

children placed in OOHC. LAC is embedded in the DFFH's and sector's case management systems, CRIS and CRISSP respectively.

- Further to this, for children and young people in kinship and foster care, information sheets and guidance are available to support carers to understand their roles and responsibilities, including information about health care.

Advocacy and legal supports

Introduce a mandatory child protection notification scheme

193. DFFH does not support the introduction of a new mandatory child protection notification scheme (as described), due to privacy and information sharing implications.¹²⁰ Under current legislative frameworks¹²¹ and without the affected persons consent, disclosure of this information would be a breach of privacy. In addition, it may not be possible to obtain informed consent given the affected individuals are children.

194. The scheme would require child protection to contact all children and families subject to a report and seek their consent to provide information to an advocacy and legal service. It is DFFH's view that this contact could cause unnecessary distress for families, particularly where the report does not result in an investigation¹²² and would create a significant administrative burden for the child protection program.

195. The child protection program has safeguards in place to enable Aboriginal children and families to receive support and advice, including legal advice. These include:

- a requirement to consult with the ACSASS regarding decisions for Aboriginal children - this includes when a report to child protection is received¹²³
- information sheets for families and children detailing key events such as the first home visit by child protection and a court application for protection. Information sheets include contact details for legal services such as Victorian Aboriginal Legal Aid Co-Op and Djirra
- all parties to proceedings at the Children's Court are supported by Victorian Legal Aid who organise legal representation for parents and children.

Supports after child removal

Fund pre- and post-placement support and counselling, including by ACCOs

196. DFFH supports in principle the proposed recommendation relating to culturally appropriate pre-placement and post-placement support and counselling services,¹²⁴ and that these supports should be funded by State and Territory Governments and made available to First Nations parents with disability whose children are the subject of removal by child protection authorities.

¹²⁰ Refer paragraph [512] of Submissions for Public hearing 8

¹²¹ s.191, s.192, s.209 CYF Act

¹²² In 2017-18 child protection received 10,246 reports regarding Aboriginal and Torres Strait Islander children, of these 38 per cent were investigated and 62 per cent closed at intake, often after the provision of advice or making referrals to other services.

¹²³ See the ACSASS program requirements at <https://www.cpmanual.vic.gov.au/advice-and-protocols/protocols/acsass-program-requirements>.

Refer to paragraph [59] of the Second Wilson Statement.

¹²⁴ Refer paragraphs [532] (a) and (b) of Submissions for Public hearing 8 and paragraph [657] (second bullet point) of Submissions for Public hearing 16

The emphasis of any support and counselling provided should be on assisting the parents to focus on the child's needs and health, wellbeing and safety outcomes. Also noting that these supports are voluntary in nature and families cannot be compelled to engage with these services.

197. Where there is a plan for reunification of the child with the parents, these supports are currently part of the reunification supports which are funded and provided, including through ACCOs.

198. Where reunification of the child with the parents is not planned, these supports are not currently provided.

199. DFFH supports in full the recommendation that First Nations community-controlled organisations should be among the services funded to provide pre- and post-placement support and counselling.

Residential Care

Contractual obligations

200. DFFH considers that the recommendation that states and territories must ensure residential care providers are compliant with contractual obligations before placement of First Nations children with disability in OOHC residential care homes, including children with undiagnosed disability,¹²⁵ is not applicable in Victoria. This is because placement decisions are made by DFFH and not by funded providers.

201. There are a range of mechanisms in place in Victoria to support residential care providers' compliance with contractual obligations when providing support to children and young people in placements. These mechanisms are outlined in the witness statement DFFH provided to the Royal Commission in preparation for the Commission's hearing into First Nations Children in Out of Home Care.¹²⁶

Secure care

202. In relation to the Commission's enquiry into the role of secure care facilities within the out of home care service system, DFFH provides the following contextual information. DFFH operates two secure care services in Victoria to support vulnerable young people involved with child protection, state-wide who are considered at immediate or serious risk of harm.¹²⁷ Secure care provides a highly structured, secure and safe environment for a brief period of time. One service is provided for young women and one service is provided for young men who require this type of care. Secure care services work closely with the Aboriginal Child Specialist Advice and Support Service to support Aboriginal children and young people who are placed in secure care, in addition to an Aboriginal Liaison Officer who provides support within secure care services.

203. DFFH supports in principle the proposed recommendation to commission research in relation to secure care.¹²⁸ This should include research to better understand the impacts of secure care

¹²⁵ Refer paragraph [166] (third bullet point) of Submissions for Public hearing 16

¹²⁶ Refer to paragraph [148-164] of the Second Wilson Statement

¹²⁷ Refer to paragraphs [58 – 63] of the Second Wilson Statement

¹²⁸ Refer paragraph [404] (first bullet point) of Submissions for Public hearing 16

models, suitability and alternative options for First Nations children with disability. The implementation of this recommendation would be subject to funding.

204. DFFH supports in-principle the proposed recommendation that any secure care facilities or other settings which feature a restrictive environment for First Nations children are developed and delivered by ACCOs.¹²⁹ DFFH also supports that ACCOs are appropriately funded and supported to deliver this effectively.
205. As part of a review of the current model of care DFFH is committed to working with Aboriginal agencies, including the Child Specialist Advice and Support Service, to review decision-making processes for First Nations children into secure care services and to provide a more culturally appropriate service response within secure care. This work aims to reduce the rates of admissions of First Nations children into secure care and improve the quality of their care experience.
206. Implementation of this proposed recommendation would be subject to consultation with the Aboriginal community and require significant investment. DFFH's reform priorities have been directed to ensuring First Nations children are appropriately supported in a community-based setting by ACCOs and to reducing the rates of admissions of First Nations children into more restrictive service settings.

Supports and services

207. DFFH supports in principle the proposed recommendation that ACCOs should be supported to develop and deliver a range of services, including intensive services to assess and support First Nations children with disability, to reduce the risk of admission to secure care.¹³⁰
208. DFFH currently funds ACCOs to deliver therapeutic OOHHC services to Aboriginal children and young people in care, including Aboriginal therapeutic home-based care and therapeutic residential care.
209. New models of care were funded through the 2020-21 Victorian State Budget including two and three bed therapeutic residential care and Keep Embracing Your Success (KEYS)¹³¹ residential care to provide increased therapeutic and specialist supports to children in care.
210. ACCOs are being funded and supported to develop and deliver intensive services through these new models of residential care, to better support First Nations children in a community setting and reduce the risk of entry into secure care. DFFH is working with VACCA to ensure that the Aboriginal Keep Embracing Your Success (KEYS) model of care is culturally appropriate. The model, delivered by VACCA, will support Aboriginal children and young people with complex needs, which may include those with a disability.

¹²⁹ Refer paragraph [404] third bullet point of Submissions for Public hearing 16

¹³⁰ Refer paragraph [404] (third bullet point) of Submissions for Public hearing 16

¹³¹ Keep Embracing Your Success (KEYS) supports children with mental health and complex needs. This is a new model of residential care with a focus on addressing trauma and mental health, bringing together care services and mental health service systems. KEYS provides wrap around support services.

211. VACCA will also deliver two and three bed therapeutic residential care providing culturally appropriate therapeutic and specialist supports to Aboriginal children and young people with complex needs, which may include disability support needs.¹³²

212. The development of specific models of care for First Nations children with a disability would require additional funding.

213. DFFH supports in principle the proposed recommendation to provide funding for ACCOs and ACCHSs to establish therapeutic centres for First Nations children with disability in OOHC, including incorporating traditional healing techniques within these centres.¹³³ Establishment of therapeutic centres is subject to budget outcomes and Commonwealth monetary support.

¹³² Further information about Therapeutic Residential Care provided by VACCA is available at: <https://www.vacca.org/page/services/children-and-families/children-in-care/therapeutic-residential-care>

¹³³ Refer paragraph [657] (fourth and fifth bullet points) of Submissions for Public hearing 16

Eliminating inequality and racism

The four building blocks

214. The development of the new National Agreement on Closing the Gap is underway between all states and territories in conjunction with SNAICC.¹³⁴ The Family Matters Building Blocks are a guiding principle in the development of the National Agreement on Closing the Gap.

215. DFFH does not support the proposed recommendation to adopt the framework developed by Family Matters (The four 'Building Blocks')¹³⁵ outside the work already underway, as described in the previous paragraph, as this work sits best with the National Safe and Supported Framework¹³⁶ and the National Agreement on Closing the Gap.

Self determination

216. DFFH supports in full the proposed recommendation that the policy and practice of service providers with First Nations children with disability in contact with the child protection system and responsible government departments, should respect and enable the exercise of self-determination by First Nations people.¹³⁷

217. Refer to section three on self-determination (paragraphs 19-31) that outlines the ways that Victorian Government's commitment to reconciliation is being reflected and enacted.

¹³⁴ <https://www.snaicc.org.au/>

¹³⁵ Refer paragraph [683] (first and second bullet points) of Submissions for Public hearing 16

¹³⁶ Department of Social Services, *Safe & Supported: the National Framework for Protecting Australia's Children 2021 – 2031, 2021*. Available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/protecting-australias-children>

¹³⁷ Refer paragraph [683] (third) of Submissions for Public hearing 16

222. In Victoria, child protection practitioners are required to consult with ACSASS prior to making significant decisions – from intake to closure.¹³⁹ Significant decisions include:

- classification of a report
- substantiation
- the permanency objective for a child
- significant decisions regarding: care arrangements; contact between a child and their parents and others; cultural support; education, health or developmental support; and involvement of other agencies and services
- preparation and review of a case plan
- removal or return of a child from parental care
- court applications
- entry or exit at a secure welfare service
- placement changes
- breaches, revocations, variations and extensions of orders
- reunification decisions
- case transfers
- case closure.

223. In relation to the proposed recommendation that child protection departments should publicly report on their compliance with these mandatory requirements, Victorian data systems would need to be upgraded to allow for such reporting. Budget allocation would be required for such upgrades and is not currently provided for.

Paragraph 336(3) from the Submissions for Public hearing 8

224. The document “Program requirements for the Aboriginal Child Specialist Advice and Support Service”¹⁴⁰ outlines the dispute resolution process where child protection practitioners and ACSASS disagree on a matter or believe that the other party is not meeting its obligations.

¹³⁹ Further information is available at <https://www.cpmanual.vic.gov.au/advice-and-protocols/protocols/acsass-program-requirements> and <https://www.cpmanual.vic.gov.au/policies-and-procedures/aboriginal-children/additional-requirements-aboriginal-children>

¹⁴⁰ DFFH, *Program requirements for the Aboriginal Child Specialist Advice and Support Service*, February 2019. Available at: <https://www.cpmanual.vic.gov.au/sites/default/files/2019-11/2850%20ACSASS%20program%20requirements%20-%20revised%20February%202019.pdf>

