

Our Booris, Our Way

Independent review of Aboriginal and Torres Strait
Islander children and young people in contact with the
child protection system in the ACT

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About CREATE Foundation

CREATE Foundation is the national consumer body for children and young people with an out-of-home care experience. We represent the voices of almost 48 000 children and young people currently in care, and those who have transitioned from care up to the age of 25.

Our vision is that all children and young people with a care experience reach their full potential, in line with our mission to:

- CONNECT children and young people to each other, CREATE and their community to;
- EMPOWER children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to;
- CHANGE the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.


We achieve our mission by facilitating a variety of programs and services for children and young people in care.

Introduction

CREATE Foundation welcomes the establishment of the *Our Booris, Our Way* review and Steering Committee and congratulates the ACT Government for their commitment to reducing the number of Aboriginal and Torres Strait Islander children and young people entering care. CREATE is strongly committed to upholding the rights of Aboriginal and Torres Strait Islander children and young people to be cared for by their own communities and connected to their families, communities and culture.

Embedded in CREATE's strategic plan are goals to improve capacity to build strong working relationships and partnerships with Aboriginal and Torres Strait Islander agencies to ensure our work is culturally relevant, and respecting the rights of Aboriginal and Torres Strait Islander peoples to self-determination and participation in decisions that affect their lives and future. We are committed to ensuring a representative number of Aboriginal and Torres Strait Islander children and young people participate in our consultations and research to ensure our advocacy to improve legislation, policy and practice is informed by the needs of this population. This submission is informed by CREATE's consultations and formal research, and ultimately CREATE aims to express our commitment and support of our Aboriginal and Torres Strait Islander agency partners.

This submission will focus largely on question 2, *'how might the experiences and outcomes of Aboriginal and Torres Strait Islander children and young people improved while they are in care,'* as CREATE's research has focussed extensively on the voices and experiences of young people with a care experience. CREATE believes that the re-design of child protection systems and implementation of policies and program to address the needs of Aboriginal and Torres Strait Islander young people should be informed by Aboriginal and Torres Strait Islander people, as recognition of the self-determination of Aboriginal and Torres Strait Islander people. CREATE strongly supports the proposed solutions by the *Family Matters* campaign, such as greater funding and investment from the government into early intervention support services that are culturally safe and accessible (Family Matters, SNAICC, Griffith University, University of Melbourne, 2018). CREATE is a signatory of the *Family Matters* campaign and believes their recommendations should guide changes across the ACT child protection system.



Question 2. How might the experience and outcomes of Aboriginal and Torres Strait Islander children and young people *improve while they are in care*?

Permanency Planning and Placement Decisions

One of the aims of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) is to ensure that young people are supported to maintain connections to family, community, culture and country whilst in OOHC. The most recent data from AIHW however suggests that in the ACT, only 60.1% of Indigenous children and young people are placed with relatives or kin, with an Indigenous carer, or in Indigenous residential care (AIHW, 2018). This indicates that almost 40% of Indigenous young people are placed in non-Indigenous placements.

Additionally, it is unclear whether placement decisions are being made with the support and participation of Indigenous community representatives or the family. NSW's recent legislative changes to Adoption Laws has understandably caused concern amongst Indigenous groups who have dubbed it a 'deeply troubling and regressive move' with concerns this will again lead to the permanent removal of Indigenous children from families and communities (SNAICC, NATSILS & NFVPLS, 2018). CREATE believes that adoption is just one aspect of the care options available to children and young people. Whilst it is focussed on prioritising stability for at-risk children who are in need of stable care, there remain several other sound and proven options for these children's long term wellbeing including placement in accordance with the ATSICPP and that young people should be at the centre of this decision making process. Furthermore, CREATE supports SNAICC's principles for stability and permanency planning (2016).

CREATE advocates for nationally consistent standards for implementing the five elements of the ATSICPP and that greater consideration is given to ensuring that all Indigenous young people are placed according to these principles. CREATE would recommend the utilisation of the recently published SNAICC resource, *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation* (2018) in ensuring that practice on the ground reflects the ATSICPP.

Cultural Connectedness

While some state governments have sought to improve the stability of the young people's care experience through long-term permanency measures, CREATE is concerned that more harm may come to children if attempts to improve stability do not recognise that for Aboriginal and Torres Strait Islander children and young people "stability is grounded in the permanence of their identity in connection with family, kin, culture, and country" (SNAICC, 2016). Of concern is the amount of Aboriginal and Torres Strait Islander children who report feeling disconnected from their culture. Participants in McDowall's (2016) study of 276 young people were asked to indicate how connected to culture they felt, where approximately 31% reported feeling little or no connection to culture. Consultations with Aboriginal and Torres Strait Islander children and young people in QLD (CREATE Foundation, 2011) highlighted the need to be placed in homes that maintain and enhance children and young people's cultural identity. When asked about what makes a good or safe home and why culture is important, young people responded:

'Being able to learn about my culture, because I don't live with my family'

'My fathers, sisters and brothers are important to see. It's not my right (to see them) but I want to have a say in seeing them (but I don't)'

*'Culture is important, it tells you who your family are and who you are)
'It means everything'*

Young people further highlighted the importance when asked what would happen if children and young people could not be connected with their culture. Their responses included:

*'They wouldn't cope'
'It would ruin our lives'*



'Without your culture you don't know who you are'

Previous research conducted by CREATE Foundation has found that young people in ACT generally felt 'somewhat connected' to culture which, compared to other jurisdictions, placed in the middle indicating that while ACT is not the worst performing state, it could be better (McDowall, 2013). ACT had the most variability across the country in response to how connected to culture young people felt indicating that that is a lot of inconsistency in how young people are supported to keep connected to culture. McDowall (2016) further found that a young person's knowledge of their family story was the strongest predictor of strength and connection to culture and should be something to be cultivated for young people in care. What was positive was that of all the states, ACT had the smallest proportion of young people, at approximately 10%, that has no one to teach them about their culture, with a large proportion having family members that taught them. However the variability amongst young people who then felt connected to culture begs the question of what is the *quality* of support they are getting in maintaining this connection. Another important factor identified by McDowall (2016) was that young people who saw their fathers more, reported feeling closer to their cultural community. Despite this, fathers were also identified as having the least amount of contact when compared with other birth relatives and again should be an area of focus.

Cultural Support Planning


Cultural support plans are a tool used to inform planning and decision-making in the child protection context, to ensure the young person remains connected to their culture and identity. The individualised plans capture key cultural information (such as their clan, traditions and customs). However, CREATE Foundation has found that only approximately 15% of Indigenous young people in ACT knew about their cultural support plan (McDowall, 2013). These plans need to be utilised more effectively and most importantly, used in consultation with young people, to promote their cultural identity, connectedness to culture and to improve their experience while being in care.

Information sharing

CREATE's previous work has demonstrated that children and young people in care have a lack of understanding of the care process. In a CREATE consultation with Aboriginal and Torres Strait Islander children and young people in WA (CREATE Foundation, 2005), young people identified that you were brought into care if you were 'bad' or from a 'bad background'. This comment is reflective of the stigma often experienced by children and young people in care, and in particular, by Aboriginal and Torres Strait Islander children and young people. The majority of Aboriginal and Torres Strait Islander children and young people who engaged in this consultation, identified that it was a family member who had talked to them about why they were in care, not a caseworker. Despite caseworkers having the greatest understanding of the out-of-home care process, including the reasons for children being brought into care, it appears communicating this to young people is not successfully managed. Unfortunately, this lack of understanding and knowledge is not confined to Aboriginal and Torres Strait Islander children and young people in WA. McDowall (2013) found that Aboriginal and Torres Strait Islander children and young people across Australia were not being provided with enough information about the care process. Indigenous children knew less about why they were in care and had less information provided to them than non-Indigenous children in care.

Other Submission Questions

CREATE believes it is crucial for Aboriginal and Torres Strait Islander children and young people's voices to be incorporated when addressing change to ensure that the delivery of services for this demographic are culturally appropriate and reflective of their needs. In a consultation with Aboriginal and Torres Strait Islander children and young people in QLD (CREATE Foundation, 2011) children and young people were asked what communities and organisations could do to support



children and young people and prevent them coming into care. These views reflect the larger opinions that strategies aimed at early prevention and supporting families and communities is crucial:

'Ask family if they are okay? Before the children have to come into care.'

'Help look after them (the children)'

'Talking to aunties and uncles and teachers – these people motivate us and protect us'

When asked what governments could do, Aboriginal and Torres Strait Islander children and young people responded again with the need for focus to be on prevention and at home intervention:

'Give the family help instead of just telling them what is wrong.'

'If the department say your parents aren't good then they (the department) need to be better than your parents.'

'Have a family meeting (to try and keep the kids safe at home).'

The views of these Aboriginal and Torres Strait Islander children and young people reflect the views expressed in the Family Matters initiative led by SNAICC for which CREATE strongly supports - the need for collaboration and partnership amongst community and government to empower communities and provide the support needed.



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