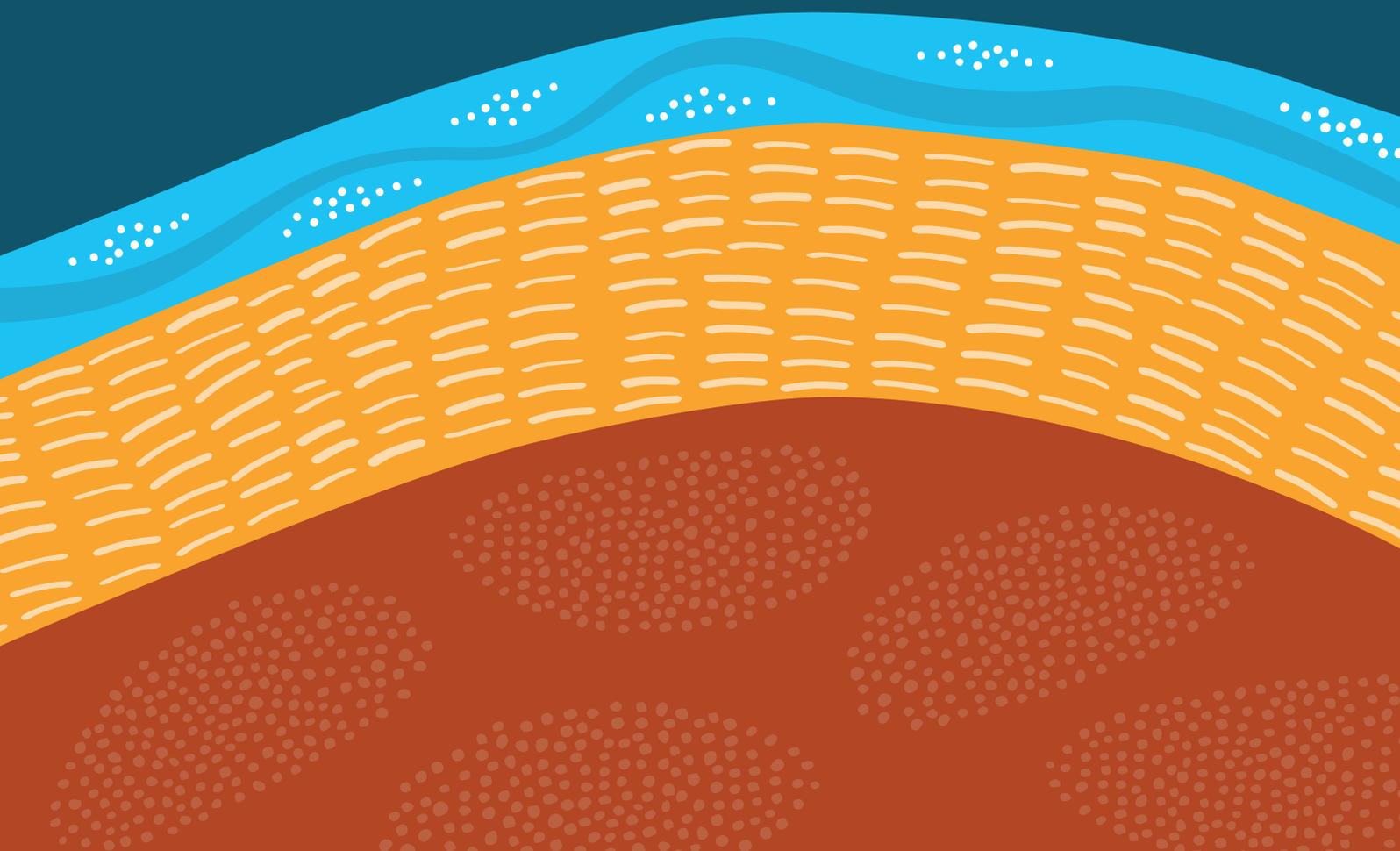




NSW Government
response to the
**Family is Culture
Review Report**



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.

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.

The NSW Government welcomes the Report, and the opportunity to build on the already significant improvements made to the child protection system for Aboriginal children, young people and their families, since the review period.

RESPONSE

The NSW Government has carefully considered the recommendations made in the Report. This includes 125 recommendations to the way we deliver services and over 3,000 recommendations referring to specific children and young people.

Recent reforms and other government initiatives have contributed to nearly 35% fewer Aboriginal children and young people entering OOHC in 2018-19, compared with 2015-16. This is the largest reduction of Aboriginal children entering care in the past decade.

NSW has one of the lowest rates of Aboriginal children entering OOHC across Australia. This was shown in the Productivity Commission's 2020 Report on Government Services.

Although these results are promising, the NSW Government recognises that we need to do more. Many recommendations are currently being addressed by reforms through the Department of Communities and Justice (DCJ) and we have broadly categorised recommendations and our response into three main themes:

- Strengthening oversight and enhancing accountability for Aboriginal children in care.
- Achieving better care outcomes and upholding the Aboriginal and Torres Strait Islander Child Placement Principle.
- Changing care and protection legislation and court processes.

Strengthening oversight and enhancing accountability for Aboriginal children in care

The NSW Government acknowledges the Report's focus on strengthening oversight and enhancing accountability to ensure the child protection and OOHC systems are responsive to the needs of Aboriginal families. The NSW Government is pleased to deliver the following initiatives:

- **Creation of a new Deputy Children's Guardian for Aboriginal Children and Young People** within the Office of the Children's Guardian (OCG) to elevate the rights and wellbeing of Aboriginal children and young people in care. The Aboriginal Deputy Children's Guardian will strengthen the OCG's oversight and enforcement powers in accrediting out-of-home care providers and ensure a high standard of practice is met for Aboriginal children and young people in care. This strengthened system of oversight and accountability for Aboriginal children in care will allow the Aboriginal Deputy Children's Guardian to drive further change to improve how the out-of-home care system supports Aboriginal children and families. The Aboriginal Deputy Children's Guardian will provide leadership within the sector and work with Aboriginal communities to drive a better and more culturally appropriate standard of care.
- **Commissioning independent review into matters identified by Professor Davis** through the Aboriginal Deputy Children's Guardian. The OCG and the Aboriginal Deputy Children's Guardian will prepare a special report for the Minister for Families, Communities and Disability Services by 30 June 2021 into a number of matters identified as requiring independent review. These include implementation of the Aboriginal Case Management Policy, improvements to casework policies, screening and assessment processes, improvements so that carer assessments and authorisations are more efficient and timely, operation of the new mandatory Alternative Dispute Resolution system including Family Group Conferences for Aboriginal families, strategies to reduce contact by Aboriginal children and young people in care with the justice system, the complaint handling system within DCJ and public reporting by OCG.
- **Establishment of an Aboriginal Knowledge Circle** to provide independent advice to the Minister for Families, Communities and Disability Services and the Secretary of DCJ on strategies to reduce the number of Aboriginal children and young people in care. This group will comprise five independent and expert Aboriginal members who will work with DCJ and the Aboriginal community to ensure Aboriginal-led advice is at the heart of our response to improve outcomes for Aboriginal children and young people. This group will meet directly with the Minister and the Secretary and engage directly with Aboriginal communities.
- **Commencement of the *Children's Guardian Act 2019*** in March 2020, which consolidated the powers and functions of the OCG and transferred the Reportable Conduct and Official Community Visitor Schemes from the NSW Ombudsman to the OCG. These changes strengthen the role of the OCG as the key regulator of child protection and OOHC services in NSW.

Achieving better care outcomes and upholding the Aboriginal and Torres Strait Islander Child Placement Principle

In order to drive implementation of recommendations, we will **establish a new Aboriginal Outcomes Taskforce within DCJ**. The Aboriginal Outcomes Taskforce will work alongside Aboriginal communities and stakeholders to implement recommendations relating to improved data collection and reporting, stronger casework policy and practice, enhanced services and supports for Aboriginal families and better interagency coordination. The NSW Government is pleased to deliver the following initiatives:

Improved data collection and reporting

- improving the design, collection and interpretation of data relevant to Aboriginal children and families
- using the Pathways of Care Longitudinal Study data to support Aboriginal-led research projects
- improving how administrative data identifies children and young people in care who have disabilities including whether they have a National Disability Insurance Scheme (NDIS) plan and NDIS funding
- identifying the characteristics of Aboriginal parents who are the subject of prenatal risk of significant harm notifications; this will include the numbers and reasons for high risk birth alerts and pre-entry to care casework completed with Aboriginal mothers in the prenatal period.

Stronger casework policy and practice

- establishing an Aboriginal Quality Assurance Process to track and monitor implementation of the 3,026 individual recommendations in relation to the case file reviews of 1,144 Aboriginal children and young people who entered care in 2015-16
- continuing implementation of the Aboriginal Case Management Policy to provide guidance for caseworkers on using Aboriginal community-controlled mechanisms, Aboriginal family-led decision-making and working with Aboriginal advocates and facilitators
- redesigning the Caseworker Development Program within DCJ including a focus on working with Aboriginal families which is being developed in partnership with AbSec.

Enhanced services and supports for Aboriginal families

- delivering the Permanency Support Program which in 2018-19 supported approximately 2,700 Aboriginal children; this program provides additional funding to Aboriginal community-controlled organisations case managing Aboriginal children
- providing intensive family preservation and restoration services through the Multisystemic Therapy for Child Abuse and Neglect (MST-CAN) and Functional Family Therapy-Child Welfare (FFT-CW) programs with funding to support 900 families in 2019-20 and up to half of these places targeted for Aboriginal children, young people and their families
- recommissioning the \$160.2 million targeted early intervention program to provide better evidence-based services and supports to families with a child at risk of entering care

- funding nine Aboriginal Child and Family Centres across NSW to provide high quality wraparound services for Aboriginal children, families and communities including early childhood education, school readiness programs, coordinated maternal, medical and allied health services, as well as integrated family supports such as parenting groups, counselling and men's/women's groups
- supporting Aboriginal-led and evidence-based programs in local communities through initiatives such as ID Know Yourself and the Nabu Demonstration Project
- offering alternative dispute resolution to families before seeking a care order through the Children's Court to encourage greater self-determination and parental decision-making through participation in Family Group Conferences
- implementing the Aboriginal Child and Family Investment Strategy to support Aboriginal service providers to build greater capacity to deliver high quality support to more children and families.

Changing care and protection legislation and court processes

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. Key proposals in the Report to change legislation will be considered in this review.

