 80% of children placed within the top two tiers of the placement hierarchy and is expected to be only 65% in 2018/19⁴. Clearly a different approach is needed to reduce the growing cost and worsening outcomes for Aboriginal families in WA.

The literature on what works to turnaround Aboriginal child removal is extensive⁵ however W.A. continues to lag behind other jurisdictions in ensuring adherence to the principles of best practice, including early intervention and prevention.

Since the roundtable yarning conversations commenced in April 2018 much has been shared about the inherent strengths, capacity and capability of Aboriginal children, Elders, family and community and people who work across CSOs and ACCOs who provide support and services to children and families. While we acknowledge these attributes, we also shared our experiences of a system which fails to positively leverage and draw from these strengths; a system that urgently needs to incorporate a new direction, based on self-determination for Aboriginal people. It became clear that the work required to promote authentic and trusting partnerships needed to occur in parallel with a joined-up approach and united voice for important reforms to the child protection and OOHC system to be effective. Speakers such as Muriel Bamblett from VACCA⁶ and SNAICC spoke at an early roundtable about self-determination and culturally safe services which reinforced these views.

We agreed that Aboriginal children need to grow up safe, connected to family, community, and culture and that Aboriginal peoples' rights to autonomy and self-determination should be supported through respectful engagement and shared decision making.

VALUES

In order for this vision to be achieved, the following values were distilled from our conversations. We recommend that these values apply to service design, commissioning procurement and contracting of services and to collaborative arrangements between ACCOs and CSOs.

1. The rights of Aboriginal children and families need to be protected through adherence to the United Nations *Declarations on the Rights of the Child and of Indigenous Peoples*.
2. Aboriginal family⁷ kinship structures underlie the care of all Aboriginal children. Aboriginal identity has been sustained through family life and family affiliations are of fundamental importance to Aboriginal people and to their Aboriginal identity.

⁴ Western Australian State Budget 2019-20. Budget Paper No2. P448

⁵ Strengths of Australian Aboriginal cultural practice in family life and child rearing. <https://aifs.gov.au/cfca/publications/strengths-australian-aboriginal-cultural-practices-fam> Working together to ensure equality for Aboriginal and Torres Strait Islander Children in the early years. SNAICC & ECA Australia

⁶ <https://www.vacca.org/>

⁷ *The family is a group of people who are related through marriage, blood or adoption; [are] involved with one another in their designated roles of husband, wife, father, mother, son, daughter, brother, sister, uncle, aunt, cousin, grandparent, and create and maintain a common sub-culture.* (pp. 21-2) Lantz and Snyder in Family and cultural diversity in Australia, AIFS Dec 1995. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

3. Aboriginal people have a fundamental right to self-determination. Wherever possible, ACCOs should deliver community led solutions and services for Aboriginal children and families based on the recognition that each community and their circumstances are unique. Local community leaders are best placed to determine the 'right mix'; of service type; governance structure; program approaches and measures of success.
4. Cultural security and a cultural framework must underpin and overlay all approaches to Aboriginal child safety and wellbeing.
5. We want young Aboriginal leaders to be nurtured, invested in and promoted.

RECOMMENDATION 2

The values identified in this report concerning Aboriginal children growing up safe, connected to family, community, and culture, rights to autonomy and self-determination, inform and underpin future service design, commissioning, procurement and contracting of services by Communities.

TRANSITIONING CHILDREN FROM GOVERNMENT CARE

In Western Australia every relative care arrangement for a child in the out of home care system (both Aboriginal and non-Aboriginal) is held internally by Communities. Across Australia 51.8% of Aboriginal Children were being cared for by either an Aboriginal relative or kinship carer and 39.8% were in foster care.⁸

We recognise that carers and staff, both Aboriginal and non-Aboriginal, involved in the care of children are committed, caring and skilled people who endeavour to provide the best care and achieve the best possible outcomes for children. We also recognise that it is important that parents and young people have choices. Transitioning care options from Government to the ACCO and CSO sectors opens up opportunities for place based, innovative and more flexible service design increasing choice, community control and locally based decision making.

Division 3 Section 14 of the *Children and Community Services Act 2004* provides a mechanism by which ACCOs can, “*be given, where appropriate, an opportunity and assistance to participate in decision-making processes under this Act that are likely to have a significant impact on the life of a child who is a member of, or represented by, the group, community or organisation*”.

Other jurisdictions across Australia are taking a lead in transitioning services from Government to the ACCO and CSO sectors. Following the work called *Beyond Good Intentions*⁹, The Victorian State Government’s commitment to self-determination and self-management for Aboriginal people is now enshrined in legislation.

⁸ Australian Institute for Family Studies, <https://aifs.gov.au/cfca/publications/child-protection-and-aboriginal-and-torres-strait-islander-children>).

⁹ <https://www.cfecfw.asn.au/beyond-good-intentions/>

We recommend the West Australian Government follow this lead and commit to self-determination and self-management for Aboriginal people. Over time, and as ACCO sector capacity builds, wherever possible Aboriginal children and young people subject to protection orders and placed in the out-of-home care service should be transitioned to ACCOs.

RECOMMENDATION 3

Following the lead of other State Government authorities who are transitioning away from direct service provision, Communities commit to a timeline to transition all child protection and Out of Home Care Services to ACCOs and the Community Services Sector and re-focus on the development of a Commissioning Framework, co-designed with people with lived experience and services, that describes future purchasing and procurement intentions, rather than continue to provide services directly.

PRACTICE IMPROVEMENTS

Systemic policy and procedural changes are required in order to improve outcomes for Aboriginal children and families. The research literature about best practice approaches to services for First Nations Peoples is extensive. In Australia numerous notable peak advocacy, academic, and service organisations have generously shared their resources and knowledge. In particular, SNAICC's Partnership Resource Toolkit has provided useful reference material.¹⁰ The proposed practice improvements identified below are not intended to replicate, although they are largely consistent with, existing work, but rather represent key areas of practice improvement identified as most important through roundtable conversations.

1. Protection of the **rights of Aboriginal children** and families is critical, as is a commitment to identifying and removing or addressing systems and processes that lead to Aboriginal children and families being disadvantaged in existing child protection processes, particularly in relation to:
 - ✓ Families being advised of their legal rights at every stage of any intervention and having access to adequate legal counsel
 - ✓ Communities being required to demonstrate how they have informed families of their legal rights (not just obligations)
 - ✓ Families having access to an independent advocate to assist them to navigate the child protection system
2. Resources and support is directed to **informal¹¹ family and kinship carers** who are currently caring for children on behalf of birth parents and keeping those children out of the care system. These carers represent the vast majority of Aboriginal carers and yet receive the least support.
3. **Services for Aboriginal children and families are ACCO led wherever possible.** The process of systemic reform that builds ACCOs capability needs to be fair and underpinned by certainty of

¹⁰ <https://www.snaicc.org.au/product/partnership-resource-package/>

¹¹ The term informal in this context refers to family carers who are not recognised by or registered with formal statutory systems.

direction and flexibility of implementation. It must prioritise the needs of children and families first, and the development and self-determination of local community-based services.

4. More investment is directed to **prevention and early intervention** through community-based services. Western Australia spends less per capita on child protection services and much less on secondary family support services than any other state.¹² The majority of spending is on tertiary services delivered by the public sector. Our spending on prevention and early intervention has reduced as the cost of tertiary services has risen, meaning numbers of children in care will continue to rise and outcomes worsen. Additional investment is required in delivering early intervention and prevention services without reducing tertiary service levels, some of whom are already struggling to remain viable.
5. **A holistic approach** to services that recognises Aboriginal children are often removed from families experiencing **multiple disadvantages** such as lack of access to adequate housing, income and health care, domestic violence, alcohol and other drug issues and mental illness. It is important to view contemporary disadvantage among Aboriginal peoples in the context of colonisation and its ongoing impact, including the consequence of past historical trauma and suffering. Siloed approaches by governments to addressing the underlying causes of disadvantage are not working. Government policies, funding and contracting of services must be holistic and place based if we are to overcome continuing disadvantage.
6. In the interests of cost-effective prevention, and providing the best possible opportunity for children to remain connected to family and culture, increase the capacity of agencies to provide **family placement and reunification services**. Families should be directed to ACCOs that provide family placements and reunification services.
7. Every care arrangement involving an Aboriginal child in the out of home care sector must be able to demonstrate it is **culturally secure** as determined by a relevant community leader from the child's community. Robyn Williams has defined cultural competency as *"An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening."*¹³ Without the implementation of strong cultural policies and practices, Aboriginal children are at risk of losing identity, their sense of belonging, self-esteem and an understanding of their own place in the world. Existing contracting processes must be strengthened to ensure that services are culturally safe and secure. Over time, accreditation needs to be introduced to ensure independent Aboriginal led oversight of all cultural practice by services delivered to Aboriginal children.
8. Communities must urgently undertake consultation with WA Aboriginal communities to develop a **revised Aboriginal Services and Practice Framework** to replace the previous framework that lapsed

¹² Productivity Commission, Report on Government Services 2017.

¹³ Williams, Robyn (2008). *Cultural safety: what does it mean for our work practice?* *Australian and New Zealand Journal of Public Health*. 23(2): 213-214

in 2018. The new framework must be underpinned by a commitment to the 5 core principles of the Aboriginal Child Placement Principles including;

- a. **Prevention:** *that governments actively support families to address risks, preventing harm and preserving families*
- b. **Partnership:** *that statutory authorities work with Aboriginal people and their organisations in the design and delivery of child and family systems with as much self-determination as possible*
- c. **Placement:** *where Aboriginal children require alternate care, placement must follow a hierarchy that prioritises their family and kin, their Aboriginal community, and the broader Aboriginal community before placements outside of their family and culture*
- d. **Participation:** *Aboriginal children and young people, their families and communities have the right to participate in all decisions that affect their lives, and the lives of their children.*
- e. **Connection:** *all decisions must value every Aboriginal child's right to be connected to their family, community, culture and Country, and support them to do so*

9. We need a clear commitment (timeline & process) to build capability for **Aboriginal Family-Led Decision Making (AFLDM)**. West Australia lags behind other Australian jurisdictions in implementing AFLDM which respectfully builds strengths in family and kinship networks and empowers families to make good decisions to keep their children safe and connected to family and culture.
10. An increased focus and greater investment is needed on **healing and trauma informed practices**. Emergent research on brain plasticity during critical growth years and a growing body of research suggests that targeted therapeutic interventions can reverse the negative effect of toxic stress on hormone regulation and cognitive functioning.¹⁴ There are many effective and sustainable healing services, practices and resources, however, not all Aboriginal children are provided with access to these vital supports and services. Contracts should include provision of appropriate and evidence based Aboriginal led healing and trauma recovery services.
11. Greater adherence to the **Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP)**. ATSICPP came about as a result of years of activism by Aboriginal people to address the growing disproportionate rate of Aboriginal children being adopted, placed in OOH with non-aboriginal carers and to prevent past practices from continuing to be repeated. In recent years there has been a steady decline in the number of Aboriginal children placed within the top 3 tiers of the placement hierarchy. There needs to be a clear commitment and transparent accountability process in place to ensure all efforts have been made to place children in accordance with the principles.
12. Increasing the **number and availability of Aboriginal foster carers**. It is important to recognise that the perceived 'shortage' of available Aboriginal carers is not due to a shortage of carers or a lack of willingness to come forward.¹⁵ Aboriginal people have a culturally strong commitment to contribute to the benefit of their community.¹⁶ Increasingly however, challenges are being faced in the recruitment of kinship and foster carers for Aboriginal children. The reasons for this are multi-

¹⁴ Child Family Community Australia (CFCA) *The effect of trauma on the brain development of children: Evidence-based principles for supporting the recovery of children in care.*

¹⁵ <https://aifs.gov.au/cfca/publications/why-there-shortage-aboriginal-and-torres-strait-isl>

¹⁶ Atkinson & Swain, 1999). A network of support: Mothering across the Koorie community in Victoria, Australia. *Women's History Review* 8(2):219-230·June 1999

factorial and include potential carers failing to meet statutory authorities' criteria for becoming a foster carer; the increasing number of children entering care; an ageing carer population; particularly grandparent carers, the increase in the number of children with challenging behaviour; and parent stress associated with juggling multiple caring roles. Reports from current and previous relative carers indicate the support they receive to care for the children is less than the support received by general foster carers. Aboriginal carers are more likely to live in poverty and lack material goods further impacted by the additional financial costs associated with caring for children. Aboriginal foster carer numbers could be boosted in two ways. Firstly, by re-directing funds from expensive tertiary placement services to kinship carers combined with greater ACCO control over the disbursement of those funds. There is evidence that relatively small amounts of brokerage funds, for example for the purchase of whitegoods, assistance with utility bills and other cost of living expenses, can have a significant impact on reducing the carer burden. There is also emerging evidence that ACCOS are having more success in recruiting new carers using strategies that are in accord with Aboriginal culture and community life. Despite these challenges, Aboriginal stakeholders maintain that an 'untapped' pool of Aboriginal carers could come forward if strategies were developed to address these barriers.

13. Cease the current practice of granting non Aboriginal foster carers **Special Guardianship Orders** over Aboriginal children and recognise current **permanency planning measures are largely not supported by Aboriginal people**. Along with SNAICC we agree that "For children placed in out-of-home care, stability of relationships and identity are vitally important to their wellbeing and must be promoted. (We) are deeply concerned however, that these changes fail to sufficiently recognise that stability for Aboriginal and Torres Strait Islander children is grounded in the permanence of their connection with kin and culture."¹⁷

Family engagement is the foundation of good child protection practice that promotes the safety, permanency and wellbeing of children and families in the child welfare system and is the foundation from which change occurs. To build on a family's resources and kinship connections, family engagement activities focus not only on the immediate family but also on active involvement of both parents, extended family, and the family natural support systems.¹⁸

*"Engagement is often viewed as synonymous with involvement. Involvement in services is important, but real engagement goes beyond that. Families can be involved and compliant without being engaged. Engagement is motivating and empowering families to recognize their own needs, strengths and resources and to take an active role in changing things for the better. Engagement is what keeps families working in the sometimes slow process of positive change."*¹⁹

Roundtable participants expressed concern about the lack of family engagement services, despite research demonstrating a clear link between better outcomes for children and greater involvement

¹⁷ Achieving stability for Aboriginal and Torres Strait Islander children in out-of-home-care. SNAICC Policy Position Statement- July 2016

¹⁸ Child Welfare Information Gateway. (2011). *Family Engagement*. [Online]. Available: https://www.childwelfare.gov/pubs/f_fam_engagement

¹⁹ Steib, S. (2004). *Engaging Families in Child Welfare Practice*. [Online]. Available: <http://www.Child Welfare League of America: Research/Data: Research to Practice Initiative: Publications: Children's Voice Article>

of parents,²⁰ and that, as a consequence, children are unnecessarily being permanently removing from their families.

14. **Transfer case management to ACCOs and increasingly work towards the transition of statutory guardianship of children** as the ACCO sector grows in scope, capability and capacity as is now proceeding in Victoria and being considered in other jurisdictions.

“Of 13 children (who were transferred to us) six were able to go home. We were able to safely do the work around reunification, support mums and dads and we were able to find relatives, were the Department wasn’t and we were able to put intensive supports in....We don’t want to be a ‘system”, we want to be about humans and about real people and having heart and being able to put culture in the centre.”

Muriel Bamblett CEO of VACCA speaking with Larissa Behrendt on *Speaking Out* about taking greater responsibility for case management of Aboriginal children.

RECOMMENDATION 4

That the practice improvements identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

ACCOUNTABILITY AND MONITORING

In order to increase the level of accountability and oversight to ensure services and supports for Aboriginal children and families provide improved outcomes we recommend:

1. The **co-design of agreed outcomes and targets**. Services for Aboriginal children and families must be held accountable for improved outcomes for children. Measurement and evaluation strategies need to be co-produced using participatory action research models and culturally-secure independent expertise. Outcomes and targets need to be informed by lived experience and the needs and aspirations of Aboriginal children, families and communities. Measures of accountability must be included in contracts to ensure compliance with the ATSICPP and the effective implementation of Cultural and Safety Plans.
2. Changes and reforms must be **enduring and sustainable** and live beyond changes in staff, government officials, leaders and political cycles.
3. A **culturally appropriate** frame of reference for **monitoring** services, placements and outcomes for children and families.

²⁰ (Thoburn, J., Lewis, A. and Shemmings, D. (1995), Family participation in child protection. *Child Abuse Review*, Vol. 4, pp 161–171.

4. The appointment of an **Aboriginal Children’s Commissioner**.
5. A supportive and **educative oversight role** (that includes complaint handling and advocacy), that is independent from government and the sector.
6. The recognition that smaller organisations may require **resourcing** to support their capacity to engage with **compliance requirements**, particularly if ‘360 degrees’ feedback is included i.e. from children, families, ACCOs, CSOs and funders.
7. **An Annual independent audit of the views of Aboriginal children** in care including reporting on the quality and effectiveness of Cultural Support Plans; Health and Education Plans.

RECOMMENDATION 5

That the accountability and monitoring strategies identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

LEGISLATION

One of the roundtables was devoted to a workshop at which people spoke about the importance of legislative changes in order that reforms could be made accountable and enduring. It is acknowledged that a consultation process about amendments to the *Children and Community Services Act 2004* has been undertaken. However, in the absence of further information about progress on re-drafting, participants wanted to take the opportunity to emphasise the importance of legislative change to underpin reforms. Following is a highlighted list of key topic areas requiring further consideration.

1. Explore options that would allow for family members to remain as legal guardians who are able to receive support and services, although children may be temporarily in alternative placements.
2. Mandate in all child allegations/child removal proceedings that families are entitled to and receive access to legal representation.
3. Ensure Aboriginal Family Led Decision Making (AFLDM) has a legislative mandate.
4. In order for Aboriginal children to maintain connection to family and culture legislate a requirement to develop, implement and report on reunification plans.
5. Provide adequate funding for all family placements, with necessary wrap around supports.
6. Urgently establish an Aboriginal Commissioner for Children in Western Australia.
7. Enshrine in legislation an independent oversight body to monitor and report on the health, wellbeing and cultural security of Aboriginal children in care.

8. Mandate that before an extended order is granted Courts must be satisfied that cultural planning has been done and that evidence is provided to demonstrate this.
9. Establish links between families, court and Communities by investing in independent advocates to support families and young people.
10. Strengthen, the current Community Services Act to mandate implementation of, and compliance with, the Aboriginal Child Placement Principles, requiring the Communities to provide evidence they have rigorously explored options for placement of the children with family and/or community.

PART 2 - PARTNERING TOGETHER FOR NGULLA BOODJAR (OUR LAND); NGULLA MOORT (OUR FAMILY); NGULLA KAARTADJIN (OUR KNOWLEDGE)

INTRODUCTION

Part 2 focuses on improving outcomes for Aboriginal children through genuine partnerships between the public, ACCO and not-for-profit community services sectors to deliver sustainable Aboriginal community services in the child protection and OOHC sectors in Western Australia.

We acknowledge too that Aboriginal people in Western Australia are not a homogenous group. Each Aboriginal community will have unique social and cultural needs and circumstances as each community differs, therefore unique partnership and service delivery models will be required. Local community leaders are best placed to inform Government on the 'right mix; of service type; governance structure; programs and measures of success.

Most (not all) ACCOs lack the size, scale or experience to provide OOHC services therefore the successful transition of placements to suitable ACCOs may take time and will require ACCOs, CSOs and government to be committed to work in partnership. This will support ACCOs to develop the systems, people, policies and processes essential to the successful delivery of these services.

Some ACCOs are robust, long standing and have sound cultural and board governance and management structures while others are still growing. In some locations ACCOs have not yet been established. In some circumstances an ACCO and/or a community may identify that a CSO could remain actively involved in the partnership in the longer term, subject to the CSO demonstrating commitment and accountability for (by way of example):

1. A high level of cultural competence.
2. Employing local Aboriginal people to deliver services to Aboriginal people (with identified minimum percentage of Aboriginal staff e.g. 80%).
3. Building capacity of local Aboriginal staff through training and development opportunities. Engaging directly with local Aboriginal people, including ACCOs, Elders and Aboriginal peak bodies, such as through formalised partnership agreements, active Reference Groups and Aboriginal participation across the organisation including at Board level.

Some recent tendering processes have required and operationalised ‘partnerships’ between ACCOs and CSOs in a manner that did not treat ACCOs as equals. In some circumstances they were assigned a tokenistic role in cultural certification that would not enable them to develop their role and responsibility for service delivery over time. It is clear that ACCOs do not want to spend their time educating CSOs in how to work with Aboriginal children and families, particularly if this results in growth of mainstream services and further displacement of Aboriginal ones.

We also know that some partnerships are working well and are beginning to show the way so that Aboriginal self-determination drives the planning, implementation and review of services to Aboriginal families and children. Good examples of this work includes the seven-year partnership between *Ngala* and *Napranum Parents and Learning (PaL) Group*. The PaL program supports Aboriginal parents to participate in their children’s literacy learning by providing resources and training delivered to family homes and in locations where Aboriginal families get together such as at *Kindilink* or Aboriginal Playgroups.

“The partnership between our two groups is built on a foundation of trust, mutual respect and shared values. As a small Indigenous organisation striving to empower parents and engage families in the early education of their children, partnering with organisations of similar philosophy who willingly commit to maintain the integrity of knowledge, culture and intellectual property that we share with them is vital for our survival and sustainability. It also ensures the longevity of the programs we have developed specifically for families and communities. In this way we are able to continue to maintain and fulfil our vision to ‘Empower parents to have the courage and strength to give their children a better start on their life journey’.”

**Manager Napranum Parents and Learning (PaL) Group
in reference to the partnership with Ngala delivering services
in the Midwest and Gascoyne Region of W.A.**

Ultimately, many factors impact on the size, location, readiness and availability of ACCOs to deliver services and consequently their motivation to enter into partnerships or not.

Partnerships should be a choice among equals with equal benefits and responsibilities on both sides – and predicated on achieving the goal of better outcomes for children, families and communities. When it comes to services for Aboriginal children and families, the aim and outcome of partnerships includes the transition of services from CSOs to ACCOs, at a time and pace determined by them – so that services meet the needs and aspirations of local communities, strengthen families and culture, and reduce the number of children in care.

The Roundtable conversations identified the following key partnership values:

1. Deep listening based on mutual respect.
2. Trust and honesty.

3. A real commitment to share power and work collaboratively - MOUs are not enough.
4. Equal value relationships.
5. Not one type of partnership fits all, flexibility is the key.
6. Learning lessons together and being prepared for failure.

Sufficient time and resources will be required for ACCO, CSOs, the community and funding bodies to explore flexible and adaptable partnerships and to learn and grow from them.

SCOPE

Within this section of the report a set of principles and practices for effective partnerships is proposed. These principles and practices apply within the following scope of circumstances:

1. Programs and services are specifically identified as 'Aboriginal' or 'Indigenous' programs targeting Aboriginal children, families or communities; or
2. There are high levels of overrepresentation of Aboriginal populations and/or disproportionate need or;
3. There is a disproportionately low level of service participation by Aboriginal populations compared to the known level of community need;
4. Closing the gap is a priority and existing OOHC or CP services are failing to engage or produce outcomes for Aboriginal people;
5. Where services are being delivered specifically into Aboriginal communities or communities with large Aboriginal populations;
6. Where service tendering and commissioning processes otherwise identify a requirement or priority for ACCOs services or service partnerships as preferred providers;
7. Where ACCOs are in an existing partnership with a CSO and elect to continue that partnership subject to the CSO demonstrating accountability and commitment to Aboriginal self-determination.

PARTNERSHIP VALUES

In order to establish a foundation on which respectful and authentic partnering can occur the roundtables recommend that the following values apply. We value:

1. Partnerships that drive demonstrable improvements in outcomes for Aboriginal children and families in Western Australia. A joint commitment to improve the health, well-being, social, cultural and familial outcomes for Aboriginal children and their families engaged in the child protection and OOHC systems in Western Australia is required.

2. Culture. Acknowledgement of the critical contribution of culture, land and family to the health and well-being of Aboriginal people and a desire to strengthen the role of Aboriginal peoples in decision making, policy design and service delivery on the issues that affect them.
3. Self Determination including support for economic and social inclusion of Aboriginal people by sustainably building the ACCO sector to deliver services proportional to population need, and to fostering local ACCOs that place Aboriginal children, families and culture at the forefront in the planning, co-design and delivery of sustainable community services.
4. Partnerships by choice and based on relationships first. Partnerships need to be transparent, clearly articulated/documented and hold all parties to account. A collaborative approach based on mutual trust and respect that fosters openness and transparency.
5. Local knowledge and connection and community based collaborative decision-making. Place based organisational governance and activities so that models and services are co-designed to meet local need.
6. Partnerships which result in services informed by evidence and best practice that includes the wisdom, knowledge and skills of Aboriginal leaders and communities.

RECOMMENDATION 6

That in circumstances where ACCOs and CSOs choose to partner, the partnership values identified in this report inform and underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

PARTNERSHIP PRACTICES

In recognition that the development of partnerships takes time and will require a phased approach we have described below:

- A. A possible **Order of Priority** of adoption of partnerships, subject to capacity in service provision (which may also reflect stages in partnership progression); and
- B. A table of **Partnership Practices**.

Order of Priority

1. Local community-controlled service employing local Aboriginal staff
2. Regional ACCO building local capacity and employment
3. ACCO as lead provider in a partnership with a CSOs with a contracted exit strategy and timeline (including or building local capacity and employment)

4. Joint venture with an ACCO with contracted transfer of control, exit strategy and timeline (including or building local capacity and employment)
5. Partnership with an ACCO, led initially by a CSOs with contracted transfer of control, exit strategy and timeline (including or building local capacity and employment)
6. CSO service with an Aboriginal program or service manager delivering an interim service while building a local ACCO or seeking partnership opportunities (including or building local capacity and employment)
7. CSO delivering an interim service while building a local ACCO, developing local leadership or seeking partnership opportunities (including or building local capacity and employment)
8. CSO and ACCO elect to retain and maintain partnership on an ongoing basis

Service providers need to objectively assess their own capacity and be able to provide evidence of this capacity to deliver effective and sustainable outcomes for Aboriginal people and communities and determine if they have the capacity and can deliver services that are culturally secure and from an evidence base

GOVERNMENT'S ROLE IN FACILITATING PARTNERSHIPS

1. A Government held to account for policy and funding decisions to ensure tendering and commissioning processes for Aboriginal services prioritise culturally-secure services led or delivered by ACCOs, employing local staff and engaging local communities.
2. Planning, co-design and delivery of services are conducted with transparency and open communication, including the sharing of appropriate data, information and the basis for decisions.
3. Processes that build support for Public Authorities and CSOs and ACCOs to work together to ensure that budget levels are sufficient for sustainable Aboriginal Community Service.
4. Co-design a strategy and agreed approach for collaboration in evaluation.
5. Funds are made available for mutual capacity and capability building.
6. Annual audits of quality/integrity of partnerships are conducted.
7. A commitment to reduce the administrative burden associated with the procurement of Aboriginal community services.

Partnership Practices	Community Sector Practices	ACCO Practices	Public Sector Practices
1. The terms and conditions of the partnership should in the first place be determined by the needs and aspirations of people with lived experience, service users, the local community ACCO partner and elders.	✓	✓	✓
2. Objectively assess capacity to deliver effective and sustainable services and only tender independently for such services where capacity exists and can be delivered from an evidence base.	✓	✓	
3. Before considering a tender or entering into a service commissioning process, existing ACCO services in the local and regional area shall be thoroughly researched to determine existing capacity, associated services and relationships (including contacting relevant Aboriginal peak bodies).	✓		✓
4. Where local ACCOs are already effectively delivering services, or are willing and able to provide them, they should be assessed as preferred providers.			✓
5. Where ACCOs are already effectively delivering services or are willing and able to provide them, CSOs shall not directly compete, but will seek, where appropriate, to develop a partnership in accord with these principles.	✓	✓	
6. Where current capacity is limited seek to work in partnership with an existing provider or partner organisation to develop skills, capacity and expertise. There should be a fair and transparent engagement process to develop a capacity building plan to address any concerns.	✓	✓	✓
7. If additional external capability is deemed necessary to support a capacity building plan requiring some form of partnership or other support, it should be delivered by an organisation or organisations chosen or agreed by the ACCO, consistent with the partnership principles.	✓	✓	✓
8. In circumstances where an existing ACCO agrees to partner, partnerships should have an over-riding goal, supported by clear processes and timelines, of developing and delivering culturally-secure local services delivered by local ACCOs.	✓	✓	✓
9. An exit strategy should be developed, unless there is an agreement with the ACCO for a longer term partnership.	✓	✓	✓
10. Providers will develop a robust accountability framework and evaluation process together with program funders, partnering organisations and communities.	✓	✓	✓
11. All partnerships should have an over-riding goal of developing and delivering culturally-secure services delivered by local ACCOs.	✓	✓	✓
12. Contracts with government should incorporate a succession plan and long term planning for local ACCOs to deliver services, with appropriate resourcing included, unless the ACCO wishes to maintain the partnership arrangement.			✓
13. All contracts and service agreements with ACCOs should be consistent with partnership principles, including fair joint venture agreements and provisions to support the transfer of responsibility and control.	✓	✓	✓
14. Program planning and service system co-design processes should be evidence-based and driven by the needs and aspirations of service users, those with lived experience, Elders and local communities. Evidence of service and community need and evaluation of existing services and service models should be shared and its implications agreed with key stakeholders.	✓	✓	✓
15. Public sector agencies should co-develop a robust accountability framework and evaluation process together with partnering organisations and communities.	✓	✓	✓

RECOMMENDATION 7

That when partnerships between ACCOs and CSOs occur, the partnership practices identified in this report underpin future service design, commissioning procurement and contracting of services for Aboriginal children and families.

CONCLUSION

This is the final report of our deliberations. We recommend that the newly formed *Out of Home Care Reference Group* chaired by Maria Harries take carriage of the recommendations in this report. We also believe this report and its recommendations, and the goodwill of Roundtable members can contribute to the development of a whole-of-Communities ACCO Strategy and assist the WA Government to meet its targets under the *Fourth National Action Plan 2018-2020* on the *National Framework for Protecting Australia's Children* and the proposed *Ten Year Strategy for Reducing Family and Domestic Violence*.

LIMITATIONS OF THIS REPORT

We acknowledge the following limitations of this report -

1. WACOSS and the NFSWC acknowledge that grant funds did not provide for travel to engage fully with stakeholders outside of the Metropolitan area consequently, only a few Roundtable members participated from regional WA. Many participants represented organisations that have services in regional and/or remote WA however, the extent to which this work has been communicated by them to their constituents is not clear.
2. The Roundtable is an informal group of people who joined initially by invitation and others who joined by 'word of mouth'. The group does not have formal rules of membership nor an agreed governance structure.
3. We have endeavored to listen respectfully to everyone's views and invited people with lived experience and 'expertise' to share their wisdom and insights. We have begun a process that has led to this initial report that includes preliminary recommendations from our work over the last twelve months. This document is a preliminary exploration only; further work is required beyond the time constraints applied via the twelve-month funding contract.