



Victorian Aboriginal Community Controlled Health Organisation

Submission to Victoria's Commission of Enquiry
into Vulnerable Children.

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Victorian Aboriginal Community Controlled Health Organisation,(VACCHO) submission to “Protecting Victoria's Vulnerable Children” inquiry

The Victorian Government has undertaken to review its efforts to protect Victoria's vulnerable children. This review will affect Aboriginal organisations, families and individuals disproportionately as Aboriginal children are over represented in the 'Vulnerable Children' category. VACCHO has 24 members across the State of Victoria each of which is a community hub, governed by an Aboriginal board which provide a plethora of services including primary health care. Each of these services has close contacts and intimate knowledge of its community and has high levels of trust and social capital within its community.

Terms of Reference

To inquire into and develop recommendations to reduce the incidence and negative impact of child neglect and abuse in Victoria, with specific reference to:

- The factors that increase the risk of abuse or neglect occurring, and effective prevention strategies.
- Strategies to enhance early identification of, and intervention targeted at, children and families at risk including the role of adult, universal and primary services. This should include consideration of ways to strengthen the capability of those organisations involved.
- The quality, structure, role and functioning of:
 - family services;
 - statutory child protection services, including reporting, assessment, investigation procedures and responses; and
 - out-of-home care, including permanency planning and transitions;and what improvements may be made to better protect the best interests of children and support better outcomes for children and families.
- The interaction of departments and agencies, the courts and service providers and how they can better work together to support at-risk families and children.
- The appropriate roles and responsibilities of government and non-government organisations in relation to Victoria's child protection policy and systems.
- Possible changes to the processes of the courts referencing the recent work of and options put forward by the Victorian Law Reform Commission.
- Measures to enhance the government's ability to:
 - plan for future demand for family services, statutory child protection services and out-of-home care; and
 - ensure a workforce that delivers services of a high quality to children and families.

The oversight and transparency of the child protection, care and support system and whether changes are necessary in oversight, transparency, and/or regulation to achieve an increase in public confidence and improved outcomes for children.

<http://www.childprotectioninquiry.vic.gov.au/terms-of-reference.html>

VACCHO has a commitment to supporting and building the capacity of community controlled health services. VACCHO is committed to the optimal health of every Aboriginal person in Victoria. These community run services have close relationships with their communities and provide a wide range of services to community members including health promotion, housing, cultural support, early

childhood support, aged care, antenatal care, youth programs as well as primary health care.

VACCHO and its members take a wholeistic view of health which includes the health of the individual including their spiritual, emotional and psychological wellbeing and the wellbeing of the family and community as well as the individual.

Children are treasured within Aboriginal communities. Extended families and communities play a role in supporting the child and ensuring that it is culturally engaged and supported and given links with its community, country and history.

With their close networks with communities and the high levels of trust that they are held in by these communities Aboriginal Community Controlled Health Organisations are well placed to provide the support for the activities which would prevent a child going into state care. VACCHO has long advocated for a continuum of care and support from the antenatal care of pregnant women through to support for parenting and child wellbeing in the early years.

Along with maternity, mental health, drug and alcohol, housing, community building and family counseling VACCHO members are well placed but not sufficiently resourced to meet demand for these services.

Section 18 Amendments.

One of the recent innovations in the child protection area has been the development of section 18 of the act which permits a person who is Aboriginal and who is the CEO of an Aboriginal community controlled organisation to be delegated the guardianship of an Aboriginal child in care which usually lies in the Secretary of the Department of Human Services. To date no Aboriginal CEO has taken up this offer.

“18. Secretary may authorise principal officer of Aboriginal agency to act

- (1) The Secretary may in writing authorise the principal officer of an Aboriginal agency to perform specified functions and exercise specified powers conferred on the Secretary by or under this Act in relation to a protection order in respect of an Aboriginal child.
- (2) An authorisation under this section may only be made with the agreement of the Aboriginal agency and the principal officer.
- (3) The principal officer may only be authorised if he or she is an Aboriginal person.
- (4) Before giving an authorisation, the Secretary must have regard to any view expressed by the child and the parent of the child if those views can be reasonably obtained.
- (5) On an authorisation being given, this Act applies in relation to the performance of the specified function or the exercise of the specified power as if the principal officer were the Secretary.
- (6) The Secretary may at any time in writing revoke an authorisation under this section and on that revocation the Secretary may continue and complete any action commenced under the authorisation by the principal officer.”

Children, Youth and Families Act 2005, Act No. 96/200, Chapter 2—Administration, s. 18, pages 32-33

➤ VACCHO supports the option of a section 18 placement where the agency and the CEO are resourced sufficiently to make this governance of the child placement effective.

- VACCHO supports the Aboriginal child placement principle. Families need to be supported appropriately for the placement of a child and these services need to be widely promoted.
- The Aboriginal child placement principle should be supported by resources sufficient to support the child and family responsible for their care. Poverty needs to be treated in context and in part of a holistic approach. The child is not the only unit in need of support. Often the family unit and community unit will need the extra financial support
- Every ACCHO needs to be resourced to function as a main source of preventative services available to Aboriginal families before they are classified as 'at risk' of having a child removed
- There needs to be Improvements in identifying the Aboriginality of the child. For example often the child is identified as Aboriginal based on the mothers identification but rarely on the fathers.
- The coordination of culturally competent services for the child and family and their ready access and availability of these services and support of families through the service cycle is vital for the effective delivery of supports to the child. An overall case manager should play a role in the coordination of these services and being a referral point for service providers and the service user if anything arises.

The Aboriginal Child Placement Principle

The Aboriginal Child Placement Principle (ACPP) governs the practice of child protection services in Victoria. It is endorsed by the SNAICC and is incorporated into the Victorian government's *Children, Youth and Families' Act 2005*. The ACPP aims to strengthen Aboriginal children's connections with their family, community and cultural identity particularly in response to previous detrimental policies. All Aboriginal children who become involved with child protection services which results in their removal from their families are governed by the ACPP to ensure that their identity as an Aboriginal is preserved. The purpose of the ACPP is to enhance and preserve Aboriginal children's sense of identity as an Aboriginal by ensuring that Aboriginal children and young people are maintained within their own biological family, extended family, local Aboriginal community, wider Aboriginal community and maintaining their connections to their Aboriginal culture.

The Aboriginal Child Placement Principle promotes a hierarchy of placement options as outlined below:

- Removal of any Aboriginal child must be a last resort
- If, after consultation with a community controlled Aboriginal welfare organisation, removal of a child from its family is unavoidable then the authorities must have regard to the direction of the Aboriginal welfare organisation
- If such a removal is necessary, then the child must be placed within the extended family, or if this is not possible, the child may be placed within the Aboriginal community within close proximity to the child's natural family
- If there is not an Aboriginal placement available, then in consultation with Aboriginal and Islander Child Care Agencies (AICCAs), the child may be placed with a non-Aboriginal family on the assurance that the child's culture, identity and contact with the Aboriginal community are maintained.

<http://www.vacca.org/resources-information/child-placement-principle>

- Aboriginal Agencies are unwilling to take on children without the proper support first being established
- Concerns over perceived backlash from communities over taking custody of a child, especially under section 18. The community governance of ACCHOs leaves them vulnerable to community backlash at a local level and an obligation to promote the evidence that the best interests of the child are being served. This may be difficult or impossible while protecting the privacy of the individuals concerned. There may also conflicts which arise about the obligations as a service provider to the family and the policing role of child protection. The reputation and integrity of services must be maintained when balancing these needs. The service will often be unable to speak publicly about its decisions in order to maintain integrity and confidentiality while the services and decisions critics are able to speak with impunity.
- The ethical dilemma of Aboriginal Agencies who are placed in this position as it should be the role of the government to provide support and intervention before a child is taken away as a last resort.
- Aboriginal Agencies and VACCHO wants to push for integrated prevention based strategies, community controlled responses and follow-through support of the family unit.
- If a community controlled approach is taken, the Indigenous community will be more inclined to seek those preventative services that they know and trust.
- The dilemma for a service provider exists that taking on responsibilities under section 18 may discourage parents from seeking support when they are in need for fear of removal of their children.

To inquire into and develop recommendations to reduce the incidence and negative impact of child neglect and abuse in Victoria, with specific reference to:

- **The factors that increase the risk of abuse or neglect occurring, and effective prevention strategies.**
- Social determinants include poverty, employment, lack of education, racism, lack of access to health care, poor diet, pre disposition to disease and a history of Indigenous people who were raised by the state in a time of the Stolen Generation who were not raised by their mothers and fathers so have not necessarily learnt how to be/ act as parents themselves.
- There is a need for increased access to sustainable housing to support the family stability. This should be made available to families in housing stress where that stress could translate into pressures on the child.
- There is a need for increased support for children in schools to support their participation and performance to build a foundation of success at school, to keep children and families connected to schools and to assist school retention.
- Improved drug and alcohol, gambling management and spiritual and emotional wellbeing services for parents will assist in reducing stress in families.
- Improved integration of employment and training services will improve household harmony and wellbeing. This will require addressing the perception of racism in employment and training programs.

Aboriginal Best Start

The Aboriginal Best Start projects have been established to ensure that local Aboriginal communities and organisations are given every possible opportunity to influence outcomes for their children and families. Many Aboriginal children experience multiple factors that place their health wellbeing and psychosocial development at risk. These projects are designed to empower communities and families and develop broad cross-sectoral partnerships across all early years services to improve outcomes for Aboriginal children and their families. The health, education and wellbeing status of Aboriginal children aged from birth to eight years falls well below that of their non-Aboriginal peers and is a concern expressed by many of the community members consulted for this project. The analysis of the socioeconomic, health, education and child protection data for Aboriginal children and families in Victoria has highlighted a number of points:

- Aboriginal infants are more likely to die during pregnancy, to be stillborn, and to die in the first 28 days of life than non-Aboriginal children.
- Aboriginal children are more likely to suffer from a range of vaccine-preventable infections and other infections, such as ear and respiratory infections, than non-Aboriginal children.
- Aboriginal children are over-represented in the child protection system.
- Aboriginal children are less likely to achieve relevant literacy and numeracy standards than non-Aboriginal children.
- Aboriginal children are more likely to experience poverty during their life than non-Aboriginal children.
- Aboriginal people have a predicted life expectancy approximately 20 years less than the predicted life expectancy of all Victorians.

The Best Start demonstration projects are designed to strengthen the coordination of universal services and to better support children and families throughout the first eight years of life.

VACCHO members with Koori Maternity programs show high rates of child immunisation. These programs should be made universally available to Aboriginal women and families across the state. The program should be enhanced to provide a continuous care and support for parents from the antenatal care through early childhood development.

While there are great services in some places these services are not resourced in all places or to provide for the needs of all Aboriginal people.

http://www.eduweb.vic.gov.au/edulibrary/public/beststart/aboriginal_best_start_report.pdf

Services engaging with Aboriginal and Torres Strait Islander families should aim to build on existing family strengths to assist families to develop healthy relationships to care for themselves and their children. Child care, healing services, parenting services, housing programs and employment programs are examples of the types of support that families need if they are to provide children with a happy childhood that will be the foundation for their future success in life.

Secretariat of National Aboriginal and Islander Child Care 2011

<http://www.snaicc.asn.au/policy-advocacy/dsp-default.cfm?loadref=47#support>

- Strategies to enhance early identification of, and intervention targeted at, children and families at risk including the role of adult, universal and primary services. This should include consideration of ways to strengthen the capability of those organisations involved.

VACCHO supports the identification of Aboriginal children. VACCHO also supports the training in cultural competence all workers involved in the case management, care and supervision of Aboriginal children as an essential element of their training.

It is the experience of VACCHO staff who participated in the child death review committee that in many cases a child's Aboriginality has not been identified and their connection to community and to appropriate Aboriginal support services has not taken place.

VACCHO member's capacity to identify and support families at risk could be enhanced by a coordinated response to the antenatal-early childhood continuum. Support for parents over the four year period including pregnancy and the first years of the child's development would facilitate the engagement of additional services for parents at risk. The bond of trust and support for the mother child and family unit developed by the continuous provision of a service would be a basis for coaching in parenting and other referrals.

Each ACCHO should be assisted with population health analysis to identify case load and support needs.

Workers working with mothers and their children in a continuum of care would be able to make suggestions to support the household unit and to link the individual family with other referral ad support structures.

Aboriginal Family Preservation Program

The Aboriginal Family Preservation Program assists families to improve their parenting and address protective concerns, reducing the need for the removal of their children.

Where it has been critical to place a child away from his/her family the Aboriginal Family Preservation Program can work with the family to facilitate reunification.

The key components of AFPP are:

- Home based program
- One worker per family
- Two cases limit per worker at any one time
- Prevention of out-of-home placement by increasing life skills, coping ability, parenting skills, problem solving, networking the family with the relevant community support, ensuring adequate child protection
- Staff availability on call 24 hours a day, 7 days a week

Victorian Aboriginal Family Preservation, Program Service Description Document, 2002Page

http://www.cyf.vic.gov.au/_data/assets/pdf_file/0003/16770/indigenous_afp.pdf

Programs are funded by the Department of Human Services. Programs work closely with families to address safety concerns and enhance parenting skills. This enables children to remain at home or facilitates their reunification with family. Child Protection, Community Service Organisations and the Aboriginal Family

Preservation Programs work together. This ensures that the safety and well being needs of Aboriginal children are responded to in a way that is culturally engaged and strengthens the connectedness of family and community.

Programs are located in five areas in Victoria

- Alice Clarke Family Preservation Program, Mildura
- Burri Family Preservation and Extended Care Program, Shepparton
- Muthi Miah Family Preservation Program, Swan Hill
- Wanjana Lidj Family Preservation Program, Morwell
- Wilka kwe Family Preservation Program, Dandenong

Koorie Maternal and Child Health Services Victoria – Page 19

[http://www.health.gov.au/internet/h4/publishing.nsf/Content/C88756512EF0FD3DCA2571950002F32F/\\$File/Final%20Koorie_Maternal.pdf](http://www.health.gov.au/internet/h4/publishing.nsf/Content/C88756512EF0FD3DCA2571950002F32F/$File/Final%20Koorie_Maternal.pdf)

Roots of Empathy

Roots of Empathy is an evidence-based model of intervention designed as a classroom-based parenting program targeted at children. It aims to reduce aggression by fostering empathy, emotional literacy and positive social behaviour. It strives to break the intergenerational transmission of poor parenting and violence and to build the parenting capacity of the next generation of parents.

The goals are to:

- foster the development of empathy (compassion and understanding)
- develop emotional literacy (an understanding of relationships)
- prepare students for responsible and responsive parenting
- reduce the levels of bullying, aggression and violence in children's lives and build peaceful societies
- increase knowledge of human development, learning and infant safety.

Founded in Canada, this program has been very successful in New Zealand where programs are now active in Auckland, Wellington, Christchurch and Rotorua and more than 4,300 New Zealand children have participated.

<http://www.rootsofempathy.org/>

ABORIGINAL FAMILY DECISION MAKING PROGRAM

This service is aimed to meet and work with children, young people and families already in contact, or at risk of contact with the Child protection system and to deliver collaborative working relationships with community agencies and Child Protection to maximize service delivery to clients of Child Protection and their families and to promote the practice of Reconciliation.

The Program is also aimed at implementing and co-convening a culturally responsive model of family decision making with Aboriginal and Torres Strait islander children, young people and families who are referred by the regional Child Protection Service and engage families in the Aboriginal Decision Making Program.

<http://www.gunditjmara.org.au/index.php?page=family-decision-making>

- The quality, structure, role and functioning of:
 - family services;
 - statutory child protection services, including reporting, assessment, investigation procedures and responses; and
 - out-of-home care, including permanency planning and transitions;
- and what improvements may be made to better protect the best interests of children and support better outcomes for children and families.

There are a range of evidence based early intervention models and education and support services which have not been put in place.

The available options should be mapped and these services promoted and

identified gaps filled to ensure that equal access to services is available to all of Victoria's vulnerable children.

An individual case manager, support worker should have a role in the coordination of services and supports. Many individuals can drop through the cracks or parents stop attending services if they feel under threat of child removal. The trust and relationship developed by these case workers working with the mother from the antenatal stage would enable them to act as an effective patient advocate.

Koori Maternity Services

Culturally appropriate maternity care provided to Aboriginal and Torres Strait Islander women. There are two ways in which care is provided. The first involves an Aboriginal maternity health worker and a midwife, who are both employed by the Aboriginal health service. They combine their skills to offer a comprehensive service to women in the local community, including a clinical component. The second employs an Aboriginal health worker who supports women during pregnancy and after birth and is responsible for linking Aboriginal women with appropriate clinical service providers.

Currently not all VACCHO members are able to provide Koori Maternity Services and not all to a level and degree that they would like in terms of providing support from Antenatal care through to early childhood development and the coordination of a suite of supports and services that facilitate a supportive family environment which contains the social determinants of good health and links to community and service supports.

<http://www.serviceforip.webcentral.com.au/maternity/caremodel.asp?ID=10>

Department of Health, Victoria, September 2010

- Continual and ongoing support. Trust in ACCHO's is already established in Indigenous Communities so they are preferred method of service delivery. ACCHOs have the trust and networks within their community. They are under resourced to provide the coordinated support and care that they would like to offer. They are under resourced to participate in the coordination and case meetings with DHS officers to optimize child support and care.
- Staff turnover and a short time for staff development and training contribute to sub-optimal care for the child at risk. DHS officers are often unaware of the services available through ACCHOs.
- Staff remuneration and career structure within ACCHOs contribute to staff turnover.
- VACCHO's members KMS programs seek to provide a continuum of support for children from the antenatal stages through early childhood development, immunization, physical activity and nutrition and maternal sexual health. The division of responsibilities between departments, the lack of continued funding commitment and the changes to the system make the development of a stable and sustainable program of activities difficult. ACCHOs often establish the spectrum of support across the age ranges in partnership with mainstream agencies. It is left to the ACCHOs to provide an integrated service system from disconnected and inconsistent funding sources.
- In Home Support located in 6 ACCHO's (Mildura, Swan Hill, Mooroopna, Geelong, Fitzroy, Bairnsdale) with an aim to provide education and prevention

and early intervention for families. In Home Support programs are not funded to work with families who are involved in Child Protection, and if a previous child in a family has a Child Protection order In Home Support can work with family but not with the child that has Child Protection involvement

- After a child is identified at risk additional resources and coordination efforts are required.
- While ACCHOs support many mainstream services in addressing the needs of their Aboriginal clients the majority of Aboriginal services are funded for service provision but under resourced for the participation in partnerships essential for the effective coordination and strategic planning of wholistic service delivery.
- VACCHO recommends a systematic review of the child death review committee findings for all cases of the deaths of Aboriginal children.
- Further research is required on the causes of entry of Aboriginal children into care and effective mechanisms for prevention.

KMS are only funded to work with families for six (6) weeks post the birth of child, it has been ideal for KMS to introduce the families to I.H.S prior to birth of child to promote continuity of care

- The interaction of departments and agencies, the courts and service providers and how they can better work together to support at-risk families and children.

The Aboriginal community controlled health service sector should be placed in leadership role in the prevention effort and in the protection of children at risk.

The child is raised in a context of a family, the family is in the context of a community, ACCHOs are the hubs of community. Aboriginal families and organisations need to be supported with community activities which assist in making them culturally strong and which confirm, promote and transmit the strengths and connections to Aboriginal culture.

- The appropriate roles and responsibilities of government and non-government organisations in relation to Victoria's child protection policy and systems.

The service system needs to be appropriately orientated for the support of children and their families. This should provide for an integrated service system to address prevention as a priority where the precursors of child protection exist and for coordinated and concerted effort to make state intervention where required as brief and positive as possible.

- Possible changes to the processes of the courts referencing the recent work of and options put forward by the Victorian Law Reform Commission.
- Measures to enhance the government's ability to:
 - plan for future demand for family services, statutory child protection services and out-of-home care; and
 - ensure a workforce that delivers services of a high quality to children and families.

Culturally competent services must be a baseline and culturally operated services a priority for the delivery of integrated support and coordinated care services for the family unit and the child or children at risk.

Training, recruitment, orientation and induction as well as sustainable management support and remuneration must be in place to ensure staff retention and the development of a resilient and sustainable service sector.

Resources for the delivery of services as well as for the coordination of services, identification of client needs and for the resourcing of partnerships required to provide a comprehensive support structure for families and communities in need.

Dialogue needs to occur with ACCHOs to ensure that service growth is matched to population need in an environment of rapidly changing demographics. Each ACCHO should be resourced to produce a population health needs analysis which includes antenatal, early years and child and family support services.

These regional and local population health needs analysis needs to be reviewed and revised on a regular basis to ensure the forward planning of the integrated services required in housing, education, antenatal care, in home support, mental health and so fourth.

- The oversight and transparency of the child protection, care and support system and whether changes are necessary in oversight, transparency, and/or regulation to achieve an increase in public confidence and improved outcomes for children.

VACCHO supports the Victorian Aboriginal Child Care Agency submission's calls for an Aboriginal Children's commissioner to oversee the systemic development required for the implementation of a service system to adequately address the human rights of Victoria's most vulnerable children.

The life long costs and impact of taking Aboriginal children into care including the downstream costs of poor educational attainment, higher health system costs, high rates of incarceration and renewed generations of children taken into care needs to be considered. The costs of preventative interventions and support need to be balanced against lifelong costs and individual human rights and quality.

When children are taken into care they deserve the best care possible. Support to the community and the family through trusted organisations should be used to build a safe secure positive environment for the child which gives them the opportunity for achieving their health potential. Aboriginal children deserve the best chance in life.

“Aboriginal involvement in primary advice on the interests and welfare of children and young people coming into contact with the criminal justice and welfare systems also raises the question of empowerment at a very basic emotional level”.

“Equally, recognizing that community based programs have the best chance of success is a vital political and cultural step in restoring a sense of empowerment to Aboriginal society”

Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody. p212

Other viewed sources of interest

http://www.cyf.vic.gov.au/_data/assets/pdf_file/0019/17083/placement_aboriginal_cppguide_2002.pdf

http://www.dhs.vic.gov.au/office-for-children/cpmanual/Output%20files/Protocols/Output%20files/Execute/protocol_cp_dhs_vacca_protocol.pdf

http://www.cyf.vic.gov.au/_data/assets/pdf_file/0010/466039/aboriginal-family-preservation-fact-sheet.pdf