



# Child Protection Services And Indigenous Children

## The Continued Journey

A Report into the Review of the  
operation of the 1992 Protocol between the  
Victorian Aboriginal Child Care Agency  
and Department of Human Services

2001

**CHILD PROTECTION SERVICES  
AND  
INDIGENOUS CHILDREN**

**THE CONTINUED JOURNEY**

**A REPORT INTO THE REVIEW OF THE OPERATION  
OF THE 1992 PROTOCOL BETWEEN THE VICTORIAN  
ABORIGINAL CHILD CARE AGENCY AND  
DEPARTMENT OF HUMAN SERVICES**

**2001**

### **The Continued Journey**

The campfires represent organisations that are striving to achieve common goals.

The footsteps travelling along the pathway signifies the ongoing commitment and working partnership between DHS and VACCA to improve outcomes for Aboriginal children.

The figures symbolise the spirit of open communication and mutual respect, ensuring that the cultural needs of Aboriginal children are considered.

Artwork and story by Joanne Dwyer

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## **INTRODUCTION**

In 1992 a protocol between the Victorian Aboriginal Child Care Agency (VACCA) and the Child Protection Program within the Department of Human Services was established in response to the implementation of the Children and Young Persons Act (CYPA) 1989. In 2001 the Department of Human Services undertook consultation with DHS, Aboriginal services and members of the Aboriginal community for the purpose of reviewing the operation of the 1992 protocol and developing a new protocol.

The consultations involved regional focus groups, which comprised members of the local Aboriginal community, local Aboriginal service organisations, Statewide Aboriginal organisations and regional DHS Child Protection workers. The process of consultation was inclusive, with a priority of ensuring as many members of Aboriginal agencies working in the child welfare field and the Aboriginal community have contributed to the inception and development of a new protocol (Refer to Appendix A – Attendance List). Consultations have revealed clear directions and themes as to how Child Protection intervention should be conducted with Indigenous children and young people.

In the interest of providing a document that is concise and meaningful, this paper provides background information, a description of the review process and a summary of the findings and issues arising from the consultations that provide a basis for a new protocol. The final section of the paper provides a list of recommendations which arose from the focus group discussions and extend beyond the scope of a new protocol to a collaborative approach to ensure the safety and well being of Indigenous children and young people.

## **BACKGROUND**

Findings from reports such as the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families* have illustrated 'the multiple and disabling effects' resulting from the removal of Aboriginal children from their families and communities. The protocol between VACCA and Department of Human Services (1992) represented an agreement between these organisations to ensure that decisions relating to Aboriginal children notified to child protection are made with the involvement of members of the Aboriginal community. The underlying aim of this consultation is to ensure that where possible Aboriginal children remain in the care of their families and communities and that alternatives to placement of Indigenous children and young people with non-Indigenous carers are fully explored.

In Victoria in the 1970s, workers in the Victorian Aboriginal Legal Service (VALS) identified the need for an Aboriginal childcare agency. The available statistics at that time indicated that prior to 1977 ninety per cent of the Aboriginal children identified by the Legal Service's staff were in non-Aboriginal foster or adoptive placements. Staff also identified that a large number of their adult clients had been removed from their families in

childhood and that there were second and third generations of Aboriginal people affected by previous forced removal (Butler, 1993:9).

Although staff of the Victorian Aboriginal Legal Service were aware of the effects of forced removal of Aboriginal children from their families, of major concern was the lack of support services available to assist people to cope with the difficulties they were facing. The Victorian Aboriginal Legal Service sent staff member Mollie Dyer to the United States to research the support systems available to Native Americans and she returned with details of potential service models. Inspired by the success of Native Americans in reducing the rate of child removal, and in particular the Yakima Indian Nation, Mollie returned to Australia to establish the Victorian Aboriginal Child Care Agency (VACCA). VACCA soon became a model and source of inspiration and support for the establishment of similar agencies in other States and Territories.

Since VACCA was established the agency has grown to match the complex and extensive needs of Aboriginal children and families. VACCA currently consists of the following program areas:

- The Lakidjeka Crisis Service;
- The Family Support Service;
- The Extended Care Service;
- The Permanent Care Service;
- Wilke Kwe Aboriginal Family Preservation Program;
- The Kurnai Youth Homelessness Service; and
- The Link Up Program.

The Lakidjeka Crisis Service is the VACCA program which responds to the request for consultation and case support from Child Protection staff. Until 1999 the Lakidjeka program was known as the Child Care Service. The word *Lakidjeka* is the Yorta Yorta word meaning 'child' and the Yorta Yorta elders have consented to VACCA's use of the word to describe their service. The Lakidjeka Crisis Service is a Statewide program staffed by a co-ordinator and 4 caseworkers. Current funding for Lakidjeka is allocated by VACCA from Commonwealth funding they receive for research and infrastructure.

## **METHODOLOGY**

### Initial Consultation

- Initial consultation took place between the VACCA CEO, nominated Board Member(s), the Lakidjeka Co-ordinator and three members of the Department of Human Services Child Protection and Juvenile Justice Branch, in order to develop a Protocol Review Project Brief.

### Strategies for Partnership

- Firstly, to ensure the Protocol Review Project occurred in partnership an essential strategy was to recruit an Aboriginal Project worker to be part of the Project Team.
- The second strategy for Partnership was to consider and decide on the most appropriate base for the project team to work from.

- The third strategy was to develop a method of supervision for the project team, which ensures accountability to both VACCA and the Department.
- The fourth strategy was to establish a working party to oversee the protocol review process. Terms of reference for this working party are outlined in Appendix E.

### The Process of Consultation

- A process of consultation was implemented to ensure that the views of all identified stakeholders were considered. Consultation took the form of written submissions, group discussion and individual contacts. A series of questions were developed that assisted stakeholders to discuss the issues they currently have with the 1992 protocol and suggestions to ensure the reviewed protocol meets the needs of Aboriginal children, young people and families as well as the relevant service providers.
- Information, views and discussion were recorded and used to inform the report. The facilitator ensured that all questions were answered and all participants had the opportunity to participate in the discussion.
- The views and responses of the stakeholders were recorded throughout the group discussion, responsibility for recording views rested with the project team. Once collected, the information gathered from consultations was reviewed and analysed in order to identify relevant themes and comments. Information was then incorporated into a draft review document, which was available for consultation.

### **DEFINITIONS**

***Protocol Review Working Party*** – A group was established to guide the work of the Protocol Review. Representatives were nominated by DHS Indigenous Initiatives Unit staff and included DHS, CWAV, VACCA, VACSAL, Children’s Court and local Aboriginal service organisations. It was agreed that the DHS Child Protection representation should reflect both rural and metropolitan regions, and those with the highest notification rates were chosen; thus Loddon Mallee and Northern Regions were represented. Local Aboriginal representation was decided on the basis of the need to reflect both regional representation and hence LMARG and Rumbalara were invited to participate on this committee. See Appendix D.

***Focus Groups*** – Groups of review participants that were presented with information and asked to respond to the questions outlined in Appendix C.

***The Project Team*** – DHS staff employed in the Indigenous Initiatives Unit who conducted the consultations. Melinda Moore, Prue Blackmore and Rodney Monohan made up the team.

**Statewide Implementation Committee** – The Indigenous Initiatives Unit will establish a Committee to assist in the implementation of the State-wide service. It is envisaged that the representatives currently on the Protocol Review Working Party will be invited to participate on this Committee.

**Local Advisory Groups** – These groups will be established in all regions to guide the work of the local VACCA service or the local Cooperative, delivering this service. The local advisory group will have representation from VACCA, DHS Child Protection regional office and the local Aboriginal Cooperative.

## **THE PROTOCOL REVIEW**

The previous Minister for Community Services instructed a review of the operation of the protocol and to advise on DHS compliance with the Aboriginal Child Placement Principle (see Appendix F) and existing protocol. It was agreed with VACCA and other Aboriginal services that in order to review the Protocol in a holistic way a statewide consultation was necessary. The Protocol Review Working Group was established to guide this process. The major benefits of such a process include:

- All stakeholders working in the area of Aboriginal family support/child protection have the opportunity to provide input into the development of a service model that ensures a culturally appropriate child protection practice.
- An understanding of the types of local Aboriginal services and their capacity and willingness to provide services to child protection programs that can be developed.
- An evaluation of the current issues connected to the operation of the VACCA/DHS protocol can be undertaken.
- An understanding of the types and nature of relationships between the local Aboriginal services, DHS and VACCA can be gained.
- The details of resource needs, training needs and proposed future directions of stakeholders can be collected and documented.

## **FOCUS GROUPS**

Small focus groups in each local area were chosen as the most appropriate way of consulting. This method allowed for small groups of participants to discuss the issues and develop responses that were seen to meet local needs. Separate groups for DHS and Aboriginal services were arranged to ensure that workers in both organisations felt comfortable about expressing experiences and opinions openly and honestly.

The only variation to this process occurred in the Loddon Mallee Region with the regional Aboriginal agencies. The Loddon Mallee Region has a reference group known as the Loddon Mallee Aboriginal Reference Group (LMARG). During the initial stages of the consultative process the LMARG expressed a wish to be consulted as a regional group. The project team were informed that the LMARG was the appropriate forum for discussion of issues relating to regional service development and planning. The project team attended a LMARG meeting in Robinvale in July 2001 to inform the group of the protocol review project. This was to ascertain if the communities represented felt that a combined forum or individual consultancies were the most appropriate. The

representatives at this meeting advised that a two-day forum was the appropriate means by which to consult with Loddon Mallee community groups. This was arranged and the organisations that make up the LMARG group met in Bendigo along with other relevant staff and community members to discuss issues and future directions.

## **FINDINGS AND ISSUES IDENTIFIED**

After the Project Team's presentation to the Focus Groups, participants were asked to develop responses to a number of questions. The questions have been designed in order to elicit information from participants about their knowledge and experience of the role of VACCA in child protection cases and the subsequent response and outcomes for families. Additionally, the questions concerned the nature and type of relationships held by the key stakeholders (VACCA, DHS and local Aboriginal services) and how these could be improved and strengthened. Further questions relating to the Aboriginal Child Placement Principle (ACPP) and its application in Victoria and a question in relation to the adherence to the existing (1992) protocol. Please refer to Appendix C for details of the responses to these questions.

### **Communication Issues**

- Currently, there are relatively few formal mechanisms/forums for communication between all stakeholders. Participants identified this as being a key issue impacting on the agencies but most importantly on the families who are often involved with the three organisations. There were commitments made by the stakeholders to address this situation and already forums have taken place in two regions to improve this situation.

### **Service Availability Issues**

- Most Focus Groups spoke about the need for increased funding for Preventative Services for Aboriginal families and communities. These services include family support, parenting skills workers, counselling and 'link' workers to assist Aboriginal families to access appropriate mainstream services.
- Enhancement of extended care services, Strengthening Families Programs and Aboriginal Family Preservation Programs were also identified as necessary to assist Aboriginal families. These services were identified as services that could comfortably be 'located' with a designated consultation worker/service. Designated Aboriginal family and children's services of this nature would enable families access to a continuum of services and families could be identified, assessed and assisted prior to requiring Protective Services involvement.
- Training was identified by all Focus Groups as a crucial component of any future service development. Child protection staff were identified as needing to learn more about culturally sensitive practice, to enhance their knowledge of local communities/ agencies and to ensure that the ACPP is followed. Aboriginal agencies identified a need to be educated in how the

child protection system works, whom the DHS regional staff are and how to advocate with DHS on behalf of families and their services.

### **Service System Issues**

- The under-utilisation of mainstream services by Aboriginal families was identified as an issue. Participants indicated that mainstream services need to evaluate their services and develop culturally sensitive strategies to ensure that they meet the particular needs of Aboriginal children and families.

Further discussions are being planned to involve the Children's Welfare Association of Victoria and their member organisations for the purpose of providing information about the protocol and the Aboriginal Child Placement Principle, evaluating training needs and clarification of cultural supports provided routinely in placements.

Consideration needs to be given by relevant stakeholders about the ongoing communication needed between VACCA, local Aboriginal agencies and mainstream providers to ensure that placements are guided by the Aboriginal Child Placement Principle and supported (where required), by VACCA and/or local Aboriginal agencies.

- All groups identified the current difficulties in finding Indigenous out-of-home care options for children. Participants identified a need to evaluate the current systems operating and develop culturally relevant training for potential carers in the Regions. One group suggested that as part of an evaluation a 'best practice' model for the recruitment and training of Aboriginal carers should be identified and adapted for use across the state.

## **THE PROPOSED SERVICE MODEL**

### **Background**

Prior to the consultations the Project Team developed some examples of service options. The purpose of these options was to stimulate discussion in the focus groups and encourage participants to think through the consequences of each model. The Protocol Review Working Group subsequently endorsed these options. Focus Groups were given copies of the three service model options developed; each model was designed to ensure that an Aboriginal agency is contacted when an Aboriginal child is notified to Child Protection. If none of the options provided were appropriate, Focus Groups were encouraged to develop a fourth option themselves.

Focus Group participants were left alone to discuss the strengths and limitations of each option and to decide on a service model that best suited their own local community and geographic location. Whilst to date there have been a range of responses as to the best service model option, there have been some themes and factors that have consistently been identified as desirable for a service model by all Focus Groups.

Below is a summary of the service model options and the strength and weaknesses identified by focus groups in relation to each of these.

**Option 1:**

***Extend current Lakidjeka Service to ensure statewide 24 hour service delivery working to a statewide protocol. Locally based VACCA offices would be established or accommodation could be rented with existing services.***

***Strengths of this service model:***

- Standardised Statewide service
- Maintain focus on the child
- Maintain independence of VACCA
- Uniform Protocols statewide
- Already in place and working with some success.
- Can draw together Statewide trends and advocate on behalf of Aboriginal people all over Victoria.
- Response times will be more immediate and accessible
- Worker would have intimate knowledge of issues surrounding clients.

***Limitations of this service model:***

- Less linkages with local services.
- Community perception of workers
- Ability to recruit workers
- Isolation of workers

**Option 2:**

***Lakidjeka Service provides services to the DHS metropolitan regions. Local Aboriginal agencies provide services to rural areas, developing individual protocols with regional offices. All service providers provide a 24 hour on-call service to ensure statewide coverage.***

***Strengths of this service model:***

- Relevant to rural communities
- Allows for flexible, unique policies, protocols and responses to be developed.
- Community would know the worker
- Involving locals in the process

***Limitations of this service model:***

- Inconsistency in service delivery
- Identifying who does the job
- Lack of protocols
- Clarity of role
- Lack of training of staff at rural level

**Option 3:**

***VACCA workers, based in Aboriginal Cooperatives, provide services within local areas working to a statewide protocol. Cooperatives would provide day to day supervision and support of the worker. VACCA as the auspice agency would monitor compliance, practice consistency and coordinate statewide training.***

**Strengths of this service model**

- On site resources (human)
- Local Community owned
- Community Education

**Limitations of this service model:**

- Lack Infrastructure
- Cooperatives may not accept VACCA's auspice role.
- Existing services may become swamped.
- Hassles from community
- Local cooperatives may become embroiled in local issues.
- Difficult for local Cooperative to provide day to day support and supervision
- Ownership (Who owns the service)
- Direction (Who does worker take direction from)
- Access for clients – don't always want to use Cooperative.

A number of Options 4's were proposed. These included:

**Option 4:**

- *Every area or community should have the one agency*
- *All of option 1 +part of option 2.*  
*Local Aboriginal agencies provide community based services to rural areas developing individual protocols with regional offices Plus option 3 - VACCA would monitor compliance, practice consistency and coordinate statewide training.*
- *Combine 1+3*
- *Every area or community should have the one agency.*
- *Aboriginal Child Protection Teams in each community.*
  - *Based in local Co-ops*
  - *Managed by Local Co-ops*
  - *Trained by DHS Child Protection*

Participants identified the following factors for inclusion in a service model on a consistent basis:

- A consistent statewide service model of operation is required so that all Aboriginal children (pre-birth to 17 years) who come into the Child Protection system have access to advocacy and support, regardless of the Region in which they live.
- A consistent protocol needs to be applied across the state for all relevant DHS staff, statewide agency staff and local Aboriginal agencies.
- A 24-hour service is required for Aboriginal children who come to the attention of the Protective Services system in order that the most appropriate culturally sensitive response to protective concerns can be accessed when required.
- The service model needs to operate externally to the DHS service system albeit working closely with DHS in relation to the delivery of culturally responsive services to Aboriginal families.
- It is envisaged that the workers would be recruited from the local community to ensure they would have valuable local knowledge that meets the diverse needs of the local community.

Eight of the nine regions represented across the 32 focus groups stated that the workers should be employed by and accountable to the Victorian Aboriginal Child Care Agency (VACCA) and that regional offices of VACCA should be established to ensure adequate statewide coverage is provided. As per Option One. However, Aboriginal community organisations in the Loddon Mallee region stated that the service should be placed in local Aboriginal co-operatives to ensure that locally sensitive services are provided.

With the exception of the Aboriginal Community organisations represented at the Loddon Mallee focus group held in Bendigo, an issue was raised by Aboriginal community participants in relation to the potential difficulty Cooperative workers may experience in their role of supporting and advocating on behalf of Aboriginal families, and acting in conjunction with child protection when an Aboriginal child is notified to DHS. While all Aboriginal community groups wanted to ensure that local issues were reflected in the service delivery, eight of the nine regions preferred that this role be conducted independently from the services provided by the local cooperative. However those represented at the Loddon Mallee focus group wanted the services delivered by local Cooperatives.

### **The Proposed Direction**

It was clear that when conducting this level of consultation that a broad range of opinions and information would be gathered. It should be acknowledged that while regions provided similar information, the differences have been recognised and the Project Team with the Protocol Review Working Party have identified the preferred service model.

The variations identified in focus groups related to a need for Aboriginal communities to develop strategies to gain more control over the issues relating to children and families. All participants appeared to be motivated by their concerns that local communities have about losing contact with their children once there has been child protection involvement.

Participants indicated that when there is VACCA involvement, the services provided are of a good standard, and this involvement can often result in decreased statutory intervention and more positive outcomes for Aboriginal children and families. However, VACCA's limited availability affected their ability to respond to all cases involving Aboriginal children coming to the notice of child protection. This resulted in a negative impact on children and families. Although participants are concerned by the obvious gaps in the statewide coverage offered by VACCA it is clear that they attribute this to under-resourcing of VACCA.

DHS funds a number of local Aboriginal Cooperatives to provide services to Aboriginal communities including: Foster Care Services, Family Preservation Programs and Family Support Services. It is acknowledged that the provision of these services has led the Department and local Aboriginal service providers to develop professional working relationships that enhance the services provided to Aboriginal children and families. However, it is apparent from the Focus Groups held that the local co-operatives /services are responding to notification consultations and requests made to them by Child Protection thus covering some of the gaps which exist due to the under-resourcing of VACCA.

In most Aboriginal agencies the consultancy relating to child protection matters is undertaken by a range of people including Aboriginal Health Workers, Spiritual Health and Well-being Workers, Alcohol and Drug Workers, Legal Officers, Mentor Co-ordinators, Koori Early Childhood Officers and administrative staff, all of whom already have excessive work loads. Such work reflects an understanding of the broad principle of consultation with the Aboriginal community and professionals; however, the outcome of such consultation has led to:

- The rights of the child can be confused with the rights of parents and other family members;
- An inappropriate placement may proceed without agency workers feeling that they have the depth of systems knowledge to influence the child protection workers decision;
- Workers may not be aware of processes like Family Group Conferences and therefore cannot recommend or advocate that these occur in appropriate circumstances.

## **RECOMMENDATIONS**

Recommendations 1-3 relate directly to the review of the operation of the protocol. Recommendations 4-7 will be passed on to the Child Protection and Care Aboriginal Services Network for their consideration.

### ***Recommendation 1***

1.1 That the Victorian Aboriginal Child Care Agency receives additional funding to provide services to Aboriginal children/young people notified to Child Protection for child maltreatment concerns (up to 17 years and including notifications made on unborn children considered to be at risk), subject to appropriate resources being available. The service should be available 24 hours a day, seven days a week. That the service includes workers to assist in supporting children in out-of home care to remain connected to their extended families and communities.

1.2 That Memoranda of Understanding are developed between the local DHS, VACCA and the local Aboriginal service organisation which reflect the roles and working relationships of the three parties. This will also address issues of dispute resolution, training needs, and capacity building.

1.3 That the implementation of the state-wide service be carried out under the guidance of a State-wide Implementation Committee, whilst the sub-offices will each operate under the guidance of local Advisory Groups. The State-wide Implementation Committee will consist of representatives from Aboriginal services, VACCA, CWAV and DHS whilst the Working Groups must represent local Aboriginal communities and co-operatives/services, DHS regional offices and VACCA.

1.4 That the State-wide Implementation Committee will assist in the implementation of the state-wide service, the evaluation of the VACCA program and compliance to the protocol and the ongoing management and organisational development required to ensure a professional and standardised service for Victoria.

1.5 That the local Advisory Groups will assist in ensuring that the services provided in the local area meets local needs and are sensitive to the uniqueness of the local Aboriginal community. The integrity of the local service will need to be supported by the Working Groups and central to this is the principle that the services are being provided in the best interests of the child.

### ***Who is responsible to Progress this Recommendation?***

The Child Protection and Juvenile Justice Branch, the Victorian Aboriginal Child Care Agency and the Protocol Review Working Party.

## **Recommendation 2**

That a state-wide protocol be written to ensure that the working relationships between VACCA and DHS are formalised and that when an Aboriginal child/young person is notified to protective services VACCA is informed and involved. Further to this, that Memoranda of Understanding be developed between VACCA, DHS and local Aboriginal co-operatives/services with the view of formalising the local services role in child protection matters.

### ***Who is responsible for this Recommendation?***

The protocol will be written by the Project Team, VACCA with advice from the Protocol Review Working Party.

## **Recommendation 3**

That the Project Team with advice from the Protocol Review Working Party develop the program documents required to support the implementation of the service. These documents consist of the following:

- Service Guidelines, Procedures, Requirements and Parameters;
- Position Descriptions for all Roles;
- A Guide to the Aboriginal Child Placement Principle;
- Training Manual.

### ***Who is responsible for this Recommendation?***

The Project Team will write the program documents with advice from the Protocol Review Working Party and in consultation with VACCA. VACCA will write the position description documents in consultation with the Project Team.

## **Recommendation 4**

That each Region takes responsibility to evaluate the impact that child protection intervention has on the local Aboriginal services. Within this evaluation acknowledgement needs to be given to demands placed on Aboriginal workers, unfunded for the purpose of performing tasks for protective services. This evaluation needs to consider the funding shortfalls, which currently exist for the local Aboriginal co-operatives/services in relation to the demands placed on them by protection workers.

### ***Who is responsible for this Recommendation?***

Regional Management Teams in both Child Protection and Service Planning areas with a preference for a Project Worker to be allocated for the duration of the project.

### ***Recommendation 5***

That each region takes responsibility for creating and/or formalising the process for communicating with local Aboriginal co-operatives and services, whilst taking into account other Departmental and whole of government directions for service development, strategic and policy directions.

The formalisation of communication processes will enable co-operatives to express their concerns, particularly in relation to service demands and funding, directly to relevant DHS staff as well as keeping DHS informed of service availability in the Cooperatives.

Memoranda of Understanding between DHS, VACCA and local Aboriginal co-operatives and services will be developed that will be individual to each Cooperative to reflect their service capacities and local needs.

#### ***Who is responsible for this Recommendation?***

Regional Management Teams in both Child Protection and Service Planning areas with a preference for a Project Worker to be allocated for the duration of the project.

### ***Recommendation 6***

That a plan for training of all Child Protection and related staff and Aboriginal co-operatives/services staff be developed at a local level and in conjunction with the central Child Protection Training and Development Unit. That training relate to all aspects of working with Indigenous families including cultural awareness, best practice principles, protocol familiarity and the Aboriginal Child Placement Principle. That this training should be a mandatory requirement for all child protection workers and should happen regularly to ensure all new workers are trained accordingly.

#### ***Who is responsible for this Recommendation?***

Regional Management Teams in Child Protection and the central Child Protection Training and Development Unit in collaboration with the Child Protection and Care Aboriginal Services Network, VACCA, local Aboriginal co-operatives/services and communities.

### ***Recommendation 7***

That consideration should be given to evaluating the effectiveness and the cultural appropriateness of the services provided to Aboriginal children and families, with particular emphasis on the primary and secondary services currently available in Victoria.

#### ***Who is responsible for this Recommendation?***

The Child Protection and Juvenile Justice Branch, the Family and Community Support Branch and the CWAV as the peak body for the community services sector.

## **Recommendation 8**

That the initiatives and services available to Aboriginal children and families involved in child protection be expanded to ensure the availability of Aboriginal Family Group Conferencing. That this service be provided in the initial stages of child protection involvement with Aboriginal families as a way of diverting families from the child protection system or decreasing the length of child protection involvements.

### ***Who is responsible for this Recommendation?***

The Child Protection and Juvenile Justice Branch.

## **CONCLUSION**

The Protocol Review consultation process has demonstrated the potential for further improving services to Aboriginal children due to the commitment of Aboriginal service providers to their communities and the Department's goal of reducing the over-representation of Aboriginal children in the child protection system. There is a high level of optimism about the Department and VACCA's working potential to improve the current service system for Aboriginal families.

A commitment to begin dialogue and communication with regional management in order to address concerns and move forward was a common theme of the consultations. Two regions have already held forums with their local Aboriginal community to address some of the issues raised in their focus groups and develop improved relationships between the Department and the local Aboriginal community.

There was general consensus in relation to the notion that the best interests of Aboriginal children are met when they are raised within Aboriginal families and communities with the benefit of good parenting, strong family relationships, and access to their culture.

Strong primary relationships and the sense of connection with culture, extended family and community will optimise the child or young person's ability to achieve in education and employment, allowing the young person to acquire the skills needed to raise healthy children of their own. In support of this principle consideration needs to be given by the Department of Human Services to the need for Aboriginal families to access a continuum of quality services preferably in their local communities.

The continued journey will raise many challenges and opportunities for the Department and the Aboriginal community. There is a commitment from both parties to work together in partnership to ensure a positive outcome for Aboriginal children who are notified to Child Protection Services. This process has enabled both the Aboriginal community and the Department to share their ideas and beliefs to work as one to achieve the best outcomes for Aboriginal children and their communities.

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## APPENDIX A

### THE REPRESENTATION AT FOCUS GROUPS

REGION	REPRESENTATIVES
HUME	DHS - Wangaratta and Shepparton Rumbalara Aboriginal Co-operative (Mooroopna) Mungabareena Aboriginal Co-operative (Wodonga)
WESTERN METROPOLITAN GRAMPIANS	DHS - Footscray DHS – Ballarat and Horsham Ballarat Aboriginal Co-operative Goolum Goolum Aboriginal Co-operative (Horsham)
SOUTHERN METROPOLITAN	DHS – Dandenong and Frankston Ngwala Willumbong Aboriginal Co-operative (Southern Metro. Coverage) Bunurong Health Service (Dandenong) Kaala Koorie Association (Hastings) Fly the Flag Frankston Wilka Kwe Aboriginal Family Preservation Program. Dandenong District Aboriginal Co-operative DHS - Central After Hours Service
EASTERN METROPOLITAN	DHS – Box Hill Ngwala Willumbong Aboriginal Co-operative (Eastern Metro. Coverage) Yarra Valley Community Health Service - Indigenous Health Team Centrelink - Indigenous Service Unit
NORTHERN METROPOLITAN	DHS – Glenroy, Preston and Fitzroy Victorian Aboriginal Child Care Co-operative (Statewide) Victorian Aboriginal Community Services Association Limited (Statewide) Aborigines Advancement League (Statewide)
BARWON SOUTH WEST	DHS – Geelong, Warrnambool, Hamilton/Portland Wathaurong Aboriginal Co-operative (Geelong) Gunditjmara Aboriginal Co-operative (Warrnambool) Winda Mara Aboriginal Co-operative (Heywood)

LODDON MALLEE	DHS – Mildura, Swan Hill and Bendigo Mildura Aboriginal Corporation (including Alice Clarke Aboriginal Family Preservation Program) Murray Valley Aboriginal Co-operative (Robinvale) Dja Dja Wrung Aboriginal Co-operative (Bendigo) Njernda Aboriginal Corporation (Echuca) Executive Officer Loddon Mallee Aboriginal Reference Group Muthi Miah Aboriginal Family Preservation Program (Swan Hill) Echuca High School St Joseph’s College Campaspe Murray Community Care Echuca Secondary College Echuca South Primary School Family Group Conference Convenor Viney Morgan AMS, Cummeragunja Kilby Attendance Project Northern District Community Health Allinjarra Aboriginal Association
GIPPSLAND	DHS – Morwell, Sale, Warragul Central Gippsland Health and Housing Aboriginal Co-operative (including Wanjana Lidj Aboriginal Family Preservation Programs) Kurnai Youth Service (Morwell) Lake Tyres Trust Gippsland and East Gippsland Aboriginal Co-operative (Bairnsdale) Anglicare Gippsland Quantum – CGAS Berry Street Gippsland

## Focus Group Attendance List

\* Indicates contact people representing each consultation/focus group.

<u>Name</u>	<u>Organization</u>
* Carol Fraser	DHS WMR
Toni Basile	DHS WMR
Greg Mason	DHS WMR
Diona Alderuccio	DHS WMR
Mark Rowell	DHS WMR
Lulu Radebe	DHS WMR
Wendy Rich	DHS WMR
* Francesca Formosa	DHS WMR
Joanne Anderson Toi	DHS WMR

Cheryl Fanner	DHS Hume
* Joanne Lockwood	DHS Hume
Colin McClounan	DHS Hume
* Jason Murray Smith	Mungabareena Aboriginal Corporation
* Carmen Denniss	DHS Hume
Noellene Morrow	DHS Hume
Jan Cook	DHS Hume

* Lorraine Forester	Burri Aboriginal Family Preservation
D Garner	Burri Aboriginal Family Preservation
Joanne Lockwood	DHS Hume
* Melissa Hamilton	DHS Hume
Karina O'Bree	Burri Extended Care

* Richard Daly	DHS Loddon Mallee
Andrew Higgs	DHS Loddon Mallee
Michelle Hay	DHS Loddon Mallee
Axel Sholtz	DHS Loddon Mallee
Rob Gardler	DHS Loddon Mallee
Rachel Campbell	DHS Loddon Mallee
Fran Priest	DHS Loddon Mallee
Monique Rosenbauer	DHS Loddon Mallee
Amy Jones	Student
Glenda Jenkins	DHS Loddon Mallee
June Hopley	DHS Loddon Mallee
* Val Chapman	DHS Loddon Mallee
Fiona Lush	DHS Loddon Mallee
Melissa Vella	DHS Loddon Mallee

Meagan Wilson	DHS Loddon Mallee
Tony O'Dwyer	Family Group Conference Convenor LMR

* Karen Fox	Gippsland East Gippsland Aboriginal Co operative
Sharron Hare	Gippsland East Gippsland Aboriginal Co operative
Tammy Bundle	Gippsland East Gippsland Aboriginal Co operative
Colleen Harney	Aboriginal Family Group Conferencing GEGAC

Marg Stewart	Aboriginal Youth Support VACSAL
Alf Bamblett	Victorian Aboriginal Community Services Association Limited
Cherie Waight	Aboriginal Advancement League Incorporated
* Linda Bamblett	Victorian Aboriginal Community Services Association Limited

Robyn Hopej	Wathaurong Aboriginal Co operative
Kylie Ciorke	Wathaurong Aboriginal Co operative
Elsie Coates	Wathaurong Aboriginal Co operative
Sue Lovett	Wathaurong Aboriginal Co operative
* Meryn Edwards	Wathaurong Aboriginal Co operative
Renee Owen	Wathaurong Aboriginal Co operative

Frank Laxton	Ballarat & District Aboriginal Co operative
Rhonda Laxton	Ballarat & District Aboriginal Co operative
Debbie Rose	Ballarat & District Aboriginal Co operative
Larry Kanoa	Ballarat & District Aboriginal Co operative
Barbara Burns	Ballarat & District Aboriginal Co operative
* Nikki Foy	Ballarat & District Aboriginal Co operative
Marjorie Pickford	Ballarat & District Aboriginal Co operative
Laurie Clarke	Ballarat & District Aboriginal Co operative

* Stuart Oldfield	DHS NMR
Lisa Angono	DHS NMR
* Chris Connors	DHS NMR
* Gill Harrison	DHS NMR
Verronica Martin	DHS NMR
Peter Gioutsos	DHS NMR
Lynne Dale	DHS NMR
* Gwen Rogers	DHS NMR
* Kelly Grey	DHS NMR

David Ritter	DHS Gippsland
* David Scott	DHS Gippsland
Sheree Bolding	DHS Gippsland
* Craig Horn	Kilmany Family Care Sale
Lorraine Robinson	DHS Gippsland
Margaret Oates	Victorian Aboriginal Child care Agency

Roseanne Burgess	Wanjana Lidj Aboriginal Family Preservation
* Carol Taylor	Wanjana Lidj Aboriginal Family Preservation
Joyce Smith	DHS Indigenous Initiatives Unit
Jean Woods	Central Gippsland Aboriginal Health & Housing Co operative
* Joanne Brunt	Woolartbe Werna
Hilton Gruis	Woolartbe Werna
Jeannie Salmon	Woolartbe Werna
Brendon O'Kaine	Central Gippsland Aboriginal Health & Housing Co operative
Hugie Pepper	Central Gippsland Aboriginal Health & Housing Co operative
Peter Hood	Kurnai Aboriginal Youth Hostel VACCA
* Moira Parr	DHS Loddon Mallee
Tania Garraway	DHS Loddon Mallee
Alicia Hayhoe	DHS Loddon Mallee
Marilyn Tonge	DHS Loddon Mallee
Kath Longo	DHS Loddon Mallee
Rae Kolpin	DHS Loddon Mallee
Dale Hancock	DHS Loddon Mallee
* Pete Ianson	DHS Loddon Mallee
Lee-anne Myers	DHS Loddon Mallee
Jason Minter	DHS Loddon Mallee

Surinder Demetrios	Anglicare Gippsland
Craig Hibbins	QUANTUM- CGASS
Ruth Payne	DHS Gippsland
Veronica Pederson	DHS Gippsland
* Narie Anderson	DHS Gippsland
Jill James	DHS Gippsland
Glenda Keddie	DHS Gippsland

* Karlene Dwyer	Njernda Aboriginal Corporation
Melva Johnson	Njernda Aboriginal Corporation
* Alma Cupper	Murray Valley Aboriginal Corporation
* Marlon Parsons	Murray Valley Aboriginal Corporation
Patsy Doolan	Mildura Aboriginal Corporation

* Sally Jo Scherger	Mildura Aboriginal Corporation
Myra Grinter	Mildura Aboriginal Corporation
Rhonda McInnes	Mildura Aboriginal Corporation
Carol Smith	Dja Dja Wrung Aboriginal Co operative
* Louise Sinnappan	Dja Dja Wrung Aboriginal Co operative
Olive Walsh	Loddon Mallee Aboriginal Reference Group
Barb Gibson Thorpe	Dja Dja Wrung Aboriginal Co operative
* Joanne Holmes	Aboriginal Family Group Conference Convenor
Julie Calleja	Viney Morgan AMS Cummergunja
Terry Vertigan	Echuca Primary School
Brian Walker	Kilby Attendance Centre
Linda Wordie	Koorie Educator Echuca High School
Lindsay Maplestone	Northern District Community Health
Wayne Webster	Allinjarra Aboriginal Association
Sue Couchman	Echuca High School
Bernie Farmer	St. Joseph's College
*Wendy Howe	Campaspe Murray Community Care
Peter Murphy	Echuca Secondary College
Brian Wilkinson	Echuca South Primary School

Rae Mathews	DHS Loddon Mallee
* Danny Kelly	Muthi Miah Aboriginal Family Preservation
Fiona McWhae	DHS Loddon Mallee
Elvie Kelly	Muthi Miah Aboriginal Family Preservation
Aggie Taylor	Muthi Miah Aboriginal Family Preservation
Maureen McKay	DHS Loddon Mallee
* Julie Pie	DHS Loddon Mallee
* Jenny Batten	DHS Loddon Mallee
Jo Haythorpe	DHS Loddon Mallee

Michael Glynn	DHS EMR
* Anne Mercovich	DHS EMR
Jacqueline Furler	DHS EMR
Margo Jarvis-Blight	DHS EMR
* Michael Weuffen	DHS EMR
Christina Agiannitopolos	DHS EMR

Natasha Austin	Gunditjmara Aboriginal Co operative
* Kay Netherway	Gunditjmara Aboriginal Co operative
* Kay Alberts	Gunditjmara Aboriginal Co operative
* Vicki Couzens	Gunditjmara Aboriginal Health Service
Bobby Cunningham	Gunditjmara Aboriginal Co operative
Jamie Thomas	Gunditjmara Aboriginal Co operative

Wendy Armstrong	DHS Grampians
Brendan Keating	DHS Grampians
Dennis Barnett	DHS Grampians
Naomi Harvard	DHS Grampians
Sharelle Knight	DHS Grampians
* Wendy Armstrong	DHS Grampians
Sonja Kinnerly	DHS Grampians
* Melissa Riddiford	DHS Grampians

* Des Smith	Indigenous Health Yarra Valley community Health Service
* Doseena Fergie	Indigenous Health Yarra Valley community Health Service
Jenni Williams	Indigenous Health Yarra Valley community Health Service
Olly Phillips	Centrelink
Shane Charles	Centrelink

* Merrin Hartrick	DHS Barwon South West
Leah Smart	DHS Barwon South West
* Linda Wallace	DHS Barwon South West
Maree Hallinan	DHS Barwon South West
Bob Jeans	DHS Barwon South West
Marilyn White	DHS Barwon South West
Margaret Currie	DHS Barwon South West

* Dawn McKinnon	DHS Barwon South West
Mark Byrne	DHS Barwon South West
Edith Schwarz	DHS Barwon South West
Cath Peake	DHS Barwon South West
Tracey Whitmore	DHS Barwon South West
* Tiffany Quick	DHS Barwon South West
Virginia Todd	DHS Barwon South West
Julie Cameron	DHS Barwon South West
Carole Gladstone	DHS Barwon South West

Gail Crozier	DHS SMR
Linda Mullett	DHS SMR
Trevor Jacobsen	DHS SMR
Tim Vorzilchak	DHS SMR
Jeanette Pearson	DHS SMR
* Jacqui McGhee	DHS SMR
Julie O'Brien	DHS SMR
* Mal Phillips	DHS SMR
Julie Macdougall	DHS SMR

Wendy Jones	DHS - Parentline and Maternal & Child Health Line
Joanna Bock	DHS- Central After Hours Service
Anne Maree Thomas	DHS- Central After Hours Service
Sue Greig	DHS- Central After Hours Service
Leanne Foster	DHS- Central After Hours Service
Dan Rabinovici	DHS- Central After Hours Service
* Thomas (John) Day	Victorian Aboriginal Community Services Association Limited
Tanya Aitkin	Winda Mara Aboriginal Co operative
Ken Saunders	Winda Mara Aboriginal Co operative
Wayne Bell	Victorian Aboriginal Legal Service
Michael Bell	Winda Mara Aboriginal Co operative
John Lovett	Brewongle Aboriginal corporation

Wanda Wellington	Ngwala Willumbong Co operative
Debbie Callister	Ngwala Willumbong Co operative
Ray Wise	Ngwala Willumbong Co operative
Troy Blow	Ngwala Willumbong Co operative
Fess pike	Ngwala Willumbong Co operative
John Sheppard	Ngwala Willumbong Co operative
* Bob Hamman	Ngwala Willumbong Co operative
Kellie Thorpe	Ngwala Willumbong Co operative
* Beryl Thomas	Ngwala Willumbong Co operative
James Howden	Ngwala Willumbong Co operative
Austin Thorpe	Ngwala Willumbong Co operative
Dan Laws	Ngwala Willumbong Co operative
* Rhonda Hamman	Ngwala Willumbong Co operative
Kylie Hamman	Ngwala Willumbong Co operative

* Faye Langdale	Kaala Koori Association
Sonya Sheppard	Kaala Koori Association
* Jill Owen	Wilka Kwe Aboriginal Family Preservation
Carmel Harrison	Dandenong & District Aboriginal Co operative
Patsy Harrison	Dandenong & District Aboriginal Co operative
* Patrick Farrant	Bunurong Aboriginal Co operative/Health Service
Valda Cook	Bunurong Aboriginal Co operative/Health Service
* Deborah Harrison	Bunurong Aboriginal Co operative/Health Service
Connie Edwards	Bunurong Aboriginal Co operative/Health Service
* Rhoda Green	Fly the Flag Frankston
Annette Mohamet	Youth from council

Muriel Cadd	Victorian Aboriginal Child Care Agency
Sylvia Choate	Victorian Aboriginal Child Care Agency
Clem Kelly	Victorian Aboriginal Child Care Agency
Sepi Weerasinghe	Victorian Aboriginal Child Care Agency
Helen Archibald	Victorian Aboriginal Child Care Agency

Phylis Andy	Lake Tyers Aboriginal Trust
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* Craig Cook	Goolum Goolum
Alan Burnes	Goolum Goolum
Kim Galpin	Goolum Goolum
Liz Taylor	Goolum Goolum
Kelly Britain	Goolum Goolum
Brenda Harrison	Goolum Goolum
Jo Edwards	Goolum Goolum
Linda Stewart	Goolum Goolum
Michelle Marks	Goolum Goolum

## **APPENDIX B**

### **Program – Part A**

# **VACCA/DHS PROTOCOL REVIEW FOCUS GROUP**

## **Welcome**

## **Introductions**

### **Objectives for the day**

- To provide the opportunity for discussion of the issues relating to Aboriginal children, families and child protection.
- To provide the opportunity for discussion of the role of Aboriginal agencies in relation to child protection notifications.
- To provide the opportunity to discuss the Aboriginal Child Placement Principle and its application in Victoria.
- To provide the opportunity for solution-focused discussion.
- To make recommendations regarding a preferred model whilst acknowledging strengths & limitations.

## **Information to be provided to Participants**

- **Protocol Review Project Background**
  - Details of project objectives and potential outcomes
- **Child protection system/Legislative requirements**  
(Prue Blackmore)
- **Presentation of Regional Data Reports** (Prue Blackmore)
  - VACCA & its role in consultation and liaison with DHS regarding
- **How does the consultation system currently operate?**  
(Rodney Monohan)
  - Overview of Aboriginal Child Care Agencies Australia-wide child protection clients, including current resourcing arrangements.
  - How does the ACPP influence case planning practice for Aboriginal children, young people and families

## Themes for Participant Discussion

- What is your understanding of the role VACCA when there is child protection involvement with Aboriginal children and families?
- In cases where you have been involved with VACCA, what was the range of services/supports that you, the child and family received?
- In your view, in what ways does VACCA involvement influence child protection outcomes for Aboriginal children and families?
- Are there particular instances where the VACCA/DHS Protocol works well?
- In your view what is the nature and type of relationships between DHS, VACCA and local Aboriginal agencies in your region?
- How could these relationships be improved and strengthened?
- What would be the ideal way to address concerns and issues between:
  - DHS & VACCA.
  - DHS & the local Aboriginal agencies.
  - VACCA & the local Aboriginal agencies.
- What does the Aboriginal Child Placement Principle mean for you in your day-to-day practice
- Do you think that you would benefit from training about:
  - The Aboriginal Child Placement Principle.
  - The Child Protection System.
- How, in your opinion, could compliance with a Protocol be monitored?

## **Program – Part B**

### **Lunch and Discussion Future Directions**

You will be given 90 minutes to discuss the following options as a way of identifying preferred service models. You will be required to work in small groups. Please record the key points/themes relating to your discussion. It is essential that you discuss the strengths and limitations of each of the following options:

#### **Option 1**

Extend current Lakidjeka Crisis Service to ensure statewide 24-hour service delivery working to a statewide protocol. Locally based VACCA offices would be established or accommodation could be rented with existing services.

#### **Option 2**

Lakidjeka Crisis Service provides services to the DHS metropolitan regions. Local Aboriginal agencies provide services to rural areas, developing individual protocols with regional offices. All service providers provide a 24-hour on-call service to ensure statewide coverage.

#### **Option 3**

VACCA workers, based in Co-operatives, provide services within local areas working to a statewide protocol. Co-operatives would provide day-to-day supervision and support of the worker. VACCA as the auspicing agency would monitor compliance, practice consistency and co-ordinate statewide training.

#### **Option 4**

Participants develop their own service model.

### **Feedback to large group**

### **Nomination of key contact people for future communications**

## APPENDIX C

### RESPONSES TO QUESTIONS

#### Question 1

**What is your experience of the role of VACCA when there is child protection involvement with Aboriginal children and families?**

General agreement in the Focus Groups has been that VACCA plays a valuable role in assisting Aboriginal children and families negotiate the interface between themselves and Protective Services. However, some participants had had very limited experience with VACCA and this seemed to relate directly to the inability of VACCA to sustain a presence in some regional localities due to the Lakidjeka resourcing shortfall.

The experience of the Focus Group participants of the primary role of VACCA includes:

- Telephone consultation/advice.
- Provision of resource and referral information.
- Provision of placement advice and options not previously known or accessible.
- VACCA provides 'a bridge between DHS and the family' and is able to develop trust between the family and Protective Services.
- VACCA is able to 'translate' information to the family making Protective Services' role clearer and less jargon-laden to families.

Focus Group participants also cited VACCA attendance at critical home visits and case plans. There was, however a general consensus that the functions that are related to case planning and ongoing support were less likely to be carried out by VACCA due to inability of staff to maintain a presence in the long term. Several participants spoke of VACCA workers attending case plans and agreeing to provide follow-up supports to families that subsequently did not occur.

#### Question 2

**In cases where you have been involved with VACCA, what was the range of services/supports that you, the child and family received?**

A broad range of service/supports were cited by participants, the most common of which were:

- Telephone consultations and advice.
- Placement options.
- Assistance in identification of a child's Aboriginality.
- Practical assistance – facilitating accesses, transporting clients to placements.
- Joint home visits.
- Court Support.

In the majority of participant responses to this question it must be noted that there was an overall sense of frustration with VACCA in that services and supports could not always be supplied. Participants generally agreed that services and supports were well received and of a high standard but only when VACCA was able to respond. Discussion often centred around the

difficulty DHS staff and Aboriginal agency workers had in accessing VACCA services.

DHS staff consistently expressed confusion about how information regarding notifications was being managed by VACCA. Some regions have developed a referral form which is faxed to VACCA when they are notified of an Aboriginal child, other regions emailed information through to the VACCA office on receipt of a notification of an Aboriginal child whereas the majority of regions were still trying to make referrals over the telephone.

### **Question 3**

**In what ways does VACCA influence child protection outcomes for Aboriginal children and their families?**

Generally, participants agreed that when VACCA has involvement in a child protection case the ensuing outcomes for children and their families were more positive.

Some of the general themes and trends that were generated in response to this question were:

- VACCA's involvement in the cases can reduce Protective Services length of involvement.
- VACCA's involvement assists Protective Services staff in the formulation of their risk assessment through the provision of information about the family and/or cultural issues.
- VACCA's involvement can reduce the anxiety levels of Aboriginal families as they have an advocate and support person working for them.
- VACCA's involvement ensures that the child has the opportunity to remain linked to his/her community, Aboriginal culture and history.

Some participants commented that it was difficult to judge the quality of outcomes for families due to the difficulties VACCA has sustaining their input throughout the entire case plan. Particularly important were comments about VACCA being written into case plans and not being able to follow through with their designated responsibilities.

### **Question 4**

**Are there particular instances where the VACCA/DHS Protocol works well?**

Again, participants emphasised that the key to the protocol working well was the ability of Protective Services staff to contact VACCA and utilise their services, something that was not always able to occur. Another group raised concerns about the differences in how the way the 1992 Protocol is interpreted in different parts of Victoria. Examples were also given of how interpretations differed between DHS sub-offices in the same region. Other participants commented that some parts of the protocol work well when there is a common understanding of particular statements.

In one region, the protocol worked extremely well in the initial stages of notification. In this region a local system had been developed where intake workers e-mailed VACCA following notification of every Aboriginal child.

Other instances where the protocol worked well were:

- At the initial home visit (where VACCA resources allow).
- After Hours VACCA service works for phone consultations.

Some Protective Service staff said that they were frustrated with the lack of response they received from VACCA at initial notification and therefore they no longer notified VACCA about Aboriginal clients.

### **Question 5**

**In your view, what is the nature and type of relationships between DHS, VACCA and local Aboriginal services?**

Responses to this question varied enormously, from a good working relationship to one that was neutral through to relationships that were problematic and negative in nature. One co-operative stated that there had been mediation between themselves and the local DHS office but that this has been unsuccessful. Other participants from the local Aboriginal service sector commented that VACCA does not appear to work well with local co-operatives and therefore this impacts on families who don't receive the value of local knowledge and input.

Some general themes that were apparent included:

- There is a lack of knowledge and understanding between agencies and services around role and mandate of workers.
- Relations between DHS and Aboriginal agencies are largely based on individual worker-to-worker communications.
- There appeared to be very few examples where formal communication mechanisms and/or networks between the organisations had been established.
- Broader programmatic issues and concerns are not being discussed or addressed because agency relationships remain problematic on an individual level.

While some local Aboriginal agencies were not happy with the service VACCA provided to their community, the majority of Aboriginal agencies agreed that VACCA involvement was of a positive nature although there were issues with accessing VACCA resources and services.

DHS staff largely acknowledged that there were communication issues with local Aboriginal agencies

### **Questions 6**

**How could these relationships be strengthened and improved?**

Staff from both DHS, VACCA and local Aboriginal agencies came up with a range of proactive strategies that in their view would strengthen and improve relationships.

All Focus Group participants cited regular tripartite liaison meetings as being essential to improve communication and addressing existing programmatic issues between the agencies.

Other ideas included:

- Nomination of a key liaison person from DHS and Aboriginal agencies whose primary role is to co-ordinate issues being communicated, and ensuring regular liaison meetings occur.
- Regular and ongoing cross-cultural training and practice-related training between the agencies, tailored to meet local needs.
- There was widespread positive support from Aboriginal agency participants for the Family Group Conferencing (FGC) process. Generally feedback highlighted how FGC's worked well for Aboriginal families, that Aboriginal agency staff and family members felt valued and listened to in FGC process.
- Cross-agency secondments and short-term exchanges for staff.

### **Question 7**

**What would be the ideal way to address concerns and issues between DHS and VACCA, DHS and local Aboriginal agencies and VACCA and local Aboriginal agencies?**

In response to this question, most participants cited the issue of improving and creating structures for regular inter-agency communication. Some Regional Child Protection staff were of the view that it would be useful to identify several Child Protection staff as key Koori liaison workers. As with the existing Specialist Infant Protective Worker (SIPW) model of service delivery, Specialist in the area of Koori child protection could provide consultation advice around cases/clients as well as liaising with VACCA and local Aboriginal agency staff. They could carry a reduced caseload of Aboriginal clients and be responsible for coordinating regular and ongoing cross-cultural training and practice-related training to DHS staff.

Generally, feedback from local Aboriginal agencies indicated that there was no formal or regular communication that occurred between themselves and both DHS and VACCA. Some local Aboriginal agency staff were aware of and knew their allocated VACCA worker although they had no regular meetings with them. The general consensus was that there was no regular liaison occurring between agencies. As mentioned previously, this has meant that the exchange of information has occurred on a worker-to-worker basis around case specifics, but no mechanism or forum exists to address broader concerns and issues at a managerial and programmatic level.

### **Question 8**

**What does the Aboriginal Child Placement Principle (ACPP) mean for you in your day-to-day practice?**

Responses ranged from people being unaware of the Principle to being aware of the Principle, but never having sighted the document. Some workers were very familiar with the Principle and used it as a foundation for their practice.

Most DHS staff saw that they applied the ACPP in practice as it has commonalities with the principles of case planning contained in section 119 of the CYPA 1989. Of concern were a number of consistent themes that came out in response to the question. These are as follows:

- Child Protection staff were unclear and unsure about the strategies, supports and processes that were needed for an Aboriginal child placed in non-Indigenous out-of-home care.
- Child Protection staff were generally unable to identify whose responsibility it was to ensure an Aboriginal child maintains contact with their community and continuity of culture and identity as specified in the ACPP. The level of uncertainty appears to be more apparent when there is a mainstream agency involved in the placement of an Aboriginal child.
- There was much confusion and lack of clarity about the rights of the child versus the rights of the parents, particularly when Indigenous parents requested a non-Indigenous placement. Anecdotally a proportion of Aboriginal parents specifically request placement of their children with non-Indigenous families. In these scenarios, VACCA is not consistently informed and/or Child Protection staff do not challenge the parents about the intent of the ACPP and their duty, as Child Protection workers, to adhere to the spirit of the CYPA 1989.

One group stated that they believed the Principle was theoretically sound, however it did not occur in daily practice and that the deficits in the service system contributed to the Principle not being fully adhered to. For example; no matter how committed a Child Protection worker may be to following the ACPP, if there are no Indigenous out-of-home care options, the placement of a child in the Aboriginal community is not possible. One group commented that the placement system is a long way off meeting the needs of the Aboriginal community.

### **Question 9**

**Do you think you would benefit from training in relation to the Aboriginal Child Placement Principle and/or the Child Protection system?**

Generally participants from Aboriginal agencies stated that they would benefit from training in both the Aboriginal Child Placement Principle and the Child Protection system. Child Protection staff indicated that they would benefit from training in the Aboriginal Child Placement Principle and the broader contextual issues surrounding the Principle.

### **Questions 10**

**How could compliance with a protocol be monitored?**

Child Protection staff were largely of the view that compliance with the Protocol would best be monitored via a prompt on CASIS. It was proposed that if an ATSI client was entered onto CASIS initially, a 'drop-down' box could be displayed asking, "Has VACCA been consulted – YES/NO". However, others raised concerns that this strategy on its own may be inadequate due to

the reliance on completion of the 'Aboriginality' requirement of the Client Details screen. Potentially the ATSI status of a case does not need to be completed until the point of case closure. This could result in some clients of Aboriginal descent remaining unidentified throughout the life of a case . Some groups suggested that a computer generated prompt be developed to encourage workers to consider the ATSI status of a client at various points in the 'life of a case' eg. Substantiation point and at case plan review.

Many participants, particularly those from the Aboriginal agencies, raised concern that Child Protection staff do not consistently ask if a client is of ATSI descent. It was often suggested that workers need to periodically ask a question regarding Aboriginality at various points throughout contact with the child and family and that the emphasis needs to be placed on establishing the identity of the child, rather than that of the parent/caregiver. This is because if the child has a non-Indigenous and an Indigenous parent and the question is asked of the non-Indigenous parent, the child may be recorded as being non-Indigenous when in fact they are not.

Other participants suggested monthly tripartite meetings between VACCA, DHS and local Aboriginal agencies to compare data and practice issues. This would ensure that all stakeholders were made aware of the numbers of notifications received by child protection and how many had been referred through to VACCA.

## APPENDIX D

### PROTOCOL REVIEW WORKING PARTY Working Group Members

<b>Brenda Boland</b>	<b>A/Director, Child Protection Child Protection and Juvenile Justice Branch</b>
<b>Muriel Cadd</b>	<b>Chief Executive Officer, Victorian Aboriginal Child Care Agency</b>
<b>Rodney Monohan</b>	<b>DHS Indigenous Initiatives Unit, Child Protection and Juvenile Justice Branch</b>
<b>Marg Stewart</b>	<b>Chairperson, Victorian Aboriginal Child Care Agency</b>
<b>Justin Mohamed</b>	<b>General Manager, Rumbalara Aboriginal Co-operative</b>
<b>Marlon Parson Patsy Doolan</b>	<b>LMARG Representative</b>
<b>Prue Blackmore</b>	<b>Project Worker, Indigenous Initiatives Unit, Child Protection and Juvenile Justice Branch</b>
<b>Melinda Moore</b>	<b>Project Worker, Indigenous Initiatives Unit, Child Protection and Juvenile Justice Branch</b>
<b>Linda Bamblett</b>	<b>Manager, Victorian Aboriginal Community Services Association Limited</b>
<b>Annette Jackson</b>	<b>Protective Services Manager, Northern Metropolitan Region</b>
<b>Gwen Rogers</b>	<b>Protective Services, Northern Metropolitan Region</b>
<b>Glenda Jenkins</b>	<b>Protective Services Manger, Loddon- Mallee Region</b>
<b>Judge Coate</b>	<b>Children's Court of Victoria</b>
<b>Magistrate Blashki</b>	<b>Children's Court of Victoria</b>
<b>Coleen Clare</b>	<b>Children's' Welfare Association of Victoria. CWAV</b>

## APPENDIX E

### VACCA / DHS Protocol Review Working Party

#### Terms of Reference

- To provide expert advice to the Protocol Review Project Team in establishing the framework for regional focus group discussions and meetings with DHS, Aboriginal communities and community organisations.
- To assist in the analysis of information collected throughout state-wide focus group discussions and meetings.
- To assist in the identification of a preferred model, which ensures child protection consultation with the Aboriginal community in all cases involving Aboriginal children and families.
- To inform recommendations for implementation of the preferred model of consultation, including policy/practice guidelines and legislation and training.
- To provide expert advice to inform and assist in the production of a guide for workers on the Aboriginal Child Placement Principle.

## **APPENDIX F**

### **ABORIGINAL CHILD PLACEMENT PRINCIPLE**

The Aboriginal Child Placement Principle that has been accepted by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) is:

1. Removal of any Aboriginal child from their community and family environment by any welfare or government authority or other persons must be a last resort.

In the event, after consultation with community controlled Aboriginal welfare organization, of separation or removal of a child from its family being unavoidable then the courts or authorities must have regard to the direction of the Aboriginal Child Care Agencies and the following criteria:

- (a) The child must be placed within the extended family or relatives.

If the above is not feasible or possible after consultation with the community's welfare/child organisation, the child may be placed with:

- (i) an Aboriginal family from the local community and within close geographical proximity to the child's natural family;
- (ii) as a last resort the child may be placed, after consultation with the local ACCA, with a non-Aboriginal family in close proximity to the child's natural family;
- (iii) any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.

The Social Welfare Administrators, in their report on Aboriginal Fostering and Adoption, have adopted the following Child Protection Principle:

- (1) A member of the child's extended family.
- (2) Other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal customary law.
- (3) Other Aboriginal families living in close proximity.

This order of priority of placement is to be followed in absence of good course to the contrary at all times.

The Victorian Adoption Act 1984 details the Child Placement Principle as follows:

1. The provisions of this section are enacted in recognition of the principle of Aboriginal self management and self determination and that adoption is absent in customary Aboriginal child care arrangements.
2. Where
  - (a) consent is given to the adoption of a child by a parent –
    - (i) who is an Aborigine; or
    - (ii) who is not an Aborigine but, in the instrument of consent, states the belief that the other parent is an Aborigine; or

and who, in the instrument of consent, expresses the wish that the child be adopted within the Aboriginal community; or

- (b) the court has dispensed with the consent of the parents and the Secretary or principal officer of an approved agency believes on reasonable ground that the child has been accepted by an Aboriginal community as an Aborigine and so informs the Court

the court shall not make an order for the adoption of the child unless the Court is satisfied as to the matters referred to in Section 15 and, where a parent has given consent, is satisfied that the parent has received or has in writing expressed the wish not to receive counselling from an Aboriginal agency; and –

- (c) that the proposed adoptive parents are members, or at least one of the proposed adoptive parents is a member of the Aboriginal community to which a parent who gave consent belongs;
      - (d) that a person of a class referred to in paragraph (c) is not reasonably available as an adoptive parent and that the proposed adoptive parents, or at least one of the proposed adoptive parents, is a member of an Aboriginal community; or
      - (e) that a person of a class referred to in paragraph (c) or (d) is not reasonably available as an adoptive parent and that the proposed adoptive parents are persons approved by or on behalf of the Secretary or the principal officer of an approved agency and by an Aboriginal agency as suitable persons to adopt an Aboriginal child.

3. In this section, 'Aboriginal agency' means an organization declared by order of the Governor in Council published in the Government Gazette to be an Aboriginal agency in accordance with sub-section (4).
4. An organization shall not be declared under sub-section (3) to be an Aboriginal agency unless the Secretary is satisfied that the organization is managed by Aborigines, that its activities are carried on for the benefit of Aborigines and that it has experience in child and family welfare matters and the declaration includes a statement to that effect.
5. The Governor in Council may, by order published in the Government Gazette, revoke or vary an order made under sub-section (3).