



BEYOND GOOD INTENTIONS

Creating a fair, just and restorative Victorian child and family welfare service system for Aboriginal and Torres Strait Islander children.



Centre for Excellence
in Child and Family Welfare Inc.



About the Centre

Our Vision

Victorian children, young people and families are safe, happy and connected, with access to support when they need it.

Our Purpose

Policy & Ideas

Develop, influence and advocate for public policies that advance the rights and wellbeing of children, young people and families and address the social, economic and cultural barriers to improving their lives.

Research & Practice

Lead and share research to support innovation and evidence-based practice.

Capacity Building

Strengthen the capacity of organisations to provide services that best suit the needs of vulnerable families and children.

Our Leadership

For over 100 years we have advocated to advance the rights and wellbeing of children, young people and families experiencing economic, social and cultural disadvantage.

We advocate for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture.

We represent over 100 community service organisations throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out of home care.

Our member agencies are at the forefront of supporting vulnerable children, young people and families and we support their capacity to meet their goals.

Photography

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Development of the Beyond Good Intentions Statement

In 2013, Berry Street, the Victorian Aboriginal Child Care Agency, MacKillop Family Services and the Centre for Excellence in Child and Family Welfare convened a one day public seminar for community service organisations and government entitled, Beyond Good Intentions, to discuss how best to support self-determination for Aboriginal families and communities in Victoria.

The seminar noted that in spite of the goodwill and good intentions of all stakeholders in support of the rights and wellbeing of Aboriginal children and families, over-representation had deepened and resources and support for Aboriginal community controlled service delivery had declined.

The seminar was briefed on the developments in NSW to increase resourcing and support to Aboriginal Community Controlled Organisations. Motivated by the lack of progress in Victoria and promising developments in NSW, the seminar resolved to pursue a new approach to collaboration and service delivery in Victoria that moved “beyond good intentions.”

A working group was established with representatives from the four agencies that convened the seminar to develop a statement of intent. This would establish a framework agreement with principles and commitments outlining how mainstream child and family welfare agencies would support Aboriginal community control over the care and protection of their children.

In October 2015, the statement was formally endorsed by the Victorian Aboriginal Children's Forum, including by the Victorian Minister for Families and Children and an implementation working group established. This group includes representatives of government, Aboriginal Controlled Community Organisations and mainstream agencies to transform service delivery for Aboriginal children and families, to move beyond good intentions to better outcomes.

We recognise Aboriginal and Torres Strait Islander people as the original owners of this land and accordingly recognise their inalienable right to self-determination. Connection to culture, family, community and Country is fundamental to building a strong Aboriginal community, a strong Aboriginal family and a strong Aboriginal child.

We acknowledge the UN General Assembly's Declaration on the Rights of Indigenous Peoples, which states in Article 3:

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Furthermore, we affirm Article 20:

Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

We support the UN Convention on the Rights of the Child and the importance of adherence to Article 30 outlining the right of Indigenous children to their cultural identity:

In those States in which ethnic, religious or linguistic minorities or persons of Indigenous origin exist, a child belonging to such a minority or who is Indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

We support these rights and acknowledge that the wellbeing of Aboriginal and Torres Strait Islander children in Victoria, particularly those who are vulnerable, is the shared responsibility of all. This statement, *Beyond Good Intentions*, has been developed to outline how we will support, assist and partner with Aboriginal Community Controlled Organisations (ACCOs) in Victoria to meet our particular responsibilities and ensure the wellbeing of Aboriginal and Torres Strait Islander children, families and communities.

In 2006, learning from Victoria's history of colonisation, dispossession and disempowerment of Aboriginal families, highlighted through the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, many mainstream Community Sector Organisations (CSOs) joined together to acknowledge and apologise to the *Stolen Generations*. This was a joining together to take responsibility for our past practices, to say sorry and to make a commitment to do better and not repeat these injustices.

The report of the national inquiry, the *Bringing Them Home* report, made extensive recommendations regarding contemporary child welfare legislation, policy and practice. This included recommendations 43 and 44 to support self-determination in Indigenous child welfare and national standards for Indigenous children. Recommendation 43 includes the following:

That every Indigenous community is entitled to adequate funding and other resources to enable it to support and provide for families and children and to ensure that the removal of children is the option of last resort¹.

Across Australia, Aboriginal and Torres Strait Islander children are over-represented in child protection and Out of Home Care (OoHC). Nowhere is this over representation greater than in Victoria, where Aboriginal children are 16 times more likely than non-Aboriginal children to be placed in OoHC. The over representation of Aboriginal and Torres Strait Islander children in OoHC is worse now than it was at the time of the release of the *Bringing Them Home* report. Addressing this over representation requires the renewed commitment of all stakeholders in the child and family welfare sector. Support and assistance to Aboriginal and Torres Strait Islander families to meet the needs of their children and prevent child removal must be improved. There is a shortage of Aboriginal and Torres Strait Islander carers in Victoria and compliance with the Aboriginal Child Placement Principle in Victoria remains unacceptably low.

Support must be increased for Aboriginal and Torres Strait Islander families to provide culturally safe care for children in accordance with the Aboriginal Child Placement Principle.

For over a decade Victorian Government policy has provided in-principle support for the development of Aboriginal community based and controlled services and programs in the child and family welfare field. Yet since 2002 the provision of OoHC placements for Aboriginal children provided directly by the Department of Health and Human Services (DHHS) and by non-Indigenous Community Service Organisations (CSOs) has grown by over 250% and 150% respectively.² In contrast over the same period there has been no significant increase in resourcing to ACCOs for the provision of OoHC for Aboriginal children. As a consequence the proportion of Aboriginal children in OoHC being supported through an Aboriginal agency has declined.

Initiated in 2014 and led by Aboriginal Commissioner for Children and Young People, Andrew Jackomos, Taskforce 1000 was established to review the progress of each Indigenous child in OoHC. Taskforce 1000 preliminary findings clearly indicate that family violence and substance misuse are present in the overwhelming majority of cases and that most Aboriginal children in care are not having their cultural needs met or their Indigenous family and community connections honoured. Cultural plans are either not in place where required or are of poor quality, the majority of Aboriginal children in care are not placed with their extended Aboriginal family or other members of the Aboriginal community and many are separated from their siblings.

Well-intended government and community sector policy statements supporting the expansion of ACCOs and an increase in their share of service provision have not been sufficiently backed up with specific commitments and resource allocations.

Given the above, it is timely for CSOs to outline how our current policy and practice will support self-determination. Our commitment is to work in respectful partnerships with Aboriginal communities and restore to them the resources and authority that colonisation stripped away. Restoring the resources and authority of Aboriginal communities is essential to ensure all Aboriginal children are safe in their culture, secure in their identity and supported to enjoy a fulfilling life.

We have a responsibility to work with the families and communities of Aboriginal children who experience abuse or neglect, to support them to secure all aspects of their children's safety and wellbeing.

As agencies that access government funding to assist Aboriginal children and families, we have expanded our service capacity, reach and influence over a period of some decades. The CSO sector has grown and accumulated resources and capacity that can create a competitive advantage, relative to Aboriginal agencies, in tendering and other funding processes. It is time for a restorative approach to resource allocation that intentionally grows and restores the capacity of Aboriginal services and communities, based on their expressed priorities.

This restorative approach should include an agreed process that will enable the transfer of program and other resources from government departments and non-Indigenous agencies to Aboriginal services and, just as importantly, the flexibility for Aboriginal communities to then utilise those resources based on their culture and priorities. Unless this *transferring and transforming* of programs and other resources occurs, Aboriginal agencies will be forced to the margins in a service system that is intended to assist their children and families.

¹ *Bringing Them Home, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Human Rights and Equal Opportunity Commission (HREOC), April 1997. See Recommendation 43(b) 4. Appendix 9 Recommendations; available at <http://www.humanrights.gov.au/publications/bringing-them-home-appendix-9-recommendations>

² *Koorie Kids: Growing Strong in their Culture - Five year plan for Aboriginal children in Out of Home Care: A joint submission (to Victorian Department of Human Services) from Victorian Aboriginal Community Controlled Organisations and Community Service Organisations*, November 2013.

The purpose of the *Beyond Good Intentions* statement is to drive collaboration and reform and create a fair, just and restorative child and family welfare service system for Aboriginal and Torres Strait Islander children.

Statement of Principles

We will promote the following principles to underpin our combined efforts to build a fair, just and restorative child and family welfare service system:

Principle One: A rights based approach

Children's rights, as outlined in the United Nations Convention on the Rights of the Child, the right of Aboriginal and Torres Strait Islander peoples to self-determination and the UN Declaration on the Rights of Indigenous Peoples are the foundations of child welfare legislation, policy and practice.

Principle Two: Restoring health and capacity of Aboriginal families

Family is recognised as the foundation of every Aboriginal and Torres Strait Islander child's social, cultural and emotional wellbeing and their most important life-long support system. Restoring and supporting the health and capacity of families is acknowledged as central to improved outcomes for children.

Principle Three: The Aboriginal Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle must be paramount in all child protection decisions. The Principle must be implemented, applied to all child protection decisions and independently monitored and reported.

Principle Four: Strong in culture

Strengthening Aboriginal and Torres Strait Islander children's cultural identity is always in their best interests; when decisions regarding children's safety and development are being made the cultural identity of the child must be respected and supported.

Principle Five: Service choices for Aboriginal families

The right of Aboriginal and Torres Strait Islander children and families to access support and assistance through local Aboriginal services is acknowledged and must be actively promoted.

Principle Six: Respect for Aboriginal Community Controlled Organisations

Aboriginal and Torres Strait Islander Community Controlled Organisations are the legitimate agencies to identify and respond to needs within their communities and must be actively supported, resourced and respected.

Principle Seven: Cultural Safety

Aboriginal and Torres Strait Islander families and children have a right to access and experience culturally safe and competent practice within all community service organisations.

We commit to actively support and advocate for a fair, just and restorative child and family welfare service system in Victoria.

We hold that:

- Trust and honest dialogue between government agencies, ACCOs and all child and family welfare agencies is essential in order to build a fair, just and restorative child wellbeing and protection system. This is vital if we are to achieve better outcomes for Aboriginal and Torres Strait Islander children.
- In order to achieve better outcomes for Aboriginal and Torres Strait Islander children, local Aboriginal and Torres Strait Islander community based agencies need to have greater day-to-day control, influence and oversight over child welfare programs and services. Existing government and non-government service providers will need to actively support the transfer and cultural transformation of resources and responsibility to these agencies.

We recognise and respect that:

- Aboriginal and Torres Strait Islander communities are unique with their own history, cultures, strengths, needs and capabilities and that program design and delivery needs to be flexible so that resources can be used for best effect by each community.
- ACCOs have unique organisational strengths and capabilities that have enabled them to effectively provide services for their communities over many decades.
- Services and programs must support Aboriginal and Torres Strait Islander cultures, child rearing practices and family and kinship systems.
- Capacity building is a two-way process in which ACCOs and CSOs can learn from and assist each other in order to collectively meet the needs of Aboriginal children.

We commit in our policy, practice and advocacy to:

- Work to restore the authority, capabilities and available resource base of Aboriginal communities, agencies and families to raise strong, healthy and happy children proud and safe in their culture.
- The greatest proportion of government funding and other resources being directed to the highest areas of need and addressing the over representation of Aboriginal or Torres Strait Islander children in the child welfare system.
- Actively supporting and assisting ACCOs to secure additional resources through tender and other resource allocation processes, to seek partnerships with ACCOs and to not directly compete with ACCOs for resources.
- Establish a process and mechanism to be led by ACCOs that enables the planned transfer of resources, services, programs and authority pertaining to service provision for Aboriginal and Torres Strait Islander families and children from CSOs and government to be managed independently or through agreed service partnerships.
- Building respectful local partnerships in which Aboriginal and Torres Strait Islander agencies have the acknowledged leadership role and through which services and programs can be provided on the terms that best suit Aboriginal agencies and their communities.
- Culturally safe services and cultural competence, via:
 - » Cultural safety training and implementing culturally safe processes in service delivery;
 - » Employment and career development of Aboriginal and Torres Strait Islander staff including joint ACCO-CSO workforce development initiatives; and
 - » Recruitment and support of Aboriginal and Torres Strait Islander foster carers, including through ACCO-CSO partnerships.



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Acknowledgment

We respectfully acknowledge that we work on the traditional land of the Kulin Nation and we acknowledge the Wurundjeri people who are the traditional custodians of this land. We pay respects to community members and elders past and present.



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