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21 September 2016

The Honourable Greg Donnelly MLC
Chair, General Purpose Standing Committee No. 2
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: gpsc2@parliament.nsw.gov.au

Dear Mr Donnelly

Questions on Notice - Inquiry into Child Protection

I wish to thank the Committee for the opportunity to appear at the inquiry on such an important matter and reiterate the importance of innovative change that is required to transform the current state of the system to deliver better outcomes for Aboriginal children, young people and families. It continues to be concerning that the current system is geared towards intrusive interventions, rather than working with families in need.

AbSec has been advocating to the NSW Government our *Plan on the Page for Aboriginal children and young people*, which we believe will contribute to a strong safety-net of Aboriginal Community Controlled Organisations delivering holistic and individually tailored Aboriginal child and family services across the state working towards safe communities and meeting the needs of vulnerable Aboriginal children and young people.

AbSec believes this approach to caring for Aboriginal children, young people, families and communities in the future will have greater impact on reducing removals of Aboriginal children from families, placing greater self-determination in the hands of Aboriginal people and communities.

I am pleased to enclose AbSec's response to Questions on Notice, as well as provide the Committee with further information for consideration throughout their deliberations.

Should you wish to discuss this further please contact me on _____ or email _____

Yours sincerely,

Tim Ireland
Chief Executive Officer

Encl

Question: The Hon. DANIEL MOOKHEY: If you want to take on notice any other criticisms and suggestions you might have about the early intervention stage it would be most welcome?

AbSec Response:

AbSec has outlined a comprehensive response in our submission to the Committee, detailing the need for greater early intervention supports for Aboriginal children and families through a holistic child and family system delivered by Aboriginal community controlled organisations. At this point in time, there appears to be a lack of investment in genuine early intervention supports that are developed by Aboriginal organisations in partnership with their communities, leading to more effective interventions for Aboriginal families.

Additionally, in 2015 AbSec developed our Connecting Voices – Aboriginal family led decision making program as a means of empowering Aboriginal families involved with the child protection system in NSW. The objective of Connecting Voices is to detail child protection concerns and enable the family to develop solutions to those concerns in order to either have their child restored home, or strengthen the family to prevent their child being removed. Despite positive outcomes being achieved within the Connecting Voices program, delivered within a framework of qualified professionals and that it was a program developed by Aboriginal people for Aboriginal families, the NSW Department of Family and Community Services (FACS) made the decision to not support the program with funding and resourcing. This lack of investment has meant that Aboriginal families do not have access to a genuinely meaningful program aimed at resolving child protection concerns and strengthening families. It is concerning that innovative programs that are developed to address need are not supported or recognised by FACS.

AbSec argues that greater support and investment is required to build the capacity and capability of Aboriginal community controlled organisations to cater to the needs of Aboriginal children and families in the communities they serve. This should not be investment delivered through restrictive approaches, but to allow Aboriginal organisations to develop solutions to child protection concerns with their communities, enabling these organisations to tailor early intervention responses to address need and disadvantage.

In relation to early intervention, AbSec makes the following recommendations:

1. That the Committee recommend for the NSW Government to invest in Aboriginal programs that are developed by Aboriginal people for Aboriginal families and communities, such as AbSec's Connecting Voices initiative.
2. That the Committee recommend that the NSW Government invest in AbSec to develop and implement a comprehensive Aboriginal Industry Development Strategy for the delivery of holistic Aboriginal child and family services across NSW.
3. That the Committee recommend that the NSW Government enable Aboriginal community controlled organisations to implement a reinvestment approach to target available resourcing that may be available from savings or surplus funds in out of home care to early intervention supports.

Question: The Hon. DANIEL MOOKHEY: Are you aware of any residential out-of-home care facility that caters predominantly for Indigenous children and is under the auspices of either an Aboriginal-controlled organisation or otherwise and, as a proportion of people in

care-I do not want to use the term “market share”, but what proportion of kids in residential care are in those types of organisations and how many are not?

AbSec Response:

In NSW, there are two Aboriginal community controlled organisations that are accredited to deliver residential care, with a funded placement capacity of 35. Additionally, there are a further 10 Aboriginal community controlled organisations that are accredited to deliver foster care, with a funded placement capacity of more than 1,200 Aboriginal children.

In comparison, AbSec understands that there are more than 4,500 Aboriginal children placed with non-Aboriginal organisations or remain within the government operated system despite the commitment to transition Aboriginal children in out of home care to Aboriginal community controlled agencies.

Of the more than 600 children in residential care, AbSec understands that approximately one third are Aboriginal children, or approximately 225 Aboriginal children. Noting this, the funded capacity of the Aboriginal community controlled sector to deliver accredited residential care currently sits at 35 placements.

AbSec has argued the need to invest in an Aboriginal community controlled sector as a means to ensuring greater self-determination and meaningful outcomes are achieved for Aboriginal children and families across NSW. AbSec has phrased this as building an Aboriginal safety-net of holistic child and family supports, enabling Aboriginal community controlled organisations to deliver across the continuum of child protection – building child safe communities, strengthening families and delivering outcomes for Aboriginal children in out of home care. Given the current Aboriginal sector has 12 accredited Aboriginal community controlled agencies, further genuine investment is required to ensure Aboriginal communities and families across NSW have genuine access to an Aboriginal community controlled organisation delivering early intervention, family support and out of home care.

In relation to this question, AbSec makes the following recommendations for consideration:

4. That the Committee recommend the NSW Government make an open commitment to Aboriginal community controlled organisations and invest in a comprehensive Aboriginal Child and Family Industry Development Strategy to be developed by AbSec as the NSW Aboriginal peak organisation in the child and family sector.
5. That the Committee recommend the NSW Government legislate for the delivery of child and family services to Aboriginal children and families be undertaken by Aboriginal community controlled organisations.
6. That the Committee recommend the NSW Government legislate a mandate for AbSec as the NSW Aboriginal peak organisation in the child and family sector to develop and continually improve service delivery for Aboriginal children and families.

Question: The Hon. DANIEL MOOKHEY: This is a question on notice, particularly for you, Mr Ireland. Could you provide the Committee with some views about issues that we did not get to explore today that arise from the nexus between criminal justice and child protection – the extent, quality, calibre and cultural sensitivity of legal services that are provided to Indigenous family in need as well as the sensitivity of tribunals and the extent to which they are organised enough to acknowledge all factors that you have referred to in your evidence?

AbSec Response:

The cycle of disadvantage has continued to impact generations of Aboriginal families. The links between child protection and the offending trajectory are well established. Aboriginal people remain overrepresented in child protection, out of home care and the criminal justice system.

The Aboriginal service sector is under resourced to effectively address the needs of Aboriginal children, young people and their families. Mainstream legal services and support agencies are unable to adequately meet the cultural and special needs of Aboriginal children, young people and their families. There is a clear and immediate need to increase the funding of the Aboriginal child and family sector to deliver holistic, tailored Aboriginal child and family supports across the service continuum. This need is driven by the over-representation of Aboriginal children across child protection, with equitable outcomes for Aboriginal children and families requiring at least equitable investment in targeted Aboriginal services - if there is a genuine desire to address the over-representation of Aboriginal children in out-of-home care, there must be commensurate investment in Aboriginal community responses.

AbSec's vision for the future of the child protection system, captured within the Plan on a Page for Aboriginal children and young people, as it relates to Aboriginal families includes the development of a state-wide holistic Aboriginal child and family system supporting local Aboriginal child safety governance groups, supported by AbSec, delivering integrated and tailored supports across the service continuum. As such, there is an identified need for greater investment in the capacity of Aboriginal organisations across the state to provide a state-wide safety net of holistic services, such that all Aboriginal children and their families have access to culturally-embedded services regardless of their location.

AbSec is committed to advocating on behalf of Aboriginal children, families, carers and communities, and to ensure they have access to the services and supports they need to keep Aboriginal children safe and provide them the best possible opportunities to fulfil their potential through Aboriginal community controlled organisations. Central to this commitment is the need to develop a tailored approach to Aboriginal child and family supports delivering universal, targeted and tertiary services within communities that cover the entire continuum of care and reflect the broader familial and community context of clients.

In relation to this question, AbSec makes the following recommendation:

7. That the Committee recommend the NSW Government invest more resourcing in Aboriginal controlled service provision to address the growing rate of Aboriginal children in out of home care entering juvenile justice, with a focus on tailoring service responses to meet challenging and changing behaviours in Aboriginal children involved in out of home care.
8. That the Committee recommend the NSW Government invest more resourcing in Aboriginal legal and diversionary services to support Aboriginal young people at the point of contact with the juvenile justice system, with a view to divert them towards meaningful activities that contribute back to the community they reside in.

Question: The Hon. DAVID SHOEBRIDGE: This is also a question on notice about the high-risk birth alerts. There has been a large rise in high-risk birth alerts, from what I can understand, in relation to Aboriginal parents and we have seen Aboriginal children being removed from their mothers two hours after they are born... Could you please provide your views on that and how it is working in the Aboriginal [community]?

AbSec Response:

The cycle of disadvantage has continued to impact generations of Aboriginal families. The links between child protection and the offending trajectory are well established. Aboriginal people remain overrepresented in child protection, out of home care and the criminal justice system.

The Aboriginal service sector remains under resourced to effectively address the needs of Aboriginal children, young people and their families. Mainstream early intervention services and support agencies are unable to adequately meet the cultural and special needs of Aboriginal children, young people and their families. There is a clear and immediate need to increase the funding of the Aboriginal child and family sector to deliver holistic, tailored Aboriginal child and family supports across the service continuum. This need is driven by the over-representation of Aboriginal children across child protection, with equitable outcomes for Aboriginal children and families requiring at least equitable investment in targeted Aboriginal services - if there is a genuine desire to address the over-representation of Aboriginal children in out-of-home care, there must be commensurate investment in Aboriginal community responses.

AbSec remains committed to our vision for the future of a coordinated early intervention model to address the needs of Aboriginal and Torres Strait Islander children and young people through building and supporting culturally appropriate models laying the foundation for the future of the children, young people, family and the Aboriginal communities' safety, health and wellbeing. The development of a state-wide holistic Aboriginal child and family system supporting local Aboriginal child safety governance groups, supported by AbSec, delivering integrated and tailored supports across the service continuum. As such, there is an identified need for greater investment in the capacity of Aboriginal organisations across the state to provide a state-wide safety net of holistic services, such that all Aboriginal children and their families have access to culturally-embedded services

Targeting Early Intervention strategies through Aboriginal Community Controlled Organisation, delivering culturally sensitive appropriate services, programs and advocacy that encompass Aboriginal families and community values, promoting self-determination and participation, will maximise engagement by Aboriginal families and communities.

Aboriginal Community Controlled Organisations have the opportunity for an intimate understanding and insight into the socioeconomic, health, lifestyle and psychosocial factors that affect an Aboriginal family or community at any given time.

The expectation of Aboriginal families and community attending mainstream services limits the engagement of the family, hinders the ability of the mainstream service to

conduct a comprehensive accurate assessment in relation to the health, welfare, wellbeing and safety of a child and does not provide an opportunity for the family to articulate their protective abilities, support networks and support mechanisms.

In relation to this question, AbSec makes the following recommendation:

9. That the Committee recommend the NSW Government invest further resourcing in early intervention and prevention programs targeted to new mothers, including in programs such as the first 1000 days initiative and AbSec's Connecting Voices – Aboriginal family led decision making program.

Question: The Hon. MATTHEW MASON-COX: In terms of the implementation of these guiding principles, where is it all at? What now needs to happen if it has not happened already? Is there anything more than these guiding principles? I refer particularly to your comments, Mr Ireland about this not going far enough. You could perhaps elucidate that as well.

Mr TIMOTHY IRELAND: Just to finish up with that point, I will take that on notice but I refer to the Committee to page 20 of the submission which starts to talk about that.

The Hon. MATTHEW MASON-COX: If you could expand on that, that would be great.

AbSec Response:

In addition to page 20 of AbSec's submission relating to this question, AbSec envisages that greater self-determination and authority afforded to Aboriginal people and communities will enable more effective outcomes to be achieved for Aboriginal children and families involved with the child protection system in NSW. Through a network of Aboriginal community controlled providers, tied with localised Aboriginal community governance groups, it is considered that effective and meaningful interventions can be developed and implemented locally to address need and disadvantage.

AbSec would identify that the local Aboriginal community governance groups would take a systems view of child protection concerns impacting their local community, with a view towards understanding the data and trends that lead to child protection interventions, and the ability for these groups to work with Aboriginal community controlled organisations to develop solutions that will meet the needs of families in the local community. For such a model to be effective, authority needs to be relinquished from government agencies and provided to Aboriginal communities and organisations to drive the solutions and outcomes and importantly being transparent about the data on a localised level, with the ability for Aboriginal communities to have direct authority and control over the investment of resources to drive the solution.

Such a model would be supported by AbSec, as the NSW Aboriginal peak organisation for the child and family sector, in collaboration with government agencies. To ensure the model is sustainable, a legislative mandate could be considered appropriate.

In relation to this question, AbSec makes the following recommendation:

10. That the Committee recommend the NSW Government support AbSec's submission and invest in establishing the model identified within as a means of addressing the current overrepresentation of Aboriginal children and families within the child protection and out of home care system.

Further Considerations for the Committee:

AbSec firmly believes that enabling Aboriginal people, communities and organisations to genuinely address the issues presented in child protection will allow for greater self-determination and better outcomes for Aboriginal children and families. Substantive and transformational change is required to genuinely address child protection concerns in Aboriginal communities, ensuring that there is an Aboriginal controlled system that is responsive to and meets the expectations of the children and families it is there to serve.

In undertaking bold and courageous change and committing to Aboriginal self-determination, AbSec considers that the NSW Government could genuinely address the current child protection concerns and provide for better outcomes for Aboriginal children and families. Importantly, this change should be through a legislative mandate that empowers Aboriginal people and communities to have authority over interventions impacting their lives.

In addition to the submission provided by AbSec, the following recommendations are offered for consideration by the Committee:

11. That the Committee recommend the NSW Government scope legislation, in collaboration with Aboriginal communities and organisations, a statutory office charged with responsibility for Aboriginal child and family welfare and wellbeing, this could be in the form of a statutory office that:
 - a. regulates the functioning of an Aboriginal child and family system, including the provision of funding to meet demand in early intervention, out of home care and child protection services, providing commensurate resourcing to address needs of Aboriginal families at risk of their child being removed by child protection authorities, or where an Aboriginal child is placed within out of home care
 - b. establishes standards for the delivery of services to Aboriginal children and families
 - c. consists of Aboriginal leadership and is jointly accountable to the NSW Parliament and Aboriginal communities
 - d. fosters innovation within the Aboriginal community controlled sector by supporting and funding initiatives within Aboriginal communities that work to address overrepresentation of Aboriginal children and families in child protection
 - e. works in collaboration with the statutory functions of child protection agencies to identify and respond to emerging Aboriginal child and family need, demand and disadvantage
 - f. acts as an oversight body for government agencies and Aboriginal organisations in the delivery of services to Aboriginal children and families
12. That the Committee recommend the NSW Government legislate the function of AbSec as an industry development role in maintaining and supporting a strong Aboriginal community controlled child and family sector, empowering the Aboriginal child and family sector to develop and deliver innovative solutions for their communities with appropriate resourcing.