



# An Aboriginal Commissioning Approach to Aboriginal Child and Family Services in NSW:

*A Conceptual Design*

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May 2018



Aboriginal Child, Family and Community Care State Secretariat (AbSec)

## About AbSec

The Aboriginal Child, Family and Community Care State Secretariat (AbSec) is the peak Aboriginal organisation within the child and family sector in NSW. AbSec is committed to advocating on behalf of Aboriginal children, families and communities, to ensure they have access to the services and supports they need to keep Aboriginal children safe and provide them the best possible opportunities to fulfil their potential through Aboriginal community controlled organisations.

Central to this vision is the need to develop a holistic approach to Aboriginal child and family supports delivering universal, targeted and tertiary services within communities that cover the entire continuum of care and reflect the broader familial and community context of clients. Such services and supports would operate to mitigate risk factors or vulnerabilities thereby reducing the need for more intensive or invasive interventions, as well as ensuring that tailored and critical Aboriginal out-of-home care and after care services are provided to intervene in the cycle of disadvantage that continue to impact generations of Aboriginal families.

Our vision is that Aboriginal children and young people are looked after in safe, thriving Aboriginal families and communities, and are raised strong in spirit and identity, with every opportunity for lifelong wellbeing and connection to culture surrounded by holistic supports.

In working towards this vision, we are guided by these principles:

- 1) acknowledging and respecting the diversity and knowledge of Aboriginal communities;
- 2) acting with professionalism and integrity in striving for quality, culturally responsive services and supports for Aboriginal families;
- 3) underpinning the rights of Aboriginal people to develop our own processes and systems for our communities, particularly in meeting the needs of our children and families;
- 4) being holistic, integrated and solutions-focused through Aboriginal control in delivering for Aboriginal children, families and communities; and
- 5) committing to a future that empowers Aboriginal families and communities, representing our communities, and the agencies there to serve them, with transparency and drive

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## Introduction

Aboriginal children and young people and their families continue to be over-represented across the continuum of care. This disparity for Aboriginal children and young people is most pronounced within crisis responses, including child protection and out-of-home care. More worrying is the persistence of this over-representation despite multiple reviews and reforms, and significant investment over recent years, that current systems are not effective in addressing risk for Aboriginal children or intervening in intergenerational cycles of disadvantage that contribute to the underlying issues contributing to this disparity. Rather, current systems fail to target investment appropriately and chronically underfund Aboriginal community controlled approaches, perpetuating these damaging cycles and inflicting their adverse impacts on generation after generation. A fundamentally new approach to the commissioning of services for Aboriginal children, families and communities is needed – one that places Aboriginal children and families at the heart of services and supports they need.

This paper seeks to outline an Aboriginal commissioning approach as an essential element in establishing an effective Aboriginal child and family service system. This Aboriginal commissioning model will support the development of a holistic, culturally embedded Aboriginal child and family system that is designed and delivered by Aboriginal communities, and is directly accountable to them for the outcomes achieved.

This paper complements AbSec's *Achieving a holistic Aboriginal child and family service system for NSW* and other associated papers, with the intent of articulating a comprehensive Aboriginal child and family system grounded in the rights of Aboriginal people, and existing evidence that holistic generational approaches that are determined by Aboriginal people themselves and culturally embedded are most likely to address challenges and support Aboriginal children and young people to flourish.

## Background

Aboriginal children and young people and their families continue to be over-represented across all levels of the statutory child protection system. In 2014, a co-design process between Aboriginal community controlled organisations within the child and family sector and representatives from the NSW Government developed a vision for a future service system focused on the sense of belonging, to family, community and culture, for every Aboriginal child. A self-determined Aboriginal sector was seen as central to achieving better outcomes for Aboriginal children and families, with a considerably greater focus on preventative services.

This future state envisioned a strong Aboriginal community controlled services network providing a state-wide safety net of care for Aboriginal children and families. These organisations would be supported by the Aboriginal peak body, focused on capacity and capability development to drive best practice in service delivery, and a cross-sector statutory

body to direct government investment more effectively based on outcomes sought by the end-user (Aboriginal children, families and communities). Such an approach would also provide a stronger mechanism for Aboriginal self-determination in service design and delivery through an outcomes focused funding body.

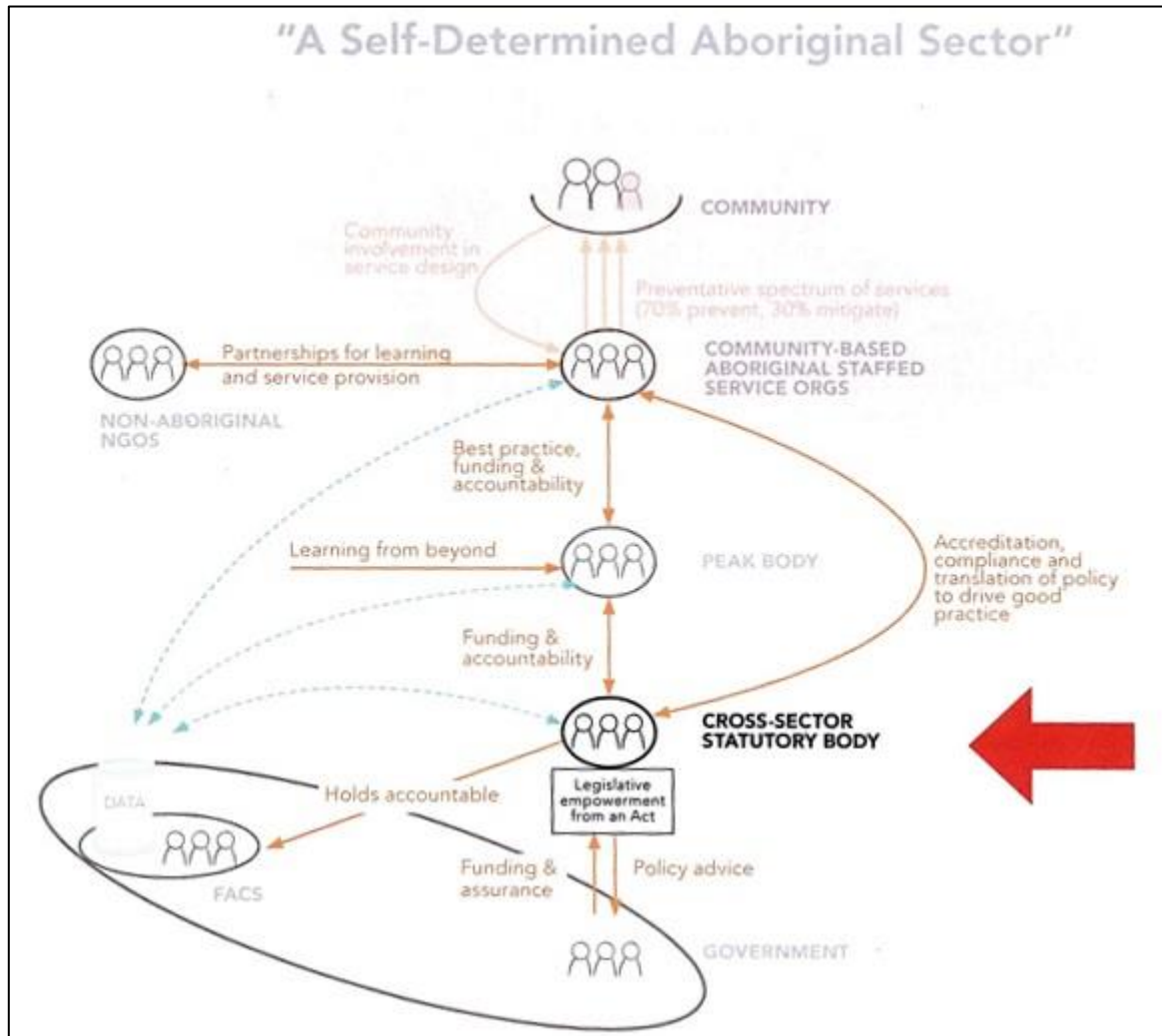


Figure 1: AbSec/FACS 'Co-Designing the Future of Aboriginal Out-Of-Home Care (OOHC) - Phase 1 - Final Report, January 2015. pp. 42

The NSW child protection system has been the subject of intense scrutiny over recent years, with multiple government inquiries, reviews and audits leading to a variety of reform initiatives across the service system<sup>1</sup>. Most recently, two comprehensive reviews have suggested the need for sweeping changes to the child protection system, including greater investment in prevention, family preservation and restoration, and a commitment to evidence-driven approaches, supported by a new outcomes-focused commissioning model<sup>2</sup>. These recommendations echo the outcomes of the co-design process including the development of a self-determined Aboriginal sector and cross-sector statutory body to drive results-focused accountability. Importantly, the need to shift the system to one that is child

<sup>1</sup> Child Protection, NSW Parliament General Committee no. 2, Report no. 46, March 2017,

<sup>2</sup> Child Protection, NSW Parliament General Committee no. 2, Report no. 46, March 2017; NSW Government (2017) *Their Futures Matter*

and family-centric is seen as critical for Aboriginal people, taking an approach that is less about managing risk, and more about strengthening relationships within an Aboriginal community controlled framework.

The distinct needs of Aboriginal children, families and communities within the statutory system was a feature of both reviews, emphasising the need for structural change in order to more effectively meet the needs of this population. The NSW Parliamentary Child Protection Inquiry noted:

*“The committee is deeply concerned by statistics that show that Aboriginal children and young people are overrepresented in the care and protection system. It notes in particular, the high numbers of Aboriginal children and young people in out of home care, and the fact that these numbers are increasing annually. **The committee finds it confounding that despite the range of policy initiatives designed to address these trends, there appears to be no evidence that the situation is improving. To be frank, the figures show that the current approach has failed.**” (emphasis added)*

Their recommendations encourage the NSW Government to commit to supporting a far greater degree of Aboriginal self-determination in decision making with respect to Aboriginal families, child protection and child removals.

In many ways, this recommendation reflects the warning provided in the landmark *Bringing Them Home Report*, in 1998. *Bringing Them Home* identified that efforts to address the over-representation of Aboriginal children and families within contemporary child protection systems would only be successful if grounded in the principle of self-determination – that is, authority, control and decision-making being devolved to the very people the system is established for, Aboriginal children, families and communities.

However, since this time the approach to Aboriginal child protection, and the Aboriginal child and family service system more broadly, has been characterised by the ongoing paternalism of successive governments, restricting Aboriginal involvement to “consultation” and “participation” rather than genuine self-determination – having a collective genuine right and decision-making authority of the supports, services and actions of the child protection system. This is despite a clear statutory obligation to provide Aboriginal peoples “as much self determination as possible” with respect to the care and protection of Aboriginal children<sup>3</sup>.

Achieving genuine self-determination for Aboriginal peoples remains a pressing challenge for the NSW Government. Recent research published by NSW Aboriginal Affairs sought to explore how the NSW public service can “shift its structural and attitudinal frameworks to support

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<sup>3</sup> S. 11, *Children and Young Persons (Care and Protection) Act 1998 (NSW)*

devolving decision-making to Aboriginal communities”<sup>4</sup>. In this study, devolved decision-making was conceptualised as the delegation or relinquishing of control or authority by one party to another party, in this case, from government agencies to Aboriginal community derived decision-making processes. Fundamentally, this work examined what structural changes are needed to support Aboriginal self-determination.

This study identified a range of barriers currently limiting the devolution of decision making to Aboriginal communities, including the ongoing impacts of colonisation, distrust, tokenistic inclusion within non-Indigenous governance structures, and ongoing structural racism and paternalism that assumes that Aboriginal communities are unwilling or unable to make sound decisions in addressing the challenges they face. Despite acknowledging these factors, the research nevertheless concluded that devolved decision making was not a key objective for Aboriginal communities. The continued reluctance to genuinely embed Aboriginal decision making as central to effective policy and practice arguably reflects the persistence of colonial attitudes that viewed Aboriginal communities, and Aboriginal children and young people particularly, as in need of “saving” by the civilising influences of the “superior” colonial culture.

However, the highly regarded Harvard Project on American Indian Economic Development clearly demonstrated that “when Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers – on matters as diverse as governmental form, natural resource management, economic development, health care and social service provision”<sup>5</sup>. As such, AbSec argues that the devolution of decision-making to Aboriginal people remains critical to the objective of achieving the best possible outcomes for Aboriginal children, families and communities, as an essential foundation of an effective child and family system that acknowledges the fundamental human rights of Aboriginal people.

The reviews, like the co-design process, also emphasised that funding is currently disproportionately directed towards mitigation actions rather than prevention. In 2016-17, NSW’s budgeted expenditure for the provision of child protection services totalled approximately \$1.9 billion<sup>6</sup>. Early intervention service providers received 17% of the funding (\$319,041,000) while out of home care services and statutory child protection work received 83% of the funding, a total of \$1,571,993,000 (\$1,079,159,000 (57%) for out of home care services and \$492,834,000 (26%) for statutory child protection work respectively). Further, while figures do not currently indicate investment in Aboriginal community controlled design and delivery, it is likely that such services are chronically under-funded within the existing contracting and procurement models – as typically disadvantaging Aboriginal community

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<sup>4</sup> Andrew, L., Cipants, J., Heriot, S., Monument, P., Pollard, G., and Stibbard, P. (2017) *Rhetoric to Reality: Devolving decision-making to Aboriginal communities*. Sydney: NSW Aboriginal Affairs, Department of Education

<sup>5</sup> See <http://www.hpaied.org/>, accessed 15 July 2017

<sup>6</sup> Report 46 – March 2017, Chapter 1, (sec 1.5)

controlled delivery in favour of a mainstream approach. The co-design process suggested a cross-sector statutory body to more strategically direct investment aligned to the aspirations and outcomes set by Aboriginal children, families and communities. This investment should be proportionate to the identified need, with reporting and accountability aligned to the social return on investment for Aboriginal communities. This does not replace the mandatory functions of a statutory child protection authority, however, differentiates the establishment of appropriate Aboriginal child and family-centric supports and services under an Aboriginal community controlled framework.

In summary, there is agreement from both government and Aboriginal communities that a 'new' approach to Aboriginal child and family services is needed to achieve better outcomes and address the persistent over-representation of Aboriginal children and families within the statutory child protection system. The outcomes of the co-design process and recommendations of subsequent inquiries suggest that a commissioning for outcomes approach aligned to the needs of Aboriginal children in their family and community context is needed, built on the principles of self-determination and accountability, and importantly enshrined within a framework owned by Aboriginal people and communities. The challenge now is to articulate the key features of such a commissioning approach centred on supporting Aboriginal children to thrive, strong in culture and identity, and embedded in their family and community.

## Commissioning an effective Aboriginal child and family service system

In 2016, AbSec engaged with Aboriginal communities and service providers to better understand their experience of funding within the Aboriginal child and family service system. A number of key themes were identified including:

- a focus on outputs rather than outcomes,
- programmatic and inflexible service guidelines leading to a fragmented service system that is difficult for families to navigate, and
- the chronic under-funding of culturally embedded services for Aboriginal children and families, including those aimed at addressing issues, underlying risk (such as poverty and marginalisation), and Aboriginal family strengthening.

Funding and procurement processes often placed Aboriginal community controlled organisations in the position of having to deliver non-Aboriginal programs despite concerns about their appropriateness and efficacy for our communities, if they are to participate at all in service provision to Aboriginal children, families and communities. This issue was clearly articulated by the *Bringing Them Home* report, which emphasised that self-determination requires more than simple participation in service delivery.

Specifically, *Bringing Them Home* stated (emphasis added):

“Self-determination requires more than *consultation* because consultation alone does not confer any decision-making authority or control over outcomes. Self-determination also requires more than *participation* in service delivery because in a participation model the nature of the service and the ways in which the service is provided has not been *determined* by Indigenous peoples. Inherent in the right of self-determination is *decision-making* carried through into implementation... **To respect the right of self-determination, governments should confine their roles largely to providing financial and other resource support for the implementation of Indigenous programs and policies.**”<sup>7</sup>

Put simply, commissioning effective services for Aboriginal children and families must empower Aboriginal communities to design, deliver and continuously improve local approaches over a long period of time – this requires sustained investment by Governments beyond an election cycle for the best interests and rights of Aboriginal children, families and communities. Such an approach is oriented towards outcomes for Aboriginal children and young people, tailored to the needs of Aboriginal children, families and communities, and include processes for ongoing monitoring and management that provide greater transparency and accountability to Aboriginal communities. Providing a framework to achieve such an approach is the focus of this paper, recognising other models where this is done well and the opportunity to enhance it in NSW for Aboriginal children, families and communities.

While the opportunity for Aboriginal communities to exercise genuine self determination in the design and delivery of services has been constrained through prescriptive and inflexible funding arrangements, it is not the only area of focus. Aboriginal “decision-making carried through into implementation” requires the priorities and aspirations as well as the programs and approaches to be determined and owned by Aboriginal communities themselves. Establishing a commissioning approach can still undermine the self-determination of Aboriginal communities where outcomes are determined by non-Aboriginal processes. Experts in the area of commissioning invite us to reflect on whose outcomes we are seeking to achieve, highlighting that the experience of outcomes focused commissioning can be coercive<sup>8</sup>. Rather, a genuine process of consensus building about strategic outcomes is essential to achieving a service system that is aligned to the objectives and priorities of Aboriginal people communities – this ultimately would translate into localised delivery under a strategic outcomes framework designed by and for Aboriginal children, families and

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<sup>7</sup> Human Rights and Equal Opportunity Commission (1997) *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia. pp.276 Available: [https://www.humanrights.gov.au/sites/default/files/content/pdf/social\\_justice/bringing\\_them\\_home\\_report.pdf](https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf), accessed 2 May 2018

<sup>8</sup> Sturgess, G. (2015) Framing Strategic Commissioning, Australian and New Zealand School of Government. Accessed 18 July 2017, <https://www.youtube.com/watch?v=KMstJjgmfgM>

communities. This requires a robust Aboriginal data collection and analysis infrastructure empowering Aboriginal communities to innovate and continually improve approaches according to the evidence, as well as visionary and transformational leadership over an extended period of time to realise attainment of benefits and outcomes for Aboriginal children, families and communities in NSW.

The effective commissioning of Aboriginal child and family services remains a key consideration in our shared efforts to address the over-representation of Aboriginal children and families within the statutory child protection system through promoting genuine Aboriginal self-determination in the child and family sector. An effective commissioning approach is necessary to elevate the NSW system from consultation and participation to genuine self-determination, with Aboriginal people determining the outcomes to be achieved, and administering the approaches that are best suited to achieving those goals.

New South Wales would not be alone in pursuing a distinct community-controlled commissioning approach to empower Aboriginal communities and achieve better outcomes for Aboriginal children and families. Such approaches have been established in other jurisdictions, and provide interesting case studies for the development of similar approaches in NSW.

## Case Study: Whānau Ora New Zealand

In 2010, the New Zealand government invested in a commissioning agency model for Māori people. **Whānau Ora** (Māori: family health), is an Indigenous health initiative driven by Māori cultural values with a core goal of empowering communities and supporting families within the *'community context rather than individuals within an institutional context'*.

Whānau Ora was established as a response to the challenges identified in New Zealand (that are similar to those noted by Aboriginal communities in NSW), with a service system that is fundamentally not aligned to the needs and perspectives of Aboriginal people. Te Puni Kōkiri (Ministry of Māori Development) noted in 2015: *"Government health and social services for Māori have not been typically designed to take a whānau-centred approach, focusing instead on individuals and single-issues problems. As a result, delivery of services to whānau has often been fragmented, lacking integration and coordination across agencies and social service providers and unable to address complexities where several problems coexist."*

Whānau Ora devolves decision making to communities through the creation of community-based regionalised commissioning agencies, which are responsible for funding services to Maori communities.

The first phase focussed on strengthening provider capability to design and deliver whānau-centred approaches. This was done from 2010-2014 by re-orienting the way health and social service providers worked across the country so that they could support the needs of whānau.

The second phase, which began in 2014, had a more direct focus on building the capacity of families by using the NGO sector to commission activities. Three not-for-profit Commissioning Agencies were established by Te Puni Kōkiri to make funding decisions that are flexible and innovative and suitable for their communities

1. Te Pou Matakana works with families in the North Island;
2. Te Pūtahitanga o Te Waipounamu works with families in the South Island and
3. Pasifika Futures works with Pacific Island families across the country.

Each Commissioning Agency works with partner organisations to design and deliver coordinated, customised supports and services to their families and communities. Commissioning agencies work with their communities to define strategic outcomes, measures and other frameworks, promoting culturally embedded approaches attuned to the needs of Māori and Pacific Islander families.

Te Puni Kōkiri<sup>9</sup> plays an important oversight role of Whānau Ora, as part of its statutory responsibilities to promote better outcomes for Māori and monitor outcomes achieved through public sector services. As such, Te Puni Kōkiri and the Commissioning Agencies produce outcome agreements and annual investment plans. The Commissioning Agencies also have the responsibility to produce quarterly and annual reports. To ensure consistency across the Commissioning Agencies, the agencies have five key features:

1. Strategic planning: consulting with whānau to design whānau-centred pathways and opportunities
2. Service specifications and development: whānau are provided with tailored support and funding
3. Strong networks and stakeholder management: the agencies communicate the needs of the whānau with wider regional and national bodies
4. A contracting framework: the non-government commissioning agencies contract with partners and providers to generate outcomes
5. Research and monitoring functions: the agencies are responsible for collecting data and monitoring results for continuous development.

Te Puni Kōkiri and the Commissioning Agencies are overseen further by the Minister for Whānau Ora and the Whānau Ora Partnership Group made up of Māori Community members, other Ministers and officials.

The overall success of Whānau Ora is measured using the Whānau Ora Framework, which was agreed to by the Whānau Ora Partnership. The seven high level outcomes are centred on

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<sup>9</sup> See: <https://www.tpk.govt.nz/en/>

strengthening Whānau communities through self-determination. These outcomes are to ensure that Whānau communities are:

1. Self-managing and empowered leaders
2. Living healthy lifestyles
3. Participating fully in society
4. Confidently participating in Te Ao Māori (the Māori world)
5. Economically secure and successfully involved in wealth creation
6. Cohesive, resilient and nurturing
7. Responsible stewards to their living and natural environments

In 2016, the Whānau Ora Commissioning Agency model was independently evaluated which assessed how well the five key features of the Commissioning Agencies and how well they were achieving the Whānau Ora Framework outcomes. The report concluded that the Commissioning Agencies were showing the key features and outlined the successes of each agency with overall recommendations on how the model could be improved in the future.<sup>10</sup>

Due to the success of the Whānau Ora initiative, in 2016 the NZ government<sup>11</sup> transferred up to \$11.38 million in funding and programs to be allocated across the three agencies with the remainder due to be transferred during the 2017 financial year. This transfer is part of the government's focus on finding new ways to provide services and support for Māori families with the aim of achieving better outcomes for the most vulnerable families, embedding a genuine dual system and a system driven by the Māori people.

One such commissioning agency, Te Pou Matakana, provides funding to local community-based Whanau Ora partners delivering integrated services to whanau. Te Pou Matakana develops tools and resources, including assessment tools and strategic outcome frameworks to support their service partners to provide services to whanau. Te Pou Matakana are clear to take an enabling role that strengthens local decision-making and encourages collaboration for collective impact. Te Pou Matakana further supports impact by developing and maintaining a robust data system to measure impact and empower communities to build evidence of impact focused on the aspirations of whanau. As such, this system is oriented towards achieving sustainable generational change, supporting Maori families to flourish rather than seeking only to address deficits. Te Pou Matakana is committed to be whanau-centred, outcome focused, and transparent and accountable to their communities.

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<sup>10</sup> <https://www.tpk.govt.nz/en/a-matou-mohiotanga/whanau-ora/formative-evaluation-of-the-whanau-ora-model>

<sup>11</sup> <https://www.tpk.govt.nz/.../funding-and-programmes-for-whanaucentred-services>

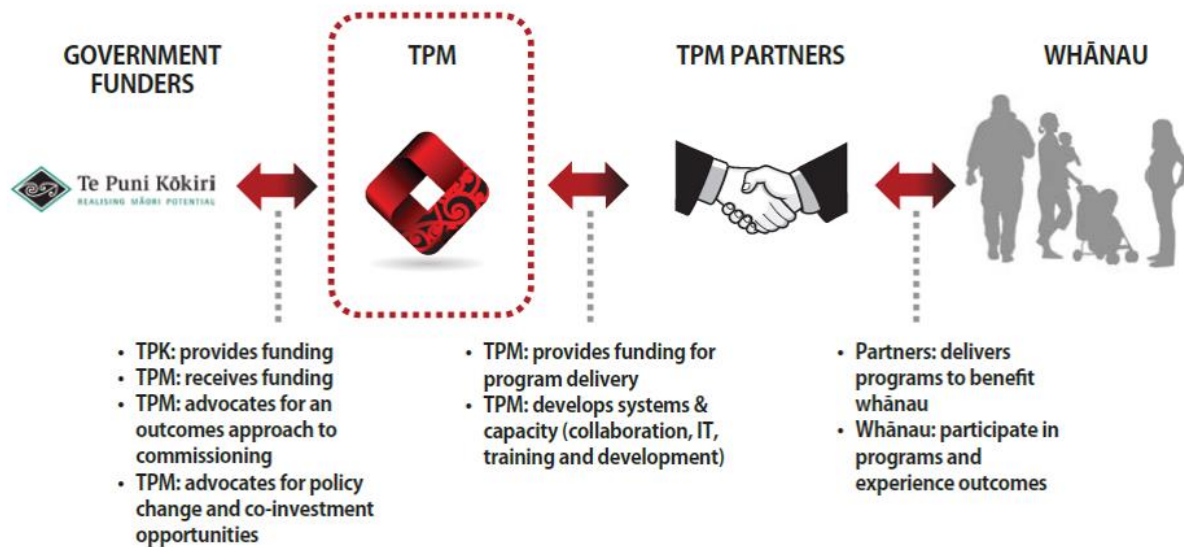


Figure 2: Supplied by Te Pou Matakana

Read about the benefits of Whānau Ora: <https://www.tpk.govt.nz/en/whakamahia/whanau-ora/why-whanau-ora/>

Read more about the work of Te Pou Matakana: <http://www.tepoumatakana.com>

## Case Study: The Manitoba approach

Manitoba has also sought to devolve decision making to First Nations, Metis and Inuit people of Manitoba, recognising that child and family oriented services must respect the culture and values of the families and communities they are intended to serve. Following a partnership process with identified First Nations and Metis governance bodies, there was a commitment to establishing a new governance approach for child and family services.

Through the Child and Family Services Authorities Act 2002,<sup>12</sup> the province of Manitoba created four authorities to administer and provide for the delivery of child and family services. Each of the four commissioning authorities represent distinct communities:

1. First Nations of Northern Manitoba Child and Family Services Authority: representing First Nations peoples in the North
2. First Nations of Southern Manitoba Child and Family Services Authority: representing First Nations peoples in the South
3. Metis Child and Family Services Authority: representing the Inuit people
4. General Child and Family Services Authority: representing all other peoples

The significance of this approach is that it transfers certain rights to First Nations, Metis and Inuit people that were already enjoyed by the majority of citizens in Manitoba; the right to

<sup>12</sup> <http://web2.gov.mb.ca/laws/statutes/2002/c03502e.php>

directly influence, through their own governance processes (for example through elected officials or other political processes), the oversight of child and family services delivered to their community.

The duties of authorities, as outlined in s 19 of the legislation, include the need to:

- promote the safety and wellbeing of children and families
- ensure access to essential child and family services that are culturally appropriate and responsive to the needs of families and communities,
- oversee, support and fund agencies to provide services to families and communities in accordance with established standards and aligned to high level provincial objectives and priorities.

The Minister remains responsible for the overall functioning of the service system, establishing standards, objectives and priorities for the provision of child and family services and monitoring how the authorities are carrying out their responsibilities. The Minister also allocates funding and other resources to these authorities to deliver services to meet objectives and priorities.

Reflecting the importance of self-determination within this system, the enabling legislation explicitly empowers the relevant community controlled organisations (including the Manitoba Keewatinowi Okimakanak Inc., the Southern Chiefs' Organization Inc., and the Manitoba Metis Federation Inc.) to establish the Board of Directors for each authority. For example, the Northern Authority (First Nations of Northern Manitoba Child and Family Services Authority) is governed by 7 Directors, recommended from 7 defined geographical areas that each of the seven mandated agencies serve.

The examples from New Zealand and Manitoba demonstrate a number of key points. First, self-determination is a key principle underlying service provision to Indigenous communities. While this can be achieved in different ways, establishment of a community controlled statutory body, similar to the intent of establishing NSW Aboriginal Housing Office, embeds Indigenous decision making into service design and delivery. Further, such mechanisms enhance community accountability, enabling opportunity to defuse the often politicised environment of Aboriginal child safety, wellbeing and family strengthening. This enables the beneficiaries of such policies and services to directly participate in service design and delivery as well as hold service managers accountable for the performance of the service system. Second, oversight functions increases transparency in outcomes achieved for Aboriginal children and families and empowers Aboriginal communities to implement their own solutions in line with their own expectations and aspirations. Through providing a genuine Aboriginal child and family-centre approach, and affording authority to Aboriginal people and communities for supporting Aboriginal children, families and communities, positive outcomes will in no doubt be achieved, as can be seen from international experience. High-level

accountability can be supported through mutually agreed outcome frameworks that nevertheless provide flexibility at the local level for the development of local priorities and action plans to achieve those outcomes. In addition to giving local communities greater ownership and control over local approaches, this also presents an opportunity to foster innovation through ongoing localised continuous improvement efforts.

## Stages of Commissioning for Aboriginal communities

The NSW Government Commissioning and Contestability Policy articulates a whole-of-government approach to service commissioning focused on achieving desired outcomes for the people of NSW. Through this policy, the NSW government has made a clear commitment to the commissioning and contestability of services focused on the outcomes achieved and the specific needs of communities and service users. The framework invites government agencies to reflect on their role within the service system to achieve the best possible outcomes for service users. However, it does not consider the benefits of investing in a dual system approach for Aboriginal people and communities, which has the potential to achieve greater successes for this cohort. This can be seen as a significant limitation to achieving genuine commissioning for outcomes, particularly in the current context of overrepresentation of Aboriginal children, families and communities in government systems.

Under this policy, commissioning is defined as “an approach to considering the outcomes that need to be achieved, and designing, implementing and managing a system to deliver these outcomes in the most effective way.”<sup>13</sup>

Contestability is defined as “the process of evaluating and benchmarking services against credible alternatives and/or market testing in order to drive productivity, learning and improvement<sup>14</sup>.”

Taking a commissioning and contestability approach is expected to improve services by focusing efforts on the needs and outcomes of service users across the individual, cohort and system level, fostering innovation and driving greater accountability. This includes encouraging engagement with service providers and communities in the design and delivery of services, focused on clearly defined community outcomes and with robust mechanisms for transparency and accountability. It refers to a process by which service user needs are understood, priorities and outcomes are defined, and service models are designed and managed to address needs and achieve outcomes.

The NSW Government Commissioning and Contestability Policy outlines the fundamental activities of a commissioning process, identifying six key stages, each with core objectives and considerations

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<sup>13</sup> NSW Treasury (2016) NSW Government Commissioning and Contestability Policy: Policy paper and guidelines, page 7.

<sup>14</sup> Ibid pp. 8

1. Needs assessment, objectives and outcomes
2. System value chain analysis
3. System design for local results
4. Local strategy and planning
5. Delivery and management
6. Monitoring, evaluation, and learning to enhance results

In AbSec's view, a commissioning and contestability approach to the Aboriginal child and family service system must embed the foundational principle of Aboriginal self-determination, where decision-making is devolved to Aboriginal communities and services are directly accountable to Aboriginal communities for the outcomes pursued and achieved. Such an approach places Aboriginal children, families and communities at the centre of service system design and delivery, oriented towards community-defined outcomes and identified need. A distinct Aboriginal service system is not only necessary but long overdue, reflecting the recommendations of *Bringing Them Home* and subsequent reviews for greater Aboriginal self-determination, with high level outcomes agreed between Aboriginal communities and the NSW Government, with FACS retaining their statutory child protection role working in partnership with relevant local and state-wide Aboriginal community controlled bodies. This would establish a distinct Aboriginal service system delivered through a statutory Aboriginal commissioning and oversight body, aligned to strategic outcomes defined by the Aboriginal community with direct accountability and transparency in outcomes achieved by the service system across the continuum of support.

AbSec identify the following five key stages as important for an Aboriginal commissioning approach:

1. Strategic Framing

This stage of commissioning is focused on understanding the challenges and clearly defining the outcomes to be achieved and how they will be measured. This includes engaging with community and analysis of existing data to support Aboriginal-led development of strategic outcomes. This stage seeks to identify the need at the state-wide level as well at the local community level to enable targeted investment commensurate with identified need.

Consistent with AbSec's *Achieving a Holistic Aboriginal Child and Family Service System for NSW*, strategic framing would examine the underlying factors contributing to child and family disadvantage and dysfunction, and frame a model to address these over time. Supported by clear objectives and outcomes, this strategic frame positions the design and delivery of individually tailored responses within a broader framework that understands the social factors that impact on child and family wellbeing.

With respect to services to Aboriginal communities, this must reflect the principles of self-determination, and enable a strategic setting of an Aboriginal safety-net of community controlled services state-wide. This approach is about empowering Aboriginal communities to make decisions about the types of services they require to address the issues identified through the data in their local context – the issues that lead to out of home care, and child protection involvement.

These stages invite commissioners, service system designers and other stakeholders to analyse the current service system, clearly define the outcomes to be achieved from the ground up and develop a strong understanding about how such outcomes might best be achieved, taking into account the specific needs of the population and appropriate levels of investment from government.

## 2. System design

System design is focused on determining the key elements of a system that is able to deliver on the identified outcomes, including the role of government statutory child protection functions and broader governance processes. This ultimately is about establishing the network of capable Aboriginal controlled organisations to provide for Aboriginal children, families and communities across the state – ensuring accountability back to the communities they serve.

Consistent with the foundational principle of self-determination, this approach proposes establishing an Aboriginal cross-sector statutory body to likewise commission services aligned to the expectations and aspirations of Aboriginal people through a high level Aboriginal child and family outcomes framework. Approaches from other jurisdictions, as well as other fields within NSW, demonstrate that effective Indigenous commissioning models can support the emergence of a strong and effective community controlled service system and drive improved outcomes for communities, alongside more robust regulation and oversight to uphold the rights of Indigenous children and families. In addition to this body, investment in an Aboriginal service system will be critical as the delivery agents and partners within a truly self-determined Aboriginal commissioning model.

AbSec recommends that alongside this transition, an Aboriginal commissioning authority be established by statute, overseeing a distinct Aboriginal child and family service system focused on the core functions of:

- Service system design and investment to improve Aboriginal child safety, wellbeing and welfare
- Overseeing family strengthening and community development to ensure Aboriginal children thrive and achieve positive outcomes in health, education, social and emotional development

- Develop Aboriginal policy and programs based on a strategic outcomes framework for Aboriginal children, families and communities in NSW, ensuring the views, expectations and aspirations of Aboriginal people and communities are upheld
- Monitor and continually improve the functioning of the Aboriginal service system to focus on results
- Monitor the performance of the service system, and other statutory functions as it relates to Aboriginal children, families and communities

This transition to an Aboriginal commissioning approach recognises that the existing service system is not achieving equitable outcomes for Aboriginal children and families, and that a new approach grounded in Aboriginal self-determination is needed to achieve improved outcomes for Aboriginal children and their families – this approach must be through a dual system that is tailored to and focused on Aboriginal children, families and communities. Such a statutory body would administer funding for Aboriginal child and family services, based on analysis of the identified need within Aboriginal communities. It would work in partnership with an established Aboriginal child and family peak body to support local Aboriginal community controlled organisations to build their capacity to deliver effective child and family services to support families to flourish, developing tailored tools and frameworks aligned to the perspectives and aspirations of Aboriginal families and communities.

Like the New Zealand and Manitoba models, an Aboriginal Child and Family Commissioning Authority would be guided by a board of directors appointed through a process to be determined by Aboriginal people. Amongst its roles and responsibilities would include the establishment and oversight of practice standards for service delivery to Aboriginal children and families, the commissioning of local services and monitoring of outcomes achieved, the identification of best practice or promising approaches for dissemination across the network of Aboriginal services, and the active support of Aboriginal service providers to move beyond minimum benchmarks, fostering a high performance culture across the service system. Through its structure, the Aboriginal Child and Family Commissioning Authority would also enhance transparency and trust in the service system amongst Aboriginal people, reporting publicly and directly to Parliament the achievements and challenges across the Aboriginal child and family sector, and advocating directly to government according to community expectation.

It is likely that the establishment and function of the Aboriginal Child and Family Commissioning Authority would be guided by the following principles:

**Aboriginal community-control and oversight:** Aboriginal community-control and oversight of the child and family service system is critical, and has been identified as an important feature of a range of reports and reviews, including *Bringing Them Home*. Not only is Aboriginal control of this important service system a fundamental human rights issue, it also reflects an evidence-based approach to achieving the best possible outcomes for Aboriginal children

and young people and their families. Further, Aboriginal self-determination is a fundamental principle of the *Children and Young Persons (Care and Protection) Act 1998*, and in line with this legislation AbSec calls on the government to negotiate the development of statutory Aboriginal Child and Family Commissioning Authority to oversee and manage an outcomes-focused holistic child and family service system to best meet the needs of Aboriginal people.

**Data-driven funding:** Aboriginal children and families are significantly more likely to experience a range of challenges that increase their risk of contact with the child protection system, reflecting the ongoing impacts of colonisation and marginalisation over the last two centuries (7+ generations). Equitable and targeted assessment in Aboriginal-led solutions is essential to address the over-representation of Aboriginal children and young people and their families across the child protection system. As such, this model calls for investment commensurate with need to be delivered to a holistic Aboriginal child and family system through an Aboriginal Child and Family Commissioning Authority. While a state-wide aggregate is useful for high level target-setting purposes and overall investment, a targeted approach is needed at the local level that matches funding to local need, including greater costs often experienced in regional or remote areas of the state. Resources must be targeted at the local level on the basis of need (rate of notifications/substantiations/entries to care), ensuring that resources are allocated across the state on the basis of a clear understanding of need. This will ensure that local Aboriginal communities are adequately resourced to meet the level of need within their community.

**Outcomes focused funding:** Funding for outcomes is a key principle of a strategic commissioning approach, ensuring return on investment and accountability in the use of public funds. To guide efforts across government agencies, the NSW Government has established the NSW Human Services Outcomes Framework, outlining the key domains of interest for improving the wellbeing of individuals, families and communities in NSW, and the interactions between them.

AbSec and Aboriginal communities more broadly likewise want to see significantly greater impact of investment for families and communities experiencing difficulties. However, at the moment there are limited high level targets within the NSW Human Services Outcomes Framework, and many of these reflect the priorities of government rather than those of Aboriginal people themselves. As noted above, the question of “whose outcomes” is critical, with the articulation of priorities and aspirations (that is, outcomes) a key part of genuine self-determination. As such, high-level outcomes should be co-designed between FACS and an appropriately established Aboriginal Child and Family Commissioning Authority, clearly articulating the aspirations of Aboriginal communities for Aboriginal children and families. Acknowledging the interconnections between outcomes as reflected in the NSW Human Services Outcomes Framework, Aboriginal communities must be empowered to set their own course through defined intermediate outcomes to achieve the agreed high-level outcomes.

**Continuous Improvement:** Aboriginal communities and organisations have expressed frustration at the apparent instability in the current funding of Aboriginal child and family services. Short-term contractual arrangements aligned to FACS funding cycles limit Aboriginal community control of service system design and delivery, and divert efforts from these important client centred, outcomes focused activities in order to report FACS-derived outputs and apply for ongoing funding. While there has been some scope to test new approaches and explore innovative solutions, these often end up as “take it or leave it” propositions following short term pilot funding, rather than seeking to learn from and continuously improve service delivery overall. As noted above, this short-term, programmatic focus has not translated to significantly improved outcomes for Aboriginal children, their families or communities. Further, delays in decision making about ongoing funding often further undermine Aboriginal organisations, including their capacity to retain quality staff in the context of this uncertainty.

AbSec therefore recommends a shift away from this short term, programmatic “pilot” approach towards a culture of continuous improvement. By setting high level targets, and articulating intermediate outcomes on the way to these longer-term achievements, Aboriginal communities will be empowered to develop innovative Aboriginal-led approaches and try, test and learn within a more stable funding environment, driving ongoing incremental improvements in child, family and community outcomes year on year.

**Contestability:** As noted above, contestability of services is a central element to establishing a performance-focused service system, and can be understood as “benchmarking with consequences” offering the credible threat of competition rather than necessarily outsourcing of market-testing<sup>15</sup>. Indeed, governments are often discouraged from outsourcing services where a monopoly for a given asset or resource would be created, as this often leads to higher costs and poorer performance. Where such a monopoly would be created, governments are encouraged to retain those services with contestability achieved through the political process providing competition for the right to manage these services, ensuring direct accountability to the community served.

In our view, similar processes should underlie investment in services to Aboriginal communities, grounded in the principle of self-determination, transparency and accountability, with contestability not driven through government administered procurement processes, but by Aboriginal defined approaches that benchmark what is ultimately important in the effective delivery of services for Aboriginal children, families and communities (recognising compliance with laws, accreditation systems and corporate governance).

This process will be further supported through network-wide benchmarking, providing transparency on performance achievement and clearly reporting results and social return on investment to Aboriginal communities. Benchmarking will be driven by Aboriginal

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<sup>15</sup> Sturgess, G. (2017) ANZSOG influences NSW policy on commissioning and contestability, accessed 18 July 2017, <https://www.anzsog.edu.au/resource-library/news-media/anzsog-influences-nsw-policy-on-commissioning-and-contestability-policy>

communities themselves, providing alignment to community aspirations and expectations with respect to Aboriginal children and families within the broader enabling framework established by the commissioning body. The network of Aboriginal community controlled approaches will also be supported to build and disseminate evidence of effective or promising approaches across communities through the sector peak, serving as an evidence-based clearinghouse or implementation intermediary, providing another source of results benchmarking and informing communities of emerging innovations that may improve outcomes for children and families in their community. This is a key source of competition in outcomes, without undermining the fundamental right of Aboriginal communities to determine our own affairs through our own mechanisms.

**A reinvestment approach:** In line with the idea of “benchmarking with consequences”, AbSec’s approach advocates for reliable and predictable consequences to both under-performance and strong achievement beyond expectations. To combat perverse incentives that may undermine the stability of high performing services, social benefit models can be utilised to re-invest a proportion of savings achieved by high performing services back into those services and communities, allowing greater community development in line with community priorities and targeted resources to maximise outcomes in other areas of disadvantage as identified by Aboriginal communities (focused on Aboriginal child safety, wellbeing and family strengthening).

### 3. Strategy and Planning

The strategy and planning phase is focused on establishing the commissioning framework locally including governance, implementation and performance management aspects. Within an Aboriginal commissioning system, governance of the commissioning system must be Aboriginal community controlled, capitalising on the benefits of representation and direct accountability to drive system performance aligned to the aspirations of the Aboriginal communities served. As noted above, this presents a key mechanism of contestability, with the right to manage the service system dependent on performance and Aboriginal communities (that is, end-users) directly empowered to replace poor performing agents.

Aboriginal communities collectively are best placed to make service design and investment decisions locally, ensuring that services offered are culturally embedded and aligned to the needs of Aboriginal people at the local level, while also achieving a strategic outcomes framework set by a commissioning authority and with support of the non-government peak body. In order to address the issue of poorly coordinated services, a pooled budget approach could be considered on a place-based scale as capacity of the commissioning system is built and local governance arrangements strengthened, allowing communities greater scope to achieve a holistic service system across the continuum of support.

It should be noted that this model is not intended to replace the statutory role within some key service systems (for example, statutory child protection), but strengthen the service system by quarantining and focusing investment in supports to achieve better outcomes for

Aboriginal children and families, and thereby reduce the need for crisis driven interventions by such statutory systems.

#### 4. Implementation and Management

At this phase of the process the commissioning system is established and managed, with adjustments made as required. This includes development and implementation of a performance management framework, with monitoring and reporting of agreed outcomes measures. These measures will also inform evaluation of the overall commissioning model, driving further system improvements. Importantly, this stage is focused on allocating appropriate resourcing to fulfil the need for Aboriginal child and family supports on a particular geographical scale. It is about working with a local Aboriginal partner organisation by investing in a model that they have co-designed with the communities they serve, and establishing the necessary environment for flexibility, and delivery to address Aboriginal child safety concerns, family functioning issues, and community dynamics to enhance child and family wellbeing.

Management of such service provision is conducted locally through Aboriginal community controlled and managed organisations, ensuring appropriate delivery across communities that they serve, as well as targeting of resources to address identified needs and meeting outcomes for Aboriginal children and families. Overtime, such an approach on a localized scale, through holistic service provision, in AbSec's view, will result in reductions to statutory interventions from authorities such as child protection. To date, existing models proposed and pursued by governments have not worked, and such a model proposed in this paper intends to shift the focus to one that is genuinely Aboriginal designed, delivered and managed for better outcomes for Aboriginal children and families in NSW.

#### 5. Monitoring, learning and evaluation

The final phase includes ongoing monitoring of performance and the outcomes achieved, making required adjustments and considering the next steps to be taken prior to the next commissioning round. For example, this might include consideration of the objectives and outcomes, and how these might best be achieved.

The Aboriginal Commissioning Authority would establish the minimum standards and frameworks for the funding of services to Aboriginal children and families. In particular, this commissioning approach will require investment to include and empower local Aboriginal communities to drive investment decisions aligned to agreed outcomes and local conditions. This might include an individual service provider providing the full range of services as a single "one-stop-shop", or a network of local providers collaborating for impact in pursuit of shared goals. Critically, these decisions will be made by local communities themselves, within frameworks established by the Aboriginal commissioning body, and aligned to a shared outcomes framework. Importantly, such an approach would also be supported by a non-government Aboriginal child and family peak body that enables the Aboriginal commissioning

authority to remain transparent to its processes. This approach provides maximum flexibility for innovation and service system design at the local level, with robust data systems promoting transparency and accountability at the local and state levels – enabling genuine reporting on outcomes and trends to government and the public on expenditure within the system.

Within an Aboriginal commissioning system, the Aboriginal child and family outcomes framework would be applied by all organisations delivering services to Aboriginal children and families, supported by robust data infrastructure. This allows stakeholders across the service system to review relevant details, building a relevant evidence-base from which to make decisions about future directions. For example, at the systems level de-identified data will support performance management across different geographic areas, identifying high performing areas and sharing knowledge of best practice across the network. Similarly, gaps in the service system undermining child and family outcomes will be able to be identified and shared to strengthen investment in relevant services and responses.

Critically, this data will be owned and controlled by Aboriginal communities themselves, empowering communities to drive improvements and efficiencies aligned to community priorities and aspirations. In our view, data sovereignty is a critical piece of an effective Aboriginal service system, however current data is often invested only in government, with extremely limited access extended to Aboriginal communities and their organisations. The existence of Aboriginal community controlled data infrastructure will empower communities at the local and state-wide levels to make informed policy and investment decisions that strengthen families to achieve their aspirations.

These processes will be supported by an Aboriginal sector peak oriented towards capacity and capability of the Aboriginal sector, promoting best practice and sharing evidence and innovative practice with Aboriginal communities to inform local decision making. However, the complementary roles and functions of the Aboriginal commissioning body and sector peak will contribute to the continuous improvement of local community controlled service provision, supporting communities to make informed decisions to achieve their aspirations for Aboriginal children and families.

## **Achieving a commissioning approach to Aboriginal child and family services in NSW**

Achieving a strategically commissioned holistic Aboriginal service system will require a long-term commitment from the NSW government to establish a new approach to Aboriginal child and family services – a dual system focused on the needs of Aboriginal children and families to address the crisis of overrepresentation of Aboriginal children in the child protection system in NSW. Such an approach, based on the foundational principles of Aboriginal self-determination, transparency and direct accountability, is long overdue, and reflects the recommendations of multiple recent reviews of the existing system, as well as provides an

opportunity for rationalisation in investment to reach the intended end-user of the system – Aboriginal children and families. This approach seeks to achieve better outcomes for Aboriginal children and families, empowering Aboriginal “decision-making carried through into implementation”<sup>16</sup> to address the factors contributing to adverse childhood experiences, strengthening families and communities to support all Aboriginal children to thrive. AbSec’s proposed commissioning approach includes a partnership between Aboriginal communities and government, facilitated by a statutory Aboriginal commissioning body with the support of a non-government Aboriginal child and family peak focused on supporting system functioning. The model defines the role of statutory child protection functions as standalone from an investment based system in support to address the needs of Aboriginal children and families, and to focus such investment on tackling the causes of overrepresentation from an Aboriginal perspective.

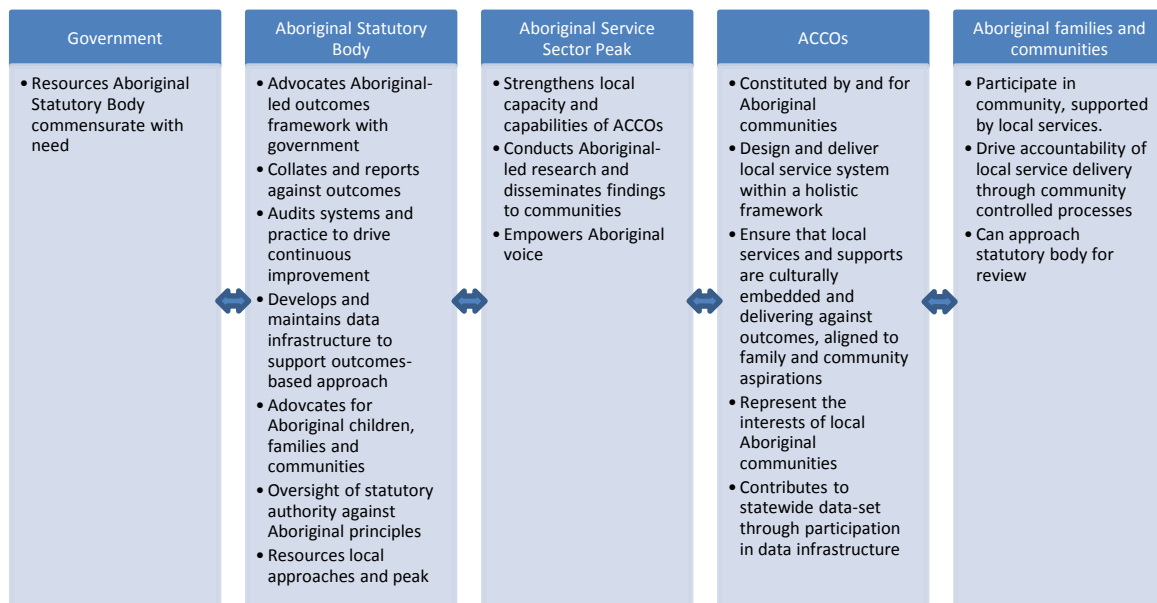
Models similar to those proposed for management of Aboriginal culture and heritage, or the intent of the Aboriginal Housing Office model, could provide a useful framework for the establishment of an Aboriginal commissioning approach, providing state-wide oversight and advocacy while promoting local decision making in service design and delivery. Te Pou Matakana emphasised the importance of local decision-making, empowering local communities to come together and work towards achieving their goals aligned to their context. This will be similarly important in New South Wales, with diverse communities, including differences in access to service and support, requiring local solutions. However, the Aboriginal commissioning authority can play an important performance management and support role, providing information to local communities and their organisations and supporting research initiatives through the Aboriginal peak body to provide communities with access to critical information and evidence focused on outcomes and impact. The commissioning authority would establish key minimum standards for service coordination and delivery, including participation in outcomes measurement and local community control, promoting flexibility and innovation in service delivery, as well as an accountability and oversight mechanism over statutory systems, such as child protection, to ensure fair treatment and due process for Aboriginal children and families.

Finally, an Aboriginal commissioning approach requires a robust, Aboriginal community controlled data system to monitor impact against immediate, medium and long term outcomes. This is essential to ensuring direct accountability to local Aboriginal communities for investment and service delivery, and to drive Aboriginal-led solutions supported by a strong evidence-base as part of an embedded process of continuous improvement.

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<sup>16</sup> Human Rights and Equal Opportunity Commission (1997) *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia. pp.276 Available: [https://www.humanrights.gov.au/sites/default/files/content/pdf/social\\_justice/bringing\\_them\\_home\\_report.pdf](https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf), accessed 2 May 2018

Through establishing an Aboriginal commissioning approach, the framework for investment in Aboriginal child and family services will be characterised by a genuine self-determination approach operating as a dual investment Aboriginal child and family system, will be directly accountable to the Aboriginal families and communities it serves, and will be aligned to the specific needs and aspirations of communities, supported by robust data systems to empower Aboriginal communities in their decision making about local service system. These elements are collectively critical to the delivery of effective services to Aboriginal people, however have been consistently absent from existing service systems. In our view, building these principles into the commissioning model itself is essential to their full implementation in practice, ensuring their benefits can be realised.



## Government

The statutory child protection system would remain responsible for statutory actions such as receiving notifications and assessing risk, and would work alongside the Aboriginal statutory commissioning body and peak body to promote robust and effective decision-making, guided by the broad elements of the Aboriginal Child Placement Principle: *prevention, partnership, placement, participation and connection*. As a steward of the system, the NSW government will support the establishment of an Aboriginal child and family outcomes framework to guide the overall orientation of the child and family system. Likewise, the government will direct funding to the Aboriginal child and family sector through the statutory commissioning body, aligned to the identified need facing Aboriginal communities, but will remain agnostic to the specific approaches taken by local Aboriginal communities to achieve the defined outcomes. Finally, the government can engage with stakeholders within the Aboriginal sector for policy advice regarding their ongoing statutory role under the *Children and Young Persons (Care and Protection) Act 1998*, driving better assessment and child protection casework practice with Aboriginal families.

## **Aboriginal Statutory Body**

This Aboriginal Child and Family Body would serve a number of key roles, but would be an independent statutory body. Reporting directly to Parliament, this Aboriginal body would be responsible for working with Aboriginal communities to establish high-level goals and enabling frameworks to empower local Aboriginal communities to design, deliver and continuously improve the provision of quality, culturally-embedded holistic child and family services in their communities. AbSec has previously described the nature of such a service system in *Achieving a holistic Aboriginal child and family service system for NSW*.

As a commissioning body, the Aboriginal Child and Family Body would direct investment to Aboriginal communities according to identified need, and aligned to mutually agreed outcomes. From a commissioning perspective, the Aboriginal Child and Family Body would be agnostic with respect to the specific approaches taken by local communities to achieve identified outcomes, however would establish and oversee a commissioning framework that prioritises local Aboriginal decision making in service design and delivery and provides accreditation for Aboriginal service provider organisations aligned to the expectations of Aboriginal communities – with investment in a peak body to support capability and capacity development, as well as research and evidence. This Body would be responsible for the implementation of the commissioning principles outlined above within an Aboriginal context, including Aboriginal community control and oversight, data-driven funding, outcomes-focused funding, continuous improvement, contestability and reinvestment.

This statutory body would also establish and oversee a state-wide data system to promote direct accountability, reporting key indicators at regular intervals and working with Aboriginal communities through their own organisations to drive localised, data-driven approaches. Key to this role would be overseeing social return on investment and accountability across communities.

The Aboriginal Child and Family Body would also be uniquely placed to provide a whole-of-system oversight role, advocating on behalf of Aboriginal children, families and communities with respect to the operation of the statutory system and contribute to more effective approaches through data, evidence and expertise. This role would complement or absorb that of existing regulatory authorities including the NSW Ombudsman and Office of the Children’s Guardian, and may include establishing specific Aboriginal-led guidelines and standards to promote best practice for Aboriginal children and families.

## **Aboriginal Community-Controlled Peak Body**

The Aboriginal Community-Controlled peak body, a representative body for Aboriginal Community-Controlled Organisations, would complement the role of the Aboriginal Statutory Body, translating research to practice to further strengthen the service system response for Aboriginal communities.

The Aboriginal Community-Controlled Peak Body would be responsible for strengthening and maintaining a state-wide network of Aboriginal services, undertaking capacity and capability building work in partnership with local communities and other partners including government and non-government organisations, including workforce development and supporting workforce participation. There is a particular need to strengthen access in many regional and remote areas of the state, and the Peak Body would be responsible for regularly reporting a systems health check focused on equitable access to and outcomes achieved by the holistic service system.

In building the capacity and capabilities of the Aboriginal sector, the Aboriginal peak body would also work to integrate local evidence from the state-wide data system as well as other jurisdictions to inform best practice approaches in across the Aboriginal service system. In addition to strengthening the local evidence-base, including data analysis and independent, Aboriginal-led research projects, the peak body would be ideally placed to disseminate findings across the state-wide network of community bodies. This role would be somewhat similar to that served in other jurisdictions by evidence-based public policy research centres, driving transparent research to inform effective approaches in Aboriginal child and family services. The intent here is not to prescribe particular approaches onto communities, but to equip all communities with up-to-date knowledge of promising or proven approaches achieve identified outcomes. Importantly, the Peak Body would be the conduit to ensure an empowered Aboriginal voice in system functioning, design and performance over time.

**Aboriginal Community-Controlled Organisations** Aboriginal Community-Controlled Organisations are a critical element in promoting “as much self-determination as possible” for local Aboriginal communities. In AbSec’s view, an Aboriginal community controlled organisation is one that:

- is an independent, not-for-profit organisation that is incorporated as an Aboriginal organisation
- Has been initiated by, and is controlled and operated by Aboriginal people
- Is based in a local community or community
- Is governed by an Aboriginal Board, elected by members of the local community or communities in which it is based, with decision making of the Board determined by Aboriginal board members
- Delivers services that build strength and empowerment in Aboriginal communities and people.

Aboriginal community controlled organisations provide a clear mechanism of local Aboriginal governance with respect to the design and delivery of services to Aboriginal communities, as well as promoting direct accountability to the community for the approaches taken and outcomes achieved. The right to manage such organisations would be a source of competition

to drive outcomes; failure to meet community expectations of performance would place pressure on the Board to change the organisation, or changes to the Board. In this way, Aboriginal community-controlled organisations are distinct from other non-government services, including an important Aboriginal governance function to empower individual members of local communities to participate in local decision-making.

Through such mechanisms, Aboriginal community controlled organisations will establish local priorities and action plans and design services and supports to meet the needs of Aboriginal community members, directing investment into implementation of community decision-making and reporting on outcomes achieved, both to the local community and to the Aboriginal Child and Family Body. Aboriginal community controlled organisations would be the benchmark provider of supports to Aboriginal children and families, with the provision of such supports primarily provided through an Aboriginal community controlled network state-wide – ensuring that the role of a government agency is to only focus on their statutory responsibilities in a child protection system, this will allow for greater rationalisation and less duplication of effort.

### **Aboriginal Families and Communities**

Aboriginal children and families are the focal point of a holistic Aboriginal child and family system, as outlined in both *Achieving a holistic Aboriginal child and family service system for NSW* and associated papers as well as the *Aboriginal Case Management Policy* developed by AbSec. It is therefore critical that the service system is oriented towards delivering supports tailored to their needs and focused on achieving their aspirations as Aboriginal families, including their aspirations for their children's futures. Individuals and families will participate directly and through their representative Aboriginal community controlled organisations in the ongoing development of high-level outcomes, and service system design and delivery. Further, their engagement with and feedback about local service provision across the continuum of care, and response to localised performance measures will guide the continuous improvement of local services. This model is predicated on the understanding that Aboriginal communities have the solutions, are must be empowered to determine and implement these solutions through their own processes, and supported by evidence. This approach will ensure local accountability, however includes broader mechanisms that complement existing regulatory structures to further support equitable access to effective, culturally embedded services and supports for all Aboriginal children and families.

## **Conclusion**

Achieving better outcomes for Aboriginal children and their families remains a critical social and economic issue for NSW. As repeated reviews and inquiries have found, a new approach to Aboriginal child and family services is needed that empowers Aboriginal communities to design and deliver services tailored to the needs and values of their communities, aligned to mutually agreed objectives and outcomes. It is noted that the objectives of the Aboriginal

community-controlled sector, to strengthen Aboriginal families and communities and provide the supports and services they need for their children to thrive is consistent with the objectives of the NSW Government, and includes shared outcomes regarding addressing the over-representation of Aboriginal children in the statutory child protection system, and improving outcomes for all Aboriginal children and young people, particularly those facing the greatest risk of poor outcomes.

Drawing on examples from other jurisdictions, AbSec proposes the establishment of a statutory Aboriginal Child and Family Commissioning Authority, to operate in parallel to the stewardship functions of government, administering funding to a holistic Aboriginal child and family service system and providing critical oversight, accountability and support.

The NSW Aboriginal child and Family sector is optimistic that the NSW government's overall transition towards a strategic commissioning framework will provide the opportunity to create an innovative, flexible and responsive Aboriginal service system that provides the services, supports and assistance Aboriginal children, young people, families and communities need when they are needed – delivering the best possible outcomes to address the current crisis of overrepresentation in the child protection system in this state. A distinct approach that respects the self-determination of Aboriginal people and provides the a genuine opportunity to participate in the design and delivery of services intended to strengthen Aboriginal families and improve outcomes for Aboriginal children is critical to the success of any Aboriginal child and family system.

AbSec is committed to a culturally appropriate and responsive holistic service system that is child and family centric with Aboriginal children, young people, parents and families at the centre of a service system that delivers targeted, individual services that have been designed to meet the identified needs of the child, young person and family. The commissioning approach can facilitate outcomes-focused, transparent and accountable service delivery and responsiveness to the needs of diverse Aboriginal communities. Over the long term, this will develop an agile sector that delivers integrated services within an evidence-based framework that will reduce the intrusive and costly over-representation of Aboriginal children in the OOHC system.

Finally, this approach will generate a collaborative, outcomes-oriented system while preserving competitive tensions as required under strategic commissioning and direct accountabilities to drive practice improvement and encourage innovation – from an Aboriginal perspective. This approach will deliver long-term, sustainable outcomes for Aboriginal children, families and communities while reducing the long-term social and unsustainable economic costs of the system; however will require visionary leadership from government and long-term investment.