



## Policy Brief – Cultural Planning

### AbSec's Position on Cultural Planning

Cultural planning is an integral part of case planning focused on ensuring Aboriginal children and young people maintain their connection to culture, identity, family, community and Country. Effective cultural planning involves outlining the ways in which an Aboriginal child will remain connected to their culture, providing a foundation for their identity formation and contributing to life-long wellbeing. Cultural planning also contributes to the reunification and restoration of Aboriginal children and young people by maintaining and strengthening critical connections to family and community. A case plan or care order must include adequate cultural planning that actively promotes family and community connections, culture and identity, otherwise, it does not uphold the cultural rights of the child and is not appropriate for Aboriginal children.

While articulating actions and efforts of statutory authorities and carers to strengthen and maintain key cultural connections, cultural planning also emphasises a lifespan approach that recognises culture as a foundation for identity and resilience. Cultural planning must be holistic and support Aboriginal children to thrive, be grounded in culture, family and community. Cultural plans must assist and provide Aboriginal children belonging through their lived experiences and through their relationships with others from their community and the broader Aboriginal community.

Cultural planning includes Cultural Care Plans and Cultural Support Plans, which together provide comprehensive information about a child's family and extended family, including a genogram and other cultural and community connections, which are critical to supporting and sustaining the child's cultural rights.

A Cultural Care Plan is a fundamental aspect of case planning, and is required to be presented to the Children's Court. This plan should provide information on the child's cultural identity and outline any cultural supports or activities the child or young person had before entering into care, and how the child's identity and cultural connections will be supported throughout case planning, including after final orders. The Cultural Care Plan provides a foundation for the development of Cultural Support Plans.

A Cultural Support Plan is a living document which describes the actions that will be undertaken to support an Aboriginal child or young person to maintain and develop their cultural connections and relationships, identity and sense of belonging while in out-of-home care. The Cultural Support Plan should be monitored regularly and reviewed at a minimum of 12 months or at key decision making points such as case management transfers.

### Cultural Planning in the NSW Child Protection System

The United Nations Convention on the Rights of the Child outlines that those responsible for the upbringing and development of a child have an obligation to ensure that the child's rights to culture and language is upheld. It further states minority and Indigenous people groups have special protection of this right. The United Nations Declaration on the Rights of Indigenous people includes the right not to be subjected to forced assimilation or destruction of their culture.



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Section 9 of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) provides a set of principles that outline the requirement to assist children and young people to maintain relationships with their parents, siblings, extended family and community and ensure they are afforded the right to the protection and preservation of their identity, language and cultural ties.

Section 38 of the Act further outlines the development and enforcement of care plans. Section 83 (7A) of the Act states that prior to final orders being made, a reasonably clear plan as to the child's or young person's needs and how these needs are going to be met.

### In Practice

- Cultural planning should actively strengthen connections with an Aboriginal child's Aboriginal family, extended family and community, supporting identity formation and a sense of belonging. By building and maintaining key relationships with family, kin and community, effective cultural planning also contributes to stability, including restoration/reunification.
- Cultural Care Plans and Cultural Support Plans are to be developed through Aboriginal family-led decision making processes and partner with the child (where age and developmentally appropriate) to ensure they are informed and are actively participating in the planning process. Plans are to be lead and driven by the child, family, kin and community.
- Caseworkers are to exhaust extensive research into the child or young person's genogram or family mapping, especially when initially placing a child and then so after. This is done to safeguard and build an inclusive network of care around the child. Relevant Aboriginal community controlled organisations are best placed to facilitate family finding and engagement efforts as part of case planning, including cultural planning
- The placement of an Aboriginal child must be endorsed through a local Aboriginal community controlled mechanism. The placement must maintain and strengthen lived experiences of culture.
- When reviewing Cultural Support plans, Aboriginal families, kin and community are actively engaged and lead the process, reviewing the implementation and impact of current strategies and identifying new strategies to meet the child's cultural and developmental needs. Aboriginal community controlled mechanisms can play an important role in monitoring the development of cultural plans (and case plans more broadly), ensuring that Aboriginal families are involved, their voices are heard, and that the rights of Aboriginal children are upheld.
- Family and kin, particularly those far away (children may be off Country or away from significant family) must be contacted and practical steps are put into place for how the child or young person will remain connected. This ensures the child has a network of support when transitioning into adulthood.