

Empowered Communities East Kimberley

Response to the Department of Communities
Specialist Child Protection Unit Consultation Paper



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Binarri-binyja yarrowoo Aboriginal Corporation, backbone for Empowered Communities in the East Kimberley (2020)

Response to the Department of Communities Specialist Child Protection Unit Consultation Paper.

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Background

Following the announcement made by the Minister for Child Protection, the Hon Simone McGurk and the Director General of the Department of Communities, Michelle Andrews, about the establishment of a Specialist Child Protection Unit, a Consultation Paper was released along with a call for feedback on the Unit.

The *Establishing a Specialist Child Protection Unit Consultation Paper* states that the Unit seeks to:

- strengthen child protection expertise at senior leadership levels,
- include a Senior Aboriginal Practitioner in the Communities leadership,
- embrace culturally appropriate services and build upon strengths of staff practice,
- embed evidence-based continuous improvement and contemporary practices, and
- promote the profile of the child protection portfolio and provide a leading voice.

Reviews and other opportunities for reflection have highlighted the need for Communities to re-focus attention on statutory child protection functions to support the State's most vulnerable children and young people. This includes the high proportion of Aboriginal children and young people at risk, in the child protection system and in out of home care services. In the last 12 months to 30 March 2020, there has been a 4.7% increase in the number of Aboriginal children in care – and 56% of all children in care are Aboriginal.

The Consultation Paper is calling for feedback on what the functions and role of the Specialist Child Protection Unit should be, to inform a functional model to guide the Unit.

Proposed Functions and Role of the Specialise Child Protection Unit

1. Aboriginal children in care

The Unit will have a role in identifying and elevating systemic barriers to address the rising numbers of Aboriginal children and young people in out-of-home care, and the delivery of culturally appropriate practices.

Communities is proposing to appoint a Senior Aboriginal Practitioner to drive more culturally appropriate services, which will support Aboriginal children in care and aim to reduce that number going forward.

2. Expertise, practice, professional support and quality of services

There is a perception the agency has lost specialist child protection expertise; particularly as child protection best practice has changed over time and there has been inconsistent monitoring and evaluation of existing practices; combined with limited support for the emotional wellbeing of staff, informing and improving their practice responses and maintaining practitioners and staff; and compounded by increasing demands on staff, operational barriers and resourcing issues continue to impact on the consistency of services delivered.

Communities is proposing to:

- appoint a Senior Practitioner to lead the Unit, and to be the expert voice on internal and external child protection matters and improve outward partnerships.
- examine professional support and development of frontline workers through reviewing induction, supervision and training practices, with the aim of improving confidence, creating

additional practice tools and enhancing career pathways that improve engagement and retention.

- implement measures to ensure consistent quality of services, while recognising the importance of place-based solutions; and reviewing the tension that exists in delivering consistent practice and balancing the need for place-based decisions and initiatives.
- consider a research and data function that underpins and informs all child protection practices, with the mandate to share data and findings across the sector, ultimately providing more informed child protection services.
- ensure child protection review functions are driven by the Unit to maintain credibility, coordinate findings and drive improvements across the organisation.

Introduction

Empowered Communities is led by Indigenous people, for Indigenous people and operates in nine regions across Australia. The Indigenous-led reform initiative is underpinned by the principles of empowerment, development and productivity. Indigenous leaders from each region are working together with government and corporate Australia to change how Aboriginal policy is designed and delivered. It aims to shift the Indigenous affairs agenda from passive welfare and government overreach to empowerment of Indigenous families and individuals.

In the East Kimberley, Binarri-binyja yarrowoo Aboriginal Corporation is the 'backbone' organisation supporting the implementation of Empowered Communities. Using a place-based collective impact model, Binarri-binyja yarrowoo supports its members to work together to improve the lives of Aboriginal people in the region.

There are currently 25 Aboriginal Community Controlled Organisations across the East Kimberley that have opted into the Empowered Communities, and joined Binarri-binyja yarrowoo as members.

This submission has been prepared by Binarri-binyja yarrowoo, working closely with Gawooleng Yawoodeng Aboriginal Corporation. The objectives of Gawooleng Yawoodeng are to:

- provide safe and supportive short term crisis accommodation for women and children escaping family and domestic violence
- help and encourage its members and other indigenous women to keep and renew their traditional lore and culture
- work with other organisations to benefit women, children and families
- help and encourage its members to manage their own affairs through using an advocacy, assistance and information role to re-establish themselves in the Community and take control in the management of their own lives
- provide and encourage the provision of information, support and education to the Community on a number of social issues including family violence and child abuse
- provide access to activities that raise the self-esteem and pride of the women
- provide mobile playgroup activities for children living in and around Kununurra.

Empowered Communities Key Recommendations

In summary the Principles, Functions and Role of the Specialist Child Protection Unit as outlined in the Consultation Paper are broadly supported.

However, it is emphasised that the role of a centralised unit in Perth should be to work with and support (but not displace) direct place-based, partnership arrangements between local child protection leadership and Aboriginal community leaders.

The unit can support the formalisation of placed-based partnership arrangements to focus on and progress:

- shared decision-making in certain child protection functions (care planning and child-placement)
- development of tailored cross-cultural awareness training for child protection workers
- regular identification and escalation of systemic issues driving the increase of kids coming into care
- development of innovative place-based interventions designed to strengthen families and prevent kids coming into care
- sector-strengthening to facilitate ACCO involvement in child protection.

Community observations and recommendations about child protection practice

More of our kids are being taken into care.

We want to raise up our own kids.

We want DCP to start working in ways that help families to be strong and stay together.

When kids are in care, we want them to stay connected to their family and culture.

We want DCP to work with us through our own organisations (like the Strong Women's Group in Kununurra), to share decision-making with us so those kids are safe in family and culture.

These are the things we would like to happen:

- Shared decision-making between Strong Women's Group (supported by Gawooleng Yawoodeng) and Communities about:
 - including cultural activities in care plans for kids in care, especially kids placed with non-Aboriginal carers, for example:
 - we want them all to come to community nights at Waringarri Aboriginal Art Centre
 - we want them to come to early years/kindy programs run by Aboriginal Community Controlled organisations (not just mainstream day care) so those kids can connect with other Aboriginal kids and mothers
 - child placement (we know our families and have better knowledge to identify kinship caring networks and safe placement than most child protection workers)

- Child protection workers all undertake cultural awareness training, specific to the place they are practicing in and tailored around information about Aboriginal family structures, norms, strengths and language
 - we would like DCP to commission Mirima Dawang Woorlab-gerring (our language centre) to develop a special program for child protection workers

- Child protection workers need practice guidance about how to work in ways to strengthen our families, rather than making them weak
 - we have lots of cases we can share about how interaction with child protection workers makes things worse for our families and increases the likelihood of violence and kids being taken into care
 - if we share these examples, maybe the Senior Aboriginal Practitioner can use them to provide practice guidance to child protection workers and change the way they work with us
 - there is such a high turn over of caseworkers which gets in the way of building relationships with our families which support strengths-based practice; we would like to work with Communities to reduce this turnover
 - when working to provide intensive family support, we want workers to develop pre-intake practice so they explore and understand the history of both partners in an immediate family unit; this would help to build an understanding of past trauma and put in place plans to address it in both mother and father
 - we also want the department to work intensively with the wider family structure, to strengthen all the daughters of one grandmother- if you strengthen just one of the daughters, she ends up taking on the responsibility for all her sisters children too

- We want to see placed-based work on systemic issues and prevention measures which build on community strengths and assets such as:
 - making sure there is better integration across Communities (child protection and housing) to strengthen families at critical points of life-transition; for example, prioritising housing allocation for a young pregnant mum who has decided to leave a drinking house and violent relationship for a better future for her kids
 - residential family units for new mums and families, which have been trialled in Perth
 - support for community safe houses that already exist informally on the reserves
 - reforming funding arrangements that see non-Aboriginal carer families paid for looking after our kids, while our families who take on kinship care must meet costs for that child's care out of our own pockets
 - directing greater investment into early intervention and prevention; at the moment, we see so many kids taken by the department from their families (sometimes from the mother in hospital), breaking the family bond before it is formed; these kids are placed in out-of-home care, but often end up at Jasmine Lane (residential care) when the foster families can't handle them anymore; they then up in juvenile detention because Jasmine Lane can't hold them; juvenile detention releases them back into the care of their families, who never had the chance to integrate them into family and community when they were younger

- We want to see the ACCO sector strengthened so it can take a more active role in the child protection system in the regions, not just in Perth
 - [Empowered Communities East Kimberley Partnership Principles](#) sets out how Aboriginal Community Controlled Organisations in the East Kimberley would like government and third-party service providers to work with us
 - The department could fund women's and children's organisations like Gawooleng Yawoodeng across the region to partner with the department to:
 - embed child protection workers in community-controlled organisations with a focus on intensive family support and reunification
 - attaching a housing worker to address related housing issues, given the prevalence of family domestic violence
 - Use these partnering arrangements as a step toward transitioning organisations to become Aboriginal Registered Organisations under child protection legislation (where this is a goal of community-controlled organisations)
- We want the department to be true to its word and follow through on commitments it makes to us. We worked with the Department of Child Protection and Family Support on the *Safer Families, Safer Communities Kimberley Violence Regional Plan 2015-2020*. This plan included several key findings that are relevant to the current consultation including:
 - Engage Aboriginal Law People, Elders and community leaders to discuss family violence and opportunities for culture and community-based responses
 - Develop and implement opportunities for shared responsibility and collaborative decision-making between Aboriginal Law People, Elders, community leaders, key Aboriginal organisations and other government agencies and community sector services
 - Trial a new model for responding to Aboriginal family violence that uses law and culture as the basis for engaging and responding to adult and child victims, perpetrators and other family and community members

Kununurra was meant to be one of the two trial sites but we don't know what happened with this work.

We have good relationships with child protection leaders in the region (like Fiona Fischer and Justine de Candia). We trust them and we know they want to work more in partnership with us. But we also know the case load being carried by child protection workers is too big to allow them to work more on these system and strategic issues with us. And we know they often don't have the decision-making power to make some of the changes we want to see.

These are the things the new unit can help DCP in East Kimberley and the Strong Women's Group work together on.

Alternatively, the department could take the opportunity to set up a regional Specialist Child Protection Unit - in partnership with the Women's and Children's-services across the Kimberley- to test new ways of providing child protection responses and reduce the number of kids in care.

East Kimberley Context

Aboriginal children and young people in the East Kimberley

The Kimberley region is home to 1.7% (in 2017) of WA’s children and young people. In the East Kimberley there are approximately 3,000 Aboriginal children and young people aged 0-24 years.

Age	2011	2016
0-4	842	665
5-14	1,486	1,247
15-24	1,172	1,100

East Kimberley Aboriginal estimated resident population by age groups: 2001-2016

Children experiencing developmental vulnerability

In the East Kimberley, children are more at risk of being developmentally vulnerable than their counterparts who reside in urban areas in WA.

- In Halls Creek there has been an 11% increase in vulnerability for children in two or more AECD domains since 2009.
- In Wyndham-East Kimberley there is a decrease in vulnerability, but the overall vulnerability is significantly higher than the 9.6% of children who live in the metropolitan area [2].

	Halls Creek			
	2009	2012	2015	2018
Vulnerable on one or more domains	61.5	68.4	69.4	70.3
Vulnerable on two or more domains	39.0	50.9	50.0	50.0
	Wyndham-East Kimberley			
	2009	2012	2015	2018
Vulnerable on one or more domains	47.1	36.8	44.7	39.8
Vulnerable on two or more domains	31.6	24.0	27.0	24.4

Source: Commonwealth of Australia 2019

Australian Early Development Census levels of vulnerability: Halls Creek and Wyndham-East Kimberley LGAs, 2009-2018

Children and young people living in poverty

Over the past decade there has been an increase in the poverty rate across the East Kimberley, in what was already a very high rate of poverty, and for the people in these households- many including children and young people- suggests higher risk factors for children’s wellbeing.

- The Aboriginal poverty rate in the East Kimberley was high at 53.2% in 2016 but more to the point it had increased from 50.1% in 2011 [3].

- The Shire of Halls Creek is in the lowest decile nationally on the Index of Socioeconomic disadvantage (SEIFA¹ score). The Aboriginal median income in Halls Creek is barely one-fifth of the non-Aboriginal median [3].
- The Shire of Wyndham-East Kimberley is in the second-lowest SEIFA decile and the Aboriginal median income is just below one-third of the non-Aboriginal median income.

Children and young people in out-of-home care

- There has been a consistent upward trend in the number of children in care across the East Kimberley, with an approximate 30% increase between the point in time data at September 2014 (n=116) and December 2019 (n=166) [4].
- Reunification numbers are low. Across the East Kimberley in 2019 there were only 9 successful reunifications.

East Kimberley Data		Number	Percentage of total children in care (%)
Children in Care	Non-Aboriginal	0	-
	Aboriginal	164	100%
Order type [Provisional Protection and Care orders]	PPC s35	6	3.5
	PPCs37	27	16.4
	PPCs37 Time limited	1	0.6
	Time limited	34	20
	Until 18yrs old	96	58.5
Placements (living arrangement)	DoC Residential home	13	7.9
	Foster care – non relative	24	14.6
	Foster care – family member	54	32.9
	Funded service – * foster care	21	25
	* residential home	20	
	Parent / former guardian	12	7.3
	Other (not disclosed in data)	20	12

¹ Socio-Economic Indexes for Areas (SEIFA) are a set of indexes created from summarising the diverse population, family and household characteristics related to socio-economic advantage and disadvantage

East Kimberley Context: key data



Aboriginal and Torres Strait Islander children were **8 times as likely** as non-Indigenous children to have received child protection services in Australia



As at 17 June 2020, there were **164 children in care** in the East Kimberley

100% of the kids in care are Indigenous

Aboriginal kids in the East Kimberley are **twice as likely** to be developmentally vulnerable than kids in Perth.



Over **70%** of children in Halls Creek are vulnerable in one or more AEDC domain, and 40% in Kununurra



In 2019, child protection conducted **362 Safety and Wellbeing Assessments**



In 2019, there were 919 interactions with child protection where **family violence** was the primary concern

The poverty rate in the East Kimberley is high- in 2016 it reached over

53%



Almost **60%** of kids will be in care until they are 18 years old

32% of kids are being cared for by relatives

Another **33%** are in residential homes



In 2019 there were **only 9 successful reunifications** (roughly 5% of cases)

Strategies, Policies and Practice in the East Kimberley to support safe children and families

East Kimberley Aboriginal Community Controlled Organisations responses

The [Empowered Communities East Kimberley Regional Development Agenda](#) sets out a shared vision for Aboriginal-led development. There are initiatives in the Kununurra, Wyndham and Halls Creek community plans that relate to parenting and family strengthening. These present an opportunity for the new unit to work in partnership with community leaders in these towns to reduce the number of kids in care.

In 2019 the Kimberley Empowered Young Leaders worked in partnership with the Aboriginal Policy and Coordination Unit of the Department of Premier and Cabinet to host two workshops to inform the WA Government response to the Coroner’s Inquest into the 13 Deaths of Children and Young People in the Kimberley.

Aboriginal Youth Well-being consultation outcomes provide guidance to the work of the new unit:

<ol style="list-style-type: none"> 1. Community Strength: Invest in local community level capabilities to build skills, knowledge and support for Aboriginal people, including those that provide frontline services. 2. Cultural Safety: Build a culturally safe service system including investing in non-Aboriginal workers cultural competency to enhance the effectiveness of services and community safety. 3. Pooled funding and location-based procurement: Service commissioners should align state and Commonwealth investment and implement a location based co-design approach to the procurement of services. 4. Self-determination: Aboriginal people need to be joint decision-makers in issues that affect them. 5. Choice and control: Aboriginal people need access to a range of services that allow them to make choices regarding who, where and how they receive support. 6. System Integration: Local, regional, state and national agencies need to work better together, to develop integrated systems that can respond to community priorities. 	<ol style="list-style-type: none"> 1. Youth led: Young people’s voices and decision-making should be at the centre of government and community responses. The government must enable this through governance structures, investing in pathways and capability-building for young people, and resourcing for their sustained involvement. 2. Aboriginal led: developing solutions guided by Aboriginal communities, leaders, youth and organisations. Policy and service delivery should be anchored in Aboriginal culture and implemented in partnership. 3. Partnership: The principle should be equality of voices at all tables. 4. Whole-of-system: The coordination of multiple systems and stakeholders is required to achieve sustainable outcomes. 5. Action: The government must move from dialogue to action to achieve tangible outcomes, investing in Aboriginal organisations and existing services that already work. 6. Measuring outcomes: A robust and culturally informed framework for measuring outcomes, with shared accountability for outcomes and help prioritise funding and activity.
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Sector responses

District Leadership Groups were established in the Kimberley in 2016, as a mechanism to work collectively with the government, service providers, Aboriginal organisations and local leadership to find solutions to complex local issues and to help improve the well-being of families in the Kimberley.

The two Groups, based in the East and West Kimberley, identified three priority areas to collaborate on to deliver responsive, integrated place-based solutions, including:

- Collectively addressing family violence – the groups will locally lead the implementation of the Kimberley Family Violence Regional Plan 2015-2020,
- Supporting the early years – the groups will provide leadership to early learning and development initiatives at key locations, and
- Targeted support for vulnerable children and young people – the groups will lead the development of integrated and tailored earlier support services for young people and their families.

References

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- [5] Australian institute of Health and Welfare, Children's Headline Indicators: Family economic situation, 2020.
- [6] L. Mondy, A Good Education: A Protective Factor for Children in Out-of-home Care. Developing Practice: The Child, Youth and Family Work Journal, No. 5, Summer 2002 - 2003: 53-59., 2003.
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- [8] First 1000 Days Australia, <https://www.first1000daysaustralia.com/>.