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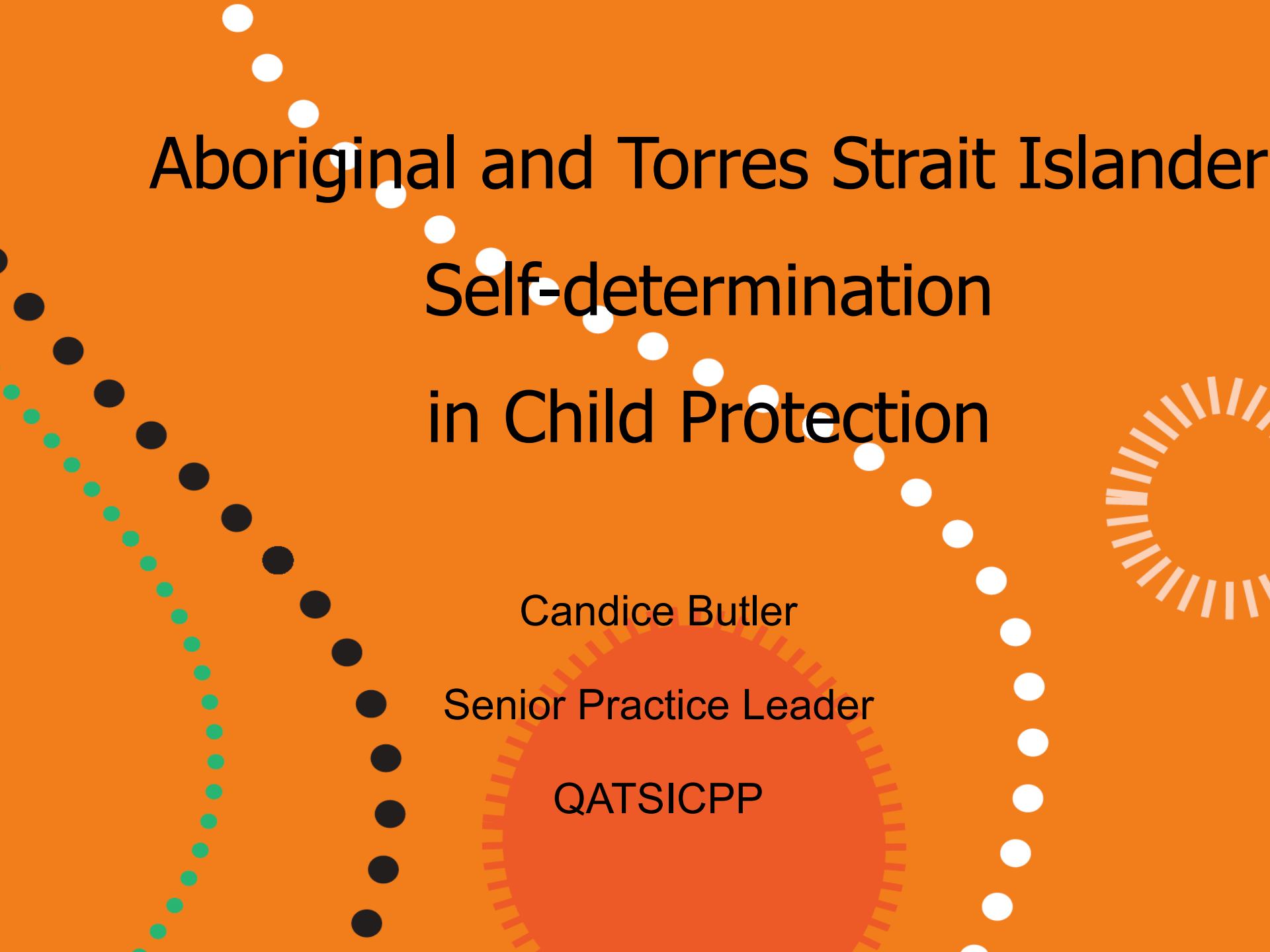


Aboriginal and Torres Strait Islander self-determination in child protection

Muriel Bamblett and Candice Butler
CFCA webinar
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*This webinar is presented in collaboration with
SNAICC – National Voice for our Children.*

Please note: The views expressed in this webinar are those of the presenters, and may not reflect those of the Australian Institute of Family Studies, or the Australian Government.



Aboriginal and Torres Strait Islander Self-determination in Child Protection

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cultural expertise of Aboriginal and Torres Strait Islander peoples and communities must be understood, acknowledged and reflected in policy, legislation, service delivery and practice frameworks to ensure the safety and wellbeing of children and young people, and to strengthen families and communities.

Initiatives that support Aboriginal and Torres Strait Islander self-determination in child protection:

- Replacement of s 5C (Additional Principles for Aboriginal and Torres Strait Islander children)
- The Aboriginal and Torres Strait Islander Child Placement Principles
- Aboriginal and Torres Strait Islander Family Lead Decision Making
- Active Efforts



5C Additional principles for Aboriginal and Torres Strait Islander children

- (1) The following additional principles apply for administering this Act in relation to Aboriginal and Torres Strait Islander children –
- a) Aboriginal and Torres Strait Islander people have the right to self-determination;
 - b) The long-term effect of a decision on the child's identity and connection with the child's family and community must be taken into account

Child Protection Reform Amendment Act 2017 (Qld) s 5c(1)



- Education *more than placement*
- Consistent Interpretation
- Supported Implementation
- Monitoring and Reporting
- Inclusion in the Child Protection

Reform Act 2017 (Qld) s 5c(2)

Five Core Elements

of the Aboriginal and Torres Strait Islander
Child Placement Principle:

Prevention

Protecting children's right to grow up in family, community and culture by redressing the causes of child protection intervention

Partnership

Ensuring the participation of community representatives in service design, delivery and individual case decisions

Placement

Placing children out-of-home care in accordance with the established ATSICPP placement hierarchy

Participation

Ensuring the participation of children, parents and family members in decisions regarding the care and protection of their children

Connection

Maintaining and supporting connections to family, community, culture and country for children in out-of-home care



Aboriginal and Torres Strait Islander Family Led Decision Making

Utilising processes such as Aboriginal and Torres Strait Islander Family Led Decision Making to empower and promote optimal participation of families in decisions made regarding the safety and wellbeing of their children

Active Efforts

Regulation 23.2 within the guidelines for Implementing the Indian Child Welfare Act (2016) states that 'Active efforts means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian Child with his or her family'.

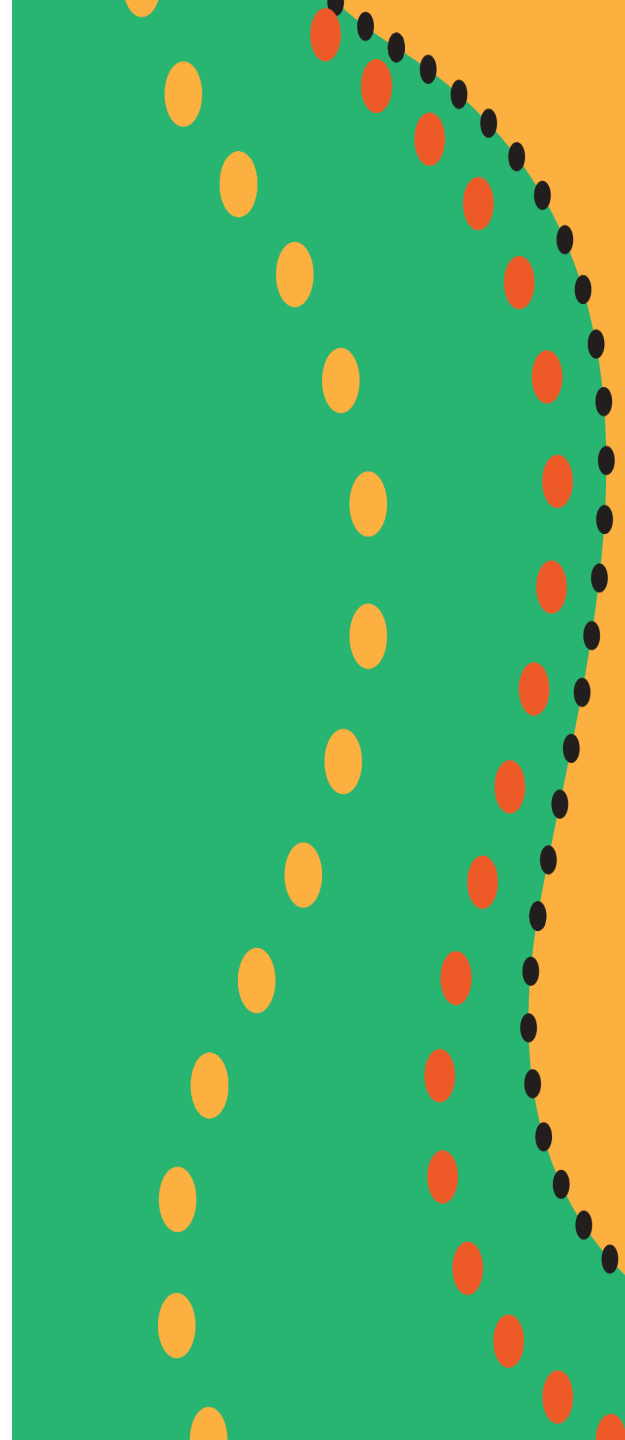
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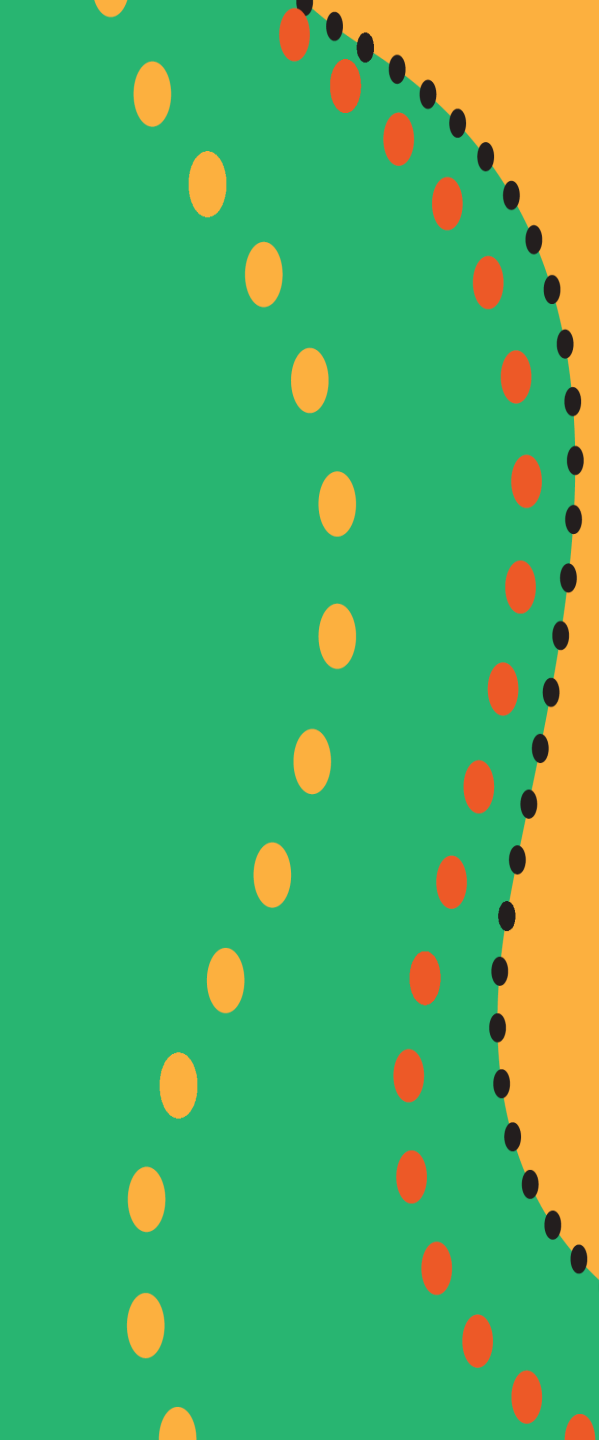
Affirmative

Active

Thorough

Timely





- Aboriginal and Torres Strait Islander Family Wellbeing Services
- Independent Aboriginal and Torres Strait Islander entity
- Family Participation Program



Thank-you for your time

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Aboriginal and Torres Strait Islander self-determination in child protection



About VACCA



VICTORIAN ABORIGINAL CHILD CARE AGENCY

- 40+ years of service
- 45 programs across the state
- 450 + staff
- VACCA has developed an Aboriginal child and family welfare discourse and practice which includes:
 - Aboriginal & Torres Strait Islander Child Placement Principle (ATSICPP)
 - Cultural programs
 - Outcomes framework
 - Cultural therapeutic framework



Our Programs and Services



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Early years support

- Playgroups x 8 metro wide
- Aboriginal Cradle to Kinder x 5
- Footprints for Success
- MCH partnerships
- Koorie Families as First Educators

Children in Care and Out of Home Care Programs

- Nugee Aboriginal Guardianship
- Lakidjeka ACSASS
- Aboriginal Family Led Decision Making
- Family finding
- Kinship Care
- Foster Care (Extended Care)
- Permanent Care
- Therapeutic Residential Care
- Lead Tennant
- Leaving Care
- Residential Education Support
- Koorie Cultural Placement and Support
- Better Futures (Post Care)
- Cultural Support Planning Worker
- Koorie Cultural Placement and Support
- Senior Advisors Aboriginal Cultural Planning
- Aboriginal Children's Healing Team

Cultural Strengthening Programs

- Koorie Tiddas Youth Choir
- Art Mentoring & Possum Skin Cloak
- Narrun Yana Art Collective
- Staying Strong & Staying Out of Trouble
- Homework Club & Books in Homes
- Koorie Youth Health Matters
- Koorie FaCES

- Possum skin cloak
- Art mentoring
- Koorie Youth Leadership
- NAIDOC Children's Day across all regions
- Children's Christmas across metro

Homelessness Support

- The Wilam Support Service
- Kurnai Youth Homelessness Program

Justice Support

- Beyond Survival
- Koorie Women's Diversion
- Barrang Moorop Youth Justice Program
- Local Justice Worker

Specialist Programs

- Link-Up Victoria
- Redress Scheme

General Community Support

- Koorie Connect
- Emergency relief

External Training

- Child safe organisations
- Cultural safety
- Cultural competency
- Foster Carer training
- Nikara's Journey – caring for Aboriginal children

Internal training unit

- Induction & orientation
- OH&S
- Staff development, mgt etc

Family Support

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- Integrated Family Services
- Child FIRST and ALW
- Family Mental Health
- Aboriginal Stronger Families
- Family Restorations/Preservation
- Wilka Kwe Family Preservation
- Windook Dad's Group

Family Violence

- Integrated Family Violence
- Orana Ganyah
- Family Violence case Management & Outreach
- Family Violence Perpetrator program
- Family violence groupwork

Jobs and Education

- Empower Youth
- Koorie Kids Stay @ School
- Koorie Youth Traineeships

Research, Policy & Advocacy

- Research and Development
- Social Policy and Advocacy
- Legal Unit

Back of House

- Continuous Quality Improvement
- Corporate Services
 - Finance, Payroll & HR
 - Fleet mgt
 - ICT& Information mgt
 - Property Mgt
 - Workforce

VACCA's Approach

- Self-determination
- Culture and Culturally informed programs, services and practice
- Advocacy, policy and cultural components
- Essential child welfare standards



Self-determination: perspectives



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Self-determination means the freedom for indigenous peoples to live well, to live according to their own values and beliefs, and to be respected by their non-indigenous neighbours.

Professor Erica-Irene Daes, Former Chair - United Nations Working Group on Indigenous Populations

The basic message that emerges is that when people lack autonomy—when rather than feeling in control of their own lives, people instead feel that they are being controlled or dominated by others or by their social, economic, or political circumstances—their mental and physical health tends to deteriorate, and for those who feel the least autonomous, the outcomes are generally the worst.

Self-determination theory - Source: Deci and Ryan 2007



Victorian Government policy on self-determination for Aboriginal people



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- The Victorian Government is committed to self-determination
- Self-determination is vital to Aboriginal people's health and wellbeing
- [Treaty talks](#) are part of the Victorian Government's commitment to self-determination
- Implementing self-determination principles across government



Making Headway in Victoria

- Policy and Legislation
 - Child Youth and Family Act (2005)
 - Section 18 - Aboriginal Children in Aboriginal Care and VACCA's Nugel Program
 - Transitioning Aboriginal children in OOHC to be case managed by an ACCO
- Aboriginal Representative Bodies/Agreements
 - Aboriginal Children's Forum – co-chaired by Aboriginal Sector and Minister
 - Aboriginal Justice Forum
 - Marrung Education
 - Aboriginal Family Violence



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Self-determination - families

Organisationally it's about our staff having the behaviours, attitudes, skills and knowledge to:

- Recognise and support Aboriginal people's collective and individual rights to self-determination
- Acknowledge and promote Aboriginal peoples lived experience and expertise
- Informed & skilled in supporting Aboriginal people
- Knowledge HR principles, charters & frameworks
- Have knowledge of legislation and policy



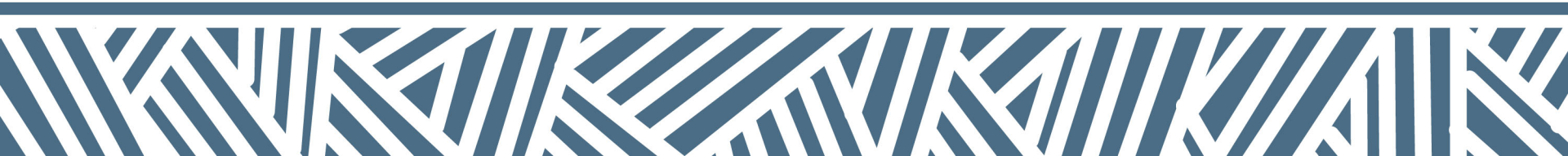
Good practice - families

- Elements of good practice in Aboriginal child and family practice could include the ability to:
- Provide information, resources and supports to assist Aboriginal clients of service to make informed decision in line with self-determination principles
- Explain rights throughout their engagement with service
- Develop required knowledge and understanding of principles of self-determination and embed in practice frameworks
- Create safe and supportive environment
- Introduce policies and procedures to incorporate principles of autonomy, self-determination and choice
- Communicate and enact Aboriginal self-determination in practice across the organisation
- Articulate responsibility as well as rights.
- Build environments that support and enhance Aboriginal children's rights to self-determination.



We believe that Indigenous children have the right to:

- Identify as Indigenous without fear of retribution or questioning of their Indigenous identity
- Access to an education that strengthens their culture and identity.
- Maintenance of connection to their land and country.
- Maintenance of strong kinship ties, social obligations and an ability to deliver on cultural responsibilities
- Be taught their cultural heritage by their Elders.
- Receive information in a culturally, sensitive, relevant and accessible manner.
- Access to programs, services and practice frameworks that embed the child/young persons Indigenous culture



Self-determination - children

Self-determination is about empowerment

Indigenous children need to:

- Shape their chosen outcomes, make choices and express preferences across their daily lives, delineate goals specific to their own self-determination
- Be provided with opportunities to develop the skills necessary to become independent as well as to interact freely and joyfully within their environment, safe and secure in their identity
- Develop the self-determining voice to speak on one's own behalf, to effectively use their voice or other means to speak up on their own behalf
- Be given on-going opportunities and daily practice to gain confidence and trust in their own self-determining ability through making basic choices or solving simple problems to master new skills that can last a lifetime



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Embedding self-determination

- Requires a relationship built on trust and integrity: it is a sustained relationship between groups of people working towards shared goals.
- Articulates Aboriginal people's voice into the plan, into the vision, strategies, indicators and outcomes with shared accountability and buy in from the sector
- Promoting and supporting Aboriginal organisations to deliver services to their communities
- Explore partnerships with Indigenous organisations within a framework of self-determination and Indigenous control.
- Address power inequalities, with genuine efforts to share power, including through negotiated agreements
- Enabling policy frameworks
- Commitment Aboriginal Workforce



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Aboriginal Children in Aboriginal Care

- "I didn't want to identify as Aboriginal because I didn't feel safe to, and I didn't know any other Aboriginal kids. I'd felt alone my whole life, because I was living in these homes that weren't meant for me."
- "My hopes for young people in care would be for their voices are heard. I think that our main focus should be returning the children to their families. Without my family and my community, I would feel completely lost."



Making Headway in Victoria cont..



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Development of an Aboriginal child welfare model

- Outcomes Framework
- Cultural Therapeutic Framework
- Targeted Care Packages
- Cultural Programs including: Narran Yana Art Collective
- CSP State Coordinator and Deadly Story portal
- Return to Country
- Family finding





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DEADLY STORY

[Culture](#) [Identity](#) [Tools](#) [About](#) [Service Directory](#)



A message from
Emma Bamblett,
State Wide Co-
ordinator, Aboriginal
Cultural Planning.



A place for Aboriginal Culture, Country & Community.
A place to grow my knowledge & be proud.



CHILDREN & YOUNG PEOPLE

Are you a child or young person?

CARERS

Are you caring for a child or young person?

PRACTITIONERS

Are you working with a child or young person?





Resources



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- Deadly Story Portal: deadlystory.com
- Family Matters Report: <http://www.familymatters.org.au/>
- Always Was Always Will Be Koori Children
- <https://ccyp.vic.gov.au/upholding-childrens-rights/systemic-inquiries/always-was-always-will-be-koori-children/>
- Self-determination theory (Deci and Ryan)

Continue the conversation



Do you have any further questions?

Please submit questions or comments on the online forum following today's webinar:

www.aifs.gov.au/cfca/news-discussion