



Aboriginal Targeted Earlier Intervention Strategy

AbSec Submission

November 2017



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 child and family organisation in NSW. AbSec is committed to advocating on behalf of Aboriginal children, families, carers and communities, and 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 tailored approach to Aboriginal child and family supports delivering universal, targeted and tertiary services within communities that cover the entire continuum of support 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.

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:

- acknowledging and respecting the diversity and knowledge of Aboriginal communities;
- acting with professionalism and integrity in striving for quality, culturally responsive services and supports for Aboriginal families;
- 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;
- being holistic, integrated and solutions-focused through Aboriginal control in delivering for Aboriginal children, families and communities; and
- 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

The development of an Aboriginal strategy focused on the needs of Aboriginal children, families and communities is long overdue. Aboriginal people continue to be over-represented across the continuum of support, and yet often appear under-represented in services to address risk. Of particular concern, the over-representation of Aboriginal children and families within the statutory system appears to grow as we look at more intrusive actions taken across the continuum. For example, the draft *AbSec Targeted Earlier Intervention Strategy 2017-2021* notes that while Aboriginal families are 21.5% of all children and young people reported at risk of significant harm, they are 37% of all children and young people in out-of-home care. This appears to suggest that interventions across the continuum of support within the current FACS administered system are less likely to successfully divert Aboriginal families from more intensive and intrusive interventions relative to their non-Aboriginal peers.

Clearly, a new approach is needed to more effectively meet the needs of Aboriginal children and families, providing the structures and supports Aboriginal families need to overcome disadvantage and other challenges as early as possible, preventing an escalation of risks and supporting all Aboriginal children to thrive. This is the challenge of the current Targeted Earlier Interventions reforms.

AbSec’s Perspective

In understanding the steps we might take to best meet the needs of Aboriginal children and young people, their families and communities, it is essential that we look at our past and learn the lessons of our history. The wounds of past practices are etched into Aboriginal children, families and communities. They have been clearly articulated in *Bringing Them Home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families. Fundamentally, these past actions reflected the sense of cultural superiority associated with colonialism, resulting in the paternalism that characterised a range of policies directed to Aboriginal people by the New South Wales (and other States, Territories and Federal governments), including segregation, protection, absorption and assimilation.

Bringing Them Home clearly linked these past practices with the current national over-representation of Aboriginal children and young people within contemporary child protection systems. In particular, self-determination was identified as a necessary foundation in the operation of any child and family system for Aboriginal children, families and communities, and urged genuine efforts to implement self-determination across the child protection system. Self-determination was defined as the “collective right of peoples to determine and control their own destiny”¹. *Bringing Them Home* pointed out that this is more than simply consultation about what services might be delivered, or participation in the delivery of services, but rather includes the defining feature of “Indigenous decision-making carried through into implementation”².

¹ 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*, available at: https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf, pp. 276

² *ibid*

“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”

In our view, this is an essential foundational principle of the Aboriginal Targeted Early Intervention Strategy (and an Aboriginal child and family sector more broadly); promoting Indigenous decision making carried through to implementation by providing the financial and other resource support needed for Aboriginal programs and policies, determined through Aboriginal Community Controlled processes.

This is subtly distinct from the approach currently taken, which in some ways appears to position the Aboriginal Targeted Earlier Intervention Strategy under the broader “umbrella” of Targeted Earlier Intervention Strategy. Rather, AbSec see the Aboriginal Targeted Earlier Intervention reforms within the broader framework of AbSec’s holistic Aboriginal child and family system³. It may therefore be worth establishing the Aboriginal Targeted Earlier Intervention Strategy as a compact between FACS and AbSec enabling a distinct, Aboriginal-led approach to targeted earlier interventions as part of a broader holistic approach to Aboriginal child and family services.

By clearly creating an Aboriginal Targeted Earlier Intervention Strategy that is aligned with but nevertheless distinct from it with respect to its governance, commissioning and implementation provides a clear commitment to a new approach for Aboriginal children, families and communities grounded in the principle of self-determination. A differentiated Aboriginal approach will also align the Aboriginal Targeted Earlier Intervention Strategy with broader actions across the continuum of support, including the development of the Aboriginal Case Management Policy and Rules and Practice Guidance, and reflect the commitment to Aboriginal-led policy and frameworks established through the *AbSec/FACS co-design Plan on a Page for Aboriginal Children and Young People 2015-2021*. AbSec would further recommend that such an approach would be most likely to achieve the target of 30% of all funding directed to Aboriginal community controlled service delivery by 2021, linking this funding to a distinct Aboriginal commissioning approach as part of the Aboriginal Targeted Earlier Intervention Strategy. Such an approach would be forward focused, promoting alignment with the co-design goal of an Aboriginal community controlled child and family system that is best placed to support Aboriginal children and families to thrive.

Recommendation 1: That the Aboriginal Targeted Earlier Intervention Strategy be established as a distinct strategy to oversee the delivery of Targeted Earlier Interventions services and supports to Aboriginal communities as part of a holistic Aboriginal service system. This would include a genuine Aboriginal-led approach aligned to agreed outcomes, with distinct commissioning and implementation reflecting the principle of self-determination and aligned to achievement of stated funding targets.

Specific Feedback

Purpose

In general, the Purpose defined in the draft *AbSec Targeted Earlier Intervention Strategy 2017-2021* is consistent with the position of AbSec. AbSec sees the Targeted Earlier Intervention segment of the

³ AbSec (2016) *Achieving a Holistic Aboriginal child and family service system for NSW*.

continuum of care as part of an Aboriginal Community Response, providing a universal safety net that supports all Aboriginal families to thrive and extending through to targeted child and family supports, including a key worker or case management element⁴. This is particularly important to vulnerable Aboriginal families, reducing both the risk and incidence of harm and creating a positive early environment for children with responsive adults and where familial stressors are managed.

Listening

The draft *AbSec Targeted Earlier Intervention Strategy 2017-2021* states that an underlying principle of the Targeted Earlier Intervention reform is that Aboriginal communities lead the design and delivery of services for Aboriginal communities. This reflects the fundamental right of Aboriginal communities to self-determination, and should be clearly stated in those words.

Further, this principle should be reflected across all levels of the Targeted Earlier Intervention reform with respect to Aboriginal children, families and communities, reinforcing the importance of a differentiated approach that is clearly distinct from the broader Targeted Earlier Intervention reforms, however still aligned with respect to the purpose and outcomes to be achieved.

This section would not be necessary within a truly differentiated Aboriginal strategy. Rather, the strategy would focus on the principles and elements required to achieve a self-determined Aboriginal Community Response, including governance, commissioning, Aboriginal-led measures and outcomes frameworks, evaluation and continuous improvement.

Recommendation 2: That a differentiated Aboriginal Targeted Earlier Intervention Strategy outlines a distinct, Aboriginal-led approach to commissioning, measures and outcomes frameworks, evaluation and continuous improvement, position the strategy as a key element of a truly holistic Aboriginal child and family service system.

Commitment

The commitment section outlines broader aims and objectives stated by FACS, including the FACS Strategic Statement, the Aboriginal Cultural Inclusion Framework 2016-18 and the Targeted Earlier Intervention Strategy vision (previously included in the Purpose section). This could be simplified by clearly articulated the outcomes or objectives of the strategy, and introducing the key actions to be undertaken by FACS to achieve these objectives.

Similarly, it is unnecessary to include the target groups for the Targeted Earlier Intervention reforms, given that Aboriginal children, young people, families and communities is one of the target groups. Rather, this strategy represents the broad enabling framework through which FACS will achieve better outcomes for target group. This again reinforces the rationale for a differentiated Aboriginal Targeted Earlier Interventions Strategy as the best way to improve outcomes for this identified priority group, positioning the Aboriginal Targeted Earlier Interventions Strategy as a key element of a holistic Aboriginal child and family system.

Principles

The principles and approaches articulated within this section are broadly consistent with the views of AbSec, however further consideration of how they might be best captured within the Strategy is

⁴ ibid

required. AbSec would recommend aligning with the objectives and actions suggested above providing a single point of reference for the broad objectives, principles and actions within a differentiated Aboriginal Targeted Earlier Interventions Strategy.

Legislative and Policy Framework

AbSec acknowledges the important role of these documents. The UN Declaration on the Rights of Indigenous Peoples, as a key international instrument to which Australia is a signatory, should be included. There is a need to ensure greater implementation of the UN Declaration on the Rights of Indigenous Peoples into our domestic legislative and policy framework.

Recommendation 3: That the UN Declaration on the Rights of Indigenous Peoples is acknowledged, providing a clear human rights framework for a differentiated Aboriginal Targeted Earlier Intervention Strategy that reflects the key principle of Aboriginal self-determination.

Making it happen through participation

Bringing Them Home clearly articulated that participation and consultation are insufficient to achieve meaningful change for Aboriginal children and families.

“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 have not been determined by Indigenous peoples. Inherent in the right of self-determination is Indigenous decision-making carried through into implementation.”⁵

As such, AbSec is concerned that this section is not consistent with the foundational principle of self-determination. AbSec appreciates the importance of ensuring that all Aboriginal stakeholders are able to have their voices heard within the development of an Aboriginal Targeted Earlier Intervention Strategy, and indeed in the broader development of a holistic Aboriginal child and family service system. However FACS is not best placed to undertake this work, and care must be taken to consistently reinforce the principle of Aboriginal self-determination; Aboriginal decision-making carried through to implementation. As the Aboriginal child and family peak in NSW, this work is within AbSec’s mandate, with the principle of self-determination through community governance a cornerstone of AbSec’s models and frameworks. This further demonstrates the logic of creating a distinct Aboriginal Targeted Earlier Intervention Strategy, overseen by AbSec in partnership with FACS, aligned to agreed principles and outcomes.

Aboriginal Targeted Earlier Intervention Strategy Action Plan

In this section, the Key Priorities are introduced. These could be framed earlier in the Strategy as the actions taken to meet the objectives, in line with the principles. Doing so would likely see some changes to the Key Priorities, Outcomes and Actions, although broadly still consistent with the principles outlined in the draft *AbSec Targeted Earlier Intervention Strategy 2017-2021*. As noted

⁵ 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*, available at: https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf, pp. 276

above, AbSec will have a key role in the establishment, implementation and oversight of the priorities, outcomes and actions outlined within the strategy. AbSec acknowledges the proposal from FACS to hold a specific Aboriginal consultation prior to finalising the priorities, outcomes and actions of the Aboriginal Targeted Earlier Intervention Strategy, and AbSec looks forward to participating in that conversation. Reflecting the principle of self-determination, it is important that final endorsement of the strategy reflects a genuine agreement and partnership between FACS and Aboriginal communities, represented by AbSec as the child and family peak. As such, AbSec proposes establishing the strategy as a compact between FACS and AbSec.

In AbSec's view, self-determination must be prioritised, taking a primary position within the strategy. This reflects the fact that without genuine self-determination, all other actions are fundamentally paternalistic in nature, representing external decision making imposed on Aboriginal children in families based on an external view of what is in the best interest of Aboriginal children and families. Similarly, it is likely that greater self-determination will have natural down-stream consequences with respect to the cultural embeddedness of service delivery and the cultural competency of the workforce.

Actions should focus on higher level levers for action, including divesting decision making to Aboriginal communities and through Aboriginal processes. This includes establishment of an independent Aboriginal body appropriately empowered to oversee commissioning, service system design and delivery and outcomes achieved for Aboriginal children and families. An Aboriginal community controlled commissioning approach will embed the principle of self-determination into the very fabric of the Targeted Earlier Intervention system, empowering Aboriginal communities to invest in the services and supports they feel are most likely to achieve their goals and aspirations for their children and families. This might include a distinct Aboriginal outcomes framework, consistent with the evidence reflected in the NSW Outcomes Framework but appreciating that elements of child and family outcomes are inherently cultural, as are priorities and strategies for achieving them (updating Action 12). It is essential we have a common, agreed language with which to discuss implementation and ongoing continuous improvement. In our view, this is where many of the issues identified through the consultations (outlined on page 3 of the draft *AbSec Targeted Earlier Intervention Strategy 2017-2021*) could be integrated, including Aboriginal-led service system design, culturally embedded service delivery and outcomes focused data collection and reporting.

AbSec endorses the high level 30% target of funding to Aboriginal service delivery by 2021, if and only if Aboriginal service delivery means through Aboriginal community controlled mechanisms. Further, AbSec appreciates that while this reflects a state-wide target, it would best be locally aligned to need in practice to ensure that communities of greater need are not under-resourced. As noted in action 2, where capacity is limited services might be delivered through existing non-government organisations. However, it is essential that in such circumstances there is a clear requirement for meaningful community engagement and a community-led plan to transition those services to Aboriginal community control as part of the service contract. Ideally, those organisations with a demonstrated commitment to strengthening and supporting Aboriginal service delivery and successfully transitioning services to the Aboriginal community controlled sector would be prioritised in this process. An Aboriginal commissioning approach would support Aboriginal community control in these circumstances, strengthening community confidence in and access to services through direct accountability processes.

Targeted Resources

As noted above, the 30% target is noted. It is essential that “Aboriginal service delivery” be clearly defined as “through Aboriginal community controlled organisations/mechanisms”, consistent with the principle of self-determination. This view appreciates the essential presence of Aboriginal community governance that is absent from other types of organisations or approaches.

Similarly, AbSec is considered about commissioning language that emphasises that decision making ultimately is retained by FACS. AbSec continues to advocate for greater innovation in the pursuit of Aboriginal self-determination, including the establishment of a statutory Aboriginal commissioning body. AbSec appreciates that such reform is beyond the scope of this project, but could nevertheless be achieved in practice through a transitional policy approach that establishes independent Aboriginal oversight of commissioning decisions and requires consensus in decisions.

How will we measure success

As noted above, while the broader NSW Outcomes Framework provides an overview of the domains that might be affected by Targeted Earlier Intervention programs and the interactions between them, understanding outcomes and priorities for achieving them is an inherently cultural issue. Determining the parameters of success is an essential part of self-determination. As such, a distinct Aboriginal Outcomes Framework is warranted, including how these domains are best measured. This will include consistent features such as escalation and diversions, as well as population specific elements including identity and other outcomes.