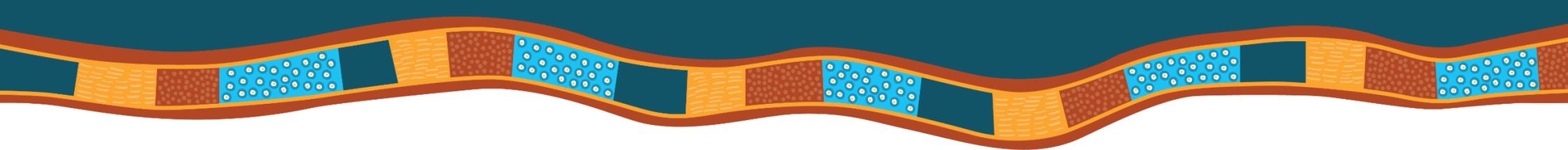




Family is Culture

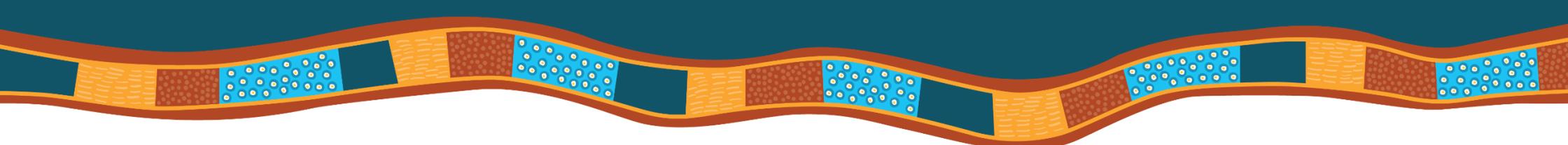
Progress Report

August 2021



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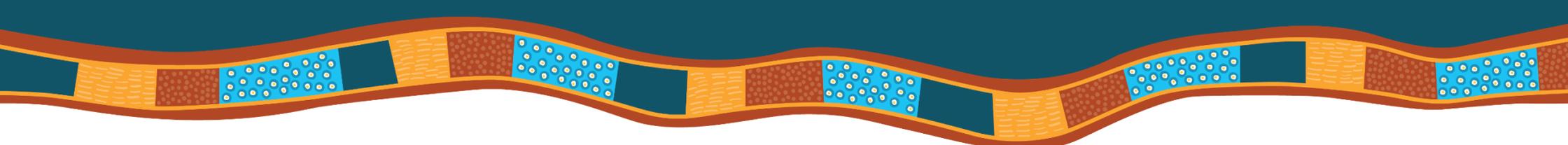


Acknowledgement

The Family is Culture Review speaks to the experiences of Aboriginal children and young people, their families and their communities. Their stories are confronting, and highlight the importance of having a culturally capable service system focussed on walking alongside Aboriginal families and communities to keep their children safe and connected to culture.

DCJ would like to acknowledge the significant advocacy pursued by GMAR and GMAR NSW, Stolen Generations survivors, SNAICC and AbSec. Their advocacy and the input of Aboriginal families, parents and young people at the forum 'Our Kids, Our Way' held in 2016 has been powerful, and led to the Family is Culture Review.

We acknowledge Aboriginal communities who continue to generously share their time, stories and lived experience with us to improve the way we work with Aboriginal children and families.



Overview

The Family is Culture: Independent Review of Aboriginal children and young people in out-of-home care (OOHC) was commissioned by the NSW Government in 2016 to examine the reasons for the disproportionate and increasing number of Aboriginal children and young people in OOHC in NSW.

The NSW Government acknowledges the extensive work of Professor Megan Davis and the Independent Review Team, in completing the review of 1,144 Aboriginal children and young people who entered OOHC during 2015-16. The Family is Culture Review Report 2019 (the Report) speaks to the experiences of those children and young people, their families and their communities, as they navigated the NSW child protection system. The Report includes 125 recommendations to the way we deliver services and over 3,000 recommendations referring to specific children and young people.

Purpose of this progress report

The purpose of this document is to provide an update on progress in responding to the 125 systemic recommendations of the Family is Culture report.

This progress report provides updates on projects and initiatives aimed at addressing the systemic Family is Culture recommendations. Recommendations are presented and organised by the themes listed below and details progress as of August 2021.



Stronger Oversight and
Accountability



Improving Data
Collection and Reporting



Better Casework Policy
and Practice



Enhanced Services and
Supports

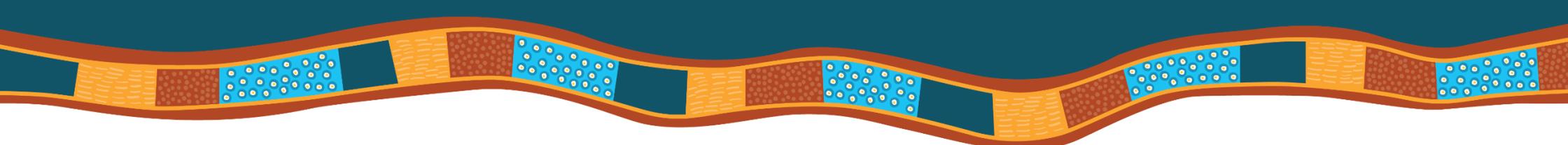


Changing Care and
Protection Legislation

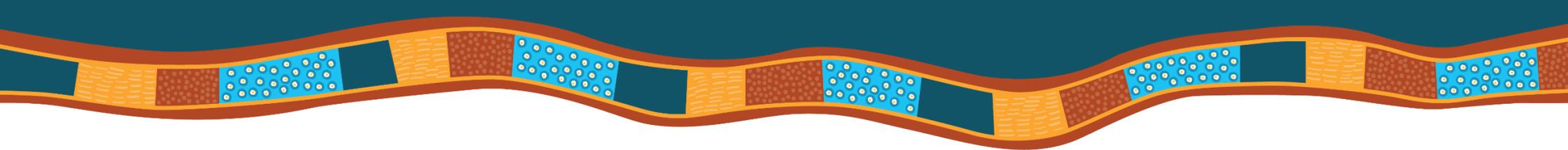
Please note: a number of projects address multiple related recommendations. In these circumstances, updates against recommendations will show the same project update.

List of all Recommendations

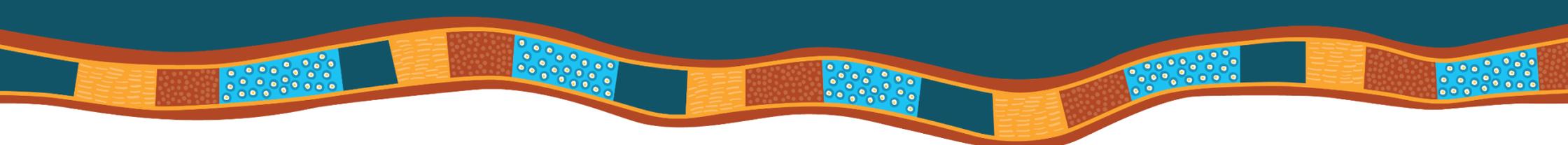
Recommendation	Description	Theme
Recommendation 1	DCJ should convene a roundtable with the Aboriginal community and stakeholders, to discuss the meaning of data sovereignty and the designing, collecting and interpreting of FACS administrative data relevant to Aboriginal children and young people.	Improving data collection and reporting
Recommendation 2	After the implementation of Recommendation 1, DCJ should, in partnership with Aboriginal stakeholders and community, develop a policy which will result in improved partnership being effected in the Department's design, collection and interpretation of data relevant to Aboriginal children and families in the future.	Improving data collection and reporting
Recommendation 3	DCJ should convene a roundtable with Aboriginal community and stakeholders to discuss the Pathways of Care Longitudinal Study (POCLS) methodology and how this data project may be used to better support Aboriginal community and stakeholders' priorities in respect of supporting Aboriginal children in OOHC.	Improving data collection and reporting
Recommendation 4	DCJ should track, monitor and publicly report on the implementation of the recommendations of both the Family is Culture case file review process, and the Family is Culture report, within 12 months of the final report being delivered, with a view to further public reporting on implementation if necessary.	Better casework policy and practice
Recommendation 5	DCJ should establish an Aboriginal Quality Assurance Unit to address issues discussed in this report. This unit should: <ul style="list-style-type: none"> a) track, monitor and publicly report on the implementation of the recommendations made in the Review's case file review process and in this report; b) ensure that recommendations made by Aboriginal staff or community members in consultative processes are tracked and implemented, and that data about the implementation of these recommendations is made publicly available; c) provide ongoing training and practice support to child protection staff about issues relating to Aboriginal children and families in the child protection system; and d) collect and analyse data from multiple sources in order to identify systemic issues requiring reform. 	Better casework policy and practice
Recommendation 6	DCJ should engage Aboriginal stakeholders in the child protection sector, including AbSec and other relevant peak bodies, to develop an agreed understanding on the right to "self-determination" for Aboriginal peoples in the NSW statutory child protection system, including any legislative and policy change.	Better casework policy and practice
Recommendation 7	The Department of Communities and Justice, in partnership with Aboriginal stakeholders and communities, undertake a systemic review of all policies that refer to self-determination, to consider how they might be revised to be consistent with the right to self-determination.	Better casework policy and practice
Recommendation 8	The NSW Government, in partnership with Aboriginal stakeholders and communities, review the Aboriginal and Torres Strait Islander Principles of the Children and Young Person (Care and Protection) Act 1998 (currently sections 11-14), with the view to strengthening the provisions consistent with the right to self-determination.	Changing care and protection legislation
Recommendation 9	The NSW Government should establish a new, independent Child Protection Commission. The Commission, which should be required by legislation to operate openly and transparently, should have {range of functions set out in 9 (a) through 9(k)}.	Stronger oversight and accountability



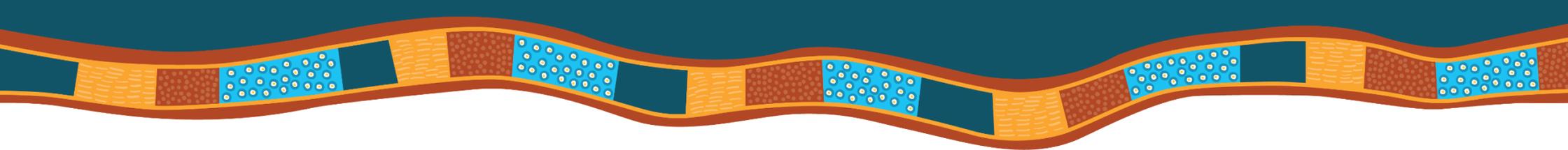
Recommendation	Description	Theme
Recommendation 10	DCJ should conduct an independent review of its internal complaints handling system, with a view to developing a complaints system that is: a). transparent and accessible; b). child friendly; c). empowered to resolve complaints adequately; d). developed in consultation with Aboriginal communities; e). supported by a Charter of Rights and Responsibilities for Aboriginal Families. This system should also employ Aboriginal staff in key roles.	Stronger oversight and accountability
Recommendation 11	The NSW Government should amend clause 45 of the Children and Young Persons (Care and Protection) Regulation 2012 and all other related clauses to ensure that only a charitable or non-profit organisation may apply to the Office of the Children’s Guardian for accreditation as a designated agency.	Changing care and protection legislation
Recommendation 12	The Children’s Court of NSW should be appropriately resourced to enable it to publish all of its final judgments online in a de-identified and searchable form.	Changing care and protection legislation
Recommendation 13	The Children’s Court of NSW should prepare and publish annual statistics regarding its operations in the care and protection jurisdiction.	Improving data collection and reporting
Recommendation 14	The Children’s Court of NSW should prepare and publish an Annual Review.	Improving data collection and reporting
Recommendation 15	The NSW Government should amend s 105 of the Children and Young Persons (Care and Protection) Act 1998 to include a public interest defence to an offence under s 105(1AA).	Changing care and protection legislation
Recommendation 16	The NSW Government should, in partnership with Aboriginal communities and stakeholders, introduce a system of qualitative file reviews modelled on the Quality Case Review and Quality Service Review systems that have been implemented in some states of the United States of America, with the introduction of the additional component of a Family Group Conference.	Better casework policy and practice
Recommendation 17	The NSW Government should amend the Ombudsman Act 1974 to enable the NSW Ombudsman to handle complaints in matters that are (or could be) before a court, in circumstances where doing so would not interfere with the administration of justice.	Changing care and protection legislation
Recommendation 18	The Office of the Children’s Guardian should be required to: (i) publish its compliance inspection reports; (ii) provide these reports to the NSW Parliament; and (iii) publish annual summaries of its inspections, as well as its findings from any research and consultation.	Stronger oversight and accountability
Recommendation 19	The NSW Government should amend the Advocate for Children and Young People Act 2014 or otherwise legislate to ensure that a parliamentary committee monitors and oversees the OOHHC functions of the Office of the Children’s Guardian.	Changing care and protection legislation
Recommendation 20	The NSW Government should amend <i>the Children and Young Persons (Care and Protection) Regulation 2012</i> to ensure that the Office of the Children’s Guardian does not have the power to accredit agencies that have not demonstrated compliance with the accreditation criteria.	Changing care and protection legislation



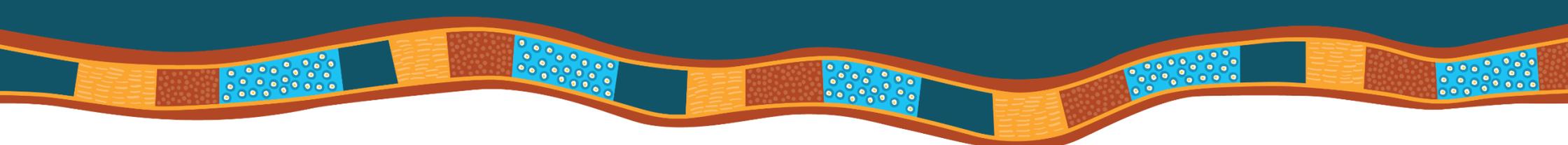
Recommendation	Description	Theme
Recommendation 21	The NSW Government should increase financial investment in early intervention support as a long-term investment to prevent more Aboriginal children entering the OOHC system.	Enhanced services and supports
Recommendation 22	The NSW Government should ensure that financial investment in early intervention support is commensurate with the proportion of Aboriginal children in OOHC, with a preference for delivery of early intervention and prevention services by Aboriginal Community Controlled Organisations.	Enhanced services and supports
Recommendation 23	DCJ should ensure that its administrative data captures information about referrals made to all relevant early intervention programs, and whether these referrals were accepted or not (and reasons for non-referral and non-acceptance). DCJ should work with Aboriginal stakeholders and community to design a system for the collection, analysis and reporting of these data.	Improving data collection and reporting
Recommendation 24	DCJ should, in partnership with Aboriginal stakeholders and community members, evaluate existing early intervention and prevention focused programs used by the Department and their effectiveness with Aboriginal families based on measures designed in partnership with Aboriginal stakeholders and community.	Enhanced services and supports
Recommendation 25	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) to mandate the provision of support services to Aboriginal families to prevent the entry of Aboriginal children into OOHC.	Changing care and protection legislation
Recommendation 26	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) to require DCJ to take active efforts to prevent Aboriginal children from entering into OOHC.	Changing care and protection legislation
Recommendation 27	The NSW Government should establish a Child Protection Advocacy Program to train and support a state-wide network of specialist child protection advocates to give advice to, and advocate for, families who are involved in the child protection system. This program should be akin to the Tenant’s Advice and Advocacy Program currently resourced by Fair Trading NSW. This program should be informed also by the advocacy method that GMAR NSW have been performing unofficially.	Better casework policy and practice
Recommendation 28	DCJ establish a notification service, similar to the NSW Custody Notification Service, to notify a relevant Aboriginal community body about the removal of an Aboriginal child or young person from their family, providing a timely opportunity for review, oversight and advocacy on behalf of Aboriginal families and communities in the best interests of Aboriginal children and young people.	Changing care and protection legislation
Recommendation 29	The NSW Government should provide further sustained funding to the Care Partner Program to ensure that more Aboriginal families have access to legal advice to promote early intervention support.	Enhanced services and supports
Recommendation 30	DCJ should mandate the use of the Domestic Violence Safety Assessment Tool by caseworkers where parents are present, or screen-in, in relation to domestic and family violence related issues. This tool should be used to coordinate parents’ involvement in the Safer Pathway system. Roll out of this approach needs to be accompanied by further training and education for caseworkers and casework managers around identifying domestic and family violence including coercive and controlling behaviours. Consideration should be given to involving caseworkers in Safety Action Meetings where parents are assessed as being at serious threat and become involved in these meetings.	Better casework policy and practice



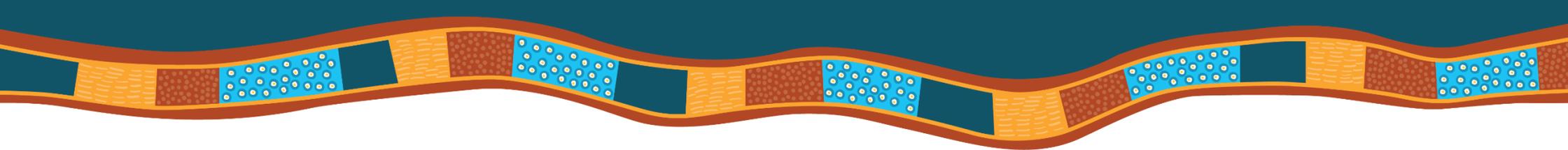
Recommendation	Description	Theme
Recommendation 31	DCJ should provide targeted and ongoing education about the Dignity Driven Practice approach to staff at all levels of the agency, including caseworkers and senior managers. Education should require all staff to complete training developed by and delivered in partnership with Aboriginal domestic and family violence specialists regarding the issues facing Aboriginal women who experience domestic and family violence.	Better casework policy and practice
Recommendation 32	The NSW Government should roll out and resource Staying Home Leaving Violence across the whole of NSW.	Enhanced services and supports
Recommendation 33	DCJ should ensure that caseworkers can connect families with the Staying Home Leave Violence service if they present with domestic and family violence issues and housing difficulties.	Enhanced services and supports
Recommendation 34	The NSW Government should increase the availability of short-term refuges suitable to the needs of Aboriginal women escaping violence. Increases in the availability of short-term refuges (for temporary housing issues) should be accompanied by a longer term investment in social housing stock in NSW, with a view to increasing the availability of housing for vulnerable Aboriginal women.	Enhanced services and supports
Recommendation 35	DCJ should design, in partnership with Aboriginal stakeholders and community, a new approach to collecting and reporting data around disability prevalence among Aboriginal children in the child protection system, and disability prevalence among their parents.	Improving data collection and reporting
Recommendation 36	DCJ should work with the First Peoples Disability Network Australia, People with Disability Australia, the National Disability Insurance Scheme (NDIS) and Aboriginal community and stakeholders to develop a plan of action to improve disability identification, practice competence, and pathways to specialist disability service involvement within DCJ for children and families at all stages of the child protection system—from early intervention support through to entry into care, restoration and post entry into care casework.	Better casework policy and practice
Recommendation 37	DCJ should, in partnership with the First Peoples Disability Network Australia, People with Disability Australia, Aboriginal community and stakeholders, implement a strategy for early intervention and prevention work specifically targeted towards early identification and responses to the needs of Aboriginal parents and children with disability who come into contact with the child protection system.	Better casework policy and practice
Recommendation 38	DCJ should work closely with relevant agencies and service providers, including Aboriginal Community Controlled Organisations, specialist housing, health, perinatal, alcohol and other drug use, mental health and domestic and family violence services, to develop a plan to coordinate integrated service provision in early intervention support efforts for Aboriginal families and children. This plan should focus on providing targeted support for families from an early stage of engagement in the system, focusing on initial contact.	Enhanced services and supports
Recommendation 39	DCJ should commission an independent review of all current child protection policies relating to casework services to ensure the policies (including casework and restoration policies) are in line with current best practice standards in relation to domestic and family violence, alcohol and other drug use, mental health, health issues, disability and intergenerational trauma.	Better casework policy and practice



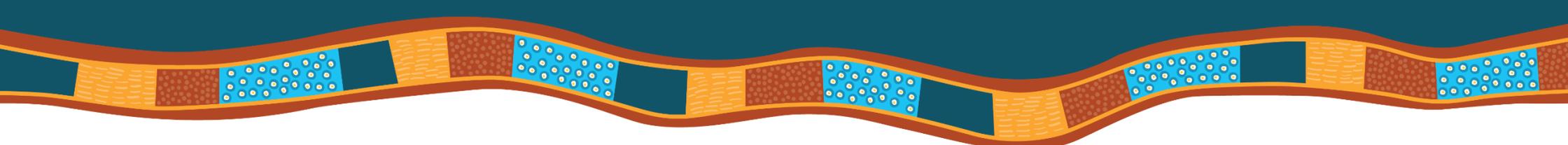
Recommendation	Description	Theme
Recommendation 40	DCJ should provide culturally-competent, trauma-informed training and materials for child protection staff, with reference to the excellent resources already prepared by the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Secretariat of National Aboriginal and Islander Child Care (SNAICC), around working with Aboriginal community and families. This training should focus on how to appropriately engage Aboriginal families in early intervention and prevention work. This training should also have a component of Aboriginal history in New South Wales to provide child protection staff with some nuanced understanding of the Aboriginal population it works with.	Better casework policy and practice
Recommendation 41	DCJ should work with Aboriginal stakeholders and community to design a comprehensive system for the collection and reporting of data around assumption into care or removal of Aboriginal children at or shortly after birth, as well as data about the characteristics of parents who are the subject of pre-natal ROSH notifications, numbers and reasons for high risk birth alerts, and pre entry into care casework completed with Aboriginal mothers in the prenatal period.	Improving data collection and reporting
Recommendation 42	DCJ should devise, in partnership with Aboriginal community groups and representatives, a comprehensive Prenatal Reporting and Newborn Removal Policy for Aboriginal children that includes, among other things, case studies of good practice intervention with expectant Aboriginal parents and a link to an external, up-to-date list of relevant services and supports for pregnant Aboriginal mothers.	Better casework policy and practice
Recommendation 43	DCJ should publish case studies of good-practice intervention with expectant Aboriginal parents on its website, as well as distributing these case studies to relevant stakeholders, including Aboriginal families in contact with the child protection system, Aboriginal community representatives and organisations, and relevant service providers.	Improving data collection and reporting
Recommendation 44	DCJ should expand the Pregnancy Family Conferencing program and monitor and report on its effectiveness in reducing entries into OOHC.	Better casework policy and practice
Recommendation 45	DCJ should significantly expand the number of specialised prenatal caseworkers to ensure that expectant Aboriginal parents have access to early, targeted and coordinated intervention services and support.	Better casework policy and practice
Recommendation 46	DCJ should develop, trial and publicly report on a ‘triage’ system for prenatal reports that ensures that the parents of the most frequently report unborn babies are given priority access to early casework support and early intervention services.	Better casework policy and practice
Recommendation 47	DCJ should design and implement, in partnership with Aboriginal community groups and representatives, a system of post-removal support for Aboriginal mothers and fathers who have had newborn or infant children removed from their care. The system should include the mandatory provision of information to parents about their ability to seek post-removal support from the Secretary of DCJ under s 21 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	Enhanced services and supports
Recommendation 48	The NSW Government should repeal s 106A (1) (a) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	Changing care and protection legislation



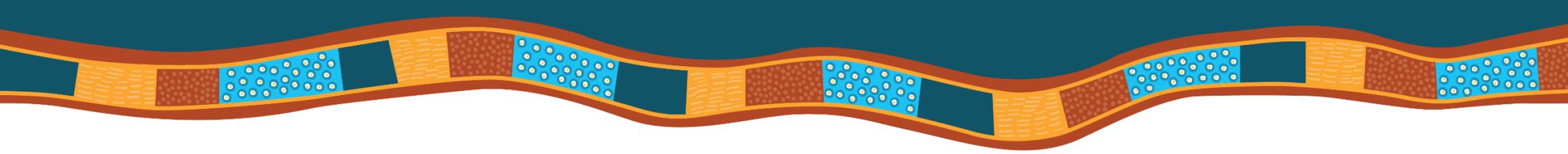
Recommendation	Description	Theme
Recommendation 49	DCJ should record, collect and report data around the consideration of the use of less intrusive options prior to entry-into-care. These data should include whether or not these measures were considered and if they were not used, reasons should be recorded and reported on against each possible measure. This data collection should be designed and interpreted in partnership with Aboriginal stakeholders and community.	Improving data collection and reporting
Recommendation 50	DCJ should revise its mandate on Temporary Care Arrangements to ensure that the ability of a parent to terminate a Temporary Care Arrangement is not used to deter its use.	Better casework policy and practice
Recommendation 51	DCJ should ensure that caseworkers receive training on the use of Temporary Care Arrangements in child protection casework. This should include the use of examples of the use of Temporary Care Arrangements with Aboriginal families in practice.	Better casework policy and practice
Recommendation 52	DCJ should ensure that Family Violence Prevention Legal Services and Community Legal Centres are adequately funded to provide legal advice to Aboriginal families to support their engagement with DCJ and encourage the use of alternatives to removal.	Enhanced services and supports
Recommendation 53	DCJ should update its policies and procedures to ensure that all Aboriginal families receive ‘warm’ referrals to legal advisors, with a preference for Aboriginal services, before child protection involvement escalates to the point where entry into care is considered a possibility.	Better casework policy and practice
Recommendation 54	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to mandate the consideration by DCJ of specific alternatives prior to removal. Such specific alternatives could include Parent Responsibility Contracts, Parent Capacity Orders, and Temporary Care Arrangements.	Changing care and protection legislation
Recommendation 55	The Children’s Court of NSW should update its internal judicial guidance to ensure Magistrates require DCJ to provide information to the Court about what prior alternative actions were considered and taken before children entered care.	Changing care and protection legislation
Recommendation 56	DCJ should commission an independent review of its screening and assessment tools and processes to identify how they can be improved to enhance objectivity within child protection assessments. This review should be undertaken in partnership with Aboriginal community and stakeholders to ensure that it examines the cultural adequacy of current risk and safety paradigms and tools.	Better casework policy and practice
Recommendation 57	DCJ should implement internal improvements to chain of command decision-making and safety plan review, to ensure that all Safety Plans prepared for families respond comprehensively to all identified dangers and include relevant casework responding to all identified risk and safety issues.	Better casework policy and practice
Recommendation 58	DCJ should ensure all staff receive commencement and regular refresher training in how to use the safety and risk assessment tools. The training should be delivered by Aboriginal educators and should incorporate training in cognitive bias and how to undertake safety and risk assessments with Aboriginal families and children.	Better casework policy and practice



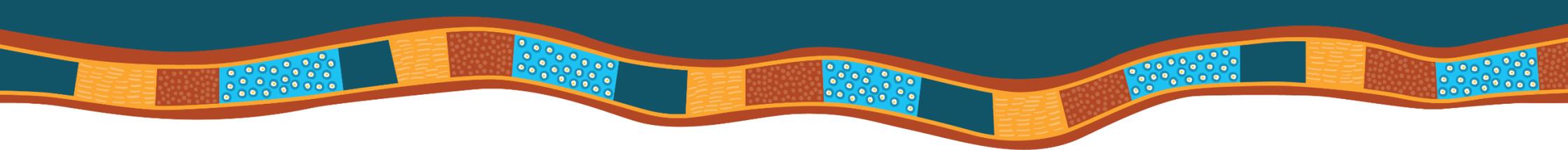
Recommendation	Description	Theme
Recommendation 59	DCJ should ensure that all caseworkers receive further training in harm minimisation strategies for assumption or removal and in the appropriate use of police assisting assumption or removal. This training should be designed to improve cultural knowledge and the knowledge of child protection history, including child removal policies in the protection and assimilation era, with particular focus on the NSW chapter of the Royal Commission into Aboriginal Deaths in Custody.	Better casework policy and practice
Recommendation 60	Except for in an unforeseen emergency, caseworkers from DCJ should be required to seek the authorisation of a team leader before engaging police to assist them to undertake an assumption. In circumstances where caseworkers employ the assistance of police without prior authorisation, caseworkers must be required to justify why they engaged police to their team leader at the earliest opportunity following the assumption. These reasons must be recorded on the child’s file and presented to the Children’s Court of NSW.	Better casework policy and practice
Recommendation 61	Caseworkers from DCJ should be required to set out a detailed justification for the timing, location and basis for all assumptions and removals that are not conducted on an emergency basis prior to the assumption or removal occurring, and to demonstrate that their proposed method of assumption or removal is the least intrusive method that could be employed.	Better casework policy and practice
Recommendation 62	DCJ should, in partnership with young Aboriginal people and Aboriginal community organisations, develop and implement a child-friendly system to encourage children in OOHC to report safety concerns and harm occasioned in OOHC placements.	Enhanced services and supports
Recommendation 63	DCJ should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data around abuse of Aboriginal children in OOHC, including to disaggregate by the care placement type, who perpetrated the abuse, and what the Department’s response to the abuse was, including whether this was subject to further investigation or action.	Improving data collection and reporting
Recommendation 64	The NSW Government amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to require judicial officers to consider the known risks of harm to an Aboriginal child of being removed from the child’s parents or carer in child protection matters involving Aboriginal children.	Changing care and protection legislation
Recommendation 65	The NSW Government should amend s 7 of the <i>Children (Protection and Parental Responsibility) Act 1997</i> to enable a court exercising criminal jurisdiction, with respect to a child, to require the attendance of a delegate of the Secretary of DCJ in circumstances where the Secretary has parental responsibility of the child.	Changing care and protection legislation
Recommendation 66	The Judicial Commission of NSW should consider preparing and publishing information to further guide and inform judicial decision-making involving children in OOHC in the criminal jurisdiction.	Changing care and protection legislation
Recommendation 67	DCJ and the NSW Police Force should establish and fund an ongoing program of training to ensure that all residential OOHC staff, and all NSW police officers, receive training on the Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System, in order to reduce the contact of young Aboriginal people in OOHC with the criminal justice system.	Enhanced services and supports
Recommendation 68	The new recommended NSW Child Protection Commission should monitor the implementation of the Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System. This should include monitoring of the provision of training about the Joint Protocol, as well as the number and nature of calls by OOHC staff to the NSW Police Force that relate to the behaviour of children in OOHC.	Enhanced services and supports



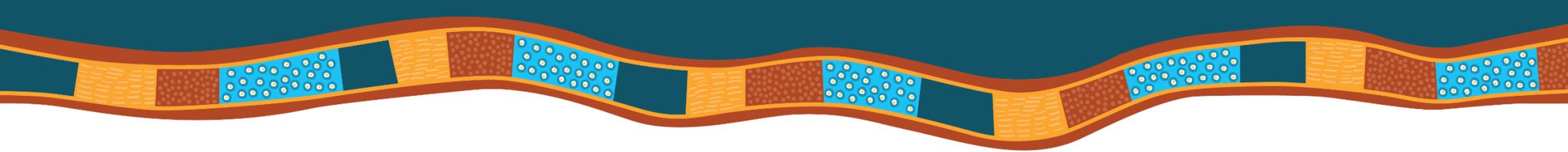
Recommendation	Description	Theme
Recommendation 69	DCJ should design and implement a system for the collection, analysis and reporting of data to ensure that information about children in OOHC who are also in contact with the criminal justice system is recorded and is readily available to inform strategic planning and monitor outcomes for this group of children. This system should identify which children are Aboriginal and which are non-Aboriginal.	Improving data collection and reporting
Recommendation 70	DCJ should conduct or commission further research regarding the involvement of Aboriginal children and young people in OOHC in the juvenile justice system to determine, among other things, the: number of Aboriginal children in OOHC involved in the juvenile justice system; nature of offences committed by Aboriginal children in OOHC (and whether these are influenced by their OOHC status); nature and level of assistance provided by FACS to Aboriginal children involved in the juvenile justice system; and outcomes for Aboriginal children involved in the juvenile justice system (and whether these are influenced by OOHC status).	Improving data collection and reporting
Recommendation 71	The New South Wales Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to ensure that its provisions adequately reflect the five different elements of the Aboriginal Child Placement Principle, namely, prevention, partnership, participation, placement and connection.	Changing care and protection legislation
Recommendation 72	DCJ should develop guidance for caseworkers on the purpose of the Aboriginal Child Placement Principle (ACPP), the elements of the ACPP, and how to apply these elements during casework. This guide should be developed in partnership with Aboriginal community organisations and after consideration of the existing resources on the ACPP, such as those already developed by the Secretariat of National Aboriginal and Islander Child Care, which the Review regards as best practice.	Better casework policy and practice
Recommendation 73	DCJ should implement an ongoing program of training to test and enhance staff knowledge of the Aboriginal Child Placement Principle. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).	Better casework policy and practice
Recommendation 74	DCJ should engage with Aboriginal stakeholders and community members to design and implement a system of data collection and reporting around all elements of the Aboriginal Child Placement Principle (ACPP). In particular, the data should address: a. Aboriginal children’s contact with their Aboriginal birth parents, siblings (including half- siblings) and extended family, kin and community; b. Aboriginal children’s placement with siblings (including half-siblings) and; c. Cultural planning for Aboriginal children in care, including information about who participated to develop a child’s cultural plan, and what these cultural plans contain in relation to the five domains of the ACPP.	Improving data collection and reporting
Recommendation 75	DCJ should publish data on its compliance with all elements of the Aboriginal Child Placement Principle on an annual basis.	Improving data collection and reporting
Recommendation 76	The New South Wales Government should, in partnership with relevant Aboriginal community groups and members, develop regulations about identifying and ‘de-identifying’ children in contact with the child protection system as Aboriginal for inclusion in <i>the Children and Young Persons (Care and Protection) Regulation 2012</i> .	Improving data collection and reporting
Recommendation 77	DCJ should develop a policy to assist in the implementation of the new regulation about the identification and ‘de-identification’ of children in contact with the child protection system as Aboriginal.	Improving data collection and reporting



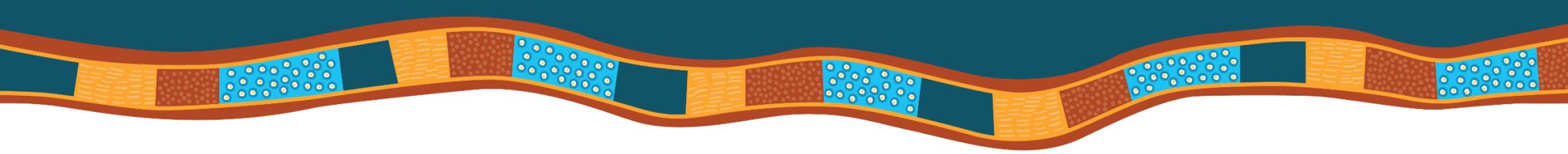
Recommendation	Description	Theme
Recommendation 78	DCJ should ensure that it is mandatory for caseworkers to complete the Aboriginal or Torres Strait Islander status field on ChildStory.	Improving data collection and reporting
Recommendation 79	DCJ should collect and publish information about the number of children who are 'de-identified' as Aboriginal and the reasons for the de-identification on an annual basis.	Improving data collection and reporting
Recommendation 80	The Judicial Commission of New South Wales should develop educational materials for all judicial officers about the identification and de-identification of Aboriginal children in judicial proceedings.	Improving data collection and reporting
Recommendation 81	DCJ should actively fund and support the implementation of the Aboriginal Case Management Policy and the Aboriginal Case Management Rules and Practice Guidance and report publicly on its activity in this domain.	Better casework policy and practice
Recommendation 82	The Judicial Commission of NSW should, in consultation with the Children's Court of NSW and the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), design and implement an ongoing program of judicial education for Magistrates regarding the intent and elements of the Aboriginal Child Placement Principle, as well as how judicial decision making may help to support their implementation.	Changing care and protection legislation
Recommendation 83	DCJ should ensure that recommendations made by Aboriginal staff or community members in all consultation processes relating to Aboriginal children are tracked and implemented and that data about the content and implementation of these recommendations is recorded in ChildStory and made publicly available.	Better casework policy and practice
Recommendation 84	DCJ should work with Aboriginal stakeholders and community to design a system for the collection and reporting of data about the placement stability of Aboriginal children in OOHC.	Improving data collection and reporting
Recommendation 85	DCJ should develop a policy and guidelines that incorporate information about good-practice casework regarding the placement of a child immediately post removal and include guidance on parallel planning at the pre-entry into care stage of the child protection system.	Better casework policy and practice
Recommendation 86	DCJ should revise the FACS Information Guide Assessment and Full Authorisation of Relative and Kinship Carers to ensure that it reflects evidence-based knowledge about the protective benefits of a child's placement with family and kin.	Better casework policy and practice
Recommendation 87	DCJ should, in partnership with Aboriginal stakeholders and community members, develop and implement a policy whereby family or kin who are nominated or nominate themselves as a potential carer for an Aboriginal child entering OOHC are subject to formal carer assessment using a culturally appropriate tool. This carer assessment is to occur expediently, before or shortly after the children enter care. If formal carer assessment of a family or kin member is not progressed, the Department should record clear reasons for failure to progress this assessment on ChildStory and provide these reasons in writing to the family or kin member being informally assessed, along with information about ways that family or kin member may challenge this informal assessment.	Better casework policy and practice



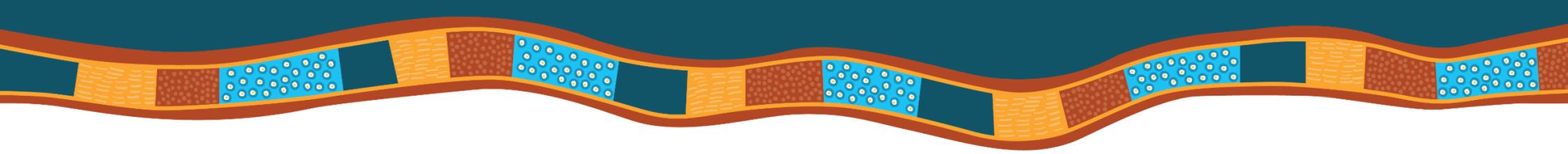
Recommendation	Description	Theme
Recommendation 88	DCJ should review the formal probity checks required of carers, and the process for obtaining these checks, to ensure that they are not unduly limiting the ability of potential Aboriginal carers to safely care for Aboriginal children in OOHC. The review should include consideration of the introduction of a discretion to enable a person to care for a child in OOHC despite not satisfying or completing the formal probity checks, when to do so would be in the best interests of the child.	Stronger oversight and accountability
Recommendation 89	The Office of the Children’s Guardian and DCJ should work together to ensure that data are collected and reported about the number of potential Aboriginal carers who lodge applications for working with children check clearances, the length of time taken to determine the applications, and the outcome of those applications.	Stronger oversight and accountability
Recommendation 90	The Office of the Children’s Guardian should undertake a review of the impact of the Working with Children Check scheme on Aboriginal applicants.	Stronger oversight and accountability
Recommendation 91	The Office of the Children’s Guardian should prioritise the processing of applications for working with children check clearances made by Aboriginal applicants wishing to become authorised carers for Aboriginal children. The NSW Civil and Administrative Tribunal should prioritise applications for review of decisions made by the Office of the Children’s Guardian that relate to the working with children check clearance of potential or current carers for Aboriginal children and young people in OOHC.	Stronger oversight and accountability
Recommendation 92	DCJ should revise its policy on the provisional authorisation of carers to ensure that provisionally authorised carers do not have children in their care removed solely because of delays in the processing of their application for a working with children check clearance.	Stronger oversight and accountability
Recommendation 93	DCJ should partner with Aboriginal community organisations and representatives to develop and implement a culturally appropriate carer assessment tool to be used in all carer assessments involving Aboriginal carers.	Better casework policy and practice
Recommendation 94	The NSW Government should ensure that the NSW Civil and Administrative Tribunal has jurisdiction to review a decision not to authorise a carer.	Changing care and protection legislation
Recommendation 95	The NSW Civil and Administrative Tribunal should include training about the Aboriginal Child Placement Principle in its induction and ongoing training program for Tribunal Members. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).	Changing care and protection legislation
Recommendation 96	DCJ should urgently engage with Aboriginal stakeholders and community to interpret findings from Wave 4 Pathways of Care Longitudinal Study (POCLS) in relation to the support needs of Aboriginal carers and translate these findings into policy and practice.	Improving data collection and reporting
Recommendation 97	DCJ should develop and provide caseworkers with further training about how to organise and effectively conduct family meetings with Aboriginal families in contact with the child protection system.	Better casework policy and practice



Recommendation	Description	Theme
Recommendation 98	DCJ should support the development and implementation of a family group conferencing model that is designed, led and delivered by Aboriginal Community Controlled Organisations.	Better casework policy and practice
Recommendation 99	Until Recommendation 98 is implemented, DCJ should work with relevant Aboriginal organisations to develop guidance as to how to conduct culturally safe and appropriate family group conferences with Aboriginal participants.	Better casework policy and practice
Recommendation 100	DCJ should publish information about how family group conferencing will be monitored and assessed over time.	Better casework policy and practice
Recommendation 101	DCJ should ensure that support persons (such as Aboriginal Community Facilitators) are permitted to be participants in all family group conferences involving Aboriginal families.	Better casework policy and practice
Recommendation 102	The new recommended NSW Child Protection Commission should oversee, monitor and report on the operation of the new mandatory Alternative Dispute Resolution system introduced by the <i>Children and Young Persons (Care and Protection) Amendment Act 2018</i> (NSW).	Changing care and protection legislation
Recommendation 103	DCJ should develop policy guidance for caseworkers that addresses the desirability of promoting regular contact between Aboriginal children and their family, kin and community; how to promote this contact in practice; and when supervision is necessary in contact arrangements.	Better casework policy and practice
Recommendation 104	DCJ should develop policy guidance for caseworkers about the issue of contact with parents in custody. This guidance should include a discussion of the types of contact that can be facilitated between children and incarcerated parents, how to arrange the contact in practice, advice about methods of liaison with correctional services and information about facilities to enable contact in individual correctional centres.	Better casework policy and practice
Recommendation 105	DCJ and NSW Corrective Services should consider providing targeted supports and services to parents of Aboriginal children in OOHC that are directly related to the Department’s case plan (for example, a case plan with a goal of restoration).	Better casework policy and practice
Recommendation 106	DCJ should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data about restoration goals and casework provided to support parents of children who enter OOHC, including what casework is provided to support parents to achieve restoration goals.	Improving data collection and reporting
Recommendation 107	DCJ should, in partnership with Aboriginal stakeholders and community, develop and implement a specific strategy to promote the restoration of Aboriginal children to their parents. This strategy should take into account findings in this report.	Better casework policy and practice



Recommendation	Description	Theme
Recommendation 108	To increase restoration rates, DCJ should, in partnership with Aboriginal stakeholders and community, review its existing policies, guidance and practice relating to restoration to ensure that these all promote best practice in increasing restoration rates. This review should focus on providing sustained and suitable support services for Aboriginal families experiencing complex issues that cannot be solved simply through individual behavioural change.	Better casework policy and practice
Recommendation 109	DCJ should fund an Aboriginal Community Controlled Organisation to design and pilot an Intensive Restoration Program designed specifically for Aboriginal families in NSW. Pilot funding must also include funding for evaluation based on measures designed in partnership with Aboriginal stakeholders and community.	Enhanced services and supports
Recommendation 110	The NSW Government should review funding allocations to ensure that these reflect the NSW Government legislative and policy position to prioritise restoration and family preservation. This funding should prioritise the restoration programs that are successfully delivered by Aboriginal Community Controlled Organisations and funding should be commensurate with the over-representation of Aboriginal children in the OOHC system.	Enhanced services and supports
Recommendation 111	DCJ should develop a memorandum of understanding (MOU) between Housing and Community Services that allows for the sharing of information held by Community Services when it is required by Housing before parents can access Housing services. This should include information needed to satisfy housing eligibility requirements, to be given 'priority status', or to access programs such as Staying Home, Leaving Violence.	Enhanced services and supports
Recommendation 112	The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to allow the Children's Court of NSW a more active role in ensuring restoration is a preferred placement.	Changing care and protection legislation
Recommendation 113	The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to expressly require the Children's Court of NSW to consider the placement of an Aboriginal child with a relative, member of kin or community, or other suitable person, if it determines that there is no realistic possibility of restoration within a reasonable period.	Changing care and protection legislation
Recommendation 114	The NSW Judicial Commission should, in partnership with Aboriginal educators, provide opportunities for further education to Children's Court of NSW Magistrates and staff regarding the research on intergenerational trauma, the effects of colonisation, domestic violence, poverty, substance abuse and mental health issues that may affect Aboriginal parents' interactions with the Court.	Changing care and protection legislation
Recommendation 115	The Children's Court of NSW should develop a practice directive for Magistrates to utilise powers under s 85 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to direct service provision in restoration cases. DCJ to collect and report data around the use of this section in care and protection proceedings.	Changing care and protection legislation
Recommendation 116	DCJ should provide further support to Aboriginal families who seek to progress a s90 application after final orders have been made. This should be done by way of FACS developing a support strategy in partnership with Aboriginal stakeholders and community, designed specifically for this purpose.	Better casework policy and practice
Recommendation 117	The NSW Government should amend s 79(10) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to ensure that it is linked to service provision that would support Aboriginal parents to have their children restored to their care.	Changing care and protection legislation

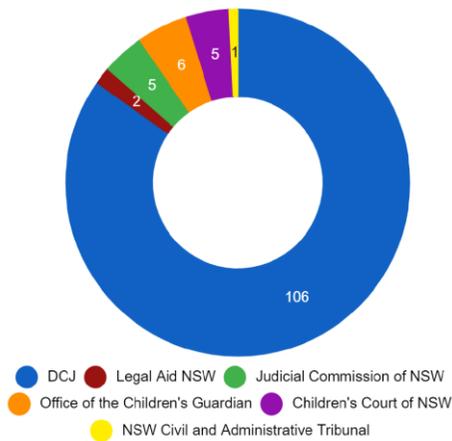


Recommendation	Description	Theme
Recommendation 118	DCJ should review and update the restoration information that is publicly available on its website in line with issues raised in this report. The Department should also provide online information to improve guidance for parents in relation to restoration practices and processes and further information about what parents can do when restoration is not deemed to be a ‘realistic possibility’.	Better casework policy and practice
Recommendation 119	The NSW Government should provide funding to enable a restoration hotline to be established by an Aboriginal organisation in order to provide parents and families of Aboriginal children in OOHC more detailed information about the restoration process and what is required to successfully achieve restoration.	Better casework policy and practice
Recommendation 120	DCJ should conduct an internal review examining caseworkers’ non-compliance with existing restoration policy and guidance and use the findings of this review to improve restoration casework practice and policy in the department.	Better casework policy and practice
Recommendation 121	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> and the Adoption Act 2000 to ensure that adoption is not an option for Aboriginal children in OOHC.	Changing care and protection legislation
Recommendation 122	The NSW Government should establish an independent statutory agency to make decisions about the commencement of child protection proceedings (including decisions about what orders are to be sought in the proceedings), and to conduct litigation on behalf of the Secretary of DCJ in the Children’s Court of NSW care and protection jurisdiction.	Changing care and protection legislation
Recommendation 123	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> so that, as in s 4(2) of the Uniform Evidence Acts, the rules of evidence do not apply unless: (i) a party to the proceeding requests that they apply in relation to the proof of a fact and the court is of the view that proof of that fact is or will be significant to the determination of the proceedings; or (ii) the court is of the view that it is in the interests of justice to direct that the laws of evidence apply to the proceedings.	Changing care and protection legislation
Recommendation 124	The NSW Government should appoint a sufficient number of new Magistrates to ensure that all proceedings under the <i>Children and Young Persons (Care and Protection) Act 1998</i> are dealt with by specialist Children’s Magistrates.	Changing care and protection legislation
Recommendation 125	The NSW Government should, in consultation with the Children’s Court of NSW and other relevant stakeholders, such as the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Aboriginal Legal Service, design and implement a pilot project establishing a dedicated court list for proceedings under the <i>Children and Young Persons (Care and Protection) Act 1998</i> involving Aboriginal children.	Changing care and protection legislation

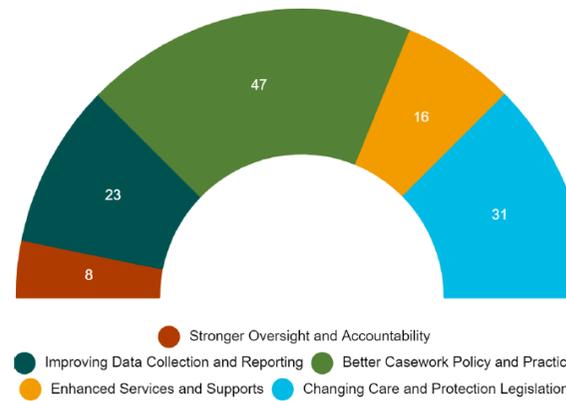
Recommendation Dashboard

The following charts provide a high level view of recommendations by lead agency, theme and progress status.

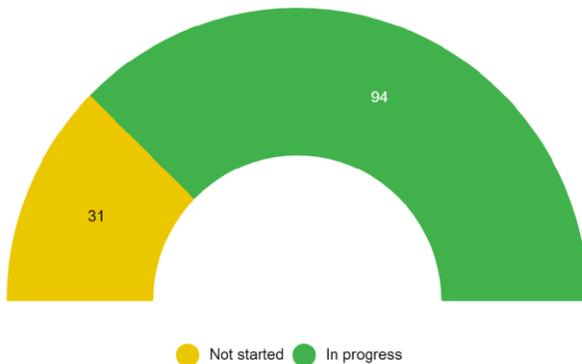
Number of Recommendations by Lead Agency



Number of Recommendations by Theme



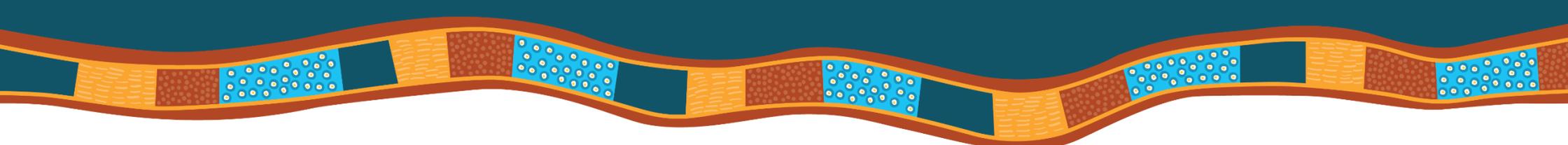
Number of Recommendations by Status



NOTE: The following pages provide a more detailed breakdown of each recommendation and the projects to address the recommendation

Project Status Legend (as shown in following pages/updates):

- In Progress: Includes recommendations that are currently underway or awaiting formal sign off
- Not Started: Includes recommendations not started and those scheduled for legislative review in 2024, as well others that have not started due to sequencing, as they are contingent on other recommendations being progressed first



Recommendation Status Overview

Recommendations 'Awaiting Sign-off'

There are currently six (6) recommendations that have been deemed complete by the Lead area. These recommendations will undergo a review process to verify that the intent of the recommendation has been met before final sign-off is provided.

This includes Recommendation numbers: 29, 52, 67, 78, 101, and 111.

Recommendations nearing completion

There's also a number of recommendations that are nearing completion. These fall into two categories:

- Recommendations that are linked to work undertaken by the Office of the Children's Guardian (OCG), to be provided in report directly to the Minister for Families, Communities and Disability Services in December 2021.
 - o This includes nine (9) recommendations. Recommendation numbers: 9, 10, 18, 88, 89, 90, 91, 92, and 102.
- Other recommendations that by the end of 2021, will likely be ready to undergo the same review and verification process as outlined above to obtain final sign-off.
 - o This includes nine (9) recommendations. Recommendation numbers: 13, 14, 43, 63, 80, 91, 95, 98, and 99.

Recommendations linked to Legislative Review

There are twenty five (25) recommendations that are linked to the scheduled legislation review. These are recommendation numbers: 8, 9, 11, 12, 15, 17, 19, 20, 25, 26, 28, 48, 54, 64, 65, 71, 76, 94, 102, 112, 113, 117, 121, 122, and 123.

Note, three (3) of these are also linked to other work in progress – recommendation numbers: 76, 94, and 102.

Preliminary scoping is also being undertaken to identify activities to progress prior to, and in preparation for, the scheduled legislative review.

Recommendations where a detailed update will be provided in next report

DCJ acknowledges that a number of recommendations throughout this report are noted as still requiring further scoping, or have limited detail. Focus will be provided to ensure more detailed reporting on these recommendations is included in the next public report. This includes recommendation numbers: 21, 22, 31, 35, 36, 37, 39, 40, 49, 50, 51, 58, 59, 60, 61, 70, 83, 103, and 104.

If you have any questions regarding this overview, please email the Department of Communities and Justice at – FamilyisCulture@facns.nsw.gov.au



Stronger Oversight and Accountability

Recommendation 9

The NSW Government should establish a new, independent Child Protection Commission. The Commission, which should be required by legislation to operate openly and transparently, should have the following functions:

- a) The handling of complaints about those involved in the operation of the child protection system (including complaints about matters that are before the Children’s Court of NSW where the hearing of the complaint will not interfere with the administration of justice);
- b) The oversight and coordination of the Official Community Visitors Scheme;
- c) The management of the ‘reviewable deaths’ scheme where the death is: a child in OOHC, or a child whose death is or may be due to abuse or neglect;
- d) The accreditation and monitoring of OOHC providers;
- e) The reviewing of the circumstances of an individual child or group of children in OOHC (including the power to apply to the Children’s Court of NSW for the rescission or variation of any order made under the *Children and Young Persons (Care and Protection) Act 1998* (NSW));
- f) The monitoring of the implementation of the Aboriginal Case Management Policy and the Aboriginal Case Management Rules and Practice Guidance;
- g) The conducting of inquiries into systemic issues in the child protection system, either on its own motion or at the request of the NSW Government;
- h) The conducting of the new qualitative case file review program;
- i) The monitoring of the implementation of the Joint Protocol to reduce the contact of young people in residential out-of-home care with the criminal justice system;
- j) The oversight and monitoring of, and reporting about, the operation of the new mandatory Alternative Dispute Resolution system introduced by the *Children and Young Persons (Care and Protection) Amendment Act 2018* (NSW); and
- k) The provision of information, education and training to stakeholders and the community about the operation of the child protection system.

Response/Project Name

Office of the Children’s Guardian (OCG) Independent Review

Project Description

OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review. Other elements will be considered as part of the future focused legislative review.

Latest Update

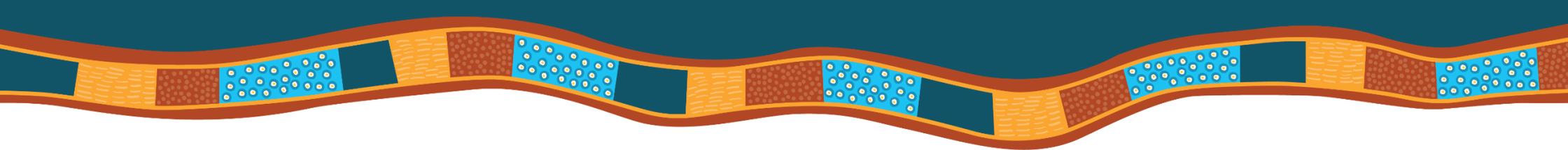
The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.

Who is leading the response

Office of the Children’s Guardian (OCG)

Project Status

● In Progress

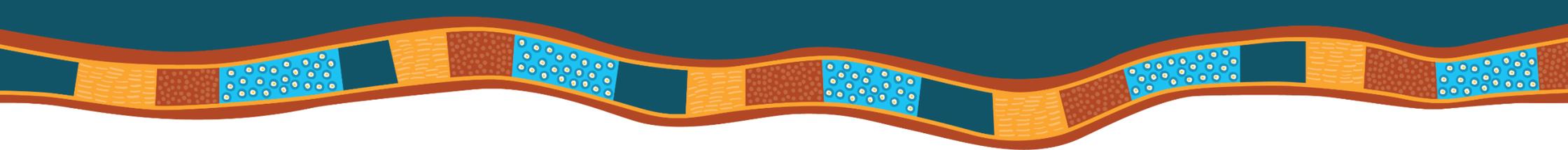


Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 10	<p>The Department of Communities and Justice should conduct an independent review of its internal complaints handling system, with a view to developing a complaints system that is:</p> <ul style="list-style-type: none"> a) transparent and accessible; b) child friendly; c) empowered to resolve complaints adequately; d) developed in consultation with Aboriginal communities; e) supported by a Charter of Rights and Responsibilities for Aboriginal Families. <p>This system should also employ Aboriginal staff in key roles.</p>
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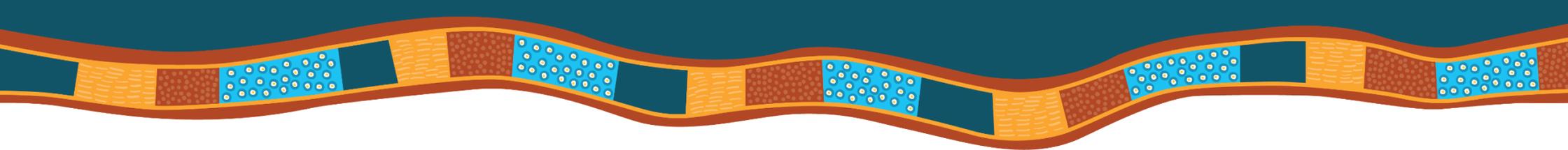
Project Name	Office of the Children's Guardian (OCG) Independent Review
Project Description	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review, including DCJ's complaints handling system.
Latest Update	The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.
Who is leading the response	Office of the Children's Guardian (OCG)
Project Status	● In Progress

Project Name	Complaints system independent review and audit
Project Description	Complete an independent review of the complaints handling system for Community Services.
Latest Update	The DCJ commissioned independent review has not yet been finalised. We are committed to implementing any recommendations while considering client and stakeholder feedback to enhance the complaints handling system.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



Recommendation 18	The Office of the Children’s Guardian should be required to: (i) publish its compliance inspection reports; (ii) provide these reports to the NSW Parliament; and (iii) publish annual summaries of its inspections, as well as its findings from any research and consultation.
Recommendation 90	The Office of the Children’s Guardian should undertake a review of the impact of the Working with Children Check scheme on Aboriginal applicants.
Response/Project Name	Office of the Children's Guardian (OCG) Independent Review
Project Description	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review.
Latest Update	The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.
Who is leading the response	Office of the Children's Guardian (OCG)
Project Status	● In Progress

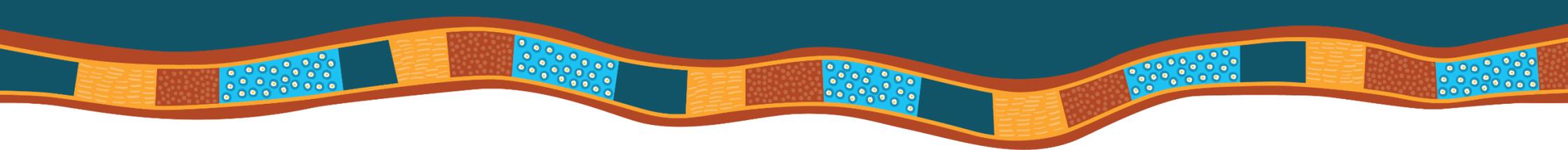
Recommendation 88	The Department of Communities and Justice should review the formal probity checks required of carers, and the process for obtaining these checks, to ensure that they are not unduly limiting the ability of potential Aboriginal carers to safely care for Aboriginal children in out-of-home care. The review should include consideration of the introduction of a discretion to enable a person to care for a child in out-of-home care despite not satisfying or completing the formal probity checks, when to do so would be in the best interests of the child.
Recommendation 89	The Office of the Children’s Guardian and DCJ should work together to ensure that data are collected and reported about the number of potential Aboriginal carers who lodge applications for working with children check clearances, the length of time taken to determine the applications, and the outcome of those applications.
Recommendation 92	The Department of Communities and Justice should revise its policy on the provisional authorisation of carers to ensure that provisionally authorised carers do not have children in their care removed solely because of delays in the processing of their application for working with children check clearance.
Response/Project Name	Office of the Children's Guardian (OCG) Independent Review
Project Description	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review. Following this, the recommendation will be allocated to a team within DCJ to lead.
Latest Update	The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.
Who is leading the response	Office of the Children's Guardian (OCG)
Project Status	● In Progress



Recommendation 91	<p>The Office of the Children’s Guardian should prioritise the processing of applications for working with children check clearances made by Aboriginal applicants wishing to become authorised carers for Aboriginal children.</p> <p>The NSW Civil and Administrative Tribunal should prioritise applications for review of decisions made by the Office of the Children’s Guardian that relate to the working with children check clearance of potential or current carers for Aboriginal children and young people in OOHC.</p>
Response/Project Name	Office of the Children's Guardian (OCG) Independent Review
Project Description	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review.
Latest Update	The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.
Who is leading the response	Office of the Children's Guardian (OCG)
Project Status	● In Progress

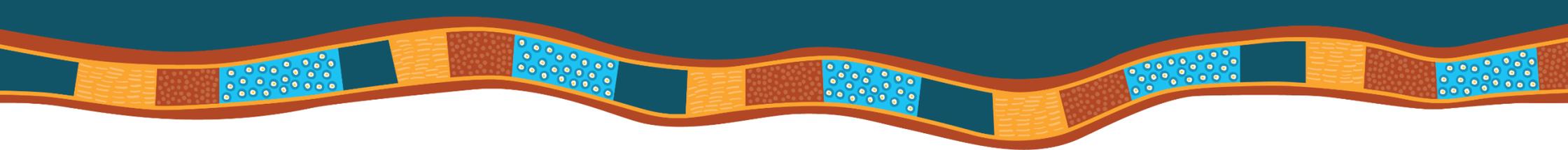
Improving Data Collection and Reporting

Recommendation 1	<p>The Department of Communities and Justice should convene a roundtable with the Aboriginal community and stakeholders to discuss the meaning of data sovereignty and the designing, collecting and interpreting of the department’s administrative data relevant to Aboriginal children and young people.</p>
Response/Project Name	Indigenous Data Sovereignty Roundtable
Project Description	DCJ will convene a roundtable with the Aboriginal community and stakeholders to discuss the meaning of data sovereignty and the designing, collecting and interpreting of the department’s administrative data relevant to Aboriginal children and young people.
Latest Update	The round tables to discuss the meaning of data sovereignty, and the designing, collecting and interpreting of the department’s administrative data relevant to Aboriginal children and young people has been funded. The funding allocated has been utilised to engage Kowa to lead the design and delivery of the round tables. The delivery of the round tables has been designed in the format of an implementation plan. AbSec have been key partners in the design of the implementation plan and will continue to play a key role as the implementation plan progresses into delivery. The round tables were due to be delivered in October, however due to the developing situation with COVID across New South Wales both AbSec and Kowa have advised that the round tables need to be put on hold.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



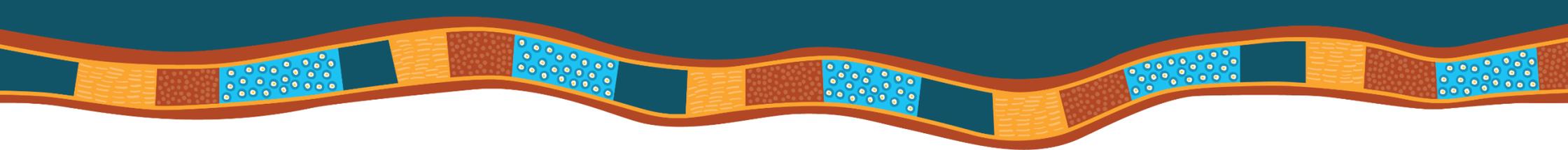
Recommendation 2	After the implementation of Recommendation 1, the Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community, develop a policy which will result in improved partnership being affected in the department’s design, collection and interpretation of data relevant to Aboriginal children and families.
Response/Project Name	Policy Development for Improved Partnerships in the Design, Collection, and Interpretation of Aboriginal Data
Project Description	After the implementation of Recommendation 1, the Department of Communities and Justice (DCJ) will, in partnership with Aboriginal stakeholders and community, develop a policy which will result in improved partnership being affected in the department’s design, collection and interpretation of data relevant to Aboriginal children and families.
Latest Update	Recommendation 2 is a consecutive recommendation to recommendation 1. Recommendation 1 has been funded and the implementation plan has been completed. The design of the implementation plan is inclusive of recommendation 2 in the sense that we have created opportunities across the delivery of recommendation 1 to directly inform recommendation 2. Recommendation 1 will also create the platform for Community members and Stakeholders to register their interest to be a co-design partner for recommendation 2.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 3	The Department of Communities and Justice should convene a roundtable with Aboriginal community and stakeholders to discuss the Pathways of Care Longitudinal Study (POCLS) methodology and how this data project may be used to better support Aboriginal community and stakeholders’ priorities in respect of supporting Aboriginal children in out-of-home care.
Response/Project Name	Roundtable to discuss how POCLS methodology and data can better support for Aboriginal children in OOHC
Project Description	<p>The POCLS is funded and managed by DCJ. It is the first large-scale prospective longitudinal study of children and young people in out-of-home care (OOHC) in Australia. Information on safety, permanency and wellbeing is being collected from various sources.</p> <p>The study links child protection, health, education and offending administrative data with first-hand accounts from children, their caregivers, caseworkers and teachers.</p> <p>The study examines the experiences of children and young people in OOHC, and their pathways in the domains of safety, physical health, socio-emotional wellbeing and cognitive development. To date, 5 waves of data collection have been undertaken at 18-24 month intervals (10-year period) by way of in-depth face-to-face interviews with the caregivers of approximately 1,000 children and young people of which about 35% identify as Aboriginal.</p> <p>For more information please see the Study objectives and strategic research agenda (Technical Report No.1).</p>

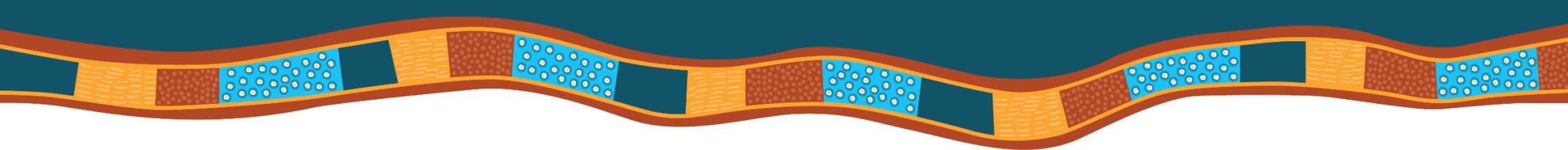


<p>Latest Update</p> <p>Who is leading the response</p> <p>Project Status</p>	<p>Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) principles that will apply to future Aboriginal data creation, development, stewardship, analysis, dissemination and infrastructure is progressing under the leadership of Ngaramanala under the Family Is Culture (FIC) Recommendations 1 and 2.</p> <p>The POCLS will continue to collaborate with Ngaramanala and apply the DCJ research governance principles once developed. Recommendations 1, 2 and 3 need to be implemented sequentially so that the POCLS approach to Recommendation 3 can build on the learnings from Recommendations 1 and 2.</p>
	<p>Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) principles that will apply to future Aboriginal data are progressing under the leadership of Ngaramanala under the Family is Culture Recommendations 1 and 2.</p> <p>The POCLS will continue to collaborate with Ngaramanala and apply the DCJ research governance principles once developed. Recommendations 1, 2 and 3 need to be implemented sequentially so that the POCLS approach to Recommendation 3 can build on the learnings from Recommendations 1 and 2.</p>
	<p>Department of Communities and Justice (DCJ)</p>
	<p>● Not Started</p>

<p>Recommendation 13</p>	<p>The Children’s Court of NSW should prepare and publish annual statistics regarding its operations in the care and protection jurisdiction.</p>
<p>Recommendation 14</p>	<p>The Children’s Court of NSW should prepare and publish an Annual Review.</p>
<p>Response/Project Name</p>	<p>Children's Court Annual Review Project</p>
<p>Project Description</p>	<p>The Children's Court of NSW will publish statistics regarding all aspects of the Court's work through the publication of an Annual Review.</p>
<p>Latest Update</p>	<p>The first Children's Court Annual Review is now expected to be completed by December 31 2021.</p>
<p>Who is leading the response</p>	<p>Children's Court of NSW</p>
<p>Project Status</p>	<p>● In Progress</p>



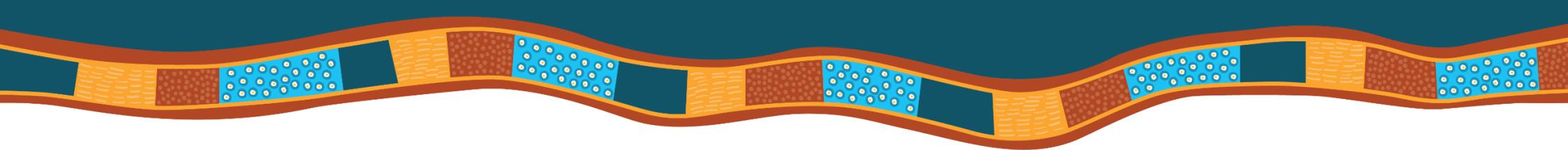
<p>Recommendation 23</p>	<p>The Department of Communities and Justice should ensure that its administrative data captures information about referrals made to all relevant early intervention programs, and whether these referrals were accepted or not (and reasons for non-referral and non-acceptance). The Department of Communities and Justice should work with Aboriginal stakeholders and community to design a system for the collection, analysis and reporting of these data.</p>
<p>Response/Project Name</p>	<p>Implementation of Data Exchange reporting for Targeted Earlier Intervention (TEI)</p>
<p>Project Description</p>	<p>This project will roll-out the Data Exchange reporting platform for the Targeted Earlier Intervention (TEI) program. All TEI service providers will collect and report client data through the platform.</p> <p>TEI providers are required to opt in to the Data Exchange partnership approach which provides access to a rich dataset including demographic and outcomes information.</p> <p>High-quality data will help us understand the needs of our clients to inform continuous service improvement and ultimately lead to greater outcomes for our clients and communities.</p> <p>Data collected includes referral pathways, specifically: referrals in (source), reason for seeking assistance, referral out (type – internal/external; and purpose).</p> <p>One major advantage of using the Data Exchange platform for service providers, is that it has a self-service reporting function which can provide access to their (de-identified) data at any point in time. This means that providers can exercise greater authority over the data routinely collected and use the data to make informed decisions and improve service delivery.</p> <p>The project will include support and training to the sector including tailored workshops, online training and resources as well as one-on-one support as needed.</p>
<p>Latest Update</p>	<p>Most Targeted Earlier Intervention (TEI) Program service providers (96%) are now reporting in the Data Exchange. The TEI Team will continue to support the sector and DCJ District teams to fully implement this reporting and ensure data quality. Training and support is available to service providers to assist them in using these resources.</p>
<p>Who is leading the response</p>	<p>Department of Communities and Justice (DCJ)</p>
<p>Project Status</p>	<p>● In Progress</p>



Recommendation 35	The Department of Communities and Justice should design, in partnership with Aboriginal stakeholders and community, a new approach to collecting and reporting data around disability prevalence among Aboriginal children in the child protection system, and disability prevalence among their parents.
Response/Project Name	Collecting and reporting data around disability prevalence
Project Description	DCJ in partnership with Aboriginal stakeholders and community will design a new approach to collecting and reporting data regarding disability prevalence among Aboriginal children in the child protection system, and disability prevalence among their parents.
Latest Update	This project is currently being scoped. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 41	The Department of Communities and Justice should work with Aboriginal stakeholders and community to design a comprehensive system for the collection and reporting of data around assumption into care or removal of Aboriginal children at or shortly after birth, as well as data about the characteristics of parents who are the subject of pre-natal notifications, numbers and reasons for high risk birth alerts, and pre entry into care casework completed with Aboriginal mothers in the prenatal period.
Response/Project Name	Designing a comprehensive system for the collection and reporting of data around assumption into care or removal of Aboriginal children at or shortly after birth
Project Description	To better understand prenatal risks for Aboriginal families, identify current gaps in data collection and reporting capabilities and improve the overall data capture for high-risk birth alerts and assumption into care.
Latest Update	Options for data enhancements and reporting capabilities under development.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

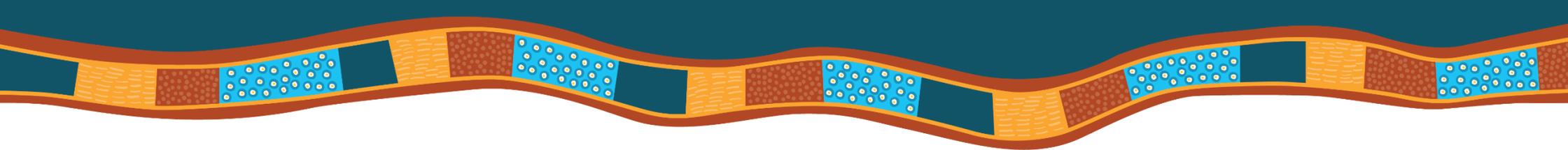
Recommendation 43	The Department of Communities and Justice should publish case studies of good-practice intervention with expectant Aboriginal parents on its website, as well as distributing these case studies to relevant stakeholders, including Aboriginal families in contact with the child protection system, Aboriginal community representatives and organisations, and relevant service providers.
Response/Project Name	Shining a light on good practice
Project Description	The “Shining a light on good practice” publications provide case studies and stories of good practice achieving good outcomes. These publications will be reviewed to consider the elements within this recommendation, as well as options for increasing distribution.
Latest Update	In lieu of a written publication for 2021, a documentary (the department) will be aired on SBS on 10 October. This documentary features DCJ casework with a number of Aboriginal families. It is raw and it is real. It shows the determination of Aboriginal people to get their children home, the success of a young Aboriginal care leaver and the advocacy of GMAR.



Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

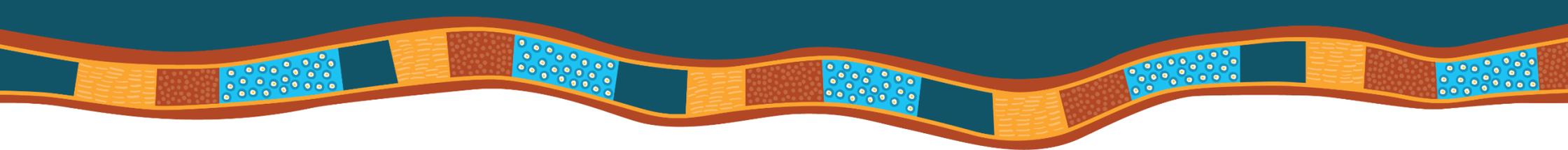
Recommendation 49	The Department of Communities and Justice should record, collect and report data around the consideration of the use of less intrusive options prior to entry-into-care. These data should include whether or not these measures were considered and if they were not used, reasons should be recorded and reported on against each possible measure. This data collection should be designed and interpreted in partnership with Aboriginal stakeholders and community.
Response/Project Name	Collecting and reporting data around the less intrusive options prior to entry-into-care
Project Description	Data enhancements and reporting capabilities around the suite of family preservation services and program outcomes (less intrusive options) to prevent Aboriginal children entering OOHC.
Latest Update	Project scoping underway. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 63	The Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data around the abuse of Aboriginal children in out-of-home care. These data should be disaggregated by the care placement type, who perpetrated the alleged abuse, the department's response to the alleged abuse, whether the alleged abuse was subject to further investigation or action, and the outcome of any investigation or action.
Response/Project Name	Collection, analysis and reporting of data around the abuse of aboriginal children in out-of-home care
Project Description	National work on improved reporting on safety in care was progressed with NSW input as part of the Children and Families' Secretaries National Data Improvement Plan. This work is expected to culminate in a release by the Australian Institute of Health and Welfare (AIHW) in December 2021 of Tranche 1 of safety in care indicators which would include data on Aboriginal children. NSW will continue to monitor and improve data quality to ensure what is reported is as complete as possible.
Latest Update	This work is expected to culminate in a release by the AIHW in December 2021 of Tranche 1 of safety in care indicators which would include data on Aboriginal children.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



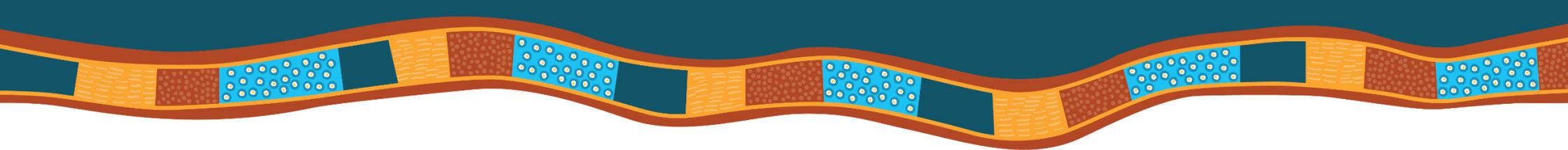
Recommendation 69	The Department of Communities and Justice should design and implement a system for the collection, analysis and reporting of data to ensure that information about children in OOHC who are also in contact with the criminal justice system is recorded and is readily available to inform strategic planning and monitor outcomes for this group of children. This system should identify which children are Aboriginal and which are non-Aboriginal.
Response/Project Name	Maintain and enhance LinDA (DCJ Linked Data Asset)
Project Description	This initiative allows DCJ to provide detailed reporting and analysis using linked service data. It will enable the analysis and reporting of data to ensure that information about children in OOHC who are also in contact with the criminal justice system is recorded and is readily available to inform strategic planning and monitor outcomes for this group of children.
Latest Update	The DCJ Linked Data Asset (LinDA) team have been funded until 30 June 2022 to develop and maintain reports to inform strategic planning and monitor outcomes. They are reaching out to the Aboriginal Outcomes Task Force and other DCJ stakeholders to get input and direction for the reporting content to ensure it provides relevant and timely insights on children in OOHC who are also in contact with the justice system.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 70	The Department of Communities and Justice should conduct or commission further research regarding the involvement of Aboriginal children and young people in OOHC in the juvenile justice system to determine, among other things, the: <ul style="list-style-type: none"> a) number of Aboriginal children in OOHC involved in the juvenile justice system; b) nature of offences committed by Aboriginal children in OOHC (and whether these are influenced by their OOHC status); c) nature and level of assistance provided by DCJ to Aboriginal children involved in the juvenile justice system; and d) outcomes for Aboriginal children involved in the juvenile justice system (and whether these are influenced by OOHC status).
Response/Project Name	Birth Cohort Study
Project Description	This project will analyse data from the Human Services Data Set (HSDS) in order to determine (1) what proportion of children in a birth cohort end up in contact with the child protection and justice systems before the age of 18 and (2) assess the extent to which information held by public sector agencies is helpful in identifying young people who are at increased risk of imprisonment, OOHC, child abuse and neglect.
Latest Update	Analysis of data has commenced. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



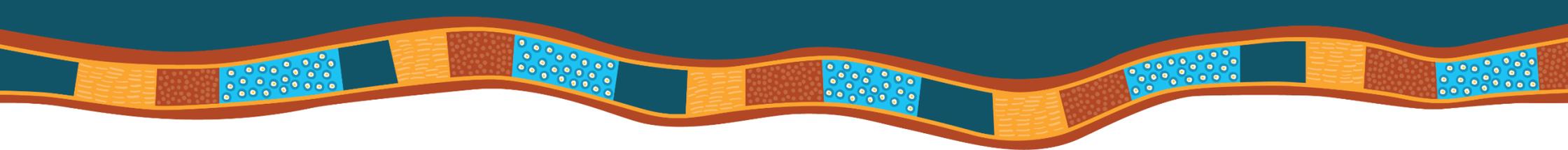
<p>Recommendation 74</p>	<p>The Department of Communities and Justice should engage with Aboriginal stakeholders and community members to design and implement a system of data collection and reporting around all elements of the Aboriginal Child Placement Principle (ACPP). In particular, the data should address:</p> <ul style="list-style-type: none"> a) Aboriginal children’s contact with their Aboriginal birth parents, siblings (incl. halvesiblings), extended family, kin & community; b) Aboriginal children’s placement with siblings (including half-siblings); and c) cultural planning for Aboriginal children in care, including information about who participated to develop a child’s cultural plan, and what these cultural plans contain in relation to the five domains of the ACPP.
<p>Response/Project Name</p>	<p>Data collection and reporting on elements of the Aboriginal Child Placement Principle</p>
<p>Project Description</p>	<p>To examine data availability for reporting on compliance with the Aboriginal Child Placement Principle (ACPP), including consideration of contact with family, kin and community, placement with siblings and cultural planning. A nationally consistent approach to measuring the application of the five elements of the Principle is currently being considered by DCJ as part of the National Data Improvement Plan (NDIP) 2021-22 priority to develop Aboriginal and Torres Strait Islander Child Placement Principles indicators for reporting. The NDIP is led by the Children and Families Secretaries Strategic Information Group (SIG).</p>
<p>Latest Update</p>	<p>NSW is working collaboratively with other jurisdictions and the Secretariat of National Aboriginal and Islander Child Care (SNAICC) through the Children and Families Secretaries group in developing a national set of indicators to support implementation of the ACPP.</p>
<p>Who is leading the response</p>	<p>Department of Communities and Justice (DCJ)</p>
<p>Project Status</p>	<p>● In Progress</p>

<p>Recommendation 75</p>	<p>The Department of Communities and Justice should publish data on its compliance with all elements of the Aboriginal Child Placement Principle on an annual basis.</p>
<p>Response/Project Name</p>	<p>Publication of data on compliance with the Aboriginal Child Placement Principle</p>
<p>Project Description</p>	<p>NSW will contribute to the national work being progressed under the Children and Families Secretaries' (CAFS) National Data Improvement Plan (NDIP) to develop and report on the 22 agreed Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) Indicators. These 22 indicators vary in the timeline to deliver due to availability and/or complexity. Consequently, development work for the 22 indicators have been broken up into three groups. Group 2 is being led by AIHW and 5/7 have already been published. Work is under way to refine the remaining 2/7 indicators. As a result of lack of national progress on the 9 Group 1 indicators due to different jurisdictional positions on the best approach, NSW has agreed to take the lead in progressing this work and is preparing a paper on a proposed way forward. Group 3 (6 indicators) will be progressed following completion of work on Groups 1 and 2.</p>



Latest Update	As these indicators are developed and finalised and the necessary data is available to report, NSW will look to publish this information as part of national reporting. NSW will incorporate reporting of these indicators in its own regular public reporting, so any delays in national reporting due to some jurisdictions being unable to report will not delay release of NSW data.
Who is leading the response	The 2019-20 Annual Statistical Report (ASR) was released in May 2021. The ASR includes data on a number of the ATSI CPP indicators for which NSW data is available. In addition, 2019-20 data for some of the Group 2 indicators will be published by the Australian Institute of Health and Welfare (AIHW) by end of October 2021.
Project Status	NSW is working collaboratively with other states and territories and the Secretariat of National Aboriginal and Islander Child Care (SNAICC) to progress ways of reporting the Group 2 ATSI CPP indicators, which have been under development until now.
	Department of Communities and Justice (DCJ)
	● In Progress

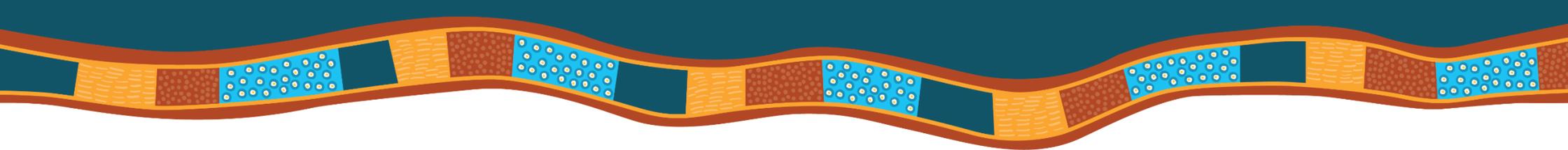
Recommendation 76	The New South Wales Government should, in partnership with relevant Aboriginal community groups and members, develop regulations about identifying and ‘de-identifying’ children in contact with the child protection system as Aboriginal for inclusion in the <i>Children and Young Persons (Care and Protection) Regulation 2012</i> (NSW).
Response/Project Name	Regulating the identification of Aboriginal Children and Young People
Project Description	Recommendations 76 and 77 will analyse current identification and de-identification policy in DCJ and will develop a policy and practice guidance that will help caseworkers ensure appropriate and consistent identification and de-identification occurs for Aboriginal children.
Latest Update	An analysis of current DCJ policy and guidance is complete. Engagement with State ARG has been welcomed and supported by Aboriginal staff stakeholders.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started



Recommendation 77	The Department of Communities and Justice should develop a policy to assist in the implementation of the new regulation about the identification and 'de-identification' of children in contact with the child protection as Aboriginal.
Response/Project Name	Regulating the identification of Aboriginal Children and Young People
Project Description	Recommendations 76 and 77 will analyse current identification and de-identification policy in DCJ and will develop a policy and practice guidance that will help caseworkers ensure appropriate and consistent identification and de-identification occurs for Aboriginal children.
Latest Update	An analysis of current DCJ policy and guidance is complete. Engagement with State ARG has been welcomed and supported by Aboriginal staff stakeholders.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 78	The Department of Communities and Justice should ensure that it is mandatory for caseworkers to complete the Aboriginal or Torres Strait Islander status field on ChildStory.
Response/Project Name	Mandatory Aboriginal or Torres Strait Islander status field on ChildStory
Project Description	DCJ has made changes to ChildStory system to ensure that caseworkers complete the Aboriginal or Torres Strait Islander status field on ChildStory.
Latest Update	Since early 2019, it has been mandatory for the Indigenous Status field to be completed in ChildStory. A system enhancement implemented in July 2019, introduced a reminder message for caseworkers when they request approval of a record, where the subject's Indigenous Status is blank or not stated. In December 2019, a further enhancement was made to the ChildStory system preventing users from removing the subject's Indigenous Status after creating the person record.
Who is leading the response	This project is awaiting sign off to confirm it has been implemented. Department of Communities and Justice (DCJ)
Project Status	● In Progress

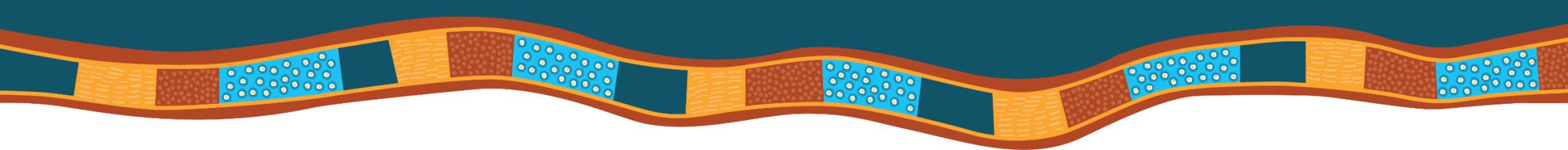
Recommendation 79	The Department of Communities and Justice should collect and publish information about the number of children who are 'de-identified' as Aboriginal and the reasons for the de-identification on an annual basis.
Response/Project Name	Publishing information about children who are 'de-identified'
Project Description	The Department of Communities and Justice will collect and publish information about the number of children who are 'de-identified' as Aboriginal and the reasons for the de-identification on an annual basis



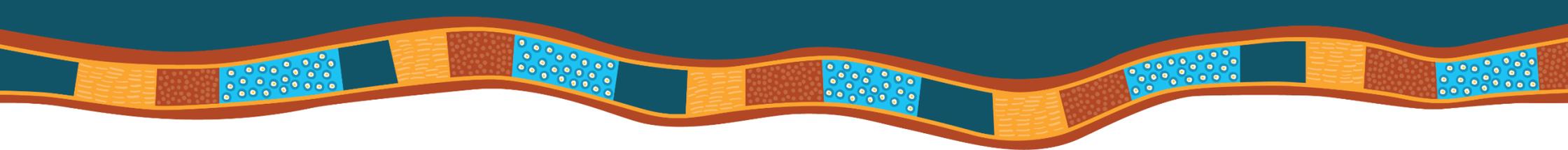
Latest Update	This recommendation has been scoped into the implementation plan for Recommendation 1. Recommendation 1 has been funded and has been contracted to Kowa. Recommendation 1 will utilise this recommendation as one of the two examples that we will be applying data sovereignty to. As a result of this process, the meta data asset will be created and the data sovereignty process applied to the collection and publishing.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 80	The Judicial Commission of New South Wales should develop educational materials for all judicial officers about the identification and de-identification of Aboriginal children in judicial proceedings.
Response/Project Name	Review of Local Court Bench Book (LCBB) and Children’s Court Resource Handbook (CCRH)
Project Description	The Judicial Commission of New South Wales should, in conjunction with the President of the Children’s Court, develop educational materials for all judicial officers about the identification and de-identification of Aboriginal children in judicial proceedings.
Latest Update	As at 13 September 2021, we have published relevant information in 2 of our bench books about the issue of identification and de-identification of Aboriginal children: in the <i>Children’s Court Resource Handbook</i> and the <i>Equality before the Law Bench Book</i> : these may be accessed at www.judcom.nsw.gov.au/publications .
Who is leading the response	Judicial Commission of NSW
Project Status	● In Progress

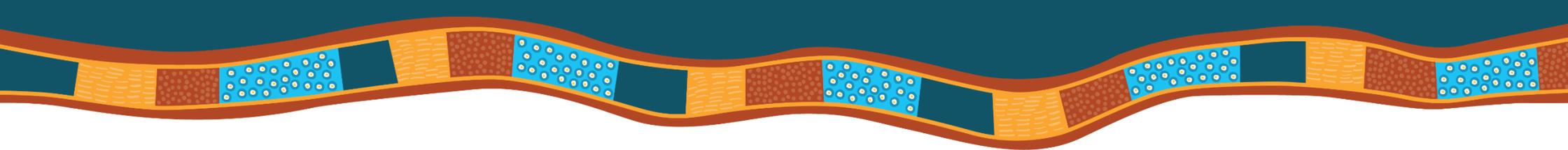
Recommendation 84	The Department of Communities and Justice should work with Aboriginal stakeholders and community to design a system for the collection and reporting of data about the placement stability of Aboriginal children in out-of-home care.
Response/Project Name	Reporting on Placement Stability Data
Project Description	The DCJ will work with Aboriginal stakeholders and community to design a system for the collection and reporting of data about the placement stability of Aboriginal children in out-of-home care.
Latest Update	This recommendation has been scoped into the implementation plan for Recommendation 1. Recommendation 1 has been funded and has been contracted to Kowa. Recommendation 1 will utilise this recommendation as one of the two examples that we will be applying data sovereignty to. As a result of this process, the meta data asset will be created and the data sovereignty process applied to the collection and publishing.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



<p>Recommendation 96</p>	<p>The Department of Communities and Justice should urgently engage with Aboriginal stakeholders and community to interpret findings from Wave 4 Pathways of Care Longitudinal Study (POCLS) in relation to the support needs of Aboriginal carers and translate these findings into policy and practice.</p>
<p>Response/Project Name Project Description</p>	<p>Improving the interpretation of POCLS data to strengthen supports for Aboriginal children and carers</p> <p>The POCLS is funded and managed by DCJ. It is the first large-scale prospective longitudinal study of children and young people in out-of-home care (OOHC) in Australia. Information on safety, permanency and wellbeing is being collected from various sources. The study links child protection, health, education and offending administrative data with first-hand accounts from children, their caregivers, caseworkers and teachers.</p> <p>The study examines the experiences of children and young people in OOHC, and their pathways in the domains of safety, physical health, socio-emotional wellbeing and cognitive development. To date, 5 waves of data collection have been undertaken at 18-24 month intervals (10-year period) by way of in-depth face-to-face interviews with the caregivers of approximately 1,000 children and young people of which about 35% identify as Aboriginal.</p> <p>For more information please see the Study objectives and strategic research agenda (Technical Report No.1).</p> <p>We assume that the intention of this recommendation is broader to include all POCLS publications that potentially provide insights that could improve practice with Aboriginal children, carers and families. The engagement with Aboriginal stakeholders and community could focus on the process for consultation and then discussion about how the insights can be translated into policy and practice.</p>
<p>Latest Update</p>	<p>Members of the Pathways of Care Longitudinal Study governance groups - DCJ Aboriginal Outcomes, AbSec and Associate Professor Paul Gray UTS Jumbunna - partnered with the POCLS team to facilitate a workshop with members of the NSW Aboriginal child and family sector and Aboriginal DCJ staff. The workshop was held online on Wednesday 21 April 2021 with the aim of identifying a process for Aboriginal communities and stakeholders to engage in the interpretation and translation of POCLS findings into policy and practice to address Family Is Culture (FIC) Recommendation 96. It also aimed to share information with participants about the POCLS study and existing data, and how these processes might be further improved more broadly. The CEO of AbSec formally opened the workshop and welcome participants. The POCLS team presented an overview of the Study which led into small group discussions about how to improve Aboriginal communities' engagement in the interpretation of POCLS findings and the translation of findings into policy and practice centred on four discussion questions:</p> <ol style="list-style-type: none"> 1. How should Aboriginal community representatives be involved in the analysis going forward? 2. How do we ensure an Aboriginal perspective in the interpretation of findings? 3. What structures and processes are needed? 4. What other challenges might arise through this process and how can they be addressed? <p>The key discussion points from each of three breakout rooms were then shared back to the main session. Due to the technical issues with some of the presentations and participant's internet connection we acknowledge that the full spectrum of views may not have been heard at the workshop. To provide an opportunity for everyone to provide their views a written summary of the discussion will be provided to those attending the workshop. From the information gathered, AbSec has prepared a draft proposal to establish a</p>



<p>Who is leading the response Project Status</p>	<p>high-level Aboriginal governance framework as part of the POCLS governance processes, including an Aboriginal Governance Panel to provide oversight, engagement and accountability with respect to the collection and use of Aboriginal data in the POCLS. It aims to strengthen the POCLS governance structures and processes so that Aboriginal community members and stakeholders are better engaged as equal research partners, in line with the Family Is Culture (FIC) review recommendation 96. The consultation period is 26 August - 29 September 2021 after which AbSec will update the draft proposal based on the feedback with a view to submit it to DCJ for their consideration.</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
<p>Recommendation 106</p>	<p>The Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data about restoration goals and casework provided to support parents of children who enter out-of-home care, including what casework is provided to support parents to achieve restoration goals.</p>
<p>Response/Project Name Project Description</p>	<p>Implementation of the Aboriginal Case Management Policy</p> <p>In 2018 DCJ, formally FACS, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities.</p> <p>The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive.</p> <p>The policy highlights the need for greater involvement of Aboriginal children and young people, families, kin and community in the case management system.</p> <p>The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include:</p> <ul style="list-style-type: none"> • Aboriginal community controlled mechanisms • Aboriginal family-led assessment • Aboriginal family-led decision making • Proactive efforts <p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children and families to achieve positive outcomes

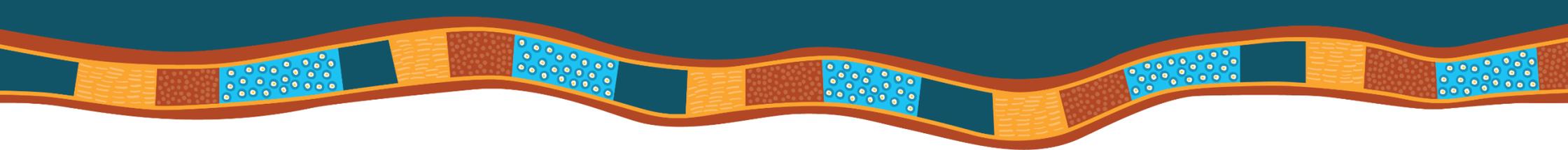


Latest Update	<ul style="list-style-type: none"> Alignment with the Permanency Support Program reform and the Permanency Case Management Policy <p>The implementation of the Government’s response to the Family is Culture review.</p>
Who is leading the response	The Aboriginal Case Management Policy is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.
Project Status	Department of Communities and Justice (DCJ)
	● In Progress



Better Casework Policy and Practice

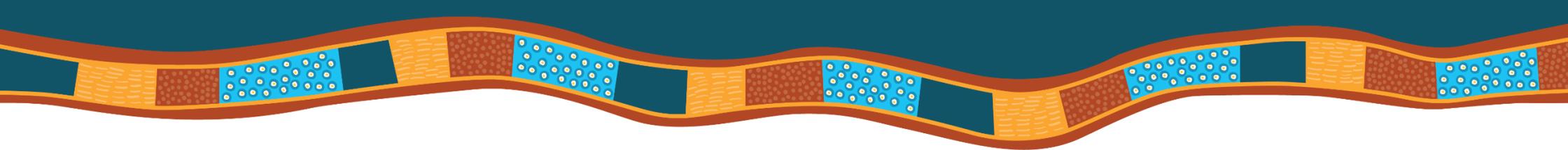
Recommendation 4	The Department of Communities and Justice should track, monitor and publicly report on the implementation of the recommendations of both the Family is Culture case file review process, and the Family is Culture report, within 12 months of the final report being delivered, with a view to further public reporting on implementation if necessary.
Recommendation 5	<p>The Department of Communities and Justice should establish an Aboriginal Quality Assurance Unit to address issues discussed in this report. This unit should:</p> <ol style="list-style-type: none"> a) track, monitor and publicly report on the implementation of the recommendations made in the Review’s case file review process and in this report; b) ensure that recommendations made by Aboriginal staff or community members in consultative processes are tracked and implemented, and that data about the implementation of these recommendations is made publicly available; c) provide ongoing training and practice support to child protection staff about issues relating to Aboriginal children and families in the child protection system; and d) collect and analyse data from multiple sources in order to identify systemic issues requiring reform.
Recommendation 16	The NSW Government should, in partnership with Aboriginal communities and stakeholders, introduce a system of qualitative file reviews modelled on the Quality Case Review and Quality Service Review systems that have been implemented in some states of the United States of America, with the introduction of the additional component of an optional Family Group Conference.



Response/Project Name	Development of an Aboriginal quality assurance team
Project Description	The Aboriginal Care review team was established to support districts to implement the 3000+ individual Family is Culture recommendations. The outcomes for each of the children will be reported on internally to DCJ and for privacy reasons a high-level report providing the thematic outcomes for Aboriginal children and families will be made public.
Latest Update	94% of individual recommendations have been closed as complete. The remaining recommendations all have actions plans that are at various stages of implementation. These will be monitored through district processes to ensure that action plans continue progress.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

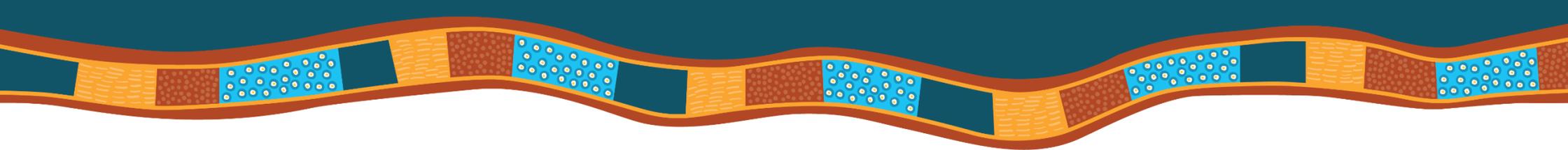
Recommendation 6	The Department of Communities and Justice should engage Aboriginal stakeholders in the child protection sector, including AbSec and other relevant peak bodies, to develop an agreed understanding on the right to ‘self-determination’ for Aboriginal peoples in the NSW statutory child protection system, including any legislative and policy change.
Recommendation 7	The Department of Communities and Justice, in partnership with Aboriginal stakeholders and communities, undertake a systemic review of all policies that refer to self-determination, to consider how they might be revised to be consistent with the right to self-determination.

Response/Project Name	Implementation of the Aboriginal Case Management Policy
Project Description	In 2018 DCJ, formally FACS, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities. The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive. The policy highlights the need for greater involvement of Aboriginal children & young people, families, kin and community in the case management system. The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include: <ul style="list-style-type: none"> • Aboriginal community controlled mechanisms • Aboriginal family-led assessment • Aboriginal family-led decision making • Proactive efforts



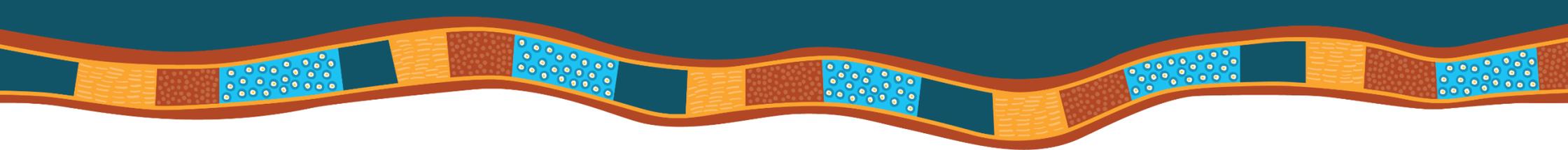
	<p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children & families to achieve positive outcomes • Alignment with the Permanency Support Program reform and the Permanency Case Management Policy • The implementation of the Government’s response to the Family is Culture review.
Latest Update	<p>The ACMP is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.</p>
Who is leading the response	<p>Department of Communities and Justice (DCJ)</p>
Project Status	<p>● In Progress</p>

<h2>Recommendation 27</h2>	<p>The NSW Government should establish a Child Protection Advocacy Program to train and support a state-wide network of specialist child protection advocates to give advice to, and advocate for, families who are involved in the child protection system. This program should be akin to the Tenant’s Advice and Advocacy Program currently resourced by Fair Trading NSW. This program should be informed also by the advocacy method that GMAR NSW have been performing unofficially.</p>
<p>Response/Project Name</p> <p>Project Description</p>	<p>Implementation of the Aboriginal Case Management Policy</p> <p>In 2018 DCJ, formally FACS, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities.</p> <p>The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive.</p> <p>The policy highlights the need for greater involvement of Aboriginal children and young people, families, kin and community in the case management system.</p> <p>The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include:</p> <ul style="list-style-type: none"> • Aboriginal community controlled mechanisms • Aboriginal family-led assessment • Aboriginal family-led decision making • Proactive efforts



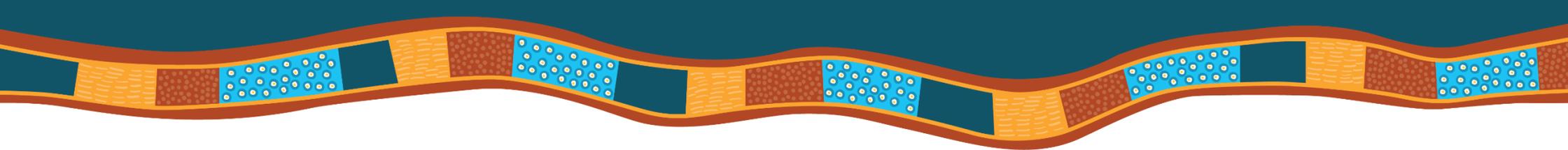
<p>Latest Update</p> <p>Who is leading the response</p> <p>Project Status</p>	<p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children and families to achieve positive outcomes • Alignment with the Permanency Support Program reform and the Permanency Case Management Policy • The implementation of the Government’s response to the Family is Culture review. <p>The Aboriginal Case Management Policy is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
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<p>Recommendation 30</p> <p>Response/Project Name</p> <p>Project Description</p> <p>Latest Update</p> <p>Who is leading the response</p> <p>Project Status</p>	<p>The Department of Communities and Justice should mandate the use of the Domestic Violence Safety Assessment Tool by caseworkers where parents are present, or screen-in, in relation to domestic and family violence related issues. This tool should be used to coordinate parents’ involvement in the Safer Pathway system. Roll out of this approach needs to be accompanied by further training and education for caseworkers and casework managers around identifying domestic and family violence including coercive and controlling behaviours. Consideration should be given to involving caseworkers in Safety Action Meetings where parents are assessed as being at serious threat and become involved in these meetings.</p> <p>Domestic Violence Safety Assessment Tool for Safer Pathway</p> <p>We and our sector partners will explore the need for additional support materials, tools and training for caseworkers in relation to domestic and family violence.</p> <p>DCJ is reviewing the tools, resources and training needed for caseworkers in relation to domestic and family violence.</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
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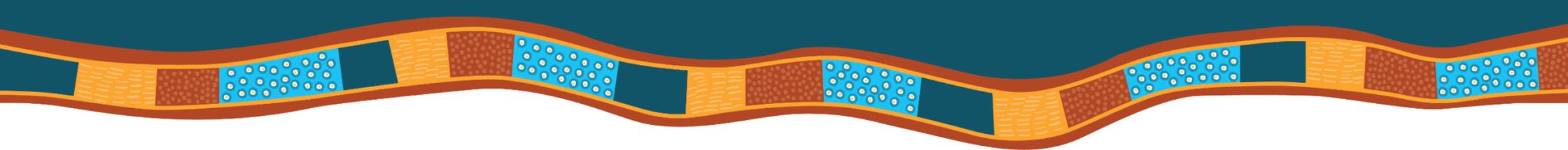
Recommendation 31	The Department of Communities and Justice should provide targeted and ongoing education about the Dignity Driven practice approach to staff at all levels of the agency, including caseworkers and senior managers. Education should require all staff to complete training developed by and delivered in partnership with Aboriginal domestic and family violence specialists regarding the issues facing Aboriginal women who experience domestic and family violence.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	🟡 Not Started

Recommendation 36	The Department of Communities and Justice should work with the First Peoples Disability Network Australia, People with Disability Australia, the National Disability Insurance Scheme (NDIS) and Aboriginal community and stakeholders to develop a plan of action to improve disability identification, practice competence, and pathways to specialist disability service involvement within the Department of Communities and Justice for children and families at all stages of the child protection system—from early intervention support through to entry into care, restoration and post entry into care casework.
Recommendation 37	The Department of Communities and Justice should, in partnership with the First Peoples Disability Network Australia, People with Disability Australia, Aboriginal community and stakeholders, implement a strategy for early intervention and prevention work specifically targeted towards early identification and responses to the needs of Aboriginal parents and children with disability who come into contact with the child protection system.
Response/Project Name	Improving identification, practice competence and service involvement for Aboriginal children and parents with disability and referral pathways for culturally appropriate early intervention and specialist disability services
Project Description	Provide opportunities for Aboriginal parents and Aboriginal children to have any disability identified as early as possible to facilitate referral to culturally appropriate early intervention and/or specialised disability services.
Latest Update	Project scoping is underway. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	🟢 In Progress

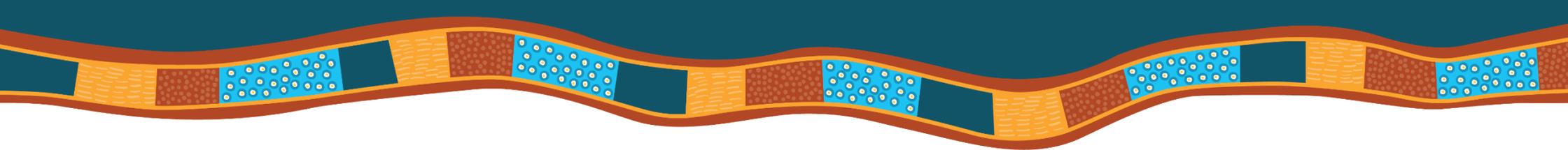


Recommendation 39	The Department of Communities and Justice should commission an independent review of all current child protection policies relating to casework services to ensure the policies (including casework and restoration policies) are in line with current best practice standards in relation to domestic and family violence, alcohol and other drug use, mental health, health issues, disability and intergenerational trauma.
Response/Project Name	Review of child protection policies and practice guidance
Project Description	Review and update of all casework practice mandates and associated policies to ensure they reflect best practice in relation to mental health, health issues, domestic violence, alcohol and other drug use, disability and intergenerational trauma.
Latest Update	Project scoping is underway. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 40	The Department of Communities and Justice should provide culturally competent, trauma-informed training and materials for child protection staff, with reference to the excellent resources already prepared by the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Secretariat of National Aboriginal and Islander Child Care (SNAICC), around working with Aboriginal community and families. This training should focus on how to appropriately engage Aboriginal families in early intervention and prevention work. This training should also have a component of Aboriginal history in New South Wales to provide child protection staff with some nuanced understanding of the Aboriginal population it works with.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

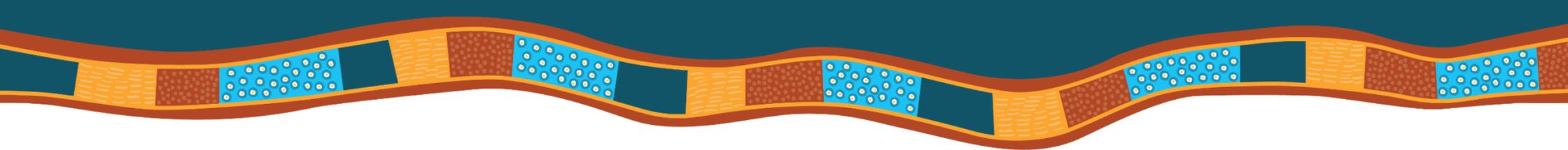


Recommendation 42		The Department of Communities and Justice should devise, in partnership with Aboriginal community groups and representatives, a comprehensive Prenatal Reporting and Newborn Removal Policy for Aboriginal children that includes, among other things, case studies of good practice intervention with expectant Aboriginal parents and a link to an external, up-to-date list of relevant services and supports for pregnant Aboriginal mothers.
Response/Project Name	Update to DCJ Prenatal Policy	
Project Description	To revise the DCJ Prenatal Policy to improve the information related to working with Aboriginal families and include case studies of good practice with expectant Aboriginal parents.	
Latest Update	<p>Changes to DCJ's prenatal policy and related practice resources have been drafted.</p> <ul style="list-style-type: none"> - Information relating to working with Aboriginal families has been expanded upon and improved following extensive consultation. - Information contained in Chapter 10 of the Family is Culture Review Report (FIC Report) has been incorporated into this update. - Language has been carefully considered throughout the policy. - Case examples of good practice with Aboriginal families has been included. <p>Further consultation is required on effective implementation planning before the policy and practice resources are published.</p>	
Who is leading the response	Department of Communities and Justice (DCJ)	
Project Status	● In Progress	
Recommendation 44		The Department of Communities and Justice should expand the Pregnancy Family Conferencing program and monitor and report on its effectiveness in reducing entries into out-of-home care.
Response/Project Name	Assessing the feasibility of state-wide Pregnancy Family Conferencing	
Project Description	Explore options in response to Recommendation 44 in consultation with NSW Health and DCJ Districts, including options for how Pregnancy Family Conferencing can best be monitored to enable reporting on its effectiveness in reducing entries into out-of-home care.	
Latest Update	Phase 1 in progress – this includes mapping current implementation of Pregnancy Family Conferencing in NSW.	
Who is leading the response	Department of Communities and Justice (DCJ)	
Project Status	● In Progress	



Recommendation 45	The Department of Communities and Justice should significantly expand the number of specialised prenatal caseworkers to ensure that expectant Aboriginal parents have access to early, targeted and coordinated intervention services and support.
Response/Project Name	Expand specialised prenatal caseworkers for expectant Aboriginal parents.
Project Description	Review existing specialised prenatal caseworker positions and initiatives and consider expansion to ensure expectant Aboriginal parents have access to early, targeted and coordinated intervention services and support.
Latest Update	Scoping and consultation phase has commenced
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

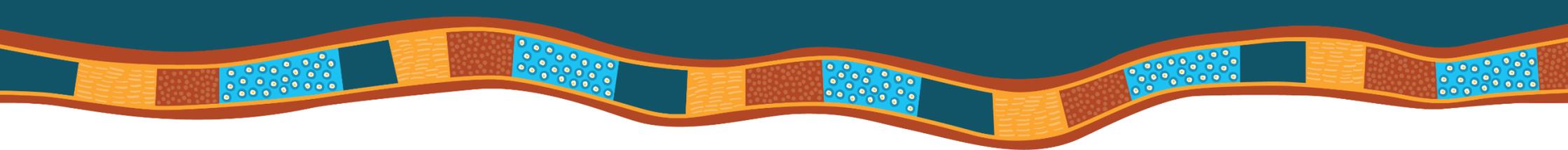
Recommendation 46	The Department of Communities and Justice should develop, trial and publicly report on a 'triage' system for prenatal reports that ensures that the parents of the most frequently report unborn babies are given priority access to early casework support and early intervention services.
Response/Project Name	Update to DCJ Prenatal Policy
Project Description	To revise the DCJ Prenatal Policy to improve the information related to working with Aboriginal families and include case studies of good practice with expectant Aboriginal parents.
Latest Update	DCJ's prenatal policy and related practice resources have been updated and have progressed to be published. - Information relating to working with Aboriginal families has been expanded upon and improved following extensive consultation. - Information contained in Chapter 10 of the Family is Culture Review Report (FIC Report) has been incorporated into this update. - Language has been carefully considered throughout the policy. - Case examples of good practice with Aboriginal families has been included. DCJ will continue to make changes and updates to its prenatal resources as related FIC recommendations are implemented.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress
Response/Project Name	Triage process for prenatal reports
Project Description	DCJ to develop a process to improve allocation rates of pre-natal reports to ensure they receive early intervention support as early as possible.
Latest Update	DCJ's prenatal policy and related practice resources have been updated and have been approved to publish. - The updated policy encourages the priority allocation of prenatal reports, highlighting the great potential for sustained change during the gestational period. - The updated resources outline the importance and benefits of engaging with families as early as possible. - Referral to the Pregnancy Family Conferencing (PFC) program is included in the updated policy.



Who is leading the response	- Additionally, definition of "imminent birth" has been reduced from 37 to 32 weeks gestation. DCJ is currently reviewing its Structured Decision Making (SDM) Child Protection Assessment Tools to strengthen mechanisms surrounding the allocation of prenatal reports.
Project Status	Department of Communities and Justice (DCJ)
	● In Progress

Recommendation 50	The Department of Communities and Justice should revise its mandate on Temporary Care Arrangements to ensure that the ability of a parent to terminate a Temporary Care Arrangement is not used to deter its use.
Response/Project Name	Review of Temporary Care Arrangements practice mandate
Project Description	Review of Temporary Care Arrangements mandate to ensure it does not discourage the use of Temporary Care Arrangements where appropriate.
Latest Update	This project is currently in scoping. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

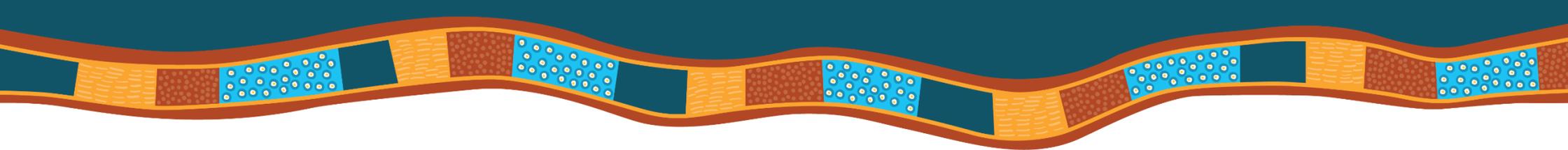
Recommendation 51	The Department of Communities and Justice should ensure that caseworkers receive training on the use of Temporary Care Arrangements in child protection casework. This should include the use of examples of the use of Temporary Care Arrangements with Aboriginal families in practice.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started



Recommendation 53	The Department of Communities and Justice should update its policies and procedures to ensure that all Aboriginal families receive 'warm' referrals to legal advisors, with a preference for Aboriginal services, before child protection involvement escalates to the point where entry into care is considered a possibility.
Response/Project Name	Warm referrals to legal advisors for child protection matters
Project Description	All Aboriginal families should receive 'warm' referrals to legal advisors for all child protection matters (including s90 applications).
Latest Update	Warm referrals to the Aboriginal Legal Service are now available for Aboriginal families. DCJ policy is under review to include this referral process.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 56	The Department of Communities and Justice should commission an independent review of its structured decision making tools and processes to identify how they can be improved to enhance objectivity within child protection assessments. This review should be undertaken in partnership with Aboriginal community and stakeholders to ensure that it examines the cultural adequacy of current risk and safety paradigms and tools.
Response/Project Name	Update to DCJ Prenatal Policy
Project Description	To revise the DCJ Prenatal Policy to improve the information related to working with Aboriginal families and include case studies of good practice with expectant Aboriginal parents.
Latest Update	DCJ's prenatal policy and related practice resources have been updated and have progressed to be published. <ul style="list-style-type: none"> - Information relating to working with Aboriginal families has been expanded upon and improved following extensive consultation. - Information contained in Chapter 10 of the Family is Culture Review Report (FIC Report) has been incorporated into this update. - Language has been carefully considered throughout the policy. - Case examples of good practice with Aboriginal families has been included. DCJ will continue to make changes and updates to its prenatal resources as related FIC recommendations are implemented.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

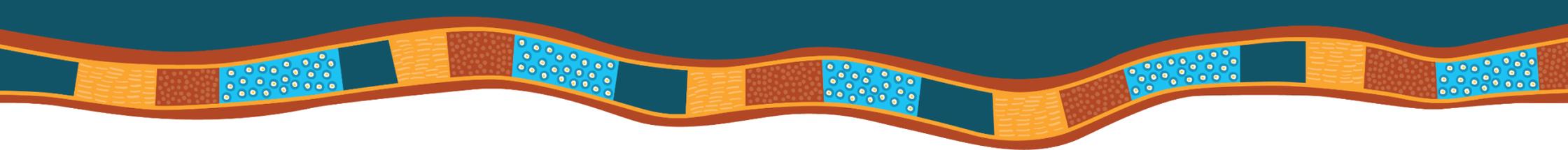
Recommendation 57	The Department of Communities and Justice should implement internal improvements to chain of command decision-making and safety plan review, to ensure that all safety plans prepared for families respond comprehensively to all identified dangers and include relevant casework responding to all identified risk and safety issues.
Response/Project Name	Internal improvements to chain of command decision-making and safety plan review



Project Description	A review of Structured Decision Making (SDM) and other assessment tools used in DCJ child protection. This work will include a review of the tools, the mandates that guide them and the practice that supports them.
Latest Update	The Office of the Senior Practitioner will in partnership with Evident Change (owners of the Structured Decision Making (SDM) assessment tools) SDM be reviewing all the SDM tools in NSW. This work commenced in June 2021. Safety Planning will be captured in this.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

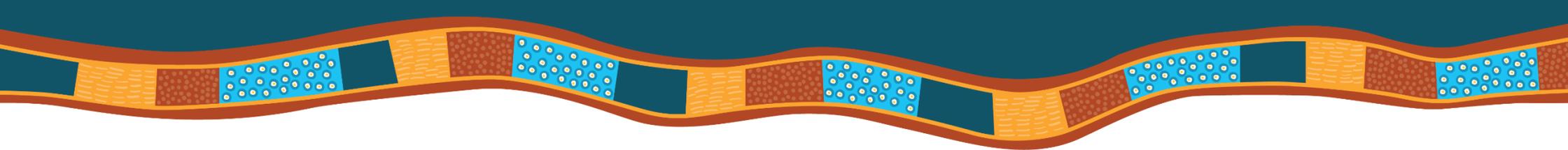
Recommendation 58	The Department of Communities and Justice should ensure all staff receive commencement and regular refresher training in how to use the safety and risk assessment tools. The training should be delivered by Aboriginal educators and should incorporate training in cognitive bias and how to undertake safety and risk assessments with Aboriginal families and children.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 59	The Department of Communities and Justice should ensure that all caseworkers receive further training in harm minimisation strategies for assumption or removal and in the appropriate use of police to assist with assumptions or removals. This training should be designed to improve cultural knowledge and the knowledge of Aboriginal child protection history, including child removal policies in the protection and assimilation era, with particular focus on the NSW chapter of the Royal Commission into Aboriginal Deaths in Custody.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51),



Latest Update	refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (rec 58), training in harm minimisation and the use of police (rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (rec 103).
Who is leading the response	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Project Status	Department of Communities and Justice (DCJ)
	● Not Started

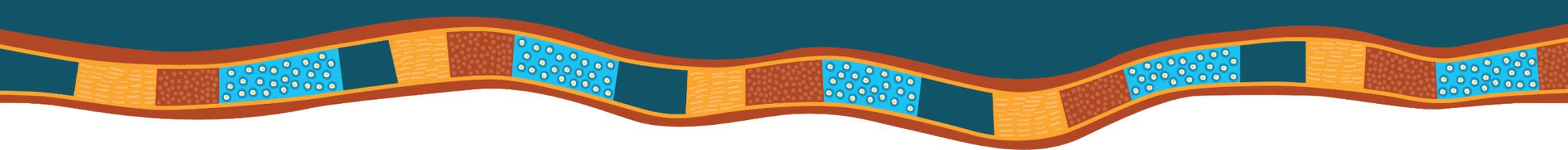
Recommendation 60	Except for in an unforeseen emergency, caseworkers from the Department of Communities and Justice should be required to seek the authorisation of a team leader before engaging police to assist them to undertake an assumption or removal. In circumstances where caseworkers employ the assistance of police without prior authorisation, caseworkers must be required to justify why they engaged police to their team leader at the earliest opportunity following the assumption or removal. These reasons must be recorded on the child’s file and presented to the Children’s Court of NSW.
Response/Project Name	Update Removal/Assumption Practice Mandate
Project Description	To review and update the casework mandate in relation to the removal or assumption of children. Recommendations for changed practice will be proposed for inclusion in the remove/assume casework practice mandate. A program of change management activities will embed the practice improvements. The desired outcomes for this project are: <ul style="list-style-type: none"> • Increase practitioner awareness that Aboriginal people often have a deep mistrust of police. • Caseworkers seek the authorisation of a team leader before engaging police to assist them to undertake an assumption. • The authorisation, or justification is accurately and consistently recorded on the child’s file. • Addressing the Children’s Court requirements that need to be met as a way to make sure that such a significant decision is legal ensuring the best interests of the child, while balancing the rights of their parents. <p>Improve the way removals are being executed by DCJ. Approaching child removal accordingly so that parents are treated with understanding and respect, acknowledging the trauma that removing a child causes to the family, and respecting the dignity of all parties involved.</p>
Latest Update	DCJ commenced consultation with relevant stakeholders in April 2021 in relation to the collaborative implementation of recommendations 59, 60, and 61. Stakeholders include local Aboriginal Reference Groups and will extend to the community. Further consultation is also planned with NSW Police and Youth Representatives from UC Change.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how



	to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

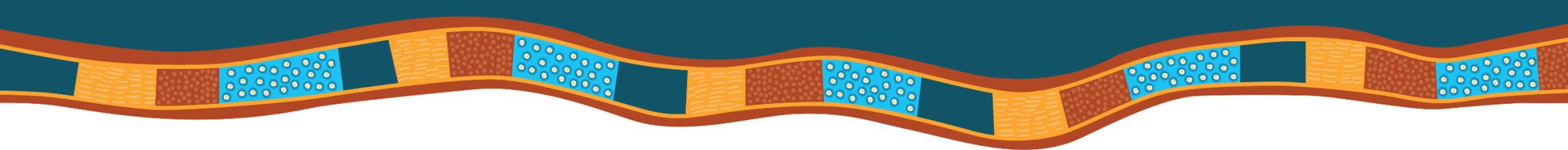
Recommendation 61	Caseworkers from the Department of Communities and Justice should be required to set out a detailed justification for the timing, location and basis for all assumptions and removals that are not conducted on an emergency basis prior to the assumption or removal occurring, and to demonstrate that their proposed method of assumption or removal is the least intrusive method that could be employed.
Response/Project Name	Mandating the least intrusive method for assumptions and removals of Aboriginal children
Project Description	<p>Consultation with various Aboriginal stakeholder groups will explore current practices around child removal to determine what contributes to good or bad removal practices. Specific inquiries will be made on the issue of pursuing the least intrusive option for removal or assumption.</p> <p>Recommendations for changed practice will be proposed for inclusion in the remove/assume casework practice mandate. A program of change management activities will embed the practice improvements.</p>
Latest Update	Project is in scoping and consultation phase. A detailed update will be provided in the next reporting period.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 72	The Department of Communities and Justice should develop guidance for caseworkers on the purpose of the Aboriginal Child Placement Principle (ACPP), the elements of the ACPP, and how to apply these elements during casework. This guide should be developed in partnership with Aboriginal community organisations and after consideration of the existing resources on the ACPP, such as those already developed by the Secretariat of National Aboriginal and Islander Child Care, which the Review regards as best practice.
Recommendation 73	The Department of Communities and Justice should implement an ongoing program of training to test and enhance staff knowledge of the Aboriginal Child Placement Principle. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).



Response/Project Name	Aboriginal Child Placement Principle Resources and Training
Project Description	A mandatory caseworker training module with testing and compliance capabilities is being developed (Rec 73). This will be coupled with data capture of the application of the Aboriginal Child Placement Principles (ACPP) in districts. Supportive guidance will then be provided to districts where any implementation issues are identified (Rec 72) with improvement being monitored.
Latest Update	Development of content has commenced. Project is on track
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

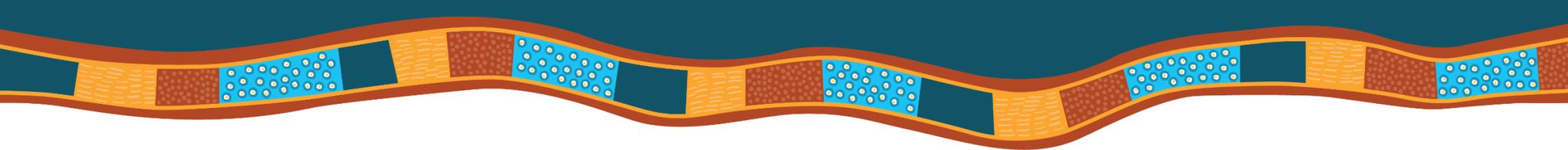
Recommendation 81	The Department of Communities and Justice should actively fund and support the implementation of the Aboriginal Case Management Policy and the Aboriginal Case Management Rules and Practice Guidance and report publicly on its activity in this domain.
Response/Project Name	Implementation of the Aboriginal Case Management Policy
Project Description	<p>In 2018 DCJ, formally FACS, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities.</p> <p>The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive.</p> <p>The policy highlights the need for greater involvement of Aboriginal children and young people, families, kin and community in the case management system.</p> <p>The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include:</p> <ul style="list-style-type: none"> • Aboriginal community controlled mechanisms • Aboriginal family-led assessment • Aboriginal family-led decision making • Proactive efforts <p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children and families to achieve positive outcomes



	<ul style="list-style-type: none"> Alignment with the Permanency Support Program reform and the Permanency Case Management Policy
	The implementation of the Government's response to the Family is Culture review.
Latest Update	The ACMP is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

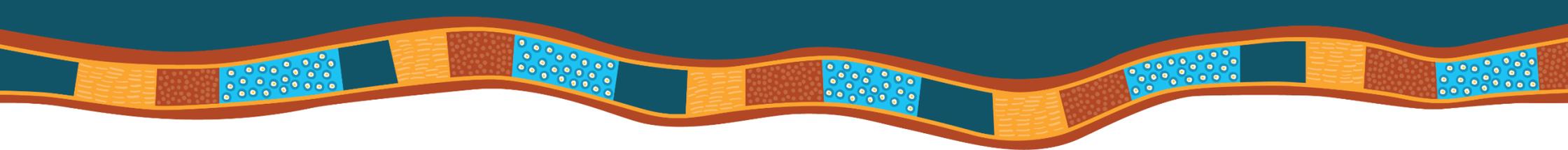
Recommendation 83	The Department of Communities and Justice should ensure that recommendations made by Aboriginal staff or community members in all consultation processes relating to Aboriginal children are tracked and implemented and that data about the content and implementation of these recommendations is recorded in ChildStory and made publicly available.
Response/Project Name	Improved Recording of Aboriginal Consultations
Project Description	DCJ to develop improved Aboriginal Consultation Guidelines. Mechanisms to consult Aboriginal staff or community members are tracked and implemented. Data about the content and implementation of these recommendations is recorded and made publicly available.
Latest Update	Project is currently being scoped following analysis of existing consultations in place.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 85	The Department of Communities and Justice should develop a policy and guidelines that incorporate information about good-practice casework regarding the placement of a child immediately post removal and include guidance on parallel planning at the pre-entry into care stage of the child protection system.
Response/Project Name	Develop policy and guidelines around good-practice casework post removal and parallel planning pre-entry into care
Project Description	The recommendation aims to improve placement stability for children in out-of-home care which contributes to the Premier's priority to increase permanency for children in out-of-home care. This project also intersects with the Aboriginal Case Management Policy (ACMP) which is currently being implemented.
Latest Update	DCJ has introduced a significant update to its policy regarding Aboriginal children to support caseworkers undertake better cultural support planning, including regular activities to develop and maintain their cultural identity and learning about their cultural language.
Who is leading the response	DCJ continues to implement the Aboriginal Case Management Policy (ACMP) with the support of AbSec.
Project Status	Department of Communities and Justice (DCJ) ● In Progress



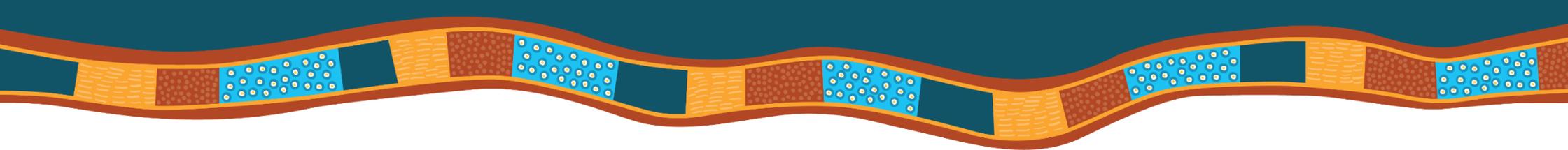
Recommendation 86	The Department of Communities and Justice should revise the FACS Information Guide Assessment and Full Authorisation of Relative and Kinship Carers to ensure that it reflects evidence-based knowledge about the protective benefits of a child’s placement with family and kin.
Project Name	Revision of the DCJ (formally FACS) Information Guide Assessment and Full Authorisation of Relative and Kinship Carers
Project Description	Revision of the DCJ (formally FACS) Information Guide Assessment and Full Authorisation of Relative and Kinship Carers
Latest Update	Early research into the proposed changes has commenced.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 87	The Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community members, develop and implement a policy whereby family or kin who are nominated or nominate themselves as a potential carer for an Aboriginal child entering out-of-home care are subject to formal carer assessment using a culturally appropriate tool. This carer assessment is to occur expediently, before or shortly after the children enter care. If formal carer assessment of a family or kin member is not progressed, the department should record clear reasons for failure to progress this assessment on ChildStory and provide these reasons in writing to the family or kin member being informally assessed, along with information about ways that family or kin member may challenge this informal assessment.
Response/Project Name	Winangay Assessment Tools
Project Description	The scope of this project is to: <ul style="list-style-type: none"> • Assess the feasibility of full scale roll out of the full Winangay Kinship assessment tool and process to remaining districts. • Assess the feasibility of an independent evaluation in selected pilot sites of Winangay Resources Inc. cultural emersion orientation; Winangay temporary carer assessment tool; and Winangay restoration tool.
Latest Update	DCJ has commenced working with Winangay to scope resources required for further implementation of the Winangay Kinship Assessment tool and an independent evaluation.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



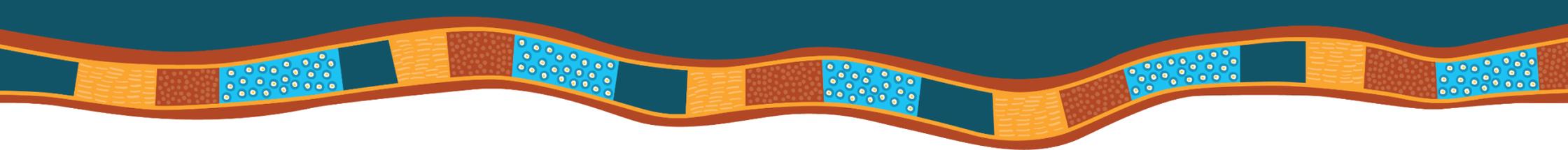
Recommendation 93	The Department of Communities and Justice should partner with Aboriginal community organisations and representatives to develop and implement a culturally appropriate carer assessment tool to be used in all carer assessments involving Aboriginal carers.
Response/Project Name	Winangay Assessment Tools
Project Description	<p>The scope of this project is to:</p> <ul style="list-style-type: none"> Assess the feasibility of full scale roll out of the full Winangay Kinship assessment tool and process to remaining districts. Assess the feasibility of an independent evaluation in selected pilot sites of Winangay Resources Inc. cultural emersion orientation; Winangay temporary carer assessment tool; and Winangay restoration tool.
Latest Update	DCJ has commenced working with Winangay to scope resources required for further implementation of the Winangay Kinship Assessment tool and an independent evaluation.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 97	The Department of Communities and Justice (DCJ) should develop and provide caseworkers with further training about how to organise and effectively conduct family meetings with Aboriginal families in contact with the child protection system.
Response/Project Name	Implementation of the Aboriginal Case Management Policy
Project Description	<p>In 2018 DCJ, formally FACS, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities.</p> <p>The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive.</p> <p>The policy highlights the need for greater involvement of Aboriginal children and young people, families, kin and community in the case management system.</p> <p>The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include:</p> <ul style="list-style-type: none"> Aboriginal community controlled mechanisms Aboriginal family-led assessment Aboriginal family-led decision making Proactive efforts



<p>Latest Update</p> <p>Who is leading the response</p> <p>Project Status</p>	<p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children and families to achieve positive outcomes • Alignment with the Permanency Support Program reform and the Permanency Case Management Policy • The implementation of the Government’s response to the Family is Culture review. <p>The ACMP is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
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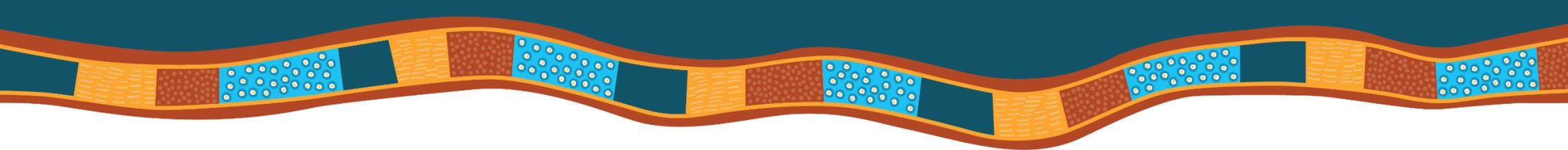
<p>Recommendation 98</p> <p>Response/Project Name</p> <p>Project Description</p> <p>Latest Update</p> <p>Who is leading the response</p> <p>Project Status</p>	<p>The Department of Communities and Justice should support the development and implementation of a family group conferencing model that is designed, led and delivered by Aboriginal Community Controlled Organisations.</p> <p>Increasing the pool of Aboriginal Family Group Conferencing (FGC) Facilitators</p> <p>The scope of this project is to:</p> <ul style="list-style-type: none"> • Open tender for FGC Facilitators targeted at Aboriginal Facilitators • Redesign tender process to improve cultural safety for Aboriginal applicants • Contract new Aboriginal facilitators, Aboriginal organisations and Aboriginal Community Controlled Organisations successful in the tender process • Deliver one day orientation session for new facilitators • Design a process for and implement financial grants to support applicants to access training in FGC • Connect successful tenderers to coaching support with an experienced FGC facilitator where capacity building is required and monitor progress. <p>The Aboriginal FGC tender is complete and approvals are being sought for the recommended tenderers. All applicants will receive advice about the success of their application or otherwise (due October/November 2021).</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
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Recommendation 99	Until Recommendation 98 is implemented, the Department of Communities and Justice should work with relevant Aboriginal organisations to develop guidance as to how to conduct culturally safe and appropriate family group conferences with Aboriginal participants.
Response/Project Name	Guidance for Providing Family Group Conferencing (FGCs) to Aboriginal Families
Project Description	Work with Aboriginal organisations and key stakeholders to develop guidance as to how to conduct culturally safe and appropriate family group conferences with Aboriginal participants. Work will include a desktop review of existing policy, guidance documents (including SNAICC 2017 - Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principles) relating to work with Aboriginal families in family led decision making and Aboriginal family led decision making. The guidance document will target both casework practitioners and Family Group Conferencing (FGC) facilitators providing FGC to Aboriginal families.
Latest Update	The Guide for Family Group Conferencing with Aboriginal Families has been endorsed and a plan is being developed for its release.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

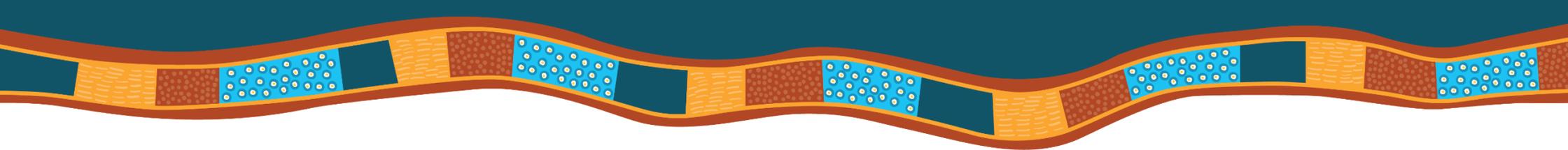
Recommendation 100	The Department of Communities and Justice should publish information about how family group conferencing will be monitored and assessed over time.
Response/Project Name	Family Group Conferencing (FGC) Evaluation
Project Description	The evaluation will include evidence for Family Group Conferencing (FGC) implementation, effectiveness for children and young people and their families and carers and any economic benefit. The evaluation will provide actionable insights and recommendations for the future delivery of FGCs.
Latest Update	An evaluation of the FGC program is underway to understand its efficacy and acceptability for families who participate in a FGC. The final evaluation report is due early 2022.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 101	The Department of Communities and Justice should ensure that support persons (such as Aboriginal Community Facilitators) are permitted to be participants in all family group conferences involving Aboriginal families.
Response/Project Name	Ensuring supports persons can participate in family group conferences (FGCs)
Project Description	Support persons are already welcomed as participants in FGCs with family consent. In instances where FGCs are facilitated by a non-Aboriginal person, DCJ also encourages families to invite a Cultural support person to participate in the conference.
Latest Update	This recommendation is awaiting sign off to confirm it has been implemented.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



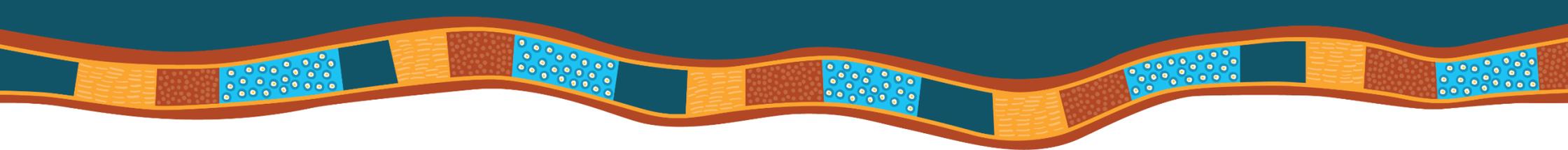
Recommendation 103	The Department of Communities and Justice should develop policy guidance for caseworkers that addresses the desirability of promoting regular contact between Aboriginal children and their family, kin and community; how to promote this contact in practice; and when supervision is necessary in contact arrangements.
Response/Project Name	Training and resource development to improve practice with Aboriginal children and families
Project Description	DCJ need to provide a suite of training in collaboration with Aboriginal educators and agencies across DCJ. Training needs to be a state wide role out of dignity driven practice (Rec 31), culturally competent trauma informed training that concentrates on history and how to engage and work with Aboriginal children and families (Rec 40), appropriate use of Temporary Care Agreements (TCA) (Rec 51), refresher training in the application of safety and risk assessments (SARA) with Aboriginal families (Rec 58), training in harm minimisation and the use of police (Rec 59) and a practice guidance about promoting family time for Aboriginal children and families and how to determine if supervision is appropriate (Rec 103).
Latest Update	Some training is occurring. Further scoping required to bring in Aboriginal agencies to develop and deliver.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 104	The Department of Communities and Justice should develop policy guidance for caseworkers about the issue of contact with parents in custody. This guidance should include a discussion of the types of contact that can be facilitated between children and incarcerated parents, how to arrange the contact in practice, advice about methods of liaison with correctional services and information about facilities to enable contact in individual correctional centres.
Response/Project Name	Policy around supports for parents in custody
Project Description	The 'Caring through contact' project was devised by the Court-Ordered Contact Reference Group consists of government and non-government stakeholders. Through robust consultation, a set of principles and recommendations have been developed that will inform future business cases to improve contact between incarcerated women and their children across NSW.
Latest Update	This project is currently under review. A detailed update will be provided in the next progress report.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

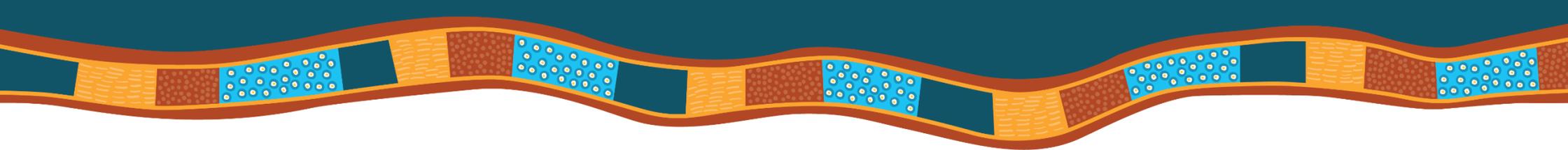


Recommendation 105	The Department of Communities and Justice and NSW Corrective Services should consider providing targeted supports and services to parents of Aboriginal children in out-of-home care that are directly related to the department’s case plan (for example, a case plan with a goal of restoration).
Response/Project Name	Targeted supports for parents in custody
Project Description	Child protection caseworkers employed by DCJ are integrated into women’s centres to assist women in custody access advice and information relating to open and active cases with Community Services about their children. A case manager within the Women’s Justice Network (WJN) has been contracted to provide pre and post release support for women upon release especially where plans around preservation or restoration are in place. This service will be piloted at metro sites and will be accessed through referral from co-located caseworkers. This service will target higher-risk women with complex reintegration and support needs including Aboriginal women.
Latest Update	Co-located child protection caseworkers currently integrated at Emu Plains, Dillwynia (Area 1 & Area 2), Silverwater Women's, Mid North Coast, Clarence and Wellington Correctional Centres. An evaluation of the project is currently underway.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 107	The Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community, develop and implement a specific strategy to promote the restoration of Aboriginal children to their parents. This strategy should take into account findings in this report.
Response/Project Name	Implementation of the Aboriginal Case Management Policy
Project Description	<p>In 2018 the DCJ, engaged AbSec to develop an Aboriginal Case Management policy (ACMP) and in 2019 an associated Rules and Practice Guidance resource. These broadly outline the roles and responsibilities of DCJ and NGO service providers to achieve better outcomes for Aboriginal children, young people, families and communities.</p> <p>The ACMP commences early in the continuum of support; empowering and supporting families and communities to reduce the incidence of harm, address identified risks and thereby enable Aboriginal children and young people to thrive.</p> <p>The policy highlights the need for greater involvement of Aboriginal children and young people, families, kin and community in the case management system.</p> <p>The Rules and Guidance identify four key enablers required to improve the service system to achieve better safety and wellbeing outcomes for Aboriginal children. These include:</p> <ul style="list-style-type: none"> • Aboriginal community controlled mechanisms • Aboriginal family-led assessment • Aboriginal family-led decision making • Proactive efforts

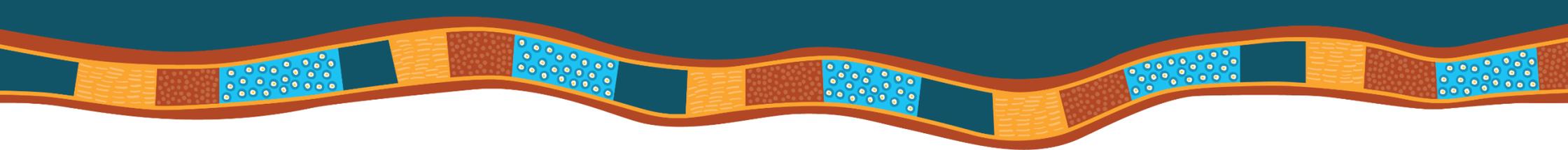


	<p>The ACMP is designed to achieve safety and wellbeing for vulnerable Aboriginal children and young people by keeping them with or returning them to family and connected to their community and culture. It is holistic, culturally responsive and embeds the values and perspectives of Aboriginal people. It is founded on the Aboriginal Child Placement Principles.</p> <p>Through the implementation of the ACMP, DCJ aims to demonstrate real and sustained change for Aboriginal children and young people and their families. In doing this the ACMP, and its associated Rules and Guidance, supports the:</p> <ul style="list-style-type: none"> • Adherence to the principles and legislation in the Children and Young Persons (Care and Protection) Act 1998 • Effective translation of the legislation into daily casework practice with Aboriginal children and families to achieve positive outcomes • Alignment with the Permanency Support Program reform and the Permanency Case Management Policy • The implementation of the Government’s response to the Family is Culture review.
Latest Update	<p>The ACMP is being implemented by DCJ in partnership with AbSec. A number of resources have been published to support practitioners applying the key enablers to promote improved practice with Aboriginal children and families. A series of internal workshops have been held and workshops with community will soon be commencing.</p>
Who is leading the response	<p>Department of Communities and Justice (DCJ)</p>
Project Status	<p>● In Progress</p>
Response/Project Name	<p>Achieving Restoration - Review and update policy, mandates, tools and practice to enable better restoration outcome</p>
Project Description	<p>The objective(s) for this project are to ensure clear advice is available for families at all stages of the restoration process. For example including:</p> <ul style="list-style-type: none"> • Outline of the process • What supports are available • Case planning process • Role of family led decision making and community support • What is required to achieve restoration • How realistic possibility of restoration is determined and assessed • What parents can do when restoration is determined as not realistic. • Strengthen current DCJ policies by identify any gaps in restoration policy/practice guidance to ensure clear bottom lines are available for caseworkers to ensure that these all promote best practice in increasing restoration rates. • Promote and strengthen adherence to the Permanent Placement Principles and create linkages between ATSCPP, Aboriginal Case Management Policy to promote restoration of Aboriginal children where it is safe to do so. <p>Reflect the amendments of the Children and Young Persons (Care and Protection) Act 1998, Adoption Act 2000, and Introduction of the Children’s Guardian Act 2019.</p>
Latest Update	<p>The DCJ Restoration Assessment and Planning casework practice (CWP) mandate is currently under review. Update of the CWP mandate will focus on legislative amendments to the Children and Young Persons (Care and Protection) Act 1998 and introduction of the Aboriginal Case Management Policy (ACMP).</p>



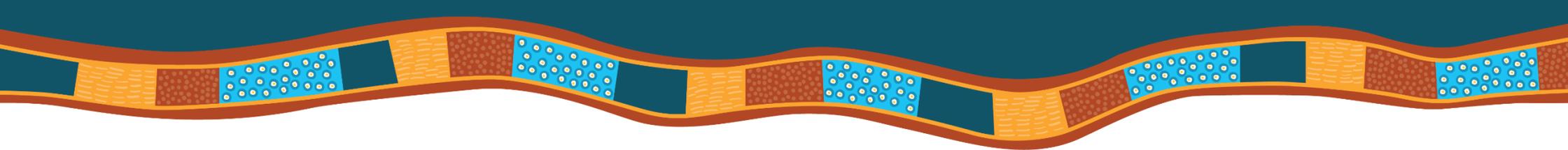
Who is leading the response	These changes will support caseworkers achieve restoration with Aboriginal families by applying a cultural lens over assessment processes and implementing practice changes including family-led decision making.
	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 108	To increase restoration rates, the Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community, review its existing policies, guidance and practice relating to restoration to ensure that these all promote best practice in increasing restoration rates. This review should focus on providing sustained and suitable support services for Aboriginal families experiencing complex issues that cannot be solved simply through individual behavioural change.
Response/Project Name	Achieving Restoration - Review and update policy, mandates, tools and practice to enable better restoration outcome
Project Description	The objective(s) for this project are to ensure clear advice is available for families at all stages of the restoration process. For example including: <ul style="list-style-type: none"> ● Outline of the process ● What supports are available ● Case planning process ● Role of family led decision making and community support ● What is required to achieve restoration ● How realistic possibility of restoration is determined and assessed ● What parents can do when restoration is determined as not realistic. ● Strengthen current DCJ policies by identify any gaps in restoration policy/practice guidance to ensure clear bottom lines are available for caseworkers to ensure that these all promote best practice in increasing restoration rates. ● Promote and strengthen adherence to the Permanent Placement Principles and create linkages between ATSCPP, Aboriginal Case Management Policy to promote restoration of Aboriginal children where it is safe to do so.
	Latest Update
Who is leading the response	These changes will support caseworkers achieve restoration with Aboriginal families by applying a cultural lens over assessment processes and implementing practice changes including family-led decision making.
Project Status	Department of Communities and Justice (DCJ) ● In Progress



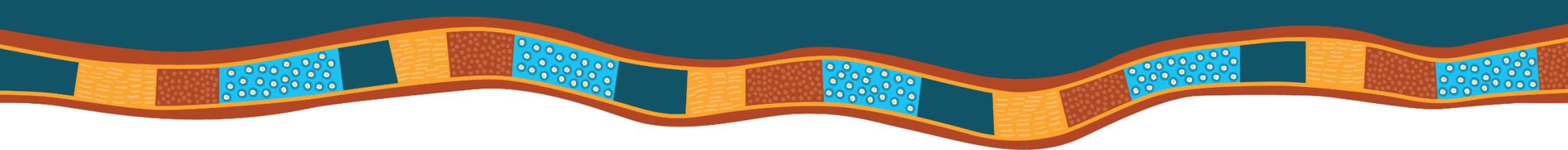
Recommendation 116	The Department of Communities and Justice should provide further support to Aboriginal families who seek to progress a s90 application after final orders have been made. This should be done by way of FACS developing a support strategy in partnership with Aboriginal stakeholders and community, designed specifically for this purpose.
Response/Project Name	Warm referrals to legal advisors for child protection matters
Project Description	All Aboriginal families should receive 'warm' referrals to legal advisors for all child protection matters (including s90 applications).
Latest Update	Warm referrals to the Aboriginal Legal Service are now available for Aboriginal families. DCJ policy is under review to include this referral process.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 118	The Department of Communities and Justice should review and update the restoration information that is publicly available on its website in line with issues raised in this report. The department should also provide online information to improve guidance for parents in relation to restoration practices and processes and further information about what parents can do when restoration is not deemed to be a 'realistic possibility'.
Response/Project Name	Achieving Restoration - Review and update policy, mandates, tools and practice to enable better restoration outcome
Project Description	<p>The objective(s) for this project are to ensure clear advice is available for families at all stages of the restoration process. For example including:</p> <ul style="list-style-type: none"> • Outline of the process • What supports are available • Case planning process • Role of family led decision making and community support • What is required to achieve restoration • How realistic possibility of restoration is determined and assessed • What parents can do when restoration is determined as not realistic. • Strengthen current DCJ policies by identify any gaps in restoration policy/practice guidance to ensure clear bottom lines are available for caseworkers to ensure that these all promote best practice in increasing restoration rates. • Promote and strengthen adherence to the Permanent Placement Principles and create linkages between ATSCPP, Aboriginal Case Management Policy to promote restoration of Aboriginal children where it is safe to do so. <p>Reflect the amendments of the Children and Young Persons (Care and Protection) Act 1998, Adoption Act 2000, and Introduction of the Children's Guardian Act 2019.</p>



Latest Update	The DCJ Restoration Assessment and Planning casework practice (CWP) mandate is currently under review. Update of the CWP mandate will focus on legislative amendments to the Children and Young Persons (Care and Protection) Act 1998 and introduction of the Aboriginal Case Management Policy (ACMP).
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 119	The NSW Government should provide funding to enable a restoration hotline to be established by an Aboriginal organisation in order to provide parents and families of Aboriginal children in out-of-home care more detailed information about the restoration process and what is required to successfully achieve restoration.
Response/Project Name	Achieving Restoration - Review and update policy, mandates, tools and practice to enable better restoration outcome
Project Description	<p>The objective(s) for this project are to ensure clear advice is available for families at all stages of the restoration process. For example including:</p> <ul style="list-style-type: none"> ● Outline of the process ● What supports are available ● Case planning process ● Role of family led decision making and community support ● What is required to achieve restoration ● How realistic possibility of restoration is determined and assessed ● What parents can do when restoration is determined as not realistic. ● Strengthen current DCJ policies by identify any gaps in restoration policy/practice guidance to ensure clear bottom lines are available for caseworkers to ensure that these all promote best practice in increasing restoration rates. ● Promote and strengthen adherence to the Permanent Placement Principles and create linkages between ATSCPP, Aboriginal Case Management Policy to promote restoration of Aboriginal children where it is safe to do so. <p>Reflect the amendments of the Children and Young Persons (Care and Protection) Act 1998, Adoption Act 2000, and Introduction of the Children’s Guardian Act 2019.</p>
Latest Update	The DCJ Restoration Assessment and Planning casework practice (CWP) mandate is currently under review. Update of the CWP mandate will focus on legislative amendments to the Children and Young Persons (Care and Protection) Act 1998 and introduction of the Aboriginal Case Management Policy (ACMP).



Who is leading the response Project Status	These changes will support caseworkers achieve restoration with Aboriginal families by applying a cultural lens over assessment processes and implementing practice changes including family-led decision making.
	Department of Communities and Justice (DCJ) ● In Progress

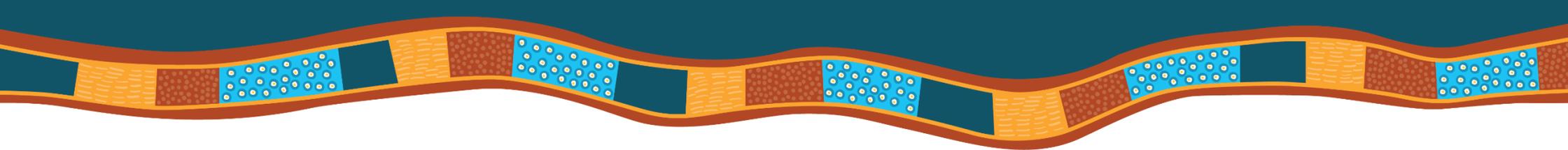
Recommendation 120	The Department of Communities and Justice should conduct an internal review examining caseworkers’ non-compliance with existing restoration policy and guidance and use the findings of this Review to improve restoration casework practice and policy in the department.
Response/Project Name	Achieving Restoration - Review and update policy, mandates, tools and practice to enable better restoration outcome
Project Description	<p>The objective(s) for this project are to ensure clear advice is available for families at all stages of the restoration process. For example including:</p> <ul style="list-style-type: none"> ● Outline of the process ● What supports are available ● Case planning process ● Role of family led decision making and community support ● What is required to achieve restoration ● How realistic possibility of restoration is determined and assessed ● What parents can do when restoration is determined as not realistic. ● Strengthen current DCJ policies by identify any gaps in restoration policy/practice guidance to ensure clear bottom lines are available for caseworkers to ensure that these all promote best practice in increasing restoration rates. ● Promote and strengthen adherence to the Permanent Placement Principles and create linkages between ATSI CPP, Aboriginal Case Management Policy to promote restoration of Aboriginal children where it is safe to do so. ● Reflect the amendments of the Children and Young Persons (Care and Protection) Act 1998, Adoption Act 2000, and Introduction of the Children’s Guardian Act 2019.
Latest Update	The DCJ Restoration Assessment and Planning casework practice (CWP) mandate is currently under review. Update of the CWP mandate will focus on legislative amendments to the Children and Young Persons (Care and Protection) Act 1998 and introduction of the Aboriginal Case Management Policy (ACMP).
Who is leading the response Project Status	These changes will support caseworkers achieve restoration with Aboriginal families by applying a cultural lens over assessment processes and implementing practice changes including family-led decision making. Department of Communities and Justice (DCJ) ● In Progress



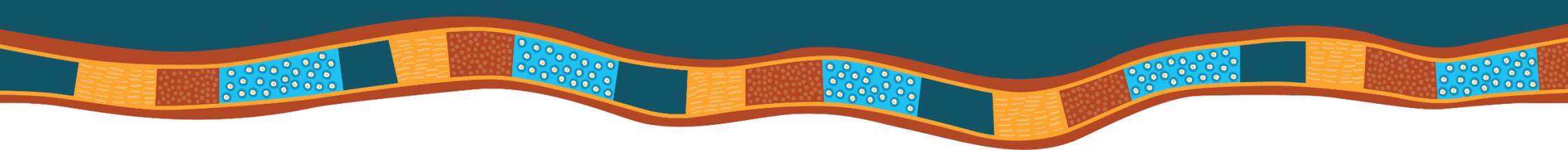
Enhanced Services and Supports

Recommendation 21	The NSW Government should increase financial investment in early intervention support as a long-term investment to prevent more Aboriginal children entering the out-of-home care system.
Response/Project Name	Opportunities to increase investment in Aboriginal Early Intervention Services
Project Description	This project is currently under review.
Latest Update	This project is currently under review. A detailed update will be provided in the next progress report.
Who is leading the response	The NSW Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 22	The NSW Government should ensure that financial investment in early intervention support is commensurate with the proportion of Aboriginal children in out-of-home care, with a preference for delivery of early intervention and prevention services by Aboriginal Community Controlled Organisations.
Response/Project Name	Opportunities to increase investment in Aboriginal Early Intervention Services
Project Description	This project is currently under review.
Latest Update	This project is currently under review. A detailed update will be provided in the next progress report.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

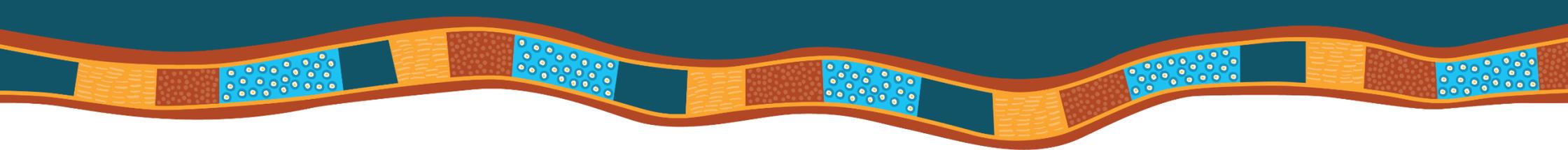


<p>Recommendation 24</p>	<p>The Department of Communities and Justice should, in partnership with Aboriginal stakeholders and community members, evaluate existing early intervention and prevention focused programs used by the department and their effectiveness with Aboriginal families based on measures designed in partnership with Aboriginal stakeholders and community.</p>
<p>Response/Project Name</p>	<p>Building the evidence base for services that improve outcomes for Aboriginal children and families</p>
<p>Project Description</p>	<p>The project will, in partnership with Aboriginal stakeholders and community members, evaluate the Targeted Earlier Intervention (TEI) Program. The project will work with the TEI sector to build the evidence base for local Aboriginal service delivery. We will identify promising and emerging service models and practices by evaluating services delivered to Aboriginal children, young people, families and communities. This will support us to learn more about what works for Aboriginal children, young people, families, and communities. Over time, this information will be incorporated into a publicly-available evidence portal. This portal will feature summaries of research evidence and locally-designed services. This will ensure that more services implemented in NSW are effective and culturally safe.</p>
<p>Latest Update</p>	<p>Over the past twelve months, the Targeted Earlier Intervention (TEI) Program has introduced the Data Exchange Reporting platform for all TEI service providers. This has enabled us to systematically collect and report service delivery, client demographic and client outcomes data. Over time, this will allow us to understand who is attending TEI services and what outcomes are being achieved, including for Aboriginal clients.</p> <p>At the end of the first year of the TEI program (June 2021), we will analyse the data that has been reported so far. This will help us understand who is coming into contact with the TEI program, why, what services they're receiving and if TEI services are having a positive impact. TEI service providers are also required to complete program logics that clearly describe what activities they deliver, to who and what outcomes they expect to achieve. We have begun collating examples of 'good practice' program logics, some of which are available on our website.</p> <p>We are currently finalising the TEI Monitoring and Evaluation Framework. This framework describes how we will measure the impact and value of the TEI program over 5 years, include data linkage projects. We are also progressing with building the publicly available online Evidence Portal. This portal will enable service providers to quickly and easily find evidence relevant to their client needs. A number of evidence reviews have been commissioned to develop content for the portal. We are working with Aboriginal service providers to ensure that the evidence captured in the portal is relevant to their needs and incorporates evidence on cultural safety and wellbeing practices critical for service delivery to Aboriginal clients. The Evidence Portal will be available to service providers by October 2021.</p>
<p>Who is leading the response</p>	<p>Department of Communities and Justice (DCJ)</p>
<p>Project Status</p>	<p>● In Progress</p>



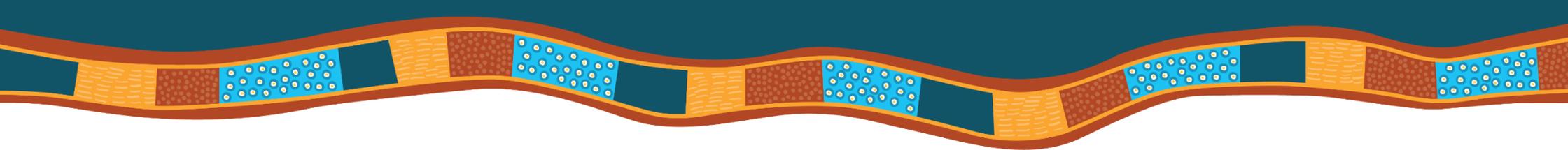
Recommendation 29	The NSW Government should provide further sustained funding to the Care Partner Program to ensure that more Aboriginal families have access to legal advice to promote early intervention support.
Response/Project Name	Care Partner Program
Project Description	Legal Aid NSW will deliver the current Care Partner Program services in house through its family law division. Legal Aid NSW has continuously monitored the Care Partner Program since its inception in 2015. The program was originally funded for 18 months. Legal Aid NSW decided to fund the program to a reduced number of community legal centres in 2016/2017. The decision to reduce the number of community legal centres funded was based on lower than anticipated demand for services that fell within the programs scope of work between 2015 and 2016. The funding was continued in 2017/2018 and 2018/2019. In 2019 Legal Aid NSW decided to deliver the current Care Partner Program services in house through its family law division due to a continued decline in demand for services. Legal Aid NSW provides specialist legal advice, minor assistance, extended legal assistance, duty services and case work services to Aboriginal families to support their engagement with DCJ. Legal Aid NSW provides extensive early intervention legal advice and assistance to Aboriginal children and young people and their families, both through its litigation service and through the Early Intervention Unit.
Latest Update	This recommendation is awaiting sign off to confirm it has been implemented
Who is leading the response	Legal Aid NSW
Project Status	● In Progress

Recommendation 32	The NSW Government should roll out and resource Staying Home Leaving Violence across the whole of NSW.
Recommendation 33	The Department of Communities and Justice should ensure that caseworkers can connect families with the Staying Home Leave Violence service if they present with domestic and family violence issues and housing difficulties.
Response/Project Name	Expansion of Staying Home Leaving Violence
Project Description	We and our sector partners will explore opportunities to increase awareness of Staying Home Leaving Violence across Aboriginal communities and for greater linkages to Aboriginal services, particularly in areas with high rates of domestic violence and in regional and remote locations.
Latest Update	In the 2021-22 NSW Budget, Staying Home Leaving Violence received an additional \$32.5 million over four years, to expand the program state-wide. An evaluation of the Staying Home Leaving Violence program is also underway, to provide evidence of the program's effectiveness and inform improvements to service delivery.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



Recommendation 34	The NSW Government should increase the availability of short-term refuges suitable to the needs of Aboriginal women escaping violence. Increases in the availability of short-term refuges (for temporary housing issues) should be accompanied by a longer term investment in social housing stock in NSW, with a view to increasing the availability of housing for vulnerable Aboriginal women.
Response/Project Name	Aboriginal SHS Sector Development Project
Project Description	Sector development activity to improve SHS responses for Aboriginal people experiencing, or at risk of, homelessness.
Latest Update	Action Plan and Project Summary are currently being developed.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress
Response/Project Name	Family Assist – non metro expansion
Project Description	Expansion of the Family Assist pilot, which supports families in the restoration and preservation parts of the child protection system into the private rental market to Dubbo in Western NSW district.
Latest Update	The Family Assist pilot will be expanded to Dubbo in Western NSW, with co-design in conjunction with Wirrimbirra.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

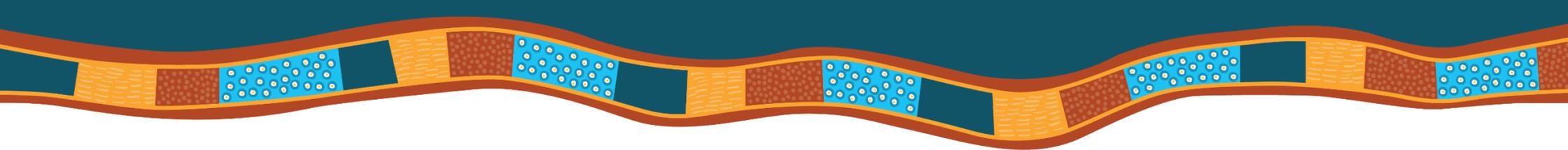
Recommendation 38	The Department of Communities and Justice should work closely with relevant agencies and service providers, including Aboriginal Community Controlled Organisations, specialist housing, health, perinatal, alcohol and other drug use, mental health and domestic and family violence services, to develop a plan to co-ordinate integrated service provision in early intervention support efforts for Aboriginal families and children. This plan should focus on providing targeted support for families from an early stage of engagement in the system, focusing on initial contact.
Response/Project Name	Creating streamlined pathways to support
Project Description	This project is planned to identify and scope options for the provision of targeted support services and pathways for Aboriginal children and families.
Latest Update	DCJ has secured supplementary funding by way of a Memorandum of Understanding (MOU) with the Department of Education (DoE) NSW. This is expected to ease operational pressures for the purpose built Aboriginal Child and Family Centres across NSW. The MOU facilitates the contribution of funds from DoE NSW towards the ACFC Program. The MOU also facilitates an exchange for information on outcomes in relation to early childhood education and activities delivered by ACFC's. With this commitment, DCJ NSW reiterates that the work and the outcomes the centres are producing is a priority for the NSW Government.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress



Recommendation 47	The Department of Communities and Justice should design and implement, in partnership with Aboriginal community groups and representatives, a system of post-removal support for Aboriginal mothers and fathers who have had newborn or infant children removed from their care. The system should include the mandatory provision of information to parents about their ability to seek post-removal support from the Secretary of the Department of Communities and Justice under s 21 of the Children and Young Persons (Care and Protection) Act 1998 (NSW).
Response/Project Name	Post removal support for parents
Project Description	Develop resources to provide support to parents whose children have been removed to increase the likelihood of children successfully being restored to their birth family
Latest Update	Scoping work is underway to develop a fact sheet and guidance for practitioners, families and family preservation service providers.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 52	The Department of Communities and Justice should ensure that Family Violence Prevention Legal Services and Community Legal Centres are adequately funded to provide legal advice to Aboriginal families to support their engagement with the Department of Communities and Justice and encourage the use of alternatives to removal.
Response/Project Name	Family Violence Prevention Legal Services and Community Legal Centres
Project Description	Legal Aid NSW provides specialist legal advice, minor assistance, extended legal assistance, duty services and case work services to Aboriginal families to support their engagement with DCJ. DCJ will continue to monitor the availability and access of legal services for Aboriginal families to ensure that families have timely access to the services.
Latest Update	This recommendation is awaiting sign off to confirm it has been implemented
Who is leading the response	Legal Aid NSW
Project Stage	● In Progress

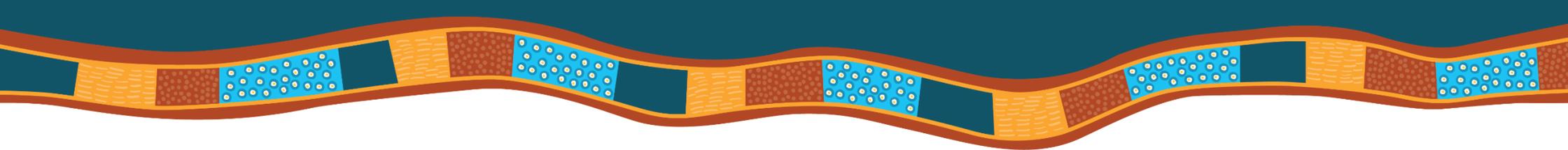
Recommendation 62	The Department of Communities and Justice should, in partnership with young Aboriginal people and Aboriginal community organisations, develop and implement a child-friendly system to encourage children in out-of-home care to report safety concerns and harm occasioned in out-of-home care placements.
Response/Project Name	Campaign for child safety in care
Project Description	Further project scoping and consultation to be undertaken to ensure that any system of complaint is child friendly. The proposed child safety campaign will raise the awareness of school-aged children and young people on how to report safety concerns and harm occasioned in OOHK through a campaign that is child-friendly and culturally informed by Aboriginal young people and Aboriginal community stakeholders.



Latest Update	The proposed child safety campaign is currently being considered. It has the aim to raise the awareness of school-aged children and young people on how to report safety concerns and harm occasioned in OOHC through a campaign that is child-friendly and culturally informed by Aboriginal young people and Aboriginal community stakeholders.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

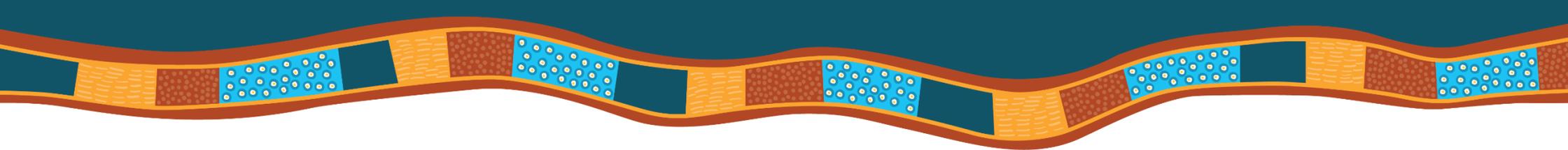
Recommendation 67	The Department of Communities and Justice and the NSW Police Force should establish and fund an ongoing program of training to ensure that all residential out-of-home care staff, and all NSW police officers, receive training on the Joint Protocol to Reduce the Contact of Young People in Residential Out-of-Home Care with the Criminal Justice System, in order to reduce the contact of young Aboriginal people in out-of-home care with the criminal justice system.
Response/Project Name	Training for the Joint Protocol to reduce contact for young people living in OOHC with the criminal justice system
Project Description	In 2019, online mandatory training for service providers, 'Introduction to the Joint Protocol', was launched. Developed by the Association of Children's Welfare Agencies, together with DCJ, Legal Aid NSW and the Lighthouse Institute, this training package includes video content about trauma, its impacts, and working with young people who have experienced trauma.
Latest Update	NSW Police have also established ongoing training for Police Officers, delivered within Local Area Commands. These were postponed due to COVID. DCJ is working with partners, including Legal Aid NSW, to develop online training modules as an interim measure. In addition to this, service providers are expected to have the principles of the Joint Protocol embedded within the organisation's policy, practice and procedures.
Who is leading the response	This recommendation is awaiting sign off to confirm it has been implemented.
Project Status	Department of Communities and Justice (DCJ) ● In Progress

Recommendation 68	The new recommended NSW Child Protection Commission should monitor the implementation of the Joint Protocol to Reduce the Contact of Young People in Residential Out-of-Home Care with the Criminal Justice System to reduce the contact of young Aboriginal people in OOHC with the criminal justice system. This should include monitoring of the provision of training about the Joint Protocol, as well as the number and nature of calls by out-of-home care staff to the NSW Police Force that relate to the behaviour of children in out of-home care.
Response/Project Name	Joint Protocol to reduce contact for young people living in residential out of home care with the criminal justice system
Project Description	The Joint Protocol to reduce contact for young people with the criminal justice system is a multi-agency agreement to prioritise diversionary strategies for young people at risk of, or engaging in criminal activity.



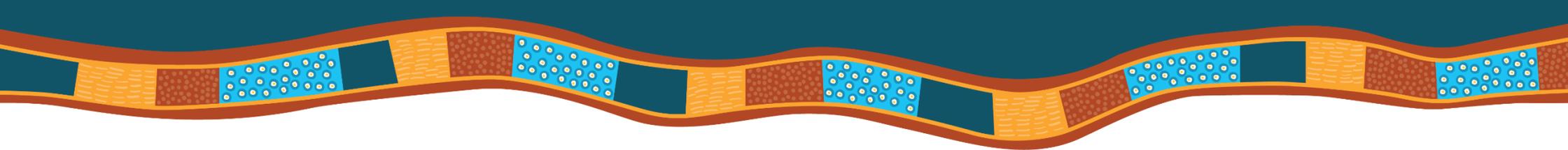
Latest Update	The monitoring of the Joint Protocol is overseen by the state-wide steering committee. The state-wide steering committee is an interagency governance structure and meets on a quarterly basis to support the consistent and effective implementation of the Joint Protocol.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 109	The Department of Communities and Justice should fund an Aboriginal Community Controlled Organisation to design and pilot an Intensive Restoration Program designed specifically for Aboriginal families in NSW. Pilot funding must also include funding for evaluation based on measures designed in partnership with Aboriginal stakeholders and community.
Response/Project Name	Nabu (Grandmother) Demonstration Pilot
Project Description	<p>The Department of Communities and Justice funds Waminda South Coast Women's Health and Welfare Aboriginal Corporation to provide the Nabu family preservation and restoration demonstration pilot in the Illawarra Shoalhaven District. This is a demonstration pilot of an Aboriginal community designed approach to family preservation and restoration. It is also contributing to the evidence base for Aboriginal led solutions. Nabu was developed by Waminda based on the professional and lived experience of Waminda staff, Elders and community members.</p> <p>The Nabu program aims to support individual, family and systemic change in Aboriginal family preservation and restoration by embedding cultural practice, self-determination, participation in decision-making, community empowerment and dignity as central to all aspects of the program. Nabu focuses on:</p> <ol style="list-style-type: none"> 1. Strengthening parents/other significant carers abilities to provide a safe and enriching environment for Aboriginal children and young people 2. Improving family strength and increasing the wellbeing of all family members (recognising the importance of family, kin and community relationships) 3. Increasing and strengthening family self-sufficiency and resilience factors 4. Strengthening and maintaining children's and family connections to culture 5. Promoting and supporting service system-wide systemic change which reflects promising practice, to enable improved outcomes for Aboriginal children, young people and families. <p>Nabu is funded at \$3.3M per annum to support 64 families. In its first year of service, Nabu supported 67 families and 165 children. 33 children were supported to remain in the care of their families and five children returned to their families. Nabu derives its benefit from being designed for and by the local Aboriginal community and the model would be required to be modified in each Aboriginal community.</p>
Latest Update	<p>The formative evaluation of Nabu is complete</p> <p>The next phase of evaluation of Nabu will be developed collaboratively over 2021-22</p>



<p>Who is leading the response Project Status</p>	<p>Funding for Nabu has been secured over the forward estimates to 30 June 2024 - complete Lessons from Nabu and its implementation journey will inform a co-design process with Aboriginal service providers, peaks and people to design a new approach to Aboriginal Family Preservation as part of the Family Preservation Improvement Program over the next two years.</p> <p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>
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<p>Recommendation 110</p>	<p>The NSW Government should review funding allocations to ensure that these reflect the NSW Government legislative and policy position to prioritise restoration and family preservation. This funding should prioritise the restoration programs that are successfully delivered by Aboriginal Community Controlled Organisations and funding should be commensurate with the over-representation of Aboriginal children in the out-of-home care system.</p>
<p>Response/Project Name</p>	<p>Recommissioning family preservation services and trial programs</p>
<p>Project Description</p>	<p>The NSW Government is implementing a three year recommissioning plan for family preservation services. The new family preservation program will help increase the safety and well-being of children by providing evidence-based treatment to address trauma, and intensive family support to promote parenting skills and child development.</p> <p>By integrating current family preservation programs into a single continuum of care, our hope is that vulnerable families can access the right supports at the right time, and the system can respond to the range of needs across all areas of safety and wellbeing.</p> <p>DCJ will focus on delivering culturally-safe services.</p> <p>The new family preservation program will prioritise meeting the needs of Aboriginal families. The new system includes the development of an Aboriginal Family Preservation program stream- this will be co-designed with the Aboriginal sector. Over time, DCJ will increase Aboriginal service delivery and opportunities to shift funding to the Aboriginal family preservation stream.</p> <p>DCJ will begin targeted consultation with Aboriginal providers and stakeholders to see what opportunities there are to expand the market for culturally-safe services.</p>
<p>Latest Update</p>	<p>Phase 1 of the project is now complete. Existing service provider, including the Waminda Nabu demonstration trial in Yuin Nation (Shoalhaven), entered into a 3 year contracts in June 2021. Phase 2 is underway. DCJ has entered into a partnership with AbSec to begin the co-design of the Aboriginal family preservation model with the sector. Monthly sector update webinars have been established to provide regular update to the sector and key stakeholders. The October webinar will focus on introducing the AbSec partnership and co-design process.</p>
<p>Who is leading the response Project Status</p>	<p>Department of Communities and Justice (DCJ)</p> <p>● In Progress</p>

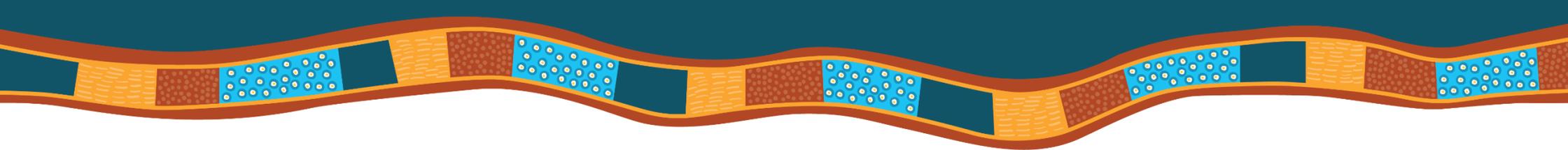


<p>Recommendation 111</p>	<p>The Department of Communities and Justice should develop a memorandum of understanding (MOU) between Housing and Community Services that allows for the sharing of information held by Community Services when it is required by Housing before parents can access Housing services. This should include information needed to satisfy housing eligibility requirements, to be given 'priority status', or to access programs such as Staying Home, Leaving Violence.</p>
<p>Response/Project Name</p>	<p>Memorandum of Understanding (MOU) between Housing and Community Services for information sharing</p>
<p>Project Description</p>	<p>A Memorandum of Understanding is not required as DCJ Housing and DCJ Community Services now sit within the same department with one Secretary and one Executive District Director.</p>
<p>Latest Update</p>	<p>In April 2018, DCJ Housing introduced new priority housing categories for situations where housing is needed to support the restoration of a child, or to help prevent children from entering OOH. These new categories have enabled greater information sharing between Housing and Community Services operational areas to ensure common clients are prioritised correctly, and to allow greater visibility and coordination of service delivery, including access to support services.</p> <p>This recommendation is awaiting sign off to confirm it has been implemented.</p>
<p>Who is leading the response</p>	<p>Department of Communities and Justice (DCJ)</p>
<p>Project Status</p>	<p>● In Progress</p>



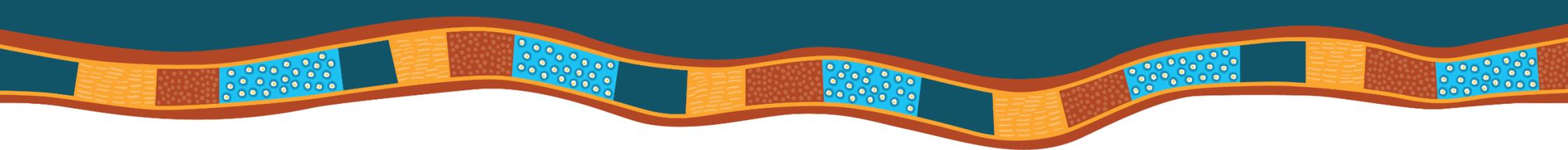
Changing Care and Protection Legislation

Recommendation 8	The NSW Government, in partnership with Aboriginal stakeholders and communities, review the Aboriginal and Torres Strait Islander Principles of the <i>Children and Young Person (Care and Protection) Act 1998</i> (currently sections 11-14), with the view to strengthening the provisions consistent with the right to self-determination.
Recommendation 11	The NSW Government should amend clause 45 of the <i>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</i> and all other related clauses to ensure that only a charitable or non-profit organisation may apply to the Office of the Children’s Guardian for accreditation as a designated agency.
Recommendation 12	The Children’s Court of NSW should be appropriately resourced to enable it to publish all of its final judgments online in a de-identified and searchable form.
Recommendation 15	The NSW Government should amend s 105 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to include a public interest defence to an offence under s 105(1AA).
Recommendation 17	The NSW Government should amend the Ombudsman Act 1974 (NSW) to enable the NSW Ombudsman to handle complaints in matters that are (or could be) before a court, in circumstances where doing so would not interfere with the administration of justice.
Recommendation 19	The NSW Government should amend the Advocate for Children and Young People Act 2014 (NSW) or otherwise legislate to ensure that a parliamentary committee monitors and oversees the out-of-home care functions of the Office of the Children’s Guardian.
Recommendation 20	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</i> to ensure that the Office of the Children’s Guardian does not have the power to accredit agencies that have not demonstrated compliance with the accreditation criteria.
Recommendation 25	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to mandate the provision of support services to Aboriginal families to prevent the entry of Aboriginal children into out-of-home care.
Recommendation 26	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to require the Department of Communities and Justice to take active efforts to prevent Aboriginal children from entering into out-of-home care.
Recommendation 28	The Department of Communities and Justice establish a notification service, similar to the NSW Custody Notification Service, to notify the Child Protection Advocacy Program or a relevant Aboriginal community body about the removal of an Aboriginal child or young person from their family, providing a timely opportunity for review, oversight and advocacy on behalf of Aboriginal families and communities in the best interests of Aboriginal children and young people.



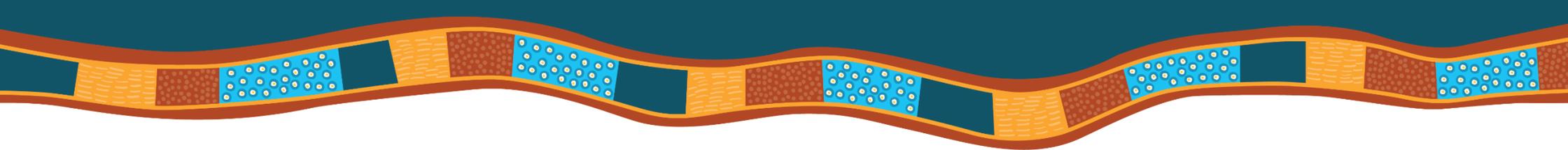
Recommendation 48	The NSW Government should repeal s 106A (1)(a) of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> .
Recommendation 54	The NSW Government should amend the Children and Young Persons (Care and Protection) Act 1998 (NSW) to require the Department of Communities and Justice to consider specific alternatives prior to removal. Such specific alternatives could include Parent Responsibility Contracts, Parent Capacity Orders, and Temporary Care Arrangements.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 55	The Children’s Court of NSW should update its internal judicial guidance to ensure Magistrates require the Department of Communities and Justice to provide information to the Court about what prior alternative actions were considered and taken before children entered care.
Response/Project Name	Review of Local Court Bench Book (LCBB) and Children’s Court Resource Handbook (CCRH)
Project Description	The Judicial Commission will review the Local Court Bench Book (LCBB) and Children’s Court Resource Handbook (CCRH) to include further guidance for judicial officers on the consideration of prior alternative action when dealing with children entering OOHC
Latest Update	We have published relevant information in two of our bench books about the need for Children's Court magistrates to review what prior alternative actions were taken before children entered care: the Children's Court Resource Handbook (CCRH and the Equality before the law Bench Book: these may be accessed at www.judcom.nsw.gov.au/publications
Who is leading the response	Judicial Commission of NSW
Project Status	● In Progress



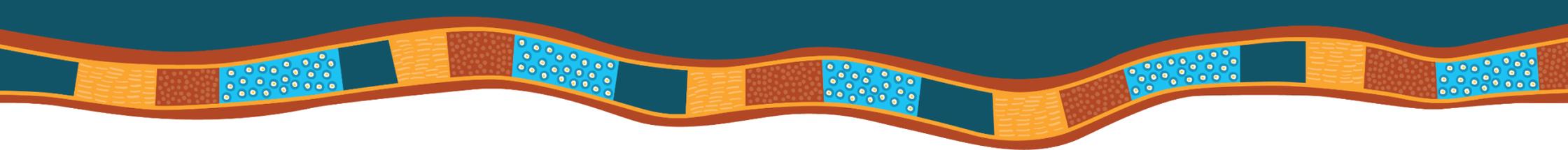
Recommendation 64	The NSW Government amend the Children and Young Persons (Care and Protection) Act 1998 (NSW) to require judicial officers to consider the known risks of harm to an Aboriginal child of being removed from the child’s parents or carer in child protection matters involving Aboriginal children.
Recommendation 65	The NSW Government should amend s 7 of <i>the Children (Protection and Parental Responsibility) Act 1998 (NSW)</i> to enable a court exercising criminal jurisdiction, with respect to a child, to require the attendance of a delegate of the Secretary of the Department of Communities and Justice in circumstances where the Secretary has parental responsibility of the child.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the <i>Children and Young Persons (Care and Protection) Act 1998</i> , to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 66	The Judicial Commission of NSW should prepare and publish information to further guide and inform judicial decision-making involving children in out-of-home care in the criminal jurisdiction.
Response/Project Name	Review of Local Court Bench Book (LCBB) and Children’s Court Resource Handbook (CCRH)
Project Description	The Judicial Commission of NSW should prepare and publish information to further guide and inform judicial decision-making involving children in out-of-home care in the criminal jurisdiction.
Latest Update	The Judicial Commission of NSW has published information to further guide and inform judicial decision-making involving children in out-of-home care in the criminal jurisdiction in two of our publicly accessible bench books: the Equality before the law Bench Book and the Children's Court Resource Handbook.
Who is leading the response	Judicial Commission of NSW
Project Status	● In Progress



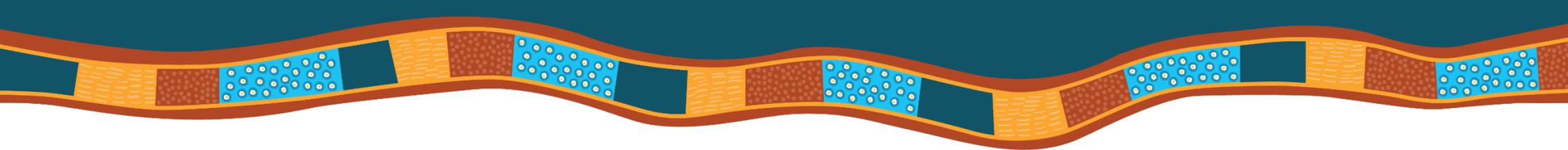
Recommendation 71	The New South Wales Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to ensure that its provisions adequately reflect the five different elements of the Aboriginal Child Placement Principle, namely, prevention, partnership, participation, placement and connection.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 82	The Judicial Commission of NSW should, in consultation with the Children’s Court of NSW and the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), design and implement an ongoing program of judicial education for Magistrates regarding the intent and elements of the Aboriginal Child Placement Principle, as well as how judicial decision making may help to support their implementation.
Response/Project Name	Review of Local Court Bench Book (LCBB) and Children’s Court Resource Handbook (CCRH)
Project Description	The Judicial Commission of NSW should, in consultation with the Children’s Court of NSW and the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), design and implement an ongoing program of judicial education for Magistrates regarding the intent and elements of the Aboriginal Child Placement Principle, as well as how judicial decision making may help to support their implementation
Latest Update	As at 13 September, we have publishing relevant information in 3 of our bench books about the intent and elements of the Aboriginal Child Placement Principles: the CCRH, the Civil Trials Bench Book and the Equality before the law Bench Book: these may be accessed at www.judcom.nsw.gov.au/publications
Who is leading the response	Judicial Commission of NSW
Project Status	● In Progress



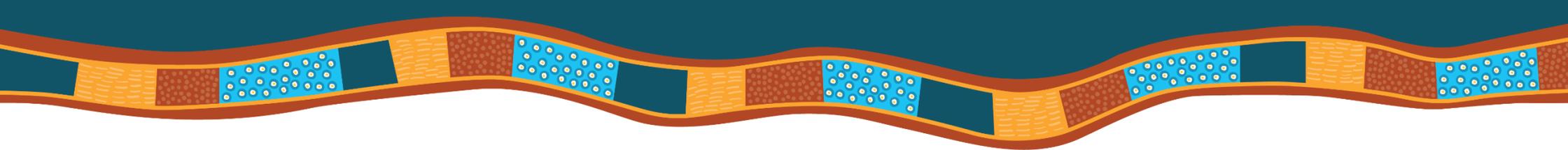
Recommendation 94	The NSW Government should ensure that the NSW Civil and Administrative Tribunal has jurisdiction to review a decision not to authorise a carer.
Response/Project Name	Internal review option - relative carers not authorised
Project Description	Include in policy a position where potential Aboriginal carer applicants are able to apply for an internal review if a decision is made not to authorise them.
Latest Update	An internal review position for relative and kin carer applicants is currently being finalised.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress
Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 95	The NSW Civil and Administrative Tribunal should include training about the Aboriginal Child Placement Principle in its induction and ongoing training program for Tribunal Members. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).
Response/Project Name	NSW Civil and Administrative Tribunal (NCAT) additional professional development training rollout
Project Description	NCAT will roll out additional training as part of its program of professional development activities.
Latest Update	Training sessions were provided to NCAT members during the first half of 2021
Who is leading the response	NSW Civil and Administrative Tribunal
Project Status	● In Progress



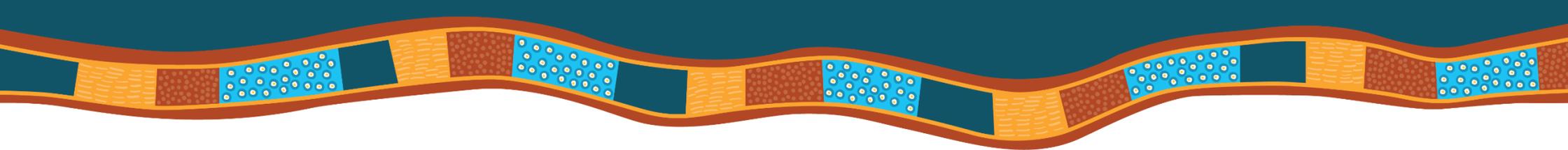
Recommendation 102	The new recommended NSW Child Protection Commission should oversee, monitor and report on the operation of the new mandatory Alternative Dispute Resolution system introduced by the <i>Children and Young Persons (Care and Protection) Amendment Act 2018 (NSW)</i> .
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started
Project Name	Office of the Children's Guardian (OCG) Independent Review
Project Description	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review.
Latest Update	The OCG are conducting this work and reporting on it independently to the Minister for Families, Communities and Disability Services. This report is due in December 2021.
Who is leading the response	Office of the Children's Guardian (OCG)
Project Status	● In Progress

Recommendation 112	The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to allow the Children's Court of NSW a more active role in ensuring restoration is a preferred placement.
Recommendation 113	The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to expressly require the Children's Court of NSW to consider the placement of an Aboriginal child with a relative, member of kin or community, or other suitable person, if it determines that there is no realistic possibility of restoration within a reasonable period.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started



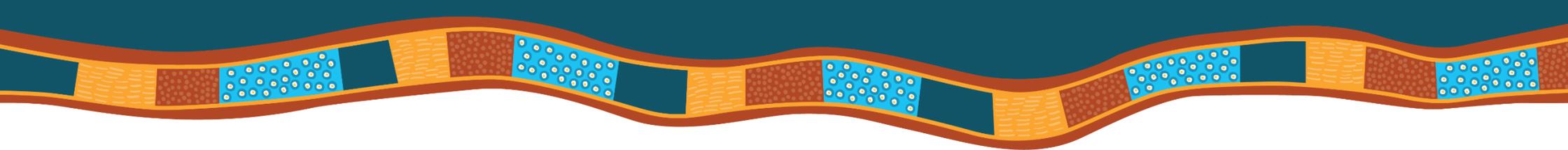
Recommendation 114	The NSW Judicial Commission should, in partnership with Aboriginal educators, provide opportunities for further education to Children’s Court of NSW Magistrates and staff regarding the research on intergenerational trauma, the effects of colonisation, domestic violence, poverty, substance abuse and mental health issues that may affect Aboriginal parents’ interactions with the Court.
Response/Project Name	Education, information and training for Children's Court magistrates
Project Description	Recommendations 114 (Chapter 21): The NSW Judicial Commission intends to, in partnership with Aboriginal educators, provide opportunities for further education to Children’s Court of NSW Magistrates and staff regarding the research on intergenerational trauma, the effects of colonisation, domestic violence, poverty, substance abuse and mental health issues that may affect Aboriginal parents’ interactions with the Court.
Latest Update	The Judicial Commission has reached out to the Healing Foundation and obtained permission to reproduce a podcast and links to resources about intergenerational trauma from our website. We have also collated information we have previously published in the Judicial Officers' Bulletin and in the Equality before the law Bench Book.
Who is leading the response	Judicial Commission of NSW
Project Status	● In Progress

Recommendation 115	The Children’s Court of NSW should develop a practice directive for Magistrates to utilise powers under s 85 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) to direct service provision in restoration cases. The Department of Communities and Justice to collect and report data around the use of this section in care and protection proceedings.
Response/Project Name	Improve guidance on the use of s85 of the Children and Young Persons (Care and Protection) Act 1998 and monitor its use.
Project Description	The Children's Court will develop a Practice Note to provide judicial officers guidance in relation to the use of s85 of the Children and Young Persons (Care and Protection) Act 1998. The Department of Communities and Justice will collect and report on data around the use of s85.
Latest Update	The President of the Children's Court is forming a subcommittee to consult with stakeholders in relation to the development of a Practice Note to guide judicial officers in relation to the use of s85.
Who is leading the response	Children's Court of NSW
Project Status	● In Progress



Recommendation 117	The NSW Government should amend s 79(10) of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> to ensure that it is linked to service provision that would support Aboriginal parents to have their children restored to their care.
Recommendation 121	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> and the <i>Adoption Act 2000 (NSW)</i> to ensure that adoption is not an option for Aboriginal children in OOHC.
Recommendation 122	The NSW Government should establish an independent statutory agency to make decisions about the commencement of child protection proceedings (including decisions about what orders are to be sought in the proceedings), and to conduct litigation on behalf of the Secretary of the Department of Communities and Justice in the Children’s Court of NSW care and protection jurisdiction.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the <i>Children and Young Persons (Care and Protection) Act 1998</i> , to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started

Recommendation 123	The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> so that, as in s 4(2) of the <i>Uniform Evidence Acts</i> , the rules of evidence do not apply unless: (i) a party to the proceeding requests that they apply in relation to the proof of a fact and the court is of the view that proof of that fact is or will be significant to the determination of the proceedings; or (ii) the court is of the view that it is in the interests of justice to direct that the laws of evidence apply to the proceedings.
Response/Project Name	Focussed Legislative Review to commence 2024
Project Description	A focussed review of the <i>Children and Young Persons (Care and Protection) Act 1998</i> , to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments. Recommendations to change legislation will be considered in this review.
Latest Update	The focussed legislative review will commence in 2024.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● Not Started



Recommendation 124	The NSW Government should appoint a sufficient number of new Magistrates to ensure that all proceedings under the Children and Young Persons (Care and Protection) Act 1998 (NSW) are dealt with by specialist Children’s Magistrates.
Response/Project Name	Assessment of feasibility of appointing additional Specialist Children's Magistrates
Project Description	Assessing the need for additional specialist Children's Magistrates
Latest Update	Work is being undertaken with the NSW Bureau of Crime Statistics and Research, the Financial and Economic Analysis team and the Children's Court to assess the need for additional specialist Children's Magistrates in NSW.
Who is leading the response	Department of Communities and Justice (DCJ)
Project Status	● In Progress

Recommendation 125	The NSW Government should, in consultation with the Children’s Court of NSW and other relevant stakeholders, such as the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Aboriginal Legal Service, design and implement a pilot project establishing a dedicated court list for proceedings under the Children and Young Persons (Care and Protection) Act 1998 (NSW) involving Aboriginal children.
Response/Project Name	A dedicated court list for care proceedings involving Aboriginal and Torres Strait Islander children and their families.
Project Description	The Children's Court of NSW will implement a pilot program in relation to a court list specifically for Aboriginal and Torres Strait Islander children and their families involved in care proceedings in the Children's Court of NSW.
Latest Update	The next First Nations Care List Working Group meeting will involve an in-depth discussion of strategies to engage with the Aboriginal and Torres Strait Islander community as a means to assist in the development and implementation of a co-designed model.
Who is leading the response	Children's Court of NSW
Project Status	● In Progress

Further Information

If you would like further information or would like to provide feedback on the NSW Government Response to the FIC recommendations, please email the Department of Communities and Justice at – FamilyisCulture@facjs.nsw.gov.au