

Together keeping our children safe and well

Our comprehensive plan for promoting the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and reducing their over-representation within Queensland's child protection system

QCPCI

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About our comprehensive plan

Establishment of the Aboriginal and Torres Strait Islander Child Safety Taskforce

In October 2009 the Queensland Aboriginal and Torres Strait Islander Child Safety Taskforce was established for the purpose of providing advice to the Department of Communities about:

- the development of a comprehensive plan to address the delivery of culturally appropriate and responsive child protection services for Aboriginal and Torres Strait Islander children, young people and their families
- as a component of this plan, revisions to the service model used to engage the services of organisations performing the legislated Recognised Entity role for purposes of:
 - clarifying and enhancing the vital sets of tasks being delivered by these organisations in actively participating in decision-making at all key points in the delivery of statutory child protection services, and
 - introducing a State-wide program of family support services that would be complementary to the Recognised Entity role and provide an effective, alternative response to the entry of numbers of Aboriginal or Torres Strait Islander children, young people and families into the "tertiary level" of the child protection system, or where statutory interventions may be warranted, diverting them from unnecessarily prolonged involvement with the "tertiary level" of this system, and
- policy, practice and procedural development, service planning and program design across both the government and non-government sectors, to improve the effectiveness of child protection service delivery to Aboriginal and Torres Strait Islander children, young people and families and reduce the escalating rate of their over-representation within the "tertiary" level of Queensland's child protection system.

The Taskforce members comprised:

- representatives of Queensland's key peak bodies including the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSI CPP), Queensland Council of Social Services (QCOS), PeakCare Queensland, Foster Care Queensland (FCQ) and the CREATE Foundation
- a representative of the Coalition of Aboriginal and Torres Strait Islander Human Services Organisations, and
- respected and experienced child protection practitioners from Aboriginal and Torres Strait Islander organisations representing various areas of the State and the distinct perspectives of Aboriginal and Torres Strait communities.

Meetings of the Taskforce were also attended by representatives of the Department of Communities as well as, in some instances, other government departments, who were able to assist the deliberations of the Taskforce through their contributions of relevant information.

Consistent with the role played by the Commission for Children and Young People and Child Guardian in "giving a voice" to Queensland's children and young people in the planning, monitoring and delivery of services to them, representatives of the Commission also attended Taskforce meetings in keeping with their interest in the outcomes of the initiative.

Officers of the Department of Communities also provided a secretariat role to the Taskforce in recording and distributing minutes, arranging meetings and contracting the services of a meeting facilitator.

The context in which our comprehensive plan was developed

Prior to the Taskforce being commissioned and undertaking its deliberations, national attention had been drawn to the need for a framework for the delivery of child protection services that shifts the focus from tertiary-driven statutory responses to an increased range, and improvements in the effectiveness, of:

- “universally-available” preventative initiatives to provide support to all families and children
- early intervention services targeted to families and children regarded as vulnerable, and
- targeted programs and services for “at-risk” families and children.

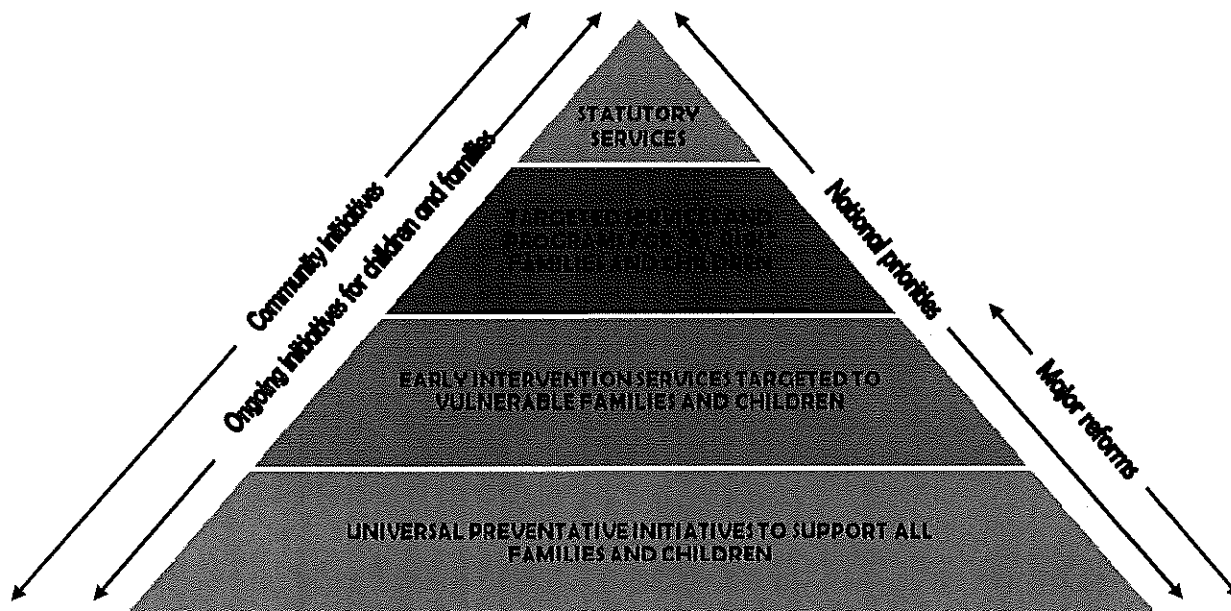
On 30th April 2009, the Council of Australian Governments (COAG) endorsed the *National Framework for Protecting Australia's Children: Protecting Children is Everyone's Business 2009-2020* that is intended to bring about this shift in focus.

Subsequently, the first of a series of three-year action plans - the *Implementation Plan 2009-2012* – was developed to identify the strategies to be undertaken by all governments in partnership with the non-government sector aimed at ensuring that Australia's children and young people are safe and well through a substantial and sustained reduction in child abuse and neglect in Australia over time.

As depicted by the following diagram that is informed by a “public health model”, the aims of the *National Framework* are to ensure that:

- through a coordinated approach across all governments within Australia and the non-government sector, a full and effective range of responses is developed across the whole spectrum of child protection services so that the *right services at the right time* can be provided to children, young people and families, and
- through an increased focus on early intervention and universal supports being made available to families, the demand for more intensive services is reduced, thereby enabling these services to be more appropriately targeted and improved in relation to their quality.

Figure 1: Links to “public health model” depicted within the *National Framework for Protecting Australia's children*



The *National Framework* pays particular attention to the over-representation of Indigenous Australian children and young people receiving statutory services within the child protection systems of all Australian States and Territories.

Whilst a number of "priority areas" are identified under the *National Framework* that are intended to benefit both Indigenous and non-Indigenous children and young people, a specific priority to "close the gap" is named. As such, an accompanying set of strategies is featured within the *Implementation Plan 2009-2012* directly related to addressing the distinctive needs of Aboriginal and Torres Strait Islander children, young people and families and reducing the disparities that currently exist in the child protection outcomes being achieved for Indigenous and non-Indigenous children and young people.

Copies of the *National Framework for Protecting Australia's children* and the first three-year action plan are available on-line at www.coag.gov.au

The challenge faced by members of Aboriginal and Torres Strait Islander Child Safety Taskforce was to ensure that, in developing a recommended plan for addressing the over-representation of Indigenous children and young people amongst those who are receiving a tertiary child protection response within Queensland, this plan would continue to be informed by, and remain complementary to, the initiatives being undertaken at a national level as prescribed by the *National Framework*.

At the same time, it was necessary for recommendations of the Taskforce to specifically address the needs of Aboriginal and Torres Strait Islander children, young people and families within Queensland and remain responsive to the diverse and distinctive cultural beliefs and customs of the Torres Strait Islander community as well as the Aboriginal nations located within this State, the residual historical impact of colonisation and previous government policies as applied to these communities, the State's geography, its economic, demographic and social environment, its current infrastructure of government and non-government service providers and the current focus of their service delivery, and the existing legislative and policy framework, local practice philosophies and values underpinning these policies.

The need for a Queensland-specific response was also highlighted by a *Combined Voices Campaign* commenced in mid-2009. This Campaign has involved a concerted effort by the Coalition of Aboriginal and Torres Strait Islander Human Services Organisations, QCOSS, QATSI CPP, PeakCare Queensland, the CREATE Foundation and various child and family welfare professionals to draw government, media and public attention to the *poor outcomes* being achieved for Aboriginal and Torres Strait Islander children *in terms of their safety, education and health* and propose solutions to the continuing cycle of *disadvantage* being experienced by these children.

Further information about the Combined Voices Campaign including the *Stating the case for change* report published by Combined Voices in 2009 is available on-line at www.qcoss.org.au – Combined Voices Campaign.

Government and non-government sector agreement to work in partnership

In keeping with the theme of *protecting children is everyone's business* established by the *National Framework for Protecting Australia's Children*, Taskforce members identified a need to ensure that all elements of the comprehensive plan developed to promote the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people clearly articulate a partnership between the government and non-government sector in achieving this shared goal.

Taskforce members also perceived that this partnership would be entirely consistent with the commitments and expectations jointly agreed to and held by the Queensland Government and the non-profit community services sector to *work together in a respectful, productive and forward-looking relationship that benefits the community*, as described within *The Queensland Compact: Towards a Fairer Queensland*.

In particular, Taskforce members were keen to ensure that strategies incorporated within the comprehensive plan receive proper and urgent attention by both the government and non-government sectors in accordance with the "priority action" status assigned within the *Compact Governance Committee Action Plan 2008-2010* to the *development and application of culturally appropriate approaches to work with Aboriginal and Torres Strait Islander people* (Priority Action Area E3.3).

A description of *The Queensland Compact: Towards a fairer Queensland* and copy of the *Compact Governance Committee Action Plan 2008-2010* is available on-line at www.communityservices.qld.gov.au.

The shared responsibilities held by communities, non-government organisations and government in achieving the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people

Beyond the partnership of the government and non-government sectors in addressing the needs of Aboriginal and Torres Strait Islander children, young people and families, Task Force members also regarded the empowerment and active participation of Aboriginal and Torres Strait Islander communities within this partnership as a critical component in achieving the aims of a comprehensive plan to promote the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and reduce their over-representation within the tertiary level of Queensland's child protection system.

Accordingly, a clear intention of the Task Force in their development of this plan was to re-focus attention on the responsibilities held by Aboriginal and Torres Strait Islander communities as well as those held by non-government organisations and government in achieving the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and the respective roles to be played by each within this partnership.

Good child protection practice is based on an understanding that children and young people's own families are generally best at promoting their children's safety and wellbeing and access to life opportunities, by providing them with a consistent nurturing environment and uninterrupted relationships with, and attachment to, caring adults.

Therefore, in keeping with this understanding of good child protection practice, the intentions of the Task Force were to ensure that a comprehensive plan be developed that clearly and unequivocally:

- re-asserts the benefits of Aboriginal and Torres Strait Islander children and young people being cared for within their own families and communities

- provides proper recognition and full acknowledgement of the inherent attributes and strengths of the child-rearing practices traditionally held within Indigenous Australian communities, and
- acknowledges the collaborative effort needing to be made by the government and non-government sectors to engage and work in a respectful partnership with Aboriginal and Torres Strait Islander communities in promoting the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people, hence the title of the plan – *Together Keeping Our Children Safe and Well*.

Key areas of responsibility to be held by each party within this partnership include the following:

Government exercises responsibilities to work in partnership with the non-government sector and Aboriginal and Torres Strait Islander communities in “shaping” and designing a child protection service system that ensures an adequate provision of, and the access of Aboriginal and Torres Strait Islander children, young people and families to universally available preventative services, early intervention services targeted to those regarded as vulnerable and targeted services to those who are assessed as being “at risk” as well as statutory child protection services when children and young people have been harmed or placed at risk of harm.

Government has a responsibility to ensure that these services are delivered in ways that uphold the rights of Aboriginal and Torres Strait Islander children and young people to be protected and cared for in ways that preserve and sustain their identification and connections with their culture and community.

Government exercises these responsibilities through its roles in proclaiming legislation and setting policy directions that govern and guide administration of Queensland's child protection system, its resourcing of non-government organisations to deliver viable and effective services through grants and other funding arrangements and its regulation of these services, as well as its own delivery of services via government departments and other government-owned entities that are either directly or indirectly involved in providing child protection and related services.

The **non-government sector** has a collective responsibility through its network of service providers, to deliver the programs and services it is funded to provide in ways that are culturally respectful, inclusive and responsive to Aboriginal and Torres Strait Islander children, young people and families – be these programs and services that are intended to support families in caring for their children thereby preventing their entry into or unnecessarily prolonged involvement with the statutory system or their delivery of “out-of-home” care services that, wherever possible and safe to do so, facilitate the re-unification of children and young people with their families and their connection or re-connection with their community and culture.

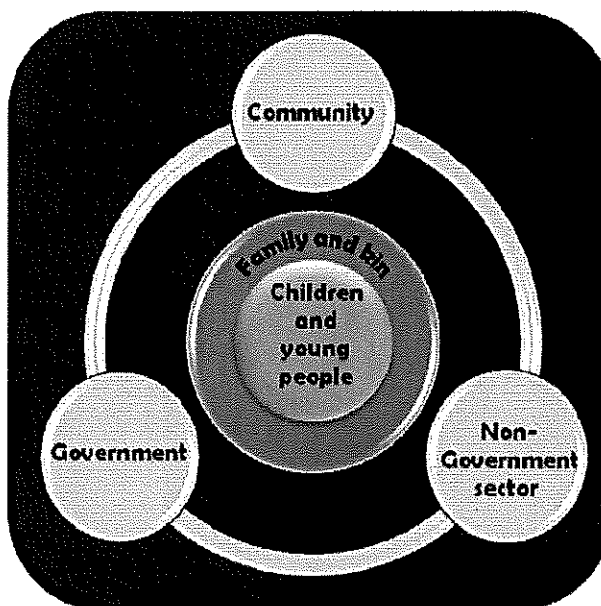


Figure 2: *Together keeping our children safe and well*

The non-government sector also plays a key role in utilising its own professional knowledge, skills and expertise – either in conjunction with government or independently – to research and initiate new and innovative service responses, self-regulate the quality of its programs and services in addition to meeting relevant, mandatory service standards and influence the future direction of government legislation and policy formulation, its investment and allocation of resources and its development of the child protection service system in ways that properly represent the best interests of Aboriginal and Torres Strait Islander children, young people and families both individually and as a group.

Aboriginal and Torres Strait Islander communities raise their children and young people to be confident and valued and enable them to live with family in safe, nurturing environments where they are free from harm or risks of harm.

Aboriginal and Torres Strait Islander communities undertake this role through the exercise of the collective responsibility traditionally held by family members, networks of kin, respected community leaders and Elders in raising their children and young people in accordance with the custom and practice of each community.

As depicted in Figure 2: *Together Keeping Our Children Safe and Well*, central to this partnership is:

- the status given to the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people as constituting the predominant agenda throughout all dealings of the partnership, and
- the engagement of, and active participation by, Aboriginal and Torres Strait Islander children and young people as well as members of their family and kin in decision-making affecting their current and future lives.

The issues of concern regarding the over-representation of Aboriginal and Torres Strait Islander children and young people receiving a tertiary child protection response to be addressed by our comprehensive plan

In identifying the issues of concern to be addressed by the comprehensive plan, members of the Taskforce examined and considered data concerning the over-representation of Aboriginal and Torres Strait Islander children and young people amongst those who are receiving a tertiary child protection response within Queensland – this information indicating that:

- Indigenous children and young people are around three times more likely to have reports of harm or risk of harm substantiated, and six times more likely to be removed from their family and placed in "out-of-home care", than other children and young people living in Queensland
- at each of the key decision-making points within the tertiary level of the child protection system – receiving notifications of harm or risks of harm, the substantiation of these notifications, the issuing of a "child protection order" by a court and the placement of children and young people in "out-of-home care" - Indigenous children and young people are significantly over-represented
- the disparity in outcomes arising at each of these key decision-making points for Indigenous and non-Indigenous children and young people is widening, and the further Indigenous children and young people move into the tertiary level of the child protection system, their level of over-representation increases
- Indigenous children and young people in comparison with their non-Indigenous peers, are more likely to experience longer stays in "out-of-home care" and are less likely to be the subjects of voluntary interventions (such as an "Intervention with Parental Agreement")

- once removed from their family's care, Indigenous children and young people in comparison with their non-Indigenous peers, receive less comprehensive services and are less likely to have regular contact with members of their family or to be re-unified with their families
- disparity between Indigenous and non-Indigenous children and young people in relation to their involvement with the tertiary level of the child protection system exists in all geographical areas of the State, although it tends to be more pronounced in the urban areas of south-east Queensland, and
- there is a low and reducing rate of compliance with the legislated *Child Placement Principle* that requires a hierarchy of preferred placement options to be considered when Indigenous children or young people require "out-of-home care" – these options including, in order of preference, a member of the child or young person's family, a member of their community or language group, another Aboriginal person or Torres Strait Islander who belongs to a comparable community or language group or another Aboriginal person or Torres Strait Islander.

Further description and analysis of trends concerning the over-representation of Indigenous children and young people within Queensland's child protection system can be obtained with the *Policy Monograph: Addressing the Over-representation of Aboriginal and Torres Strait Islander Children and Families in Queensland's Child Protection System* published by Combined Voices in 2010. A copy of this report is available on-line at www.qcross.org.au – Combined Voices Campaign.

This information highlighted the need for strategies to be incorporated within the comprehensive plan to address not only the reasons for Indigenous children and young people coming to the attention of government authorities involved in providing a statutory child protection response, but also the ways in which these children and young people are dealt with once this contact has been made – these strategies being necessary in order to:

- firstly, reduce the need and demand for tertiary child protection responses from statutory authorities, and
- secondly, where a tertiary response may be warranted, eliminate unnecessarily prolonged involvement of Indigenous children, young people and families with the statutory child protection system.

In particular, Taskforce members were keen to ensure that:

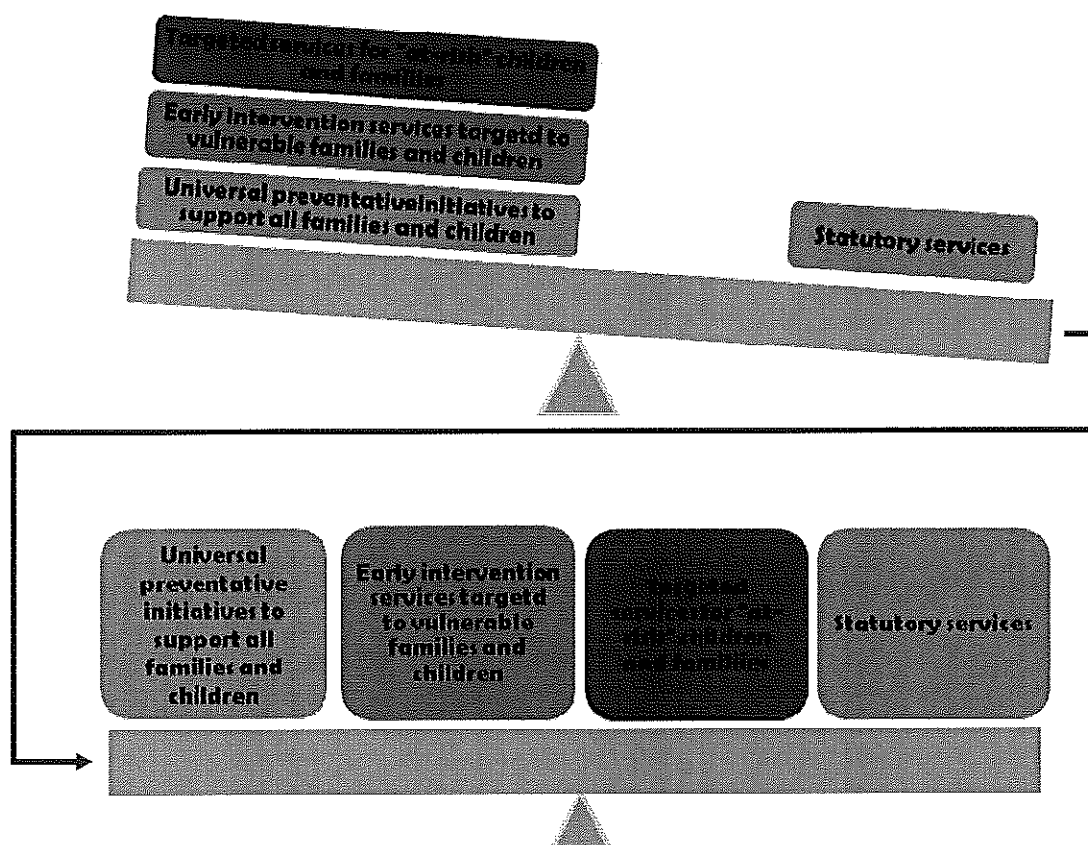
- in adopting a "public health model" (as depicted by Figure 1), this not be interpreted as denoting a hierarchy of options where Aboriginal and Torres Strait Islander children, young people and families "graduate" through the various levels of the child protection system (i.e. "graduate" from receiving a universally available preventative service or early intervention service to being the recipients of a targeted program service due to the identification of risk factors and finally, receiving a statutory response when "all else has failed")
- in preference to this "graduating effect", the model be correctly interpreted as providing a suite of child protection services and responses across the various "levels" included within the model which, in a more fluid and flexible manner, may be accessed by Aboriginal or Torres Strait Islander children, young people and families as and when they are needed

- no Aboriginal or Torres Strait Islander child or young person be deprived of a statutory child protection response when, in fact, this may be needed in order to secure their safety from harm
- with special consideration being given to the higher likelihood of Indigenous children and young people receiving a more intrusive and long-lasting tertiary response than their non-Indigenous peers once a notification of harm or risk of harm has been received, clearly defined and effective "exit points" from - as well as "entry points" into - each "level" be developed that reduce the unnecessarily prolonged involvement of statutory agencies in the lives of these families and promote *the right services* being made available to them *at the right time*
- again with special consideration being given to the higher likelihood of Indigenous children and young people receiving a more intrusive and long-lasting tertiary response than their non-Indigenous peers, the processes used to divert Aboriginal and Torres Strait Islander children, young people and families from entering the tertiary level of the child protection system not inadvertently "net-widen" by making their eligibility for receiving a family support service becoming contingent upon a notification of harm or risk of harm having been received – the risk being that the rate of notifications will increase in order to secure access by families to the services they require
- the means used to establish eligibility to receive a family support service by making this eligibility contingent upon a notification being first received not create an inability for Aboriginal or Torres Strait Islander families to voluntarily access a support service as and when it may be required or a reluctance by these families to constructively engage with the providers of the service for fear of it become a prelude to the removal of their children, and
- the means for accessing a family support service build on the "natural processes" that exist within Aboriginal and Torres Strait Islanders communities wherein Elders and other respected persons, in serving as the "eyes and ears" of their communities, are able to quickly and flexibly intervene as needs arise within families without delaying such interventions until the circumstances or needs of the family deteriorate to the extent necessary to meet the eligibility criteria established for receiving a service.

To this end, Taskforce members sought to ensure that, in preference to an over-reliance upon tertiary child protection responses including access to family support services that are contingent upon a notification of harm or risk of harm having been received, a more "balanced" child protection system be developed wherein these coercive responses are made only when necessary and exist alongside a strengthened range of other universally available preventative services, early intervention services and targeted programs for "at-risk" families that may be voluntarily accessed.

As depicted within Figure 3, Taskforce members regarded this pursuit of a "balanced approach" as being in keeping with a key theme promoted by the *National Framework* that calls for *the right service* to be made available and accessible to children, young people and families *at the right time*.

Figure 3: Reducing the focus and reliance on "tertiary" child protection responses



Broader issues of concern regarding the disadvantage being experienced by Aboriginal and Torres Strait Islander children, young people and families

In addition to the over-representation of Indigenous children and young people receiving a tertiary child protection response, Taskforce members also considered data concerning:

- the over-representation of Indigenous young people within Queensland's youth justice system, and
- clear disparities that exist between Indigenous and non-Indigenous children and young people in respect of a wide range of other "quality of life indicators" – this data being further illustrative of the vulnerability of Queensland's Aboriginal and Torres Strait Islander children, young people and families.

In particular, the Taskforce noted:

- the 25 times greater rate of Indigenous young people being detained within a youth detention centre in Queensland than the rate for non-Indigenous young people (313.5 per 100,000 of Indigenous young people compared with 12.5 per 100,000 of non-Indigenous young people in 2007-08)
- the three times higher rate of teenage births among Indigenous females aged 15 to 19 years than the Queensland average (73.6 births per 1000 compared with the Queensland average of 23.0 per 1000 in 2007)
- the higher prevalence of Indigenous babies having a low birthweight (12.1% of Indigenous births compared with 9.1% of births within the general population)
- an Indigenous infant mortality rate that is almost twice the mortality rate for infants from the general population (9.7 per 1000 of Indigenous births compared with 5.3 per 1000 within the general population in 2005-2007)
- a mortality rate of older Indigenous children and young people (aged 1 to 17 years) that is two to three times greater than the Queensland average (40.9 per 100,000 of Indigenous children compared with 19.3 per 100,000 within the general population)
- the over-representation of Indigenous children in deaths from Sudden Infant Deaths Syndrome
- the almost seven times greater rate of suicide by Indigenous young people aged 10 to 17 years than the suicide rate in relation to non-Indigenous young people (17.0 and 2.5 per 1000 respectively in 2007-08)
- the greater prevalence of poor oral health amongst Indigenous children
- the greater prevalence of ear and hearing problems amongst Indigenous children (nationally, 10% compared with 3 % for non-Indigenous children)
- the lower rates of participation by Indigenous children and young people in schooling with fewer being likely to complete Year 12 (with a Year 12 retention rate of 60.5% for Indigenous students compared with Queensland's overall retention rate of 78.0% in 2008)
- the lower rates of Indigenous children and young people achieving national benchmarks for reading and numeracy with, on average, Indigenous students performing two years below the level attained by non-Indigenous students within Queensland, and
- the greater proportion of Indigenous children and young people living in areas of the State regarded as experiencing socio-economic disadvantage.

Further detail about disparities in relation to the safety and wellbeing of Indigenous and non-Indigenous children and young people within Queensland can be obtained from the *Snapshot 2009 – Key data: Children and Young People in Queensland* report produced by the Commission for Children and Young People and Child Guardian. Copies of this report are available on-line at www.ccypcg.qld.gov.au

In addition, the Taskforce considered data collected by the Department of Communities indicating:

- a greater prevalence of drug and/ or alcohol problems and domestic violence within the households of Indigenous children and young people who enter the tertiary level of Queensland's child protection system than from within non-Indigenous households, with around two-thirds (65%) having been affected by drugs and/ or alcohol and almost half (43%) by domestic violence
- a higher proportion of Indigenous children and young people entering the tertiary level of the child protection system with a primary parent who has a criminal history (approximately one third compared to the Queensland average of 21%), and
- a higher proportion of Indigenous households having had a prior history of ongoing interventions by the Department of Communities (40% of Indigenous households compared to the average of 26%) with the parents of Indigenous children who become the subjects of statutory interventions also being more likely to report that they themselves were abused as children.

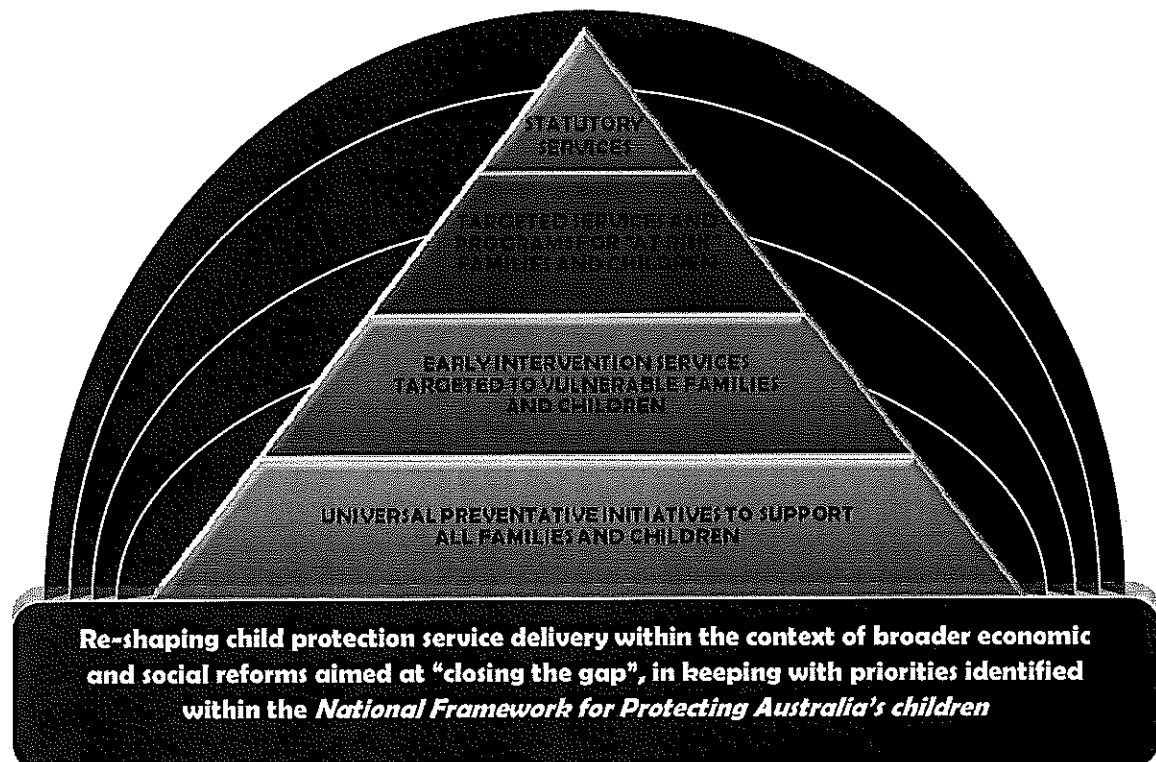
Importantly, Taskforce members also noted that notifications of harm or risk of harm received by the Department of Communities in relation to Indigenous children and young people are more likely to be substantiated for reasons of "neglect" (35.8%) than for "physical abuse" (30.0%), "emotional abuse" (29.4%) or "sexual abuse" (4.9%). This differs from trends in relation to non-Indigenous children and young people whose notifications are more likely to be substantiated for reasons of "emotional abuse" (36.9%) than "physical abuse" (27.2%), "neglect" (25.2%) or "sexual abuse" (8.7%).

Taskforce members considered that the above information highlighted:

- the challenges continuing to be faced by large numbers of Indigenous families in Queensland in dealing with the legacy of colonisation – the experience of which they share with people who are indigenous to other countries
- the long-lasting impact of previous government policies – particularly those in relation to the removal of children, the separation of family members, the re-location of communities and subsequent disruption to their connections with "land and sea" – on the capacity of families and communities to maintain their sound, traditional child-rearing practices in conformance with established cultural norms, and
- the impact of social and economic disadvantage that is continuing to be experienced by large numbers of Indigenous families and communities throughout Queensland including, in particular, the correlation that exists between the disproportionately high numbers of notifications that are substantiated for reasons of "neglect" in respect of Indigenous children and young people in comparison with their non-Indigenous peers and the identification of "parental risk factors" leading to a substantiation of the "neglect" that are symptomatic of the socio-economic disadvantage being experienced by these families (including factors such as unemployment and poverty, inadequate or over-crowded housing, disengagement from education, and poor physical and mental health).

In light of the above, the Taskforce concluded that, in order for the benefits of any "re-shaping" of or improvements made to the functioning and operations of the child protection system at a "micro-level" to be maximized and made sustainable, these actions must be accompanied by, and undertaken within the context of, broader, "macro-level" reforms aimed at addressing the socio-economic disadvantage being suffered by Indigenous families and communities.

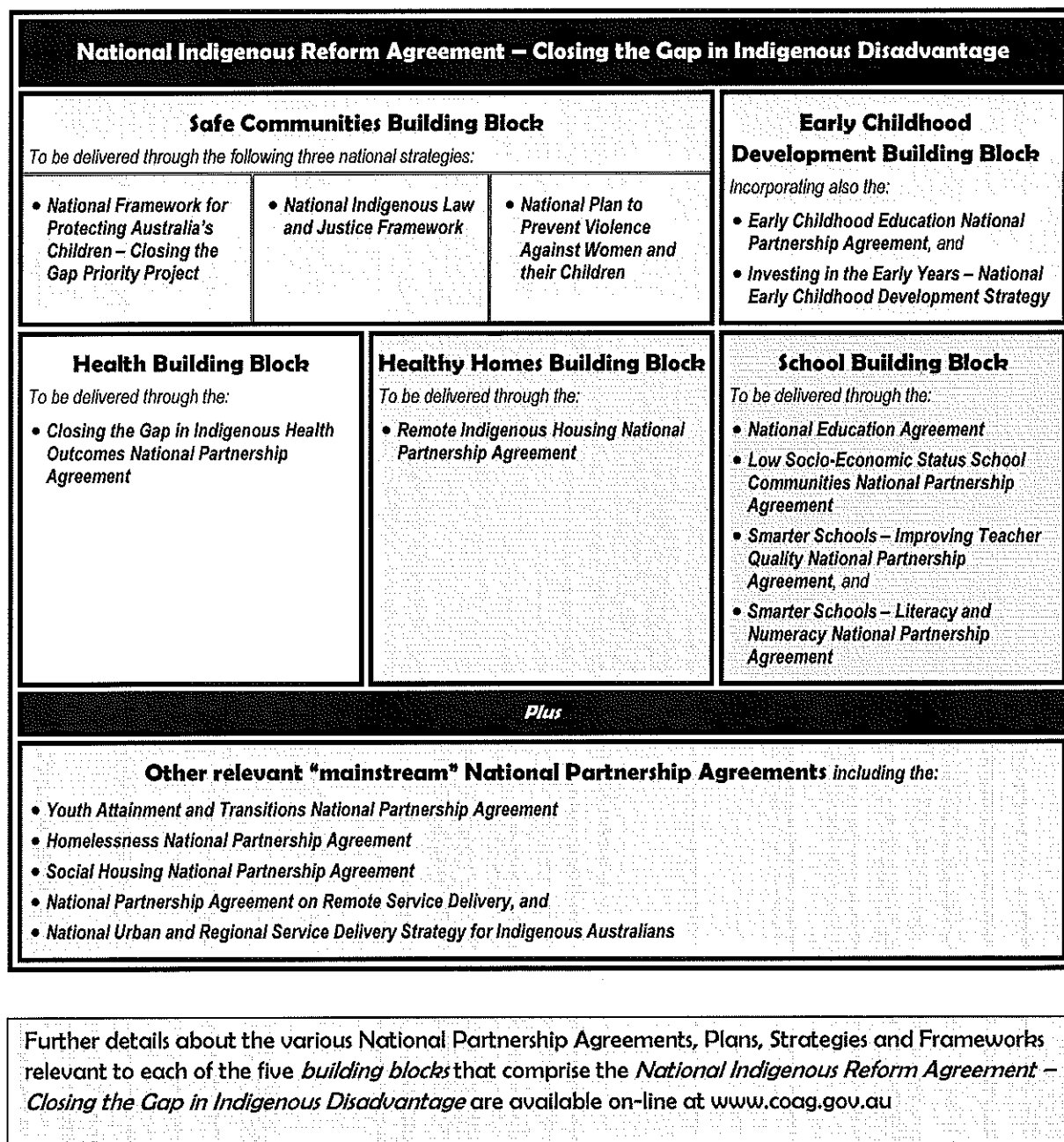
Figure 4: Linking strategies for “re-shaping” child protection service delivery with other initiatives being planned or undertaken within and across government departments and the non-government sector to address areas of disadvantage being experienced by Indigenous communities



In particular, the Taskforce identified the need to ensure that, in addition to stipulating actions directly related to the range of tertiary and secondary child protections administered or funded by the Department of Communities, the comprehensive plan also address the processes and means to be used for informing and monitoring the range of initiatives being considered or undertaken by other government departments in partnership with the non-government sector intended to bring about the *closing the gap in Indigenous disadvantage* objectives featured within the *National Framework for Protecting Australia's Children*.

Specifically, the Taskforce regarded this as including the “linkages” that need to be created with those government departments carrying responsibilities for coordinating and implementing, in partnership with the non-government sector, the various National Partnership Agreements, Plans, Strategies and Frameworks associated with each of the five *building blocks* incorporated within the *National Indigenous Reforms Agreement – Closing the Gap in Indigenous Disadvantage*.

Figure 5: The five *building blocks* incorporated within the *National Indigenous Reforms Agreement – Closing the Gap in Indigenous Disadvantage*



Conformance with United Nations Conventions

A need for all aspects of the comprehensive plan to remain consistent with the United Nations' *Convention on the Rights of the Child* was also identified by Taskforce members.

First adopted by the United Nations in 1989, the Convention makes reference to:

- the best interests of the child being the primary consideration when a government intervenes in family life, and
- governments respecting and providing support to parents, extended families and communities in exercising their rights, responsibilities and duties to their children and young people.

Specifically in respect of children who are indigenous to their country, the Convention states that:

- these children shall not be denied the right, in community with other members of the group, to enjoy their own culture, and
- attention shall be paid to the cultural background of children in out-of-home care placements.

The Convention asserts the right of all children to an identity and that those who are capable should be able to speak for themselves in matters that affect them.

What is in our comprehensive plan?

The vision of our plan

The vision being sought for the Aboriginal and Torres Strait Islander children and young people of Queensland through implementation of our comprehensive plan for *together keeping our children safe and well* is:

Aboriginal and Torres Strait Islander children and young people grow with family, connected to family and in a safe and nurturing home environment.

The purpose of our plan

In pursuing this vision, the purpose of the plan is to provide:

A framework for the Queensland Government and non-government community service sector organisations to work in partnership with the Aboriginal and Torres Strait Islander community to promote the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and reduce their over-representation within Queensland's child protection system.

The aims of our plan

In keeping with the purpose of our plan, its aims are:

To comprehensively address the current disparities, and achieve equitable outcomes, in relation to the safety and wellbeing of Queensland's Indigenous and non-Indigenous children and young people, fully acknowledging that in order to achieve this equity:

- *Aboriginal and Torres Strait Islander children and young people must be afforded the same rights and entitlements held by their non-Indigenous peers to practise their cultural beliefs, traditions and customs, and*
- *preservation of the identification and connections Aboriginal and Torres Strait Islander children and young people have with their cultures and communities must be viewed as fundamental and integral to the achievement and maintenance of their safety and wellbeing, and dealt with accordingly.*

In achieving these aims, it is intended that Aboriginal and Torres Strait Islander children and young people will also receive the same benefits as those that are to be achieved for all children and young people within Queensland, resulting from implementation of the *National Framework for Protecting Australia's Children*.

The “priority areas” addressed within our plan

Our comprehensive plan for *together keeping our children safe and well* identifies a number of “priority areas” that require attention by the partnership of government, the non-government sector and Aboriginal and Torres Strait Islander communities.

These priority areas include:

- Priority One: *Sharing a common vision and commitment*
- Priority Two: *Providing the right services at the right time*
- Priority Three: *Ensuring the existence and application of sound legislation, policy, practice and procedures, and*
- Priority Four: *Building a robust system and network of Indigenous service-providers.*

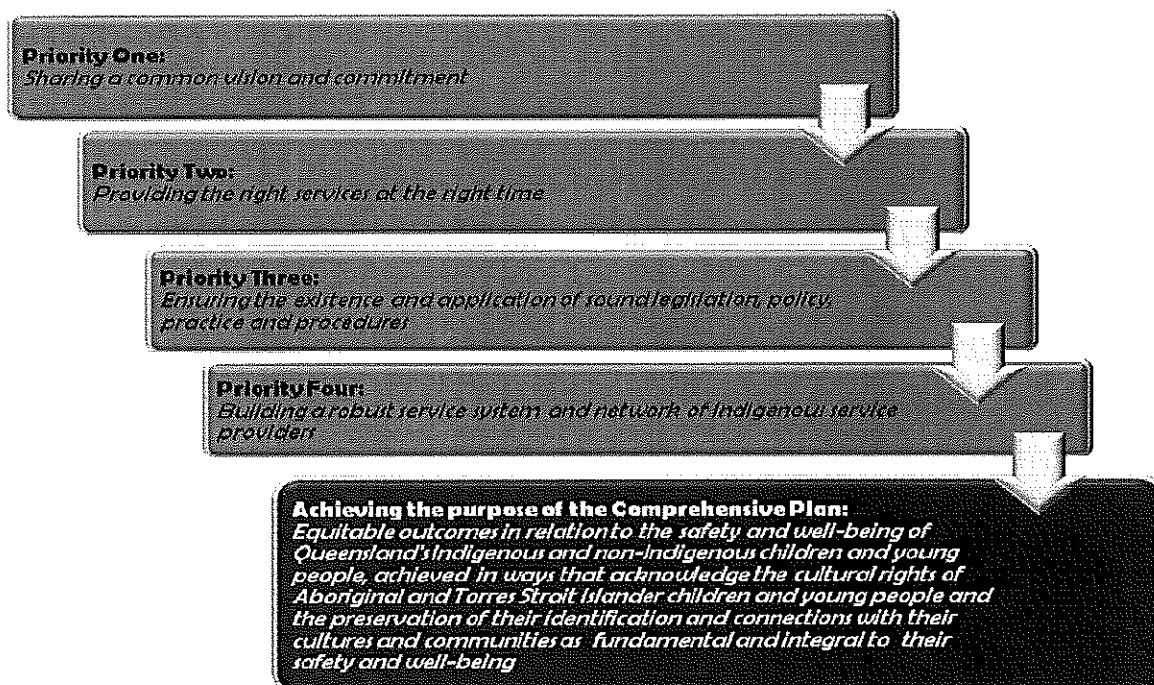
For each priority area, a set of “action plans” is incorporated within our comprehensive plan.

These action plans describe:

- the outcomes being sought from the action that is to be taken
- the key steps to be undertaken in performing the action
- time frames by when the action is to be completed, and
- the parties responsible for coordinating and implementing the action.

As depicted within the following diagram, it is intended that the accumulative effect of these action plans being fully implemented will ensure that proper attention is given to each of the identified priority areas and the aims of our comprehensive plan are achieved.

Figure 6: Bringing about the aims of our comprehensive plan by addressing each of the identified priority areas



Implementing, monitoring and reviewing our plan

All actions included within our comprehensive plan for *together keeping our children safe and well* are to be completed within five years.

The plan is best regarded however as a "living document" that will be regularly reviewed and updated with the actions incorporated within the plan added to or amended whenever this may be required. In particular, a "major review" of the plan will occur at the end of the five year period and, informed by the findings of this review, a new version will be produced and establish the priorities and actions to be addressed during the next five year period.

In ensuring both the currency and effectiveness of the plan, the Aboriginal and Torres Strait Islander Child Safety Taskforce will continue to play a major and valued role. In accordance with its defined terms of reference, the Taskforce will serve to:

- provide oversight of the plan's implementation
- identify and advise on any changes to the strategies concerning the plan's implementation that may be needed or desirable over time, and
- in the interests of promoting accountability and continuous service improvement, monitor the achievement of the plan's purpose and aims and the reporting of its outcomes, in accordance with an agreed-upon framework for measuring, assessing and reporting on performance.

In keeping with the notion of the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people being a shared responsibility and the exercise of partnership by government, the non-government sectors and Aboriginal and Torres Strait Islander communities as critical to the achievement of its vision, the structures and processes developed to manage and coordinate the plan's implementation will include:

- the allocation of a designated role and sets of responsibilities to a senior officer within the Department of Communities to manage and coordinate the plan's implementation
- the establishment of formalised linkages at both State and local levels to promote the proper and full participation of government, non-government sector and community representatives in the development and activation of detailed twelve-month implementation plans addressing each of the priority areas identified within our comprehensive plan, and
- the collection, collation and analysis of information and data needed to inform the measurement and reporting of the plan's progress in achieving its purpose and aims.

Stage One:

Establishment of the Aboriginal and Torres Strait Islander Child Safety Task Force

Stage Two:

Production of the *Together Keeping Our Children Safe and Well* Comprehensive Plan

Stage Three:

Implementation by the government and non-government sectors in partnership with Aboriginal and Torres Strait Islander communities

Priority One: *Sharing a common vision and commitment*

Action Plan 1.1:

Development of a "vision statement" and its dissemination to all parties with key decision-making responsibilities and roles to perform in the delivery of child protection and related services to Aboriginal and Torres Strait Islander children, young people and families

A statement that clearly articulates a vision jointly held by the government and non-government sectors is regarded as serving an essential purpose in:

- defining the outcomes being sought for Aboriginal and Torres Strait Islander children and young people in relation to their safety, wellbeing and life opportunities and the ways in which these outcomes are best achieved
- uniting Queensland's government and non-government sectors in shared understandings about, and a mutual commitment to, the fulfillment of this vision, and
- directing the activities of all parties holding decision-making roles and responsibilities in the delivery of child protection and related services in ways that comply with the values underpinning the vision statement and in actively contributing to its attainment.

Key matters to be addressed within the vision statement include:

- an acknowledgement of the resilience of Aboriginal and Torres Strait Islander communities and peoples who, despite the devastating impact of colonisation and previous government policies aimed at eradicating their racial identity and culture, have survived and now command the respect due to them both as citizens of Queensland and as the "first peoples of this land" in rectifying the damage done by these policies to their economic, social, personal and spiritual wellbeing
- an acknowledgement of the diversity of the Aboriginal nations located within Queensland as well as the distinctive culture and Melanesian origins of Torres Strait Islander people, with respect shown towards both those aspects of their history and culture that unify Indigenous peoples and those that are specific and important to the nation, kinship and/or language group to which individual children, young people and families belong
- the incorporation of a definition of "cultural respect" which, when applied to the delivery of child protection services, establishes for Aboriginal and Torres Strait Islander children and young people the same rights and entitlements to protection as those held by their non-Indigenous peers, whilst also maintaining and not compromising the inherent rights of these children and young people to their cultural beliefs, traditions and customs
- the incorporation of a definition of "cultural safety" within the vision statement and, in keeping with this definition, a stated intention to view the preservation of Aboriginal and Torres Strait Islander children and young people's cultural safety as integral to their immediate and long-term physical, emotional and spiritual safety, wellbeing and best interests and, accordingly, the inclusion of cultural safety as a key determinant in any decision-making that occurs in relation to their protection and care
- the need for vigilance in safeguarding the cultural rights of Aboriginal and Torres Strait Islander children and young people, removing cultural bias in decision-making about their protection and care including, in particular, the imposition of European-based cultural constructs that equate cultural differences in child-rearing practices with neglect or abuse, and rejecting racism in all its forms
- an acknowledgement of Indigenous "owned and operated" services being the best placed to deliver child protection and related services to Aboriginal and Torres Strait Islander children, young people and families, and
- in light of the above, a subsequent commitment to a progressive movement towards the delivery of funded child protection and related services for Aboriginal and Torres Strait Islander children, young people and families exclusively by Indigenous "owned and operated" services.

Key steps to be taken, by when and by whom

Within three months

- A "vision statement" and supporting documents explaining the rationale for matters addressed within the "vision statement", to be jointly developed by representatives of QATSI CPP and the Department of Communities in consultation with Taskforce members and the Governance Committee associated with the "Queensland Compact: Towards a Fairer Queensland".

Within six months

- Dissemination of the "vision statement" and relevant supporting documents explaining the rationale for matters addressed within the "vision statement", to all key government departments involved in the delivery of child protection and related services and "special interest groups" by the Department of Communities
- Dissemination of the "vision statement" and relevant supporting documents explaining the rationale for matters addressed within the "vision statement", to all key non-government child protection and related service providers by the peak bodies

Priority One: *Sharing a common vision and commitment*

Action Plan 1.2:

Development of a joint "statement of commitment" by the Queensland Government and child protection service providers to the Aboriginal and Torres Strait Islander children and young people of Queensland

Informed by, and consistent with the content incorporated within, the "vision statement", a jointly produced "statement of commitment" by the Queensland Government and child protection service providers will serve the purpose of publicly declaring the shared commitment held by both the government and non-government sectors to:

- uphold the rights of Aboriginal and Torres Strait Islander children and young people to protection and care without compromise being caused to their cultural connections and identification, and
- continue the development of sound child protection practice and culturally sensitive and respectful service delivery that reflects the goals and underpinning values incorporated within the "vision statement".

This "statement of commitment" will serve as an important means of:

- holding both the government and non-government sectors accountable for their efforts in attaining the goals of the "vision statement"
- reducing the understandably high levels of mistrust held by Aboriginal and Torres Strait Islander communities and peoples concerning the intentions and practice of "child welfare agencies" borne out of their experience of these practices in the past, and
- promoting community confidence in the attempts being made to redress past injustices and enact child protection practices that better reflect and conform with those established by the "vision statement".

Key steps to be taken, by when and by whom

Within eighteen months

- A "statement of commitment" to be jointly developed by representatives of QATSICPP, the CREATE Foundation and the Department of Communities in consultation with a representative group of Aboriginal and Torres Strait Islander children and young people and Taskforce members, for presentation to, and consideration by, the State Government

Ongoing

- Regular dissemination of the "statement of commitment" to all key government departments involved in the delivery of child protection and related services and "special interest groups", by the Department of Communities
- Regular dissemination of the "statement of commitment" to all key non-government child protection and related service providers by the peak bodies
- Regular distribution of the "statement of commitment" to Aboriginal and Torres Strait Islander children, young people and families by these agencies and via other communication outlets such as the web-site of the Commission for Children and Young People and Child Guardian

Priority One: *Sharing a common vision and commitment*

Action Plan 1.3:

The development and delivery of training programs, information-sharing and other awareness-raising exercises to inform and educate all parties holding key decision-making responsibilities and roles in delivering child protection and related services to Aboriginal and Torres Strait Islander children and young people about the "vision statement" and its application to their services

To facilitate the raising of awareness about the "vision statement" and support its enactment in practice, a comprehensive strategy for the education and awareness-raising of all key parties from both the government and non-sectors who hold decision-making responsibilities and roles in delivering child protection and related services is required.

Tailored to the specific learning needs of the various occupational groups and individuals whom this concerns – ranging from government policy-makers, Child Safety Officers, Police, the judiciary, legal counsels and advocates through to education and health care providers and non-government child protection practitioners, managers, family support workers, residential care workers and foster and kinship carers - a flexible and diverse range of methods for delivering training, sharing information and raising awareness is needed to enable effective application of the information provided to the performance of their roles.

In keeping with the content of the "vision statement", the content of the training and/ or information being provided and the processes used to deliver this information must go beyond simply raising awareness about Indigenous cultures.

Importantly, the methods used to deliver the training, information-sharing and awareness-raising strategies must enable and encourage the participants to reflect on both the historical and current impact of a dominant white culture on the lives of Indigenous Australians and, where applicable, make use of this information to consider and challenge the influences of their own membership of the dominant white culture upon the personal values, beliefs and attitudes they have formed in relation to Aboriginal and Torres Strait Islander peoples and its impact on the performance of their roles.

Key steps to be taken, by when and by whom

Within twelve months

- The development and production of training programs, information "packages" and other awareness-raising resource materials that may be adapted for use by a range of government and non-government agencies and individuals, by the Department of Communities in consultation with Taskforce members

Ongoing

- Incorporation of the developed training programs, information-sharing and awareness-raising activities within the mandatory induction or training programs and/ or information being routinely received by parties involved in delivering child protection and related services across both the government and non-government sectors

Priority Two: *Providing the right services at the right time*

Action Plan 2.1:

The design and progressive introduction and establishment of programs and services across all "levels" of the child protection system that better reflect the preferences of Aboriginal and Torres Strait Islander people for holistic service delivery, place an emphasis on prevention and early intervention responses and build on the traditional cultural strengths of Indigenous communities

Consistent with contemporary literature about "what works" in providing an effective child protection system for Indigenous families and communities, this plan calls for:

- increased contribution to the design of government funded child protection and related programs and services by Indigenous service providers and community members
- an increased range and mix of programs and services across all "levels" of the child protection system – universally available preventative services, early intervention services targeted to vulnerable families and children, targeted services for "at-risk" families and children as well as "out-of-home" care and other support services provided after statutory interventions have occurred - that are specifically designed to cater for the needs of Aboriginal and Torres Strait Islander children, young people and families
- the incorporation within the design of these programs and services, an increased flexibility for service providers to build on the traditional strengths of Indigenous communities in exercising "collective responsibility" for the safe parenting of children and in being able to quickly intervene and respond to the issues of concern affecting families as they emerge
- in keeping with the above, an increased capacity for Indigenous service-providers to "link" the range of services and child protection responses that may be required over time, thereby enabling a continuity of service provision and a reduction in the current propensity for Indigenous children and young people to receive an escalated, more intrusive and long-lasting tertiary response than their non-Indigenous peers
- consistent with the above and with particular attention given to Aboriginal and Torres Strait Islander children and young people with protective needs who are also involved with the disability and youth justice service systems, a review of protocols and other means for ensuring that complementary and "joined-up" service approaches are being used across both the government and non-government sectors in providing efficient and effective responses to the needs of these children and young people and their families
- caution to be exercised in the design of family support services including those that are to be implemented in association with revisions made to the Recognised Entity role, that they not inadvertently "net-widen" by making referral to the service contingent upon a notification of harm or risk of harm having been received – the risk being that rates of notification will increase in order to establish the eligibility of families to receive the service
- an acknowledgement to be provided that "Indigenous owned and managed" services are generally the best placed to provide a family support service that is culturally appropriate in meeting the needs of Aboriginal and Torres Strait Islander families and effective in constructively engaging the participation of these families and subsequently, the creation of funding incentives to encourage the development and use of "Indigenous owned and managed services" and an eventual requirement that such services only be provided by organisations that are "Indigenous owned and managed"
- similarly, an acknowledgement that, where Aboriginal or Torres Strait Islander children and young people require "out-of-home care", "Indigenous owned and managed services" are generally the best placed to provide a culturally appropriate placement and facilitate the safe reunification of these children and young people with their families or placement with kin in accordance with the legislated Child Placement Principle and subsequently, the creation of funding incentives to encourage the development of these services and an eventual requirement that they be exclusively used to accommodate Aboriginal and Torres Strait Islander children and young people in the future

- an acknowledgement that where "specialist" therapies or other support services are required by an Aboriginal or Torres Strait Islander child, young person or family and these services are not obtainable from an Indigenous organisation or individual, the engagement of these services is most effectively undertaken when managed and arranged by an Indigenous service provider that is able to properly contextualize the "specialist" therapy or support service being provided to the child, young person or family
- where "mainstream" non-government organisations are currently funded to provide services intended to cater for the needs of Aboriginal and Torres Strait Islander children, young people and/ or families, the development and application of rigorous processes by the Department of Communities to monitor the strategies being used by these organisations to deliver services that are culturally respectful and effective, and ensure the accountability of these organisations for the funding they receive in this regard
- a progressive shift in the ways in which services are funded by government away from predominantly "input-based" service agreements towards "output-based" and eventually "outcomes-based" funding methodologies that provide increased flexibility to Indigenous organisations and communities in determining the most effective ways in which their services are to be provided in achieving the required outcomes for the clients of their services.

Key steps to be taken, by when and by whom

Within twelve months

- The initiation of a program by the Department of Communities for systematically reviewing, in consultation with the peak bodies, all child protection funding programs administered by the Department with a view to incrementally introducing a shift towards use of "output-based" and eventually "outcomes-based" funding methodologies and an increased use of service designs that are conducive to holistic service delivery to Indigenous children, young people and families and "joined-up" service approaches across the various "levels" of the child protection system.
- The initiation of a program by the Department of Communities for systematically reviewing, in consultation with the peak bodies, the various protocols, procedures and means for ensuring "joined-up" services approaches to Aboriginal children and young people with protective needs and their families, who are also involved with the disability services and/ or youth justice service systems.
- In respect of "mainstream" non-government organisations currently funded by the Department of Communities to provide services intended to cater for the needs of Aboriginal and Torres Strait Islander children, young people and/ or families, the development and rigorous use of processes for monitoring the performance and accountability of these organisations in delivering services that are culturally respectful and effective

Ongoing

- The progressive funding and establishment of an increased range and mix of "Indigenous owned and managed services" across all "levels" of the child protection system.
- The progressive introduction and establishment of improved protocols, procedures and other means for promoting "joined-up" service approaches to Aboriginal and Torres Strait Islander children and young people along with their families, who are also involved with the disability and/ or youth justice service systems.

Priority Two: *Providing the right services at the right time*

Action Plan 2.2:

The establishment of mechanisms and processes for linking and monitoring the effectiveness of broader strategies being initiated and undertaken by the government and non-government sectors in "closing the gap" and addressing the economic and social disadvantage being experienced by Aboriginal and Torres Strait Islander communities within Queensland

This action plan involves:

- the identification of all key decision-making forums and processes being used to plan and deliver strategies intended to address the economic and social disadvantage being experienced by Aboriginal and Torres Strait Islander communities in Queensland including, in particular, those that are incorporated within the various National Partnership Agreements, Plans, Strategies and Frameworks relevant to the five "building blocks" that comprise the "National Indigenous Reform Agreement – Closing the Gap in Indigenous Disadvantage"
- ensuring that the representatives of the government and non-government sectors who are involved in the planning and delivery of these initiatives are made aware of the priority being assigned to the establishment of initiatives that will remove obstacles to the capacity of Aboriginal and Torres Strait Islander families to safely care for their children, thereby reducing the likelihood of their involvement with statutory child protection services
- contributing information that will assist the representatives of the government and non-government sectors who are the participants in these processes to develop strategies and initiatives which will assist in this regard, and
- promoting the use of effective planning processes that facilitate the development of "joined-up" strategies and holistic service delivery approaches, thereby reducing the potential for a wasteful allocation of financial resources to initiatives that are "piece-meal" in their design or that lead to the establishment of programs and services that duplicate, rather than complement, each other so that the efforts being made by both the government and non-government sectors remain purposeful, planned, cost-efficient and targeted.

This action plan also recognises the role played by the "Child Safety Directors' Network" that is chaired by the Deputy-Director General of the Department of Communities and comprises a membership of Child Safety Directors representing:

- the Department of Communities (including Child Safety Services, Aboriginal and Torres Strait Islander Services, Disability and Community Care Services and Housing and Homelessness Services)
- the Department of Community Safety (Queensland Corrective Services)
- the Department of Education and Training
- the Department of Justice and Attorney-General
- the Department of the Premier and Cabinet
- Queensland Health
- Queensland Police Service
- Queensland Treasury, and
- the Commission for Children and Young People and Child Guardian.

The "Child Safety Directors' Network" has a role in:

- supporting the Queensland Government's child protection system across the continuum from prevention and early intervention to statutory intervention for purposes of ensuring that child protection is addressed as a whole-of-government responsibility
- operating at a strategic "whole-of-system" level and leading the coordination, communication and strategic planning across all "levels" of the child protection system, and
- facilitating service responses, identifying emerging issues and gaps in service delivery, enhancing multi-agency collaboration and driving potential Government responses to these issues.

In keeping with this defined role, this action plan calls for:

- the "Child Safety Directors' Network" to be made aware of the Comprehensive Plan and the high priority being assigned by the Queensland Government to the Plan's implementation and the achievement of its purpose
- all members of the Network, informed by the directions established within the Plan, to review strategies being undertaken within and across their respective departments that will positively contribute to achievement of the Plan's purpose
- members of the Network, either individually or as a group, to consult with Taskforce members nominated by the Department of Communities, who are able to assist in informing the planning or implementation of particular strategies and ensure the consistency of these strategies with the directions established by the Comprehensive Plan
- the Network to include as a "standing agenda item" within their meetings, the identification of strategies to be undertaken within and/ or across Government departments in support of the Comprehensive Plan and the reporting of progress made in respect of each of these of these strategies, and
- the Network to make use of its usual processes in reporting on a six-monthly basis to the Premier through the Director-General, Department of the Premier and Cabinet on whole-of-Government strategies, policies or contentious issues, for purposes of ensuring that those actions being taken in support of the Comprehensive Plan and the progress of these actions are being duly reported.

Key steps to be taken, by when and by whom

Within nine months

- Identification by the Department of Communities of the key decision-making forums being used by the government sector in partnership with the non-government sector, to plan and deliver strategies relevant to the five "building blocks" that comprise the "National Indigenous Reform Agreement – Closing the Gap in Indigenous Disadvantage"
- The development of strategies by the Department of Communities in association with the Coalition of Aboriginal and Torres Strait Islander Human Services Organisations for ensuring that the selection, planning and implementation of these initiatives is properly informed by the priority being assigned to the enhancement of preventative child protection responses that will benefit Aboriginal and Torres Strait Islander children and young people and reduce their over-representation amongst those who are receiving a tertiary child protection response.
- Introduction of the Comprehensive Plan to the "Child Safety Directors' Network" by the Department of Communities along with the requirement for the planning, coordination and reporting of strategies being undertaken by the represented Government departments to take account of the high priority being attached to achieving the purpose and directions established by the Comprehensive Plan.

Ongoing

- The ongoing monitoring and exchange of information that will assist in establishing the directions and planning of initiatives aimed at "closing the gap" and addressing the economic and social disadvantage being experienced by Aboriginal and Torres Strait Islander communities.
- The ongoing coordination, planning and implementation of strategies within and across Government departments by the "Child Safety Directors' Network" that are consistent with the directions established by the Comprehensive Plan and the six monthly reporting of actions taken in conformance with the Plan to the Premier through the Director-General, Department of the Premier and Cabinet.

Priority Three: *Ensuring the existence of sound legislation, policy, practice and procedures*

Action Plan 3.1:

The clarification and strengthening of mechanisms and processes used for ensuring that statutory decision-making in respect of determining appropriate child protection responses are properly informed through the active participation of indigenous service providers in the assessment and formulation of these decisions

This plan calls for an enhancement of the structures, roles and processes used to ensure that:

- *in the process of making decisions that affect the lives of Aboriginal and Torres Strait Islander children, young people and families, those persons responsible for these decisions are fully and appropriately informed about cultural considerations that must be taken into account, and*
- *in providing for the protection and care of Aboriginal and Torres Strait Islander children and young people, proper and respectful observance is given to the cultural and spiritual beliefs, customs and practices of these children, young people and their families.*

The development and implementation of this plan requires that recognition be given to a dynamic wherein Aboriginal and Torres Strait Islander children, young people and families who encounter the statutory child protection system are often seemingly placed in a position where they are dealing with, and being dealt with by, "two cultures" – the "dominant white culture" that is chiefly responsible for the design and administration of the child protection system as well as their own traditional culture.

Within this context, it is necessary for effective collaborative processes to be in place that ensure:

- *Aboriginal and Torres Strait Islander children, young people and families are respectfully assisted to understand and deal with the requirements of the child protection system and the ways in which it is interpreted and administered within the dominant white culture, and*
- *administrators, decision-makers and practitioners within the child protection system are assisted to understand and take into account the cultural beliefs, customs, traditions and rights of Aboriginal and Torres Strait Islander children, young people and families.*

This collaboration involves representatives of non-Indigenous and Indigenous peoples coming together to:

- *"translate" each other's cultural understandings and expectations so that these understandings may be conveyed to Aboriginal and Torres Strait Islander children, young people and their families in ways that "make sense" and have meaning to them in terms of their own experiences*
- *conjointly challenge and guard against a cultural construct being assigned to child protection concerns in a way that discriminates against Aboriginal or Torres Strait Islander children, young people or families, and that "buffers" them from the impact of this occurring*
- *plan ways in which Aboriginal and Torres Strait Islander children and young people may receive the entitlements held by all Queensland children and young people to be kept safe and well, without compromising their rights to their cultural connections and identity*
- *ensure that cultural considerations concerning each child or young person's protection and care are heard, recorded and acted upon by those involved in making decisions about their lives and in delivering services to them*
- *identify and engage the appropriate persons from within each child or young person's family and community in ways that allow them to exercise their traditional roles in relation to the child or young person and their family, whilst also lending their wisdom and guidance in assisting them to deal with the expectations of the various decision-makers involved in the administration of the child protection system with whom they may have dealings (such as Child Safety Officers, Police and courts), and*
- *ensure that the appropriate persons are engaged and brought together to explore, plan and deliver strategies that maintain each child or young person's connections with their cultural history, language, family and community or renew these connections as an integral component of the plans developed for their care.*

In particular, this plan includes the implementation of a revised model for engaging the services of organisations funded by the Department of Communities to perform the legislated functions of the Recognised Entity and/ or for the delivery of a State-wide program of associated family support services to divert families from further involvement with the tertiary level of the child protection system where this may not be warranted or needed.

In conjunction with the implementation of this revised model, this action plan calls for:

- *a clarification of, and clear definition to be assigned to, the respective roles and responsibilities held by the Department of Communities and organisations funded to perform the functions of the Recognised Entity*
- *the development and documentation of clearly articulated procedures and protocols to guide the interaction of personnel from both the Department of Communities and organisations performing the Recognised Entity role as well as other parties involved in statutory decision-making such as courts and members of SCAN teams*
- *the development of clearly articulated descriptions of the accompanying sets of activities and tasks to be performed by organisations funded to perform the functions of the Recognised Entity in enabling their active participation in decision-making, in accordance with the relevant provisions and requirements of the Child Protection Act 1999*
- *the development of a clearly articulated definition of the relationship between, and the protocols to be observed in relation to the delivery of, the Recognised Entity functions and the provision of the associated family support services, and*
- *the monitoring, regular review and evaluation of the revised model for delivering Recognised Entity functions and the program of associated family support services with particular consideration to be given to further re-allocation of available resources to the family support service component of the model in the event that these services demonstrate success in diverting families from unwarranted or unnecessarily prolonged involvement with the tertiary level of the child protection system.*

Key steps to be taken, by when and by whom

Within nine months

- *The selection of "Indigenous owned and managed organisations" that are to be funded to provide the functions of the Recognised Entity and/ or deliver the associated family support services in accordance with the revised model*
- *The development and documentation of practice and procedures manuals to be used by these organisations that define the agreed-upon roles and respective responsibilities of the Department of Communities and these organisations in relation to the application of the revised model and detail the protocols to be consistently observed by both Departmental Officers and the personnel engaged by these organisations.*
- *The amendment of practice and procedural guidelines used by Officers of the Department of Communities to ensure that their practice is consistent with and complementary to the roles being played by the providers of the Recognised Entity functions and/ or associated family support services*
- *The design and delivery of training to be jointly attended by personnel of the organisations funded to provide the functions of the Recognised Entity and/ or deliver the associated family support services and Officers of the Department of Community, to promote the competence of these persons in performing their respective roles and responsibilities in accordance with the agreed-upon practice frameworks, protocols and procedural directions and guidelines*
- *The inclusion of strategies, such as "placement exchanges" of workers between Child Safety Service Centres and organisations providing Recognised Entity and/ or family support services, within the training to be received by staff of both the Department of Communities and these organisations, to promote increased awareness and appreciation of the respective roles played by each*
- *The design and establishment of data collection systems that will enable the collection and analysis of information needed to monitor trends and comprehensively evaluate both performance in implementing the revised service model and the effectiveness of the model itself in achieving its stated aims.*

Within three years

- *A comprehensive evaluation of the service model and, based on the findings of this evaluation, the design and implementation of strategies to address any identified shortfalls and/ or add to its success.*

Priority Three: *Ensuring the existence of sound legislation, policy, practice and procedures*

Action Plan 3.2:

The review of current policies, practices and procedures used by the Department of Communities in association with others, in assessing the needs of Aboriginal and Torres Strait Islander children and young people and in formulating the decisions made concerning the nature and extent of the interventions necessary to secure their immediate and long-term safety from harm

This plan calls for a review of the current policies, practices and procedures currently being used by Officers of the Department of Communities in assessing the needs of Aboriginal and Torres Strait Islander children and young people who come to the attention of the Department and the ways in which the outcomes of these assessments are used to reach determinations about the nature and level of interventions needed to secure their protection and care.

In particular, this review is to take place based on a framework that rejects notions of the fundamental question to be asked in relation to these children and young people being, "Does this child need to be removed from their family's care?" and replaces it with the question, "What does this child need to be kept safe and well?"

This framework is consistent with:

- *contemporary literature and practice trends that have abandoned "child rescuing practices" of the past in preference for more sophisticated understandings of, and approaches to, child protection that recognise the harm that is, in and of itself, usually caused to a child when removed from their family's care – especially when this removal involves separation of the child from their cultural community, and*
- *the exercise of "collective responsibility" for child-rearing as traditionally practised within Aboriginal and Torres Strait Islander communities that, unlike the assignment of predominant responsibilities for child-rearing to the parents of "nuclear families" that occurs within the dominant white culture, sees carer roles allocated to kin who may or may not be "blood-relatives" of the child.*

Specifically, this review, to be conducted in consultation with reputable and experienced Indigenous academics and child protection practitioners, will examine:

- *the application and use of "structured decision-making tools" employed by the Officers of the Department to inform their assessment of need and risk factors and the subsequent selection and planning of interventions in response to the outcomes of these assessments, for purposes of ensuring that adequate safeguards are in place to avoid the influence of cultural bias in their administration – specifically, this includes an examination of the sufficiency of practice and procedural requirements accompanying use of the tools in ensuring that the assessments of need and risk factors in relation to Indigenous children and young people are being undertaken against criteria that fully acknowledges the traditional child-rearing practices of Aboriginal and Torres Strait Islander families and communities and the selection and planning of interventions in response to these assessment findings fully incorporate and build on the strengths and attributes inherent within these child-rearing practices*
- *the use of various decision-making forums such as "family group conferences" for purposes of achieving better understandings about when and under what conditions these forums may be appropriately used and the circumstances when their use may be destructive and therefore, inadvisable*
- *the policy, practices and procedures that exist to support the planned reunification of Aboriginal and Torres Strait Islander children and young people with their families, taking into account the lower rates of reunification that currently exist for these children and young people in comparison with their non-Indigenous peers*
- *the policy, practice and procedures used in locating and approving "kinship carers" including the description used to define a person as a potential "kinship carer", taking into account the low and reducing rate of compliance with the legislated Child Placement Principle, and*
- *the adequacy of existing policy, practice and procedures in describing and promoting the historical significance of the Child Placement Principle to Indigenous Australian people that goes well beyond seeking to ensure that children and young people placed in "out-of-home" care are appropriately "matched" with carers who have a similar cultural background.*

Key steps to be taken, by when and by whom

Within six months

- *The scope of the review and its methodology to be developed by the Department of Communities in consultation with QATSICPP, the CREATE Foundation, a representative group of Aboriginal and Torres Strait Islander children and young people, nominated Indigenous academics and experienced, reputable child protection practitioners*
- *The initiation of a review of the use and application of the "Structured Decision Making" tools in respect of Aboriginal and Torres Strait Islander children, young people and families*

Within two years

- *Informed by the outcomes of the review, progressive implementation of revised policies, practices and procedures by the Department of Communities in association with non-government service providers, accompanied by any required training programs necessary to support this implementation.*
- *In line with findings of the review undertaken in respect of the "Structure Decision Making" tools used by the Department of Communities, the implementation of strategies for customizing the use and application of these tools in respect of Aboriginal and Torres Strait Islander children, young people and families.*

Priority Three: *Ensuring the existence of sound legislation, policy, practice and procedures*

Action Plan 3.3:

The undertaking of further research in relation to "self-government" models employed in Canada for establishing the authority to provide child and family services by and for Aboriginal peoples, with a view to conducting one or more trials of similar models that may be suitably applied and used within Queensland

Within Canada, Aboriginal "self-government" models have emerged that establish the authority to design and provide child and family services by and for Aboriginal peoples. These models enable provincial governments to recognise a self-governing Aboriginal group's social service delivery system as having governance and authority over child welfare matters pertaining to First Nations and/ or individuals who identify as Aboriginals. This may include the self-governing Aboriginal group holding the power to legislate as well as deliver child protection services that are culturally appropriate and compatible with the existing provincial legislation.

Some First Nation agencies are delegated by the provincial authority to provide the full range of child protection services including those that require the exercise of statutory authorities in investigating and responding to notifications of harm or risk of harm to a child. Others are partially delegated to provide the associated child and family support and/ or "out-of-home" care services only.

This plan calls for further research to be undertaken in relation to the Canadian "self-government" models with a view to examining the feasibility of conducting one or more trials of similar models which may be suitably applied and used within Queensland.

Key steps to be taken, by when and by whom

Within two years

- Completion of research in relation to the "self-government" models used within Canada and a study examining the feasibility of developing and successfully applying a similar model (or models) within Queensland – this research and study to be commissioned by the Department of Communities in consultation with Taskforce members

Within five years

- Subject to and informed by the findings of the above research and feasibility study, the establishment of one or more trials of a "self-government" model within Queensland.

Priority Three: *Ensuring the existence of sound legislation, policy, practice and procedures*

Action Plan 3.4:

As part of the scheduled review of the *Child Protection Act 1999*, an examination of the adequacy of the Act in providing a legislative framework for the administration of child protection services that meets the best interests of Aboriginal and Torres Strait Islander children and young people and, subject to the outcomes of this review, the passing of legislative amendments that reflect the goals and values stated within the "vision statement" that is to be produced as a key component of this Comprehensive Plan

The Child Protection Act 1999 is scheduled for review within approximately one year.

This action plan calls for a focus to be placed during this review on the adequacy of the Act in providing a legislative framework for the administration of child protection services that meet the best interests of Aboriginal and Torres Strait Islander children and young people.

This includes an examination of current provisions and requirements included within the Act that specifically relate to Aboriginal and Torres Strait Islander children, young people and families as well as the broader directions established by the Act in enabling and facilitating child protection practice and service delivery viewed as consistent with:

- *the approaches to promoting the safety and wellbeing of children and young people featured within the National Framework for Protecting Australia's Children, and*
- *the goals and underpinning values incorporated within the "vision statement" that is to be produced as an essential element of this Comprehensive Plan.*

In particular, this action plan calls for a review of all provisions and requirements stipulated within the Child Protection Act 1999 relating to the "parent" of a child for purposes of ensuring that these various provisions and requirements consistently apply the definition applied to a person who may be regarded as a child's "parent" by the Act – this definition encompassing:

- *a person who, under Aboriginal tradition, is regarded as a parent of the child (Part 3 Section 11(3)), and*
- *a person who, under Torres Strait Islander custom, is regarded as a parent of the child (Part 3 Section 11(4)).*

The application of a consistent meaning to the term "parent" throughout the Act is regarded as essential in ensuring that:

- *all legal and other proceedings undertaken in respect of a child or young person's custody and guardianship arrangements observe cultural tradition in relation to persons who may be identified as their "parent", in compliance with Part 3 Sections 11(3) and 11(4) of the Act, and*
- *requirements currently made, in accordance with the Act, to identify a child's "birth parent" in relation to these proceedings are amended in order to not limit the potential for preservation of a child's care by the person recognised, in accordance with cultural tradition, as their "parent", nor create impediments to their reunification with the person recognised as their "parent" following the child's placement in "out-of-home" care.*

This action plan also requires that the review of the Child Protection Act 1999 be informed by the research undertaken in relation to "self-government" models employed within Canada (in accordance within Action Plan 3.3) for purposes of ensuring that the legislation is able to cater for the conduct of one or more trials of these models and, subject to the outcomes of these trials, the establishment of the preferred model as an ongoing means for delivering services to Aboriginal and Torres Strait Islander children, young people and families in the future.

Key steps to be taken, by when and by whom

Within two years

- *Completion of a review of the Child Protection Act 1999 by the Department of Communities including community consultation with a focus placed on the adequacy of the Act in providing a legislative framework that serves the best interests of Aboriginal and Torres Strait Islander children and young people*

Within three years

- *The passing of legislative amendments that reflect the findings and outcomes of this review.*

Priority Four: *Building a robust system and network of Indigenous service providers*

Action Plan 4.1:

The development of existing workforce capacity and the establishment of a potentially capable workforce available for future recruitment and use by Indigenous owned and managed organisations providing child protection services

To support and sustain the establishment of an increased range and mix of programs and services for Aboriginal and Torres Strait Islander children, young people and families across all "levels" of the child protection system, strategies are required to both:

- develop the capacity of the existing workforce attached to various "Indigenous owned and managed organisations" involved in providing child protection and related human services, and*
- develop a pool of suitably qualified and capable persons who may be recruited by organisations in the future.*

These strategies are to apply to the full range of "occupational groups" needed to perform the roles required by these programs and services – ranging from policy-makers, managers and qualified child protection practitioners through to para-professional staff and carers and corporate support personnel.

This action plan calls for the development of a comprehensive workforce development plan that incorporates:

- a review of the existing capacity of the workforce currently engaged by Indigenous organisations to meet current demands as well as anticipated future requirements*
- the development of succession planning and other strategies concerning the recruitment, remuneration and career path opportunities to be made available to existing personnel as well as those who may be engaged by these organisations in the future, and*
- improved access to, and the provision of, education and training opportunities that are suitably designed to increase the knowledge and skills of the existing and future workforce and ensure their possession of appropriate qualifications.*

Key steps to be taken, by when and by whom

Within one year

- Development of a comprehensive workforce development plan led by QATSICPP and supported by the Department of Communities and other nominated members of the Taskforce*

Ongoing

- Ongoing implementation of the workforce development plan and its regular updating in response to needs as they emerge.*

Priority Four: *Building a robust system and network of Indigenous service providers*

Action Plan 4.2:

The development of strategies for supporting and resourcing the effective governance and management of "Indigenous owned and managed" organisations involved in the provision of child protection and related services

To support and sustain the establishment of an increased range and mix of programs and services for Aboriginal and Torres Strait Islander children, young people and families across all "levels" of the child protection system, strategies are required to support organisations in developing and maintaining the governance and management arrangements necessary to meet contemporary accountability and potentially complex legal requirements.

This action plan calls for the development of resource materials that may assist organisations in their management of various governance and management demands including, for example:

- *the development and documentation of appropriate role descriptions of Boards and management committees and ways in which they interface with the structures and roles developed to manage an organisation's operational delivery of its services*
- *the initiation and maintenance of strategic and business planning processes*
- *the fulfillment of financial and human resource management obligations*
- *the initiation and maintenance of various service development processes such as those associated with the development, monitoring and review of policies, practices and procedures, the assurance and continuous improvement of service quality, and the evaluation of services, and*
- *the development and documentation of various consortium, partnering and other business relationships and agreements which may be entered into with other organisations.*

Key steps to be taken, by when and by whom

Within one year

- *Development of a comprehensive "package" of resources to assist organisations in maintaining effective governance and management arrangements led by QATSI CPP and supported by the Department of Communities and other nominated members of the Taskforce*

Ongoing

- *Ongoing dissemination of the resource materials and their regular updating in response to needs as they emerge.*