



Revisiting “A New Approach” to Cultural Support Plans

Executive Summary

The Victorian Aboriginal Children and Young People's Alliance (The Alliance) is calling for immediate action to review the current process for the development and implementation of cultural plans and for Department Health and Human Services (DHHS) to make the necessary changes to ensure all Aboriginal children and young people in out-of-home care (OOHC) have an endorsed cultural support plan.

Numerous inquiries between 2009 and 2016 have repeatedly reported that DHHS has failed to comply with Section 176 of the Child Youth and Families Act 2005 which legislates that all Aboriginal children in OOHC have a cultural support plan to maintain their connection to family, community and culture. DHHS report on the number of endorsed cultural plans quarterly with the most recent data showing that as of May 31 2019 only 32.5% of Aboriginal children in OOHC have a cultural support plan.

The Alliance support team have conducted site visits to the 14 Alliance Member organisations to meet with Child and Family Services staff to discuss what is working well, what is not working and what could be done differently in the programs and services they provide. The site visits have enabled us to get a better understanding of the issues our Members are facing and to identify common themes across all regions of the state.

Cultural support plans are one of the biggest challenges for our Members to date with the same barriers experienced across all of the different regions. Anecdotal evidence that has been reported to us through conversations with relevant staff

members at each of the Aboriginal Community Controlled Organisations (ACCOs) will form majority of the evidence for this paper.

The role of the Alliance is to collectively advocate for change in current government policies to improve outcomes for Aboriginal children and young people in Victoria. This paper directly responds to the following objectives in the Alliance Strategic Plan 2018-2023.

1. Embed and maintain a cultural model of care to ensure the delivery of culturally responsive, safe and appropriate responses and practices to Aboriginal children and young people.
2. Ensure all Aboriginal children and families are empowered to lead self-determining lives, and have the ability to set the precedence for the design and delivery of prevention, early intervention and out of home care services.

Background

Maintaining connection to culture is essential for the Aboriginal population especially children and young people as a strong cultural identity provides an individual with a sense of belonging, purpose, social support and self-worth. Aboriginal children who are removed from their families are at a high risk of losing all connections to their culture, family and community and this can have dire consequences on the overall health and wellbeing (Kingsley et al. 2013). The establishment of the cultural support plan program is a significant acknowledgment of the human and cultural rights of all Aboriginal children in OOHC and places responsibility on the agencies involved to ensure that all plans are



meaningful and relevant to the child's age, development and circumstances.

On March 1st 2016 it became legislated under the Children, Youth and Families Act 2005 that all Aboriginal children in OOHC must have a cultural support plan to keep them connected to their culture, family and community. Since this was legislated, there has been a low compliance rate of cultural support plans developed, with the most recent statistic showing that as of May 31 2019 only 32.5% of Aboriginal children in OOHC have an endorsed cultural support plan. This is alarming as since Kevin Rudd's apology in 2008 the number of Aboriginal children removed from their family has almost doubled making Aboriginal children 11 times more likely to be involved in the Child Protection system than their non-Aboriginal counterparts (SNAICC, 2019). With the rate of removal increasing, the gap between the numbers of children with cultural plans is only going to widen resulting in Aboriginal children being disconnected from their culture, family and community.

Legislative Requirements

- Section 176 of the Child Youth and Families Act 2005 (Cultural support for Aboriginal Child)
- Section 12 of the Child Youth and Families Act 2005 (Aboriginal decision making principles)
- Section 13 of the Child Youth and Families Act 2005 (Aboriginal Child Placement Principle)
- Section 19 of the Charter of Human Rights and Responsibilities 2006
- The United Nations Declaration on the Rights of Indigenous Peoples

Relevant Victorian Government Policies/Strategies

- Wungurilwil Gagapduir: Aboriginal Children and Families Agreement
- Strong Culture, Strong Peoples, Strong Families; Towards a Safer Future for Indigenous Families and Communities 10 Year Plan

- Korin Korin Balit-Djak, Aboriginal health, wellbeing and safety strategic plan 2017-2027

Current Process

Currently the care team who is supporting the child holds the responsibility to develop cultural support plans. A referral from the caseworker must be made to the Senior Advisor within three working days of an Aboriginal child entering the OOHC system, as it is important the plans are developed as soon as possible to maintain and encourage connection to culture. Senior Advisors are employed by ACCOs. Senior Advisors have an important role to play in this process, they are imperative in initiating conversations with the child's family and providing guidance to the caseworker to ensure the information presented in the plan is accurate and meets the cultural needs and circumstances of the child. Once the care team has developed the cultural support plan, it then needs to be sent to the Chief Executive Officer (CEO) of the local ACCO to be reviewed and signed off for endorsement.

The care team with the support of the Senior Advisor, are also responsible for reviewing the cultural plan in the lead up to the planned review date which is generally every 12 months to ensure the plan is still relevant to the child's needs and circumstances. In some instances, the plans may need review earlier than the planned review date, for example if a child was to change placements from a non-Aboriginal carer to an Aboriginal carer. Senior Advisors currently have no role in implementing cultural plans, as this is the responsibility of the case manager and the carer.



Reported Issues

History of Non-Compliance with Legislative Requirements

Since cultural planning became a legislative requirement, numerous investigations have shown DHHS continue to fail to comply with section 176 of the Child Youth and Families Act 2005. In 2009 the Own Motion Investigation into the Department of Human Services child protection program found only 20 per cent of children who were required to have a plan had one developed. A 2014 audit report by Victorian Auditor General's Office (VAGO) found 81 percent of children who were required to have a cultural support plan in Residential Care did not have one developed with a follow-up report in 2016 demonstrating DHHS had still not improved their performance to comply with the legislative requirement (CCYP, 2016).

It is evident the current process to develop a cultural support plan is not efficient and it raises concerns about the competency of Child Protection workers to abide by the legislative requirements for Aboriginal children in OOHC (CCYP, 2016).

Lack of Cultural Knowledge

The current process in place to develop a cultural support plan is failing with the core issue being that non-Aboriginal people are required to identify and complete the cultural elements of the child's plan. This factor alone has detrimental effects on the Cultural Support Plan Program as non-Aboriginal people do not always understand the importance of connection to culture and therefore do not see cultural support plans as a priority. The child protection workforce is a predominately white, middle-class female workforce that lack the skills or resources to identify cultural needs or develop a plan that responds to the child's needs (CCYP, 2016). Due to a lack of cultural knowledge, departmental staff are failing to understand the diverse range of Aboriginal cultures across Victoria and other states, and this is evident through incorrect

totems, language groups and Country included in the child's plan.

It has been reported that Child Protection workers misunderstand the cultural brokerage funding that ACCOs receive. It has been reported that some Child Protection workers believe there is unlimited funds and that they can direct how it is to be spent. A recent example is when a Child Protection caseworker applied for \$10,000 for one case for a Return to Country visit. The Country they were planning to send the child to, was not the child's country and in fact was the child's cousins Country. When the ACCO realised this was the case and approached the caseworker about this they did not understand why this was not appropriate, had already told the child and family they were going on a holiday, and pushed the ACCO to release the funds, leaving the ACCO with a severe brokerage fund deficiency.

Quality of Plans

Cultural support plans are a major component of an Aboriginal child's case plan so it is vital that they are all of high quality and relevant to the child's needs and circumstances. Processes have been put in place to ensure the quality and accuracy of plans, however they have proven to be ineffective as ACCOs are still reporting a high number of low quality plans coming through the system. ACCOs have had to put their own measures in place to ensure all plans are of high quality with the CEO not signing off on them until they meet the required standards. This issue has been brought to the attention of the DHHS Cultural Planning Implementation Group, with this group currently discussing different strategies to improve the quality of cultural plans across the state.

It has been reported that the low quality of plans produced is due to lack of consultation with Senior Advisors and the child and their immediate and extended family. Due to this, the plans are failing to capture the voice of the child and the family resulting in plans being written from the



caseworker's perspective or in a report-like form. Generic and tokenistic activities are included in the plans for the child to undertake to help maintain their connection to culture. The most common activities included in cultural plans are for the child to attend NAIDOC week and to have a health check at the local ACCO, both of these activities have no direct connection between the child and their own individual culture. It is critical that the child and family are consulted when deciding on cultural activities as every family has their own unique ways of connecting with their culture.

Due to a lack of cultural knowledge, information included in the plans are reported to be copied and pasted from unreliable online sources, therefore having no relevance to the child's culture, family or community. There have been cases where cultural support plans have been given to the Cultural Advisor to be reviewed and content has been copied and pasted from another child's cultural plan as there were two different names written throughout the plan. Having incorrect information presented in the plans can have a negative impact on the child developing a strong sense of cultural identity.

Review of Cultural Plans

It is a requirement for cultural support plans to be reviewed after 12 months of endorsement to ensure the plan is still relevant to child's needs and circumstances. It is also an opportunity for caseworkers to identify if the child is engaging with the activities outlined in plan to maintain their connection to culture, family and community. Alliance members have identified that cultural plans are being used as a 'tick the box' exercise for child protection as once the plans have been completed they are have not been reviewed.

Reviewing the plan is a critical component of the cultural plan program as it is important the plan develops along with the child. In addition to cultural plans being reviewed every 12 months, Alliance

members believe they should also be reviewed when a child has experienced a change in placement. A change in placement can have a big impact on a child, especially if they have moved from a placement with an Aboriginal carer to a non-Aboriginal carer or vice versa. It is imperative that cultural plans are reflective of changes in circumstances and that the new carer is advised of the cultural plan and implementation requirements including the supports available.

Summary and Opportunities

Due to the non-compliance of cultural plans being developed the Alliance is calling for an opportunity to explore:

- a review of the current process to develop a cultural plan
- greater responsibility to develop and implement cultural support plans be transferred over to ACCOs
- increase in resourcing and funded activity based on need of the local ACCO

It is evident that the current program is not efficient in providing cultural support plans to all Aboriginal children who are in care. The most recent data indicates only 32.5% of children in care have an endorsed cultural plan. Alliance members have identified that they believe ACCOs should hold greater responsibility in developing and implementing cultural plans as Aboriginal people themselves are best placed to be writing about culture, especially when it is concerning their own community.

Workers within Child Protection do not have the cultural knowledge or expertise to develop a high quality plan that is a true representation of the child's culture. This is shown through the high amount of information that has been copied and pasted from unreliable online sources and included in cultural plans. The most recent Aboriginal Children's Forum (ACF) in June 2019 decided on the activities to be prioritised in 2019/2020 under Wungurilwil Gapgapduir. One of the activities under Objective 1: Aboriginal children and families



are strong in culture and proud of their unique identity, is to prioritise funding and change policy to enable ACCOs to take primary responsibility for the development, implementation and review of cultural plans. This activity will address this issue and is in line with what ACCOs believe will help improve the quality and quantity of cultural plans.

Members have identified that a high quality cultural plan requires input from the child (if age appropriate) and their family to provide information about their culture and the activities they would like the child to undertake to ensure connection to culture is maintained. However, due to past government policies that have had a negative impact on Aboriginal families, Child Protection often find it difficult to effectively engage with the Aboriginal families which is preventing them from collecting this information from families. The Senior Advisors play a critical role in engaging the family to ensure their voices are heard however, Senior Advisors have reported that Child Protection are failing to send referrals through to them within the three days of the child entering OOHC. Child Protection tend to contact Senior Advisors at the last minute to get plans endorsed when a court date is coming up which leaves no time for effective family consultation to take place. If Senior Advisors were resourced accordingly and had more authority in developing cultural support plans, referrals would be made directly to them when an Aboriginal child enters OOHC. By doing so, Senior Advisors start the process of engaging family and explaining why it is important the child has a cultural support plan developed, and further establishes trust with the family and opportunities for support by the ACCO.

There is a need and an opportunity for cultural planning to be put on the Aboriginal Family Led Decision Making (AFLDM) agenda to begin conversations with the family as soon as possible. Under Wungurilwil Gappagduir Objective 1: Aboriginal children and families are strong in culture and proud of their unique identity,

the ACF has agreed that in 2019/2020 the AFLDM will be changed to intervene at the first point of contact with the family services and child protection systems. Alignment between these two programs will enable the care team to collect information about the child's culture so they can begin to develop the cultural support plan as soon as a child enters the child protection system. Senior Advisors have identified that cultural support plans should not be a standalone document and should be integrated into other components of a case plan. This will ensure culture is a priority across all areas of a child's OOHC journey and allows for culture to be on the agenda for every meeting that takes place.

There is also an opportunity for the cultural planning program to link in with families who have received an unborn report. The development of the plan can begin when the family engages with appropriate support services to address the issues of concern and to help re-engage them with their culture. By beginning this process at this early stage it could prevent the child from being taken away, and if the child is removed then the cultural plan has already been developed or is under development with direct engagement from the child's family. Identifying and working with the mother in developing a cultural plan for her unborn child will assist with her connection to the child through culture.

ACCOs also have the ability to identify family relationships within their own community to assist them in the development of genograms, which is an essential component of a cultural plan. In 2019/2020 the ACF decided that there is a need to scope and seek investment for Kinship Family Finding in all ACCOs for children pre-orders. This will assist those ACCOs who currently lack the resources to be able to do this effectively and will provide staff with more information to ensure the child maintains connection with their culture, family and community.

Each ACCO currently has their own processes in place to monitor the quality of



cultural plans being developed with members identifying that those who have had a large amount of input from the Senior Advisor are those that are regarded as high quality. The Commission for Children and Young People (CCYP) are going to review the quality of cultural support plans by conducting an audit on 10% of endorsed plans. In order to do this they will develop a framework/tool to measure what makes a good cultural support plan, which will be developed in consultation with the Senior Advisors and the State Wide Coordinator of Cultural Support Plans.

Alliance members have voiced that they would like to take on greater authority in developing and implementing cultural support plans from Child Protection, as the accuracy of information about culture is of higher quality coming from Aboriginal people. In some regions, Senior Advisors are already developing the plans as opposed to Child Protection even though they are not resourced to do so. This is resulting in plans being completed in the Senior Advisors own time as they are passionate about ensuring children and young people are presented with appropriate information to maintain their connection to culture, family and community. In order to fully recognise the additional work Senior Advisors are undertaking, a review of their position description is required which may result in awarding them more authority in developing and implementing cultural support plans. This can be achieved through an activity decided by the ACF under Objective 2 in Wungurilwil Gagapduir: Resource and support Aboriginal organisations to care for their children, families and communities is to develop a cultural weighting framework and strategies to recognise the unpaid cultural load and intergenerational issues for the Aboriginal workforce.

The review of the current activity of Senior Advisors and understanding their aspirations for cultural planning will assist DHHS in acquiring an increase in funded activity for ACCOs.

The cultural planning program would be able to better align with the brokerage funding that is provided to ACCOs to help children engage in the activities outlined in their cultural support plan. As the program stands now caseworkers are requesting that the brokerage money be spent on activities that are not directly related to a child's culture and/or cultural plan. The alignment of these two programs is essential for ensuring the children are supported to return to their own Country and to engage in relevant cultural activities. The ACF has agreed to support ACCOs to enable Aboriginal children to regularly participate in nation ceremony events on Country in 2019/2020 under Objective 1 of Wungurilwil Gagapduir. This follows the principles of Aboriginal self-determination to allow ACCOs to make cultural decisions on behalf of their Community without the interference of child protection influencing how they do so.

Due to the hard work and dedication of Senior Advisors educating Child Protection about the importance of culture for the Aboriginal population, they have reported they are beginning to see a shift in caseworkers understanding of why cultural support plans are a necessary component of a child's case plan. However, due to the high turnover of Child Protection staff they are constantly required to provide training which is taking away time that could be used to work on developing cultural support plans. There is an opportunity to address this in the decided activities for 2019/2020 by the ACF under Objective 3 in Wungurilwil Gagapduir: commit to culturally competent and culturally safe services for staff, children and families. It was decided that the responsibility for auditing the cultural competency of services should be placed with an independent Aboriginal auditor, which will take some of the burden off Senior Advisors.

Overall, the Alliance members and the Senior Advisors have identified the need to hold greater responsibility in developing and implementing cultural support plans as they hold the cultural knowledge and expertise to



develop high quality plans. Although members are asking to take on greater responsibility, they still believe Child Protection should be held accountable and maintain some responsibility in ensuring all Aboriginal children stay connected with their culture, family and community.



References

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