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Submission to the Department of Human Services *Protecting Children: The Child Protection Outcomes Project*

The Protecting Children: The Child Protection Outcomes Project (“the report”) recognises there is a large difference in Indigenous and non-Indigenous children’s contact with the child protection system, namely:

1. Indigenous children are vastly overrepresented in notifications and investigations;
2. The involvement Indigenous children and their families have with the child protection system has increased at a much greater rate than non-Indigenous children in recent years;
3. Substantiations of abuse and neglect have been rising at a much higher rate for Indigenous children.¹

After outlining the key statistics regarding Indigenous children in the child protection system, the report states:

We suggest that the issues around the involvement of Indigenous children and families in child protection are so important and challenging that it is not possible to address them adequately in this report. They require further examination, in consultation with Indigenous communities and organisations.²

Given the report’s recognition of increasing involvement with Indigenous children VALS is extremely concerned that DHS has made the conscious decision to defer discussion of the issues associated with this. If Indigenous issues are to be sidelined to a “later” report then discussing the reform options is pre-emptive and may discourage the participation of Indigenous people at a later date.

The child protection system in Victoria has been working at beyond capacity level for many years. The Brack’s government made a commitment during the last election period to reform children’s services in Victoria. As a representative of Indigenous parents and children in court VALS welcomes reform of the child protection system. However VALS will not endorse any changes to child protection policy until proper consultation with all the key stakeholders in the Indigenous community has taken place. With this in mind VALS makes the following submission drawing on the four key elements outlined in the report.

¹ The Allen Consulting Group, *Protecting Children: The Child Protection Outcomes Project*, Final Report for the Victorian Department of Human Services, Sept 2003, 6.

² *Ibid*, 7.

Four Key Elements of a New Model of Child Protection

1. A community partnership for the protection and welfare of children supported by new infrastructure, processes and governance

- VALS believes that there needs to be full and proper consultation and community involvement for a partnership to exist.
- VALS is concerned about the establishment of new or restructured centres described in the report as Community Child and Family Support Centres. Aboriginal Child Care Agencies are built in regionally specific areas. The services have grown out of the needs of the Indigenous community through agencies such as VACCA working with the community. Any new infrastructure, processes or governance must be properly discussed with all parties.
- VALS agrees with the push for a more integrated service model in which the various sections of the child protection system are in open contact with each other and working for a common cause.
- Members of the Indigenous community have expressed to VALS their particular concern regarding the housing of children and family services such as counseling, health clinics, parenting support, child care etc. within the same building as DHS. This concern is founded primarily on the historical experiences of Indigenous communities. Experience shows that Indigenous people will be reluctant to use these centres if they feel there is a risk of notification to child protection. VALS in no way supports this reform option.
- The report does not acknowledge the protocols established between DHS and the Victorian Aboriginal Childcare Agency (VACCA), namely the Aboriginal Child Placement protocol and the VACCA/DHS protocol. These protocols must be strengthened and DHS staff educated about their operation.

2. A new model for intake, assessment and referral

- The report outlines a number of options for this area, looking abroad to both the UK and the USA. While these approaches may be relevant for the mainstream community, Indigenous people are confronted by a number of issues that are specific to their communities. It has been demonstrated again and again that a “one size fits all” approach fails to address the real concerns and problems faced by Indigenous communities. Comparative Indigenous models of child protection exist in Canada, the USA and New Zealand all of which are worth examining.
- The report does not acknowledge the protocols established between DHS and VACCA (the Aboriginal Child Placement protocol and the VACCA/DHS protocol). Any reforms to the intake, assessment and referral system must recognise the important place these protocols have in the child protection system.

3. *A range of services responses that are appropriate for the wide variety of child protection concerns, problems and circumstances presented by families*
 - Adequate resourcing is vital if Indigenous services are to deal with all aspects of child protection.
 - Indigenous stakeholders are particularly supportive of increasing the capacity of their organisations to establish preventative and diversionary approaches to child protection. Therefore increased funding is essential if this approach is to be adopted.
 - VALS believes that the expansion of the Koori Courts to deal with issues of child protection is one reform option that should be explored in detail.

4. *A focus on reducing out of home care where possible, but also on greater permanency and stability for children in care who are not able to return to their families*
 - The report does not discuss the inadequacies of the current out of home care system as it affects Indigenous children and families. Out of home care strategies must be fully discussed with the Indigenous communities.
 - VALS believes that any reform to the out of home care system must be culturally appropriate. Reforms must specifically recognise the role of kinship carers, the cultural needs of Indigenous children and the role of Indigenous child care agencies in the out of home care system.
 - VALS is deeply concerned that if resources are not put into looking into and improving the child protection system for Indigenous children, particularly the current rate of out of home care, then there is the very real danger of the tragedy of the Stolen Generation being repeated. Based on current figures Indigenous children are 14 times more likely to have spent some time in out of home care during the year³.

Conclusion

1. VALS calls for a report discussing the issues of child protection from an Indigenous perspective as this has not been done. The report must consult closely with key Indigenous stakeholders.
2. The new report needs to examine the successes and failures of Indigenous child protection models in countries that have similar colonial histories to Australia such as Canada, New Zealand and the USA.
3. VALS does not support the housing of DHS offices in the same centres as other child and family services. VALS experience is that Indigenous people's fear and mistrust of state child protection agencies would result in Indigenous families not accessing the other services available at the centres.
4. The report needs to be more specific about the practical effects of the reforms proposed.

³ Ibid, 6.