Moving to Child Safety and Family and Community Wellbeing
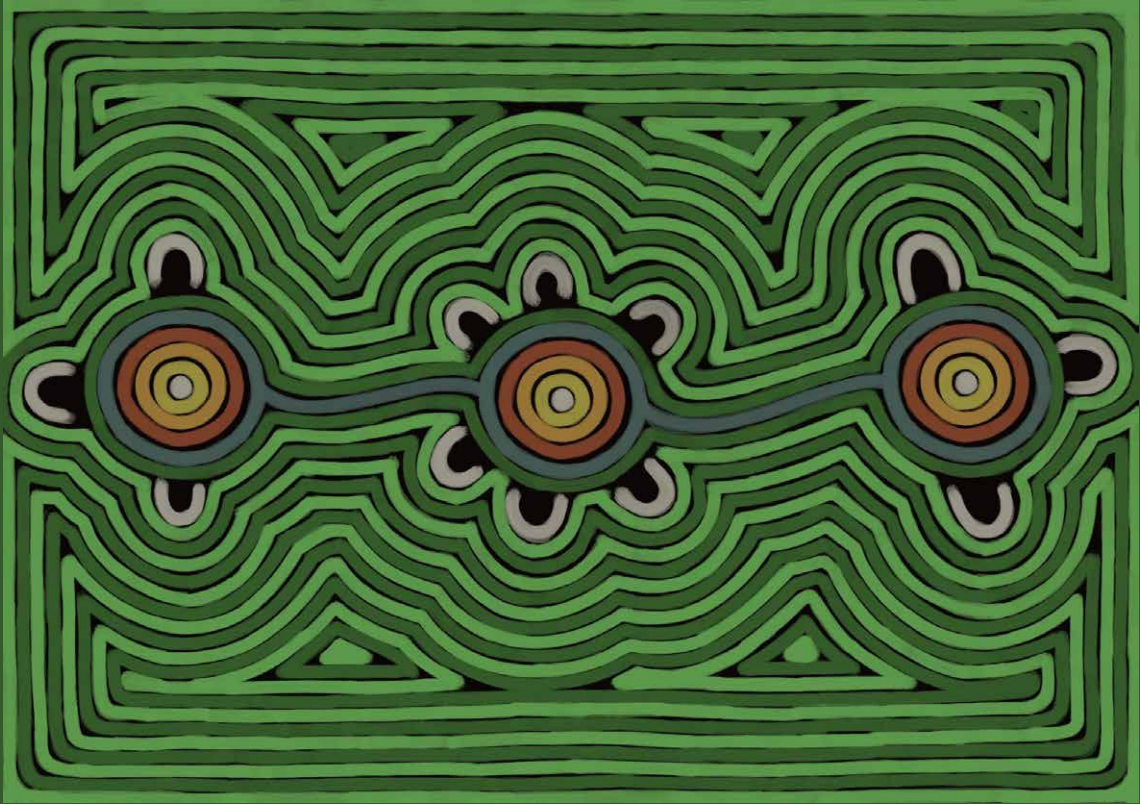
"Meeting Place" by Derek Nannup.

ARTWORK

The artwork that you can see used for the design of this report is called "Meeting Place" by Derek Nannup. The circles on the outer are family camps, the one in the middle is the gathering of both.

DISCLAIMER

EXECUTIVE SUMMARY

"We commit to growing partnerships and rebuilding trust to develop a shared view of the system."

"I pledge to use my heart and head to improve the lives of all children in care."

"We pledge to continue to stretch our thinking and operational paradigms to innovate, test and prototype new approaches".

"I pledge to never think that I've done enough."

"I commit to always giving children and families a true voice. All children deserve the tools and safe space to thrive and live their best lives."

"I pledge to keep talking about my own lived experience as a ward of state, as a parent whose children were removed, as a strong resilient Aboriginal woman."

- pledges written during the co-design workshop three.

The co-design engagement process ran from January 2020 to February 2020. There were three co-design workshops with a diverse range of stakeholders including state government, peak bodies, service providers, Elders, care leavers and other people with lived experience. There were also a number of focus groups and interviews conducted, as well as a variety of other co-design methodologies used.

This report outlines the thoughts and perceptions captured through our co-design pathway. The department has noted that some of these perceptions may be caused by people not having access to information about key information or actions that the department have taken to address these. In Appendix Bwe have included information and actions that the department has provided in response to some of the perceptions shared. In section 6.2 there is a response to the department's response from key stakeholders within the Independent Reference Group.

During the course of the workshops it was noted that there was a real sense of collegiality, and an appreciation of the plight of the people working in the system. There was an acknowledgment that we are all caught up in a system not of our own making. we want to recognise that there are

many people doing their best with what some have described as an "impossible imperative", and others would say within the confines of the system.

This report outlines a co-created conceptual framework, principles for the child protection system, and outcomes for the out-of-home-care system. These were created and refined over the course of the co-design pathway.

It is clear from this co-design process that the care and protection system needs to be rebuilt. This system currently operates on the legacy of policy and practice that brought about the Stolen Generation.

To ensure we break this cycle, we need to replace removal with healing and support for families. We must act now to ensure that every person who is working or making decisions in this system has been educated on structural racism. There is a huge risk that we enact mistakes of the past, thinking that one set of beliefs and values are superior to another. Keeping families together needs to be the core priority of the care and protection system. Family and community must be involved in decision making about their children's future.

What we need is a total reconceptualisation of child protection practice. We need an approach that is focused on child and family wellbeing using a public health approach. A public health approach ensures that we move away from the rescue mindset and replace it with a focus on engagement and support.

Community Service Organisations (CSOs) need to be given more authority around placements - it is noted that their authority is restricted to some extent due to The Children and Community Services Act 2004. We need to recognise that adversarial approaches between individuals, organisations and sectors will not create the future we wish to see. Therefore, we must invest time in strengthening relationships and building trust. This will lead to more collaborative approaches with children's best interest as the endgame.

At the heart of what we heard was that we must act immediately to address structural racism. As well as awareness and education, we need to see structural changes as well. These structural changes include ensuring Aboriginal leadership in all processes, Aboriginal Community Controlled Organisations (ACCOs) being supported and resourced to deliver Out-of Home Care, and the appointment of an Aboriginal Children's Commissioner.

We must uphold human rights at every turn and ensure that social justice is created through every action we take. We can never forget that self-determination for families is a core principle for any decision-making process. Our energy and resources must go towards strengthening families and keeping them together.

CONTENTS

REPORT PREAMBLE

"It's possible that we are witnessing the second stolen generation"

- participant at one of the workshops.

The quote above was originally placed at the beginning of the Executive Summary. When it was read by key stakeholders, one person questioned whether this quote would discourage people from reading the full report, and suggested it might not recognise the outcomes that have been achieved already. For people whose current work is to protect children it might feel that it lacks recognition of the work that they are doing. There was also a fear that the quote could set a negative tone for the whole report and may alienate some readers, which could potentially result in them not fully considering other important points included in the report.

For this reason we chose to start the report with several of the pledges made by the group in the third co-design workshop. The purpose in doing this was to demonstrate there is significant commitment within the system to change it for the better. We reiterate the words in the Executive Summary that we appreciate and acknowledge the efforts of the people working in the system and that many people feel caught up in a system not of their own making. In other words, we recognise that there are many people doing their best within the confines of the system.

We believe it is important for readers to find the ears and the heart needed to be able to hear the quoted statement so it is not taken personally. We hope that in seeing this quote that you continue to read with curiosity and courage. We hope that you lean in, with an open mind, a kind heart and a strong spirit to carefully understand why this phrase was not just said by one participant in the workshop but in slightly different ways by many others. We will need to take this open approach if we are to observe and deconstruct the structural and institutional racism that exists in the world today. Global events in recent weeks have seen Black Lives Matter rallies across the globe and our nation. This is our moment to learn how to talk about racism, the subtle ways that it shows up, and to acknowledge the unconscious bias we all hold that takes significant effort to address.

Why are people referring to a second stolen generation?

"Nationally, the number of Indigenous children in out-of-home care doubled in the ten years following the 2008 apology to the Stolen Generations (discussed further in the following chapter), with Healing Foundation chief executive Richard Weston describing the child protection system as 'punitive, not supportive' (quoted in Wahlquist 2018). That these figures continue to rise a decade after former prime minister Kevin Rudd made the historic apology suggests that the settler state has learned little from this troubled history. On his departure from the role, outgoing Victorian Commissioner for Aboriginal Children and Young People, Andrew Jackomos, described

the rising numbers as a 'national disaster' (quoted in Brennan 2018). As Hannah McGlade (2017: 3) argues, more Aboriginal and Torres Strait Islander children are being removed today 'than they ever were during the Stolen Generations'. These removals are increasing such that if there is no change to policy and practice that affects outcomes for these data it is estimated that rates of removal will triple by 2030" (Maddison, S. The Colonial Fantasy: Why white Australia can't solve black problems, p. 145).

The quote above is also supported by the data displayed in the department's Out-of-Home Care infographics (see Department of Communities website) it is clear that Aboriginal children are being removed from families at higher rates than ever before. The number of children in care in 2019 was 2942 Aboriginal children (increased by 97.2% since 2010) and 2437 non-Aboriginal children (increased by 32.3% since 2010). This means that Aboriginal children make up 55% of the children in care even though the Aboriginal population makes up around 3.3% of the overall population of Australia. That means that an Aboriginal child in Western Australia is 18 times more likely than a non-Aboriginal child to end up in Out-of-Home-Care. It also means that since the Bringing them Home Report was released in 1997 these statistics have increased and not decreased. When people look at these statistics there is a sense that things are getting worse. We have also displayed key events and national statistics into the table below.

1997	2008	2020
Bringing them Home Report released	Kevin Rudd delivered 'The Apology' to the Stolen Generations	
2000 First Nations children removed from their homes by child protection authorities	8000 First Nations children removed from their homes by child protection authorities	23,000 First Nations children have been removed from their homes by child protection authorities

While there was a different intent in the 1905 Act that produced the Stolen Generation, which was based on assimilation and removal of Aboriginal people and children from families and country into white society, with the Chief Protector having total control over Aboriginal lives. Today the departmental narrative based on protection and removal of children resonates with the earlier narratives of control and removal. The same mindsets are still held "We know better," and, "We are the protectors", through interviews and the co-design workshops it was clear that while the intent to assimilate Aboriginal people may not be in our policy and practice, but that it is clear that these earlier narratives are still inherent in the system today with the removal of children. For example, in the workshops we heard of children being removed because families were not able to get them to school, but then the care providers (group homes) also could not get them to attend school. When we heard about children being removed from a family due to one child being smacked when out of control, it raised questions around the abuse of removal when children are placed in foster care with strangers.

We know that these stories are a very simple way of expressing very complex stories and decisions. However, participants in the workshop struggled with the hypocrisy of Aboriginal children being removed by the department for reasons that it then enacts in different ways. It is clear that we need new narratives and mindsets to shape and guide the system.

Is it possible that narrative statements like the ones below could become the new stories of the governmental response?

"We do not know better, you know best. We will support you and your family to look after your children."

"We are not your Chief Protectors. They are your children. You are your own protector(s)"

Does everyone agree with the quote: "It's possible that we are witnessing the second stolen generation"?

In conversations with stakeholders we asked for reasons why people might disagree with this statement. One of the primary reasons they referred to for people disagreeing is that the intent of the removal is different from the one of the 1905 Act. So, while the statistics are worse than the Stolen Generation, people perceive that they are not being removed with the conscious intent to systematically eradicate a race of people. Another reason that has been expressed as to why people might disagree with this statement is that it could be considered as one continuous Stolen Generation; with four to six generations severely impacted by the policy and practice of the various versions of the Department of Child Protection.

What's the role of unconscious bias?

For non-Aboriginal Australians they might wonder how they have let this happen. The recent report from ANU by Siddharth Shirodkar published in the Journal of Australian Indigenous Issues found that 3 in 4 Australians tested for unconscious bias hold a negative view of Indigenous Australians which can lead to widespread racism. Unconsciously we can do a lot of damage. It is time that we become conscious of our own bias and actively work to shift it. By doing this we will ensure that we are not unconsciously perpetuating the bias in the system.

1.

CONTEXT AND BACKGROUND

1.1. General background and context

There has been effort towards reforming the OOHC sector over many years. More recently, changes in the Machinery of Government (MoG) and leadership have meant that the focus and ways of working in this area have shifted.

Below is a timeline of recent key activities that have led to this report.

2016: Building a Better Future released.

The process of Reform was initiated following a review of the OOHC system undertaken in partnership with the Department and the Community Services Sector. A discussion paper was released in 2015 and this led to the OOHC reforms as outlined in the Building a Better Future: Out-of-home Care Reform in Western Australia report, released in April 2016. This is the largest Reform agenda related to child protection in Western Australia since the implementation of the Ford Report recommendations in 2007. Building a Better Future: Out-of-Home Care Reform in Western Australia April 2016 provides an overview of the requirements to reform the Out-of-Home Care (OOHC) system to deliver improved outcomes for children and families through the implementation of 72 recommendations. The Reforms were designed to improve the transparency of OOHC, deliver a sustainable outcomes-based system, align care arrangement support and services more closely with the individual needs of each child in OOHC.

2016-2018: Consultations with CSOs (primarily).

Consultations have occurred since 2016 regarding many aspects of the reform. External consultations have included: Service model principles, Cross-Sector Foster Care Panel, Exit and Transition Guide, Better Care Better Services Service Standards review, Needs Assessment Tool, Care Arrangement Support Costs (CASC), cultural requirements, funding models and developing a matching framework.

2017: The reforms were placed on hold due to MoG

In November 2017, the procurement of OOHC services was delayed in order to:

- Review the Machinery of Government changes;
- Review and seek to incorporate the recommendations from the Royal Commission into Institutionalised Responses to Child Sexual Abuse;
- Review and seek to incorporate recommendations from the Statutory Review of the Child and Community Services Act 2004; and
- Allow for the procurement and implementation of the Earlier Intervention and Family Support services.

In November 2018, a second extension was executed. This extension was to enable sufficient time to finalise the design of new service models and complete the procurement process. In September 2019 a third extension was granted to enable Communities and the Independent Reference Group to undertake activities to address the areas of concern raised by the IRG in relation to the OOHC reform program. In November 2018, a second extension was executed.

This extension was to enable sufficient time to finalise the design of new service models and complete the procurement process. In September 2019 a third extension was granted to enable Communities and the Independent Reference Group to undertake activities to address the areas of concern raised by the IRG in relation to the OOHC reform program.

February 2019 | Information Session held by the department

The department held an information session regarding the financial model of new OOHC services to be commissioned. Many CSOs and ACCOs expressed concerns regarding the financial model and the ability of the proposed service models to deliver outcomes for children. These concerns were raised with the department via the Western Australian Council for Social Services (WACOSS) and this led to the convening of the Independent Reference Group (IRG) in April 2019 to advise and support the Program Board regarding the new commissioning of services and the way forward.

The IRG was established to provide strategic advice and support to the Program Board regarding reforming the OOHC system and related services, with a specific focus on the structure and efficacy of the proposed new services and funding models. Professor Maria Harries accepted the invitation to independently chair the IRG in April 2019, and as of July 2019 the IRG has been co-chaired by Professor Dawn Bessarab (UWA).

July 2019 | IRG report and recommendation of to the Program Board

The IRG report recommended a deferment of commissioning and agreement was reached to defer the procurement of OOHC services for at least 12 months to allow for further development of the service models and the completion of major tasks to be undertaken, in collaboration with Communities, during the deferment period. The first of the IRG major tasks was to:

Organise a co-design workshop with the Assistant Director-General Policy and Service Design to:

i)   Clarify the principles framing WA's approach to the care and protection
       of children;

ii)   Articulate the conceptual framework for service design within which
       OOHC is situated;

iii)   Specify measurable outcomes for children and families; and

iv)   Conceptualise how the service model will best to achieve these outcomes.

1.2. Scope of work

The co-design process undertaken that resulted in this report focussed on:

- Reflections on the child protection system, points of strength and what can be improved
- The principles that should underpin and inform WA's approach to the care and protection of children,
- Proposed outcomes for WA's OOHC system (with acknowledgement that these need to work for the Child Protection system), and
- Reflections for future directions.

This report summarises the data from the consultative processes undertaken and includes key data from 111 survey respondents who were asked about the principles and outcomes that are outlined in this document.

This report will now inform the co-design process for the design of WA's OOHC system, and the service outcomes for procurement.

1.3. Governance structure

The diagram below outlines the governance structure that was at the time overseeing the process outlined above in 1.1.

This report will be presented to the Program Board and once endorsed used to inform the design of future OOHC and Child Protection services.
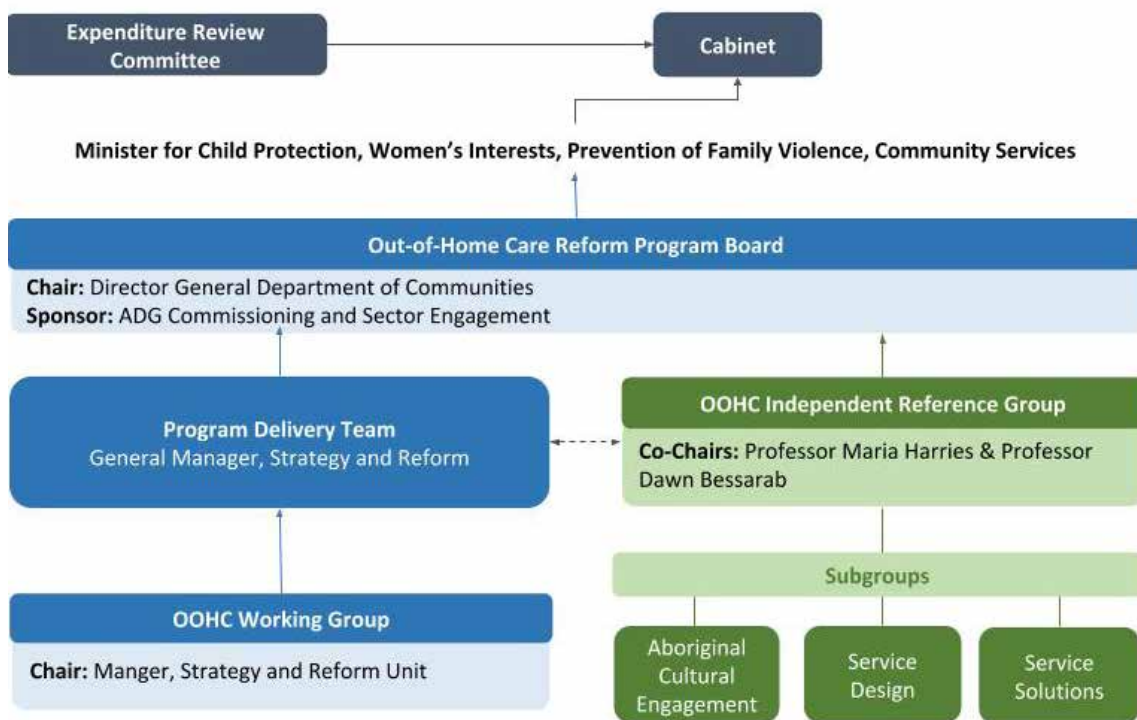
2.

CO-DESIGN PROCESS

2.1 The co-design pathway to date

The co-design process was created with input from the IRG members. Strong recommendations were that the process be visual and include time for building relationships, as well as ensure that facilitation was Aboriginal-led. You will see photos and artwork from the co-design processes in Appendix 3.

This report is reflective of the end of Phase 1.

OUR CO-DESIGN PATHWAY (Part of Phase 1)

Collecting/testing our story pathway and other activities

PHASE TWO
- Service Design
- Procurement Process

PHASE THREE

Feb 26

First Nations only

Feb 4
W1 ALL

Families Only

Feb 27
W2 ALL

MAR 3
W3 ALL

Kids Only

Department of Communities only

Feb 17

OUTPUTS
- Principles
- High-level outcomes
- Simple framework *AND* building relationships and the conditions for success

2.3 Strategic directives

The following strategic directives were a key deliverable of the co-design process. These are drawn from the service solution workshops, and roundtables held in partnership with the IRG, Department and WACOSS.

"We need to rework the system from the ground up."

After years of consultation and work, it is time to invest resources and energy into a system that works for all children and families.

1. **Prioritise reunification:** Speed up the reunification process and fast-track any reunifications that are in the system. Reunification needs to be a primary goal of the system.

2. **Strengthen families:** Work with Aboriginal Community Controlled Organisations (ACCOs) and Community Service Organisations (CSOs) to identify families under stress. Resources and support needs to be directed to family, informal family and kinship carers who are currently caring for children on behalf of birth parents and keeping those children out of the care system. It was stated many times during the co-design process that neglect experienced within a family is often less harmful than the OOHC system itself.

3. **Ensure an Aboriginal-led response:** Ensure Aboriginal representation (at least equivalent to overrepresentation rate) across the workforce. Budgets and procurement processes to include a percentage to ACCOs in line with overrepresentation. There needs to be support (financial and other) given for community connectors (individuals and Elders) who support the linking and cooperation of ACCOs, Aboriginal families and communities to ensure that they have a strong voice and collaboration with those most in need. An Aboriginal Children's Commissioner should be appointed together with a state-wide peak body to ensure that decisions can be made well and with longevity over the coming months. We need to trust that the capacity within the ACCO sector is there and support them to achieve their outcomes. There needs to be cultural authorisation for Leaving Care Plans as well.

4. **Address structural racism:** It is critical that structural and institutional racism are addressed immediately. Aboriginal kinship systems and practices need to be acknowledged and valued (i.e. placement failure when extended family have stepped in could be seen as a resilient kinship system). Aboriginal ways of knowing, being and doing that are working need to be validated and upheld as good practice. The Aspen Institute Roundtable on Community Change, an American-based group doing important work to help others understand structural racism, says that "the term structural racism refers to a system in which public policies, institutional practices, cultural representations and other norms work in various, often reinforcing ways to perpetuate racial group inequity…the structural racism lens allows us to see that, as a society, we more or less take for granted a context of white leadership, dominance, and privilege. This dominant consensus on race is the frame that shapes our attitudes and judgments about social issues. It has come about as a result of the way that historically accumulated white privilege, national values, and contemporary culture have interacted so as to preserve the gaps between white people and people of colour." Indicators of structural and institutional racism should be identified and communicated to everyone working in the Child Protection system. Awareness of these types of racism need to be interrogated across all decisions, particularly those made about Aboriginal children to ensure that children will not be unnecessarily removed from their families based on biased and flawed thinking. It's important to re-think and cease the current practice of granting non-Aboriginal foster carers Special Guardianship Orders over Aboriginal children, and to acknowledge and recognise that current permanency planning measures are not supported by Aboriginal people.

5. **Acknowledging the past as we move forward:** As we move forward it is important that we acknowledge the past and foster conditions for truth-telling to occur. In moments of crisis it is easy for a system to become less humane, and this was apparent during the co-design sessions where it was stated that we desperately need to humanise the Western Australian Child Protection system. As we heard from a non-Aboriginal youth advocate, "The system is still the one designed for the Stolen Generation and the removal of children, and we are all impacted by this". It's critical that we don't rely on cultural competency training to solve structural and institutional racism but, rather, we need awareness embedded in daily conversation during the current time and in moving forward into the future. These conversations need to build racial literacy, and awareness of power and privilege fragility (see Robin Diangelo White Fragility or W.O.W. at Curtin University).

6. **Delegate decision-making and authority:** CSO workers need a formal statement that there is delegated authority and permission for them to make decisions in the best interest of the child. Currently, when decisions need to be made for children around placements and funding it is obvious that official sign off is required from the Department of Communities. In order to act in a timely manner and put the wellbeing of the child first CSO's will need permission to make some later decisions associated with ongoing care of the child. Workers and families need to be trusted to make decisions according to what is in the best interest of the child. They do not have time to wait for permission from the Department. Decisions cannot be made through a compliance lens but rather through the lense of the safety and wellbeing of the child. Organisations need flexibility in their contracts; they need to be accountable for making the best decisions for children. Importance needs to be given to family-led decision making, and enacting principles of self-determination. It is noted that there are some limitations to the ability to delegate formal case-management decision making and authority due to The Children and Community Services Act 2004, which came into operation on 1 March 2006.

7. **Strengthen communities:** Local communities need to be given an opportunity to find their own solutions, recognising that each community and their circumstances are unique. Now more than ever we need to assume that local community leaders are best placed to determine the 'right mix' of: service type; governance structure; program approaches; and measures of success. Membership of advisory boards should include the voices of lived experience (family and children) to ensure that their input is included for any decisions that are made and affect children, families and communities. Across the state, communities need to be provided with the resources they require to look after the safety and wellbeing of their children in order to ensure that all Aboriginal children are safe in culture and community, and cared for by their families. Funding should go to regions to enable local responses. The service model response needs to be replaced by a community-development model that is a locally placed based response and not a service-model response.

8. **Know and support the wellbeing of each child:** There needs to be a shared electronic data system developed that can be accessed by nominated trusted staff (across ACCOs, government and CSOs). An example of such a system is the By Name List response in homelessness sector that is creating shared-data systems. Information about children in care needs to include a photo, names of siblings and family, plus their cultural connections. As well the child's physical, mental, and social health needs should be assessed and recorded . It is an important time to set up independent advocates for children. The answer to accountability is not bureaucracy; we need to streamline and reduce bureaucratic processes. It is important to put heart and humanity back into the system so each child feels loved, stable and safe. We know that flexibility in placement is what can support a child to feel this way. Funds should follow the child and match their needs. The child should be able to remain at home wherever possible, with wrap-around support. We also need to support the child until the age of 24 years when needed (see Appendix B).

9. **Prioritise culture, language, country and kinship:** Where it is possible, family needs to be the first option during this time of crisis and supported to ensure that they and the child/ren are kept together; that if a family needs housing and support they are assisted with housing, kept together and placed as close as possible to where they live. Culture, language, country and kinship are important factors that are essential in informing a culturally safe response to the crisis and not ones that can be deprioritised. Cultural security and a cultural framework must underpin and overlay all approaches to Aboriginal child safety and wellbeing. It is important that we follow the The West Australian language services policy which requires the engagement of trained and supported interpreters through Aboriginal Interpreting WA at key decision making points in the OOHC system to ensure Aboriginal people can understand and are understood in their First Nation languages and additionally the varieties of Aboriginal Kriols. This is particularly important in Kimberley, Pilbara, Mid West and Goldfields areas and for Language speakers who may be engaged with child protection services in the South West region.

10. **Embed a holistic and trauma-informed approach:** All responses to children and families need to be trauma-informed, work therapeutically and if identified incorporate traditional healing practices. This is to heal not only existing trauma but trauma created through the process of removal. Most families from whom children are removed have their own history of trauma. Responses could include setting up online as well as face-to-face counselling and therapeutic coaching for families and carers. Elders, community leaders and district psychologists should all be consulted in setting up appropriate healing and therapeutic responses. Family therapy and dyadic attachment work should also be considered.

11. **Follow the Aboriginal Child Placement Principles:** Any response must be underpinned by a commitment to the five core principles of the Aboriginal Child Placement Principles. We heard from across the system that these principles would work for all children not only Aboriginal children.These include:

    a. Prevention: that governments actively support families to address risks, prevent harm and preserve families.

b. Partnership: that statutory authorities work with Aboriginal people and their organisations in the design and delivery of child and family systems with as much self-determination as possible.

c. Placement: where Aboriginal children require alternate care, placement must follow a hierarchy that prioritises their family and kin, their Aboriginal community, and the broader Aboriginal community before placements outside of their family and culture.

d. Participation: Aboriginal children and young people, their families and communities have the right to participate in all decisions that affect their lives, and the lives of their children.

e. Connection: all decisions must value every Aboriginal child's right to be connected to their family, community, culture and country, and support them to do so.

12. Cultivate strong relationships and communication: It will be more important than ever to strengthen relationships and have clear and transparent communication. It is critical to work collaboratively across sectors towards the same goal. The following principles recommended through the Noongar Round Table Discussions (conducted Between April 2018 and June 2019 by WACOSS and the West Australian Council of Social Service and Noongar Family Safety and Wellbeing Council) are particularly pertinent to enable us to move forward together:

a. Deep listening based on mutual respect

b. Trust and honesty

c. A real commitment to share power and work collaboratively - MOUs are not enough

d. Equal-value relationships

e. Not one type of partnership (collaboration) fits all; flexibility is the key

f. Learning lessons together and being prepared for failure.

3.
FINDINGS: CURRENT SYSTEM

Robert Fritz, a global expert in systems thinking, identifies that in order for a system to change it needs to make visible the tension between the current reality of the system and the future vision (Fritz, 1986).

Therefore, in addition to focussing on the desired outcomes and principles of Western Australia's Child Protection System, this report also uncovered some of the covert principles that appear to exist in the system. Below we have outlined some of the named principles or outcomes (i.e. those incorporated in legislation) and covert principles or outcomes (i.e. those which the system is currently practicing and/or what is currently being experienced by the people in the system).

3.1. Critical Finding: Recognising and addressing structural racism

The most critical, dominant finding from the co-design sessions and interviews was the impact of structural and institutional racism. It was such a pervasive theme that it has been pulled out from the other observations and characteristics outlined in 3.2 below so that we can pay specific attention to it.

To create reform across the child protection system, structural racism must be addressed. The majority of children in care are Aboriginal, and this is both a symptom of institutional and structural racism, and a reason why it must be addressed.

In Maddison's book *The Colonial Fantasy: Why white Australia can't solve black problems* she points out the current symptoms that we are seeing across the nation are due to our inability to address structural racism and the results of not implementing new processes that are Aboriginal-led.

"Nationally, the number of Indigenous children in out-of-home care doubled in the ten years following the 2008 apology to the Stolen Generations (discussed further in the following chapter), with Healing Foundation chief executive Richard Weston describing the child protection system as 'punitive, not supportive' (quoted in Wahlquist 2018). That these figures continue to rise a decade after former prime minister Kevin Rudd made the historic apology suggests that the settler state has learned little from this troubled history. On his departure from the role, outgoing Victorian Commissioner for Aboriginal Children and Young People, Andrew Jackomos, described the rising numbers as a 'national disaster' (quoted in Brennan 2018). As Hannah McGlade (2017: 3) argues, more Aboriginal and Torres Strait Islander children are being removed today 'than they ever were during the Stolen Generations'. These removals are increasing such that if there is no

change to policy and practice that affects outcomes for these data it is estimated that rates of removal will triple by 2030" (Maddison, S. *The Colonial Fantasy: Why white Australia can't solve black problems*, p. 145).

Over the course of the co-design process it was noted that as a system, we do not have a shared language to talk about racism where it arises in the course of our work. It is critical that we do this.

Appendix 4 provides some further guidance as to how this might occur.

3.2. Observations and characteristics of the current system

3.2.1. Crisis-oriented

We heard consistently across the co-design sessions and interviews that the focus in the system is on crisis. Mechanisms and processes to allow for earlier intervention and family support are mostly not present and, where they are, they are not effective. Some reflections included that there is not enough funding for family support, and that a large proportion of the available budget is focussed on OOHC which is itself poorly designed to meet the needs of children.

This was clearly articulated in the survey responses suggestions:

- Move to intervention rather than reaction
- Act early to support families
- More emphasis on preventing children going into OOHC
- Reunification done properly to move children back into safe family/kinship care and in a timely manner with support going to those families and children who do this
- Prevent children going in to care

3.2.2. A dominant Western paradigm leads to a lack of cultural competence and racial literacy

Participants in the co-design process spoke about 'double standards' for Aboriginal families. There are not enough ACCOs working in this area, and this has led to a lack of cultural knowledge and knowledge about Aboriginal ways of working (see Appendix B). It was perceived by participants that where children are placed in care, they are not on country. There is a lack of training for Departmental workers to work effectively with Aboriginal families, and there is little to no cultural proficiency or accountability within existing frameworks. For example, behaviours of families are sometimes labelled as aggressive rather than what may be the family exhibiting protective behaviours. In an area where significant subjective judgments are made, it is important to be absolutely certain about the cultural underpinnings of those judgments to ensure that various cultural backgrounds are not disadvantaged.

Finally, and perhaps most importantly to this element, there is a lack of acknowledgment of the deep and severe intergenerational trauma that exists in Aboriginal communities and families and, due to the points above, an inadequate response to it.

3.2.3. Wellbeing of the child is not the focus

Overall, many participants felt that in fact the child protection system as a whole does not have a focus on the child. The overall approach to ???is driven by bureaucracy and funding limitations, because of this it lacks heart and soul. Working with child protection is unforgiving (with some participants stating that it 'doesn't see change and it doesn't work with change'). Some participants went further and stated that children are seen as a 'business'.

This was emphasised in the survey responses suggestions:

- Decrease the amount of times a child has to retell a traumatic event/s in the OOHC system because communication is failing between Child Protection workers and all other stakeholders in the child's life
- Increase staff stability and face-to-face contact with families
- Put more thought into matching children to carers
- Ensure that there are trauma-informed staff, families and communities, so that they are equipped to help children and young people heal and thrive into their futures
- Make sure the child and their wellbeing is at the centre of planning and action

3.2.4. Separation and fragmentation

A siloed system has led to the separation of families, community and workers which leads to alienation of children from family, culture, community and country. There is no one service model, and inappropriate placement-matching which leads to perverse outcomes with siblings often separated. For what is certainly understood for a variety of reasons, workshop participants clearly felt that family members are not seen to be the first option for children in care (See section Appendix B).

Siloed interests and strategic directions exist around intervention, out of home care, reunification, and leaving care, making an integrated, joined-up approach very challenging. Fractured relationships across CSOs, ACCOS, families, the Department and other government departments contribute to the general theme of separation and fragmentation in the area of child protection and OOHC.

This finding was emphasised in the survey results, with a number of free-text responses highlighting 'accountability' as being of importance. What is clear is that the accountability of CSOs and of government were constantly raised across sectors - emphasising the nature of fractured relationships between the two.

3.2.5. Fatigued and restricted

There are significant capacity and resource constraints which leads to a lack of responsiveness and burnout across the system. Micro and macro systems foster 'compliance chaos', which contributes towards a system which is separated, fragmented, fatigued, restricted, and which in turn can lead to a resistance to change. Further, at a family level, Aboriginal carers and grand-carers are being utilised well beyond their capacity, with no clear strategies to provide further support or alleviate the issue (see Appendix B).

These concerns about funding are emphasised in the survey results, with many responses stating that the one thing they would change about the OOHC is how funding works [snapshot of responses only]:

- Agencies are funded at realistic levels to provide their service
- Funding is attached to service providers, so that the most complex children receive the most financial support
- Currently some organisations have capacity to provide care to children who desperately need it but due to the unavailability of funding, children are then placed in unsuitable placements
- Increase the number of FTE
- There is general agreement that more funding is required.

3.2.6. Power is concentrated with Department of Communities

The reflection of many participants was that the Department is too influential and has too much power (see Appendix B). Consistent across the observations was there is no reasonable recourse to transparent review of decisions at all levels and that even though they exist, Departmental and administrative reviews for families are largely seen to be inaccessible or unreasonable). An explanation or possible reason for this perception could be attributed to the Department of Communities legislated responsibilities under the Children and Communities Services Act 2004 which is seen to provide unmediated power.

3.3. Outcomes of the current system

The co-design and consultative processes asked participants about the kinds of outcomes that the system is seen to be currently generating. The reflections provided here identify the themes that arose from this question rather than identifying direct outcomes.

3.3.1. Basic needs are being met

Participants acknowledged that whilst children's basic needs are, overall, being met in that theyhave a bed to sleep in, are fed and have access to school/education. It was stated multiple times that children need much more than this, and that bed and food are sufficient for the short-term only.

3.3.2. Increase in children going into care

The evidence demonstrates that there has been an increase of children entering care, and the rate of growth of children entering care is not slowing. Further, too many babies are being removed at birth from hospitals.

3.3.3. Organisations cannot respond in the way that they need to

The Department, and the entire system, is under-resourced. There are solutions to current challenges but lack of resources (time, money) prevents them from being implemented. Departmental staff are taking children home in order to care for them and are staying at hotels and Airbnbs. Whilst there are registered carers available, under the current contracting system these placements cannot be utilised due to the inflexible nature of the contracts

(see Appendix B). The interplay with the elements in 3.2 means that everyone involved in the system - families, workers, children - are overworked and broken-hearted.

3.3.4. Family separation and breakdown

The outcomes of family separation are heartbreaking, and the resources do not exist to support parents and families through this process in the way that they need to be supported to prioritise reunification. Instead, the process increases trauma, and leads to parents feeling disempowered and disengaged. Parents aren't getting the legal support they need, and so orders are being made ex-parte or avoid trials altogether. Families dip in and out of the system with no grief counselling post-removal, and then have more children, or their young adult children are coming into the system with their own children creating another generation of child removal. Limited funding and resources are then spent on the foster care system to support temporary care rather than on families to support reunification and permanency.

3.3.5. Children involved in decision making

Participants identified a positive win in that children are increasingly being more involved in decisions about their lives. It is small, but it is significant for children to feel and know that they have some power throughout this process and can contribute to decisions being made about their future.

3.3.6. Lack of trust between sectors and parts of the system

Whilst the co-design process surfaced true collaboration across sectors it also identified a palpable lack of trust within the Child Protection system. A lack of trust and coordination within and across sectors makes the system difficult to navigate. The observation is that where the responsibility for something as important as child protection is shared across sectors, the investment must be made in the relationships to ensure that children are ultimately not disadvantaged. In the same way that the system expects parents to put the child first and ensure that their relationship(s) doesn't disadvantage the child, so, it is observed, must the public and community sectors create a relationship which focuses on children first.

3.3.7. An expensive system and reduced life outcomes for children

Not spending the money required on the system at this point leads to an increased expense on the entire system when children leave care (i.e. health and mental health, justice, housing and homelessness, etc). Relatedly, evidence was provided that young people are staying in detention longer because the courts expect appropriate placements to be found. Further, it was observed that often being in care results in poorer educational, health and psychological outcomes.

3.3.8. The Aboriginal Child Placement Principles

There was mixed feedback as to what extent these principles are consistently implemented in practice. However it was clear from the survey results that the existence of the Aboriginal Child Placement Principles is something that survey participants appreciated about the system, and many named it as the one thing in the current OOHC system that they would keep (approx 12 of the 67 responses).

Appendix E also lists a series of principles and beliefs that participants felt underpinned the current system. Most of these have been captured in the themes above.

4.

FINDINGS: THE FUTURE CHILD PROTECTION SYSTEM

This section outlines the beliefs and principles that should inform the future system; the characteristics of the future system, the outcomes the system should strive towards, through a simple framework.

4.1. The overall conceptual framework

The below framework was workshopped through the co-design process, and represents the perspective of participants across the child protection system. Each element of the framework is explored in more detail in this section.

OUR OUTCOMES

- High rates of children reunified with their family
- Young people know where they are from and who their family are
- Children and young people are achieving their potential and choice
- HR recruitment and retention rates from DG to frontline equal to rates of over-representation
- Consistent decrease in number of children engaging with the care system
- More ACCOs than non-ACCOs operating in this space
- Trust of service users with providers and government

OUR HOPES

- Holistic wrap around care
- Aboriginal Placement Principles in place
- ACCOs across the state
- State Aboriginal Peak body
- Enhanced KPIs across sectors for children e.g. health, education etc.
- Aboriginal Commissioner for Children WA
- Opportunity to thrive
- Board to provide oversight to decisions mad to remove children.
- Made up of those with lived experience.

PRINCIPLES

- Cultural lens over ministerial process and child protection system
- Acknowledging and respecting cultural governance
- Follow Aboriginal and Torres Strait Islander Placement Principles
- Responsibility taken by all government departments
- Culture, country and language are considered the most important factor for safety and wellbeing
- Quality care driven
- Family decision making
- Family connection is prioritised
- Evidence-based action
- Keep siblings together
- Focus on the needs of the child in family and community
- Self-determination

CONDITIONS FOR SUCCESS

- Truth telling
- Healing the hurt wrongs of the past
- Culture of adaptation and change
- Strong leadership and discernment
- Voices of lived experience is always included
- Connection to family, country, culture
- Co-design and co-partnership is embedded
- Aboriginal voice is strong
- Elders are leading with cultural authority in place
- Healing is central for children and families
- ACCO's supported
- Deep trust, listening and learning
- Trauma-informed therapeutic practice

4.2. Underlying beliefs

The underlying/underpinning beliefs for the framework are:

- All children thrive when connected to community and are loved,
- Reunification with the family is the primary goal,
- Decisions impacting a child in care should be made by a group of people that care about that child.

4.3. Proposed Out of Home Care system outcomes

The co-design group built on and adapted the Out of Home Care Framework developed 2015-16 by the Department of Child Protection and asked to give feedback on them. We have synthesised the feedback and reframed the outcomes, which are provided below.

The biggest shift was to include community, family and organisational outcomes as critical elements of the entire picture; not just orient activity towards outcomes for the child.

PART OF A STRONG COMMUNITY
Communities are invested in so that they can support their children
Community is listened to and supported to thrive
Culture and language are invested in
Community-based decision making is in place and can influence procurement, service design and the safety of children

PART OF A STRONG FAMILY
Families are supported
Family are included in decision-making processes about their children's lives
Families have easy access to support before crisis
Number of families supported increases
Removal is not the only strategy. There is an increase in other strategies tried before removal, with removal as the last resort
In the case of removal, families have access to intensive support to build stability and safety in their own homes to prepare for reunification from the point that removal happens

Early identification is in place in 0-5 year age group
Early identification of neglect is countered by adding resources in the home and at school
Reunification is the primary goal of case management
Young parents have extra support

SUPPORTED BY CULTURALLY PROFICIENT ORGANISATIONS AND STRUCTURES
Our structures and organisations are culturally competent
HR recruitment and retention rates from DG to frontline equal to rates of overrepresentation
More ACCOs than non-ACCOs operating in this space
Funding matches overrepresentation of Aboriginal children and overrepresented regions
Consistent increase of trust of service users with providers and government
Structural and institutionalised racism decreases
CSOs must be engaged with prevention and reunification
Co-design, co-commissioning and co-production with those most impacted (i.e. children and families) for every service solution
Reduce bureaucracy
Place-based cultural training and induction process in every region
Workers feel that they are supported to make the 'right' decision rather than supported to avoid risk

BELONG
Children develop and retain a deep knowledge and understanding of their life-history and identity
Children's cultural needs are identified and responded to

BELONG *cont.*

Children have a connection with their family of origin to support their identity and belonging

Aboriginal children are living and connected within their cultural community

Funding is given for life-story work for each child in care

LOVED, SAFE AND STABLE

Children live safely in an arrangement with strong connections to their family and siblings

Consistent decrease in number of children engaging with the care system

Reunification rates are high

The harm of separation from family and culture is recognised

Children feel loved

Children feel safe

Children feel settled

Children in out of home care have as few placements as possible (culturally appropriate lens is important - placements can be seen as being part of a wider kinship system)

Children are safe from further abuse and neglect

Separation and uncertainty are recognised as producing trauma

Each situation is reinterpreted from the child's point of view

Therapeutic services are available for all children and their families

HEALTHY

Children have strong physical, social and mental health

Children have emotional support from the moment of separation

There is immediate and ongoing support for trauma once a need is identified or separation has taken place

Children's initial health needs are assessed and identified on entry to care
Children's ongoing physical and mental health needs are assessed, identified and supported
Children are supported to keep healthy

ACHIEVE

Children are supported to achieve educational and life milestones
Children's education and life needs are assessed, identified and supported
Children are engaged early in learning and development activities
Children set their own goals and aspirations for the future, and are supported to achieve these
Children are engaged in culturally-informed education
Children are engaged in trauma-informed education
Children's wellbeing is supported through education
A child that has been separated from their family has lifetime access to at least counselling, mental health, education and employment assistance, with mentor, peer, professional and other support, matched to their needs.
Children are seen as capable

SUPPORTED TOWARDS THEIR FUTURE LIFE OUTCOMES

Children leave care equipped with the resources to live productive lives
Children leave care with a plan for their future
Children achieve educational and life milestones with support
Children receive extra support during transition phases
Children do not enter juvenile detention while in out of home care
Post-care outcomes are high after 1, 2 and 5 years

4.3.1. Survey feedback

Survey respondents were asked about the outcomes above, and whether these should be the outcomes for WA's Child Protection system. There were 103 respondents to this question. All respondents (n=103, 100.0%) thought 'Achieve: children are supported to achieve educational and life milestones and opportunities' should be the outcome for WA's OOHC system, followed by 'Love, Safe and Stable: Children live safely in stable care arrangement with strong connections to their family and siblings' and 'Healthy: Children have strong physical, social and mental health' (n=102 respectively).
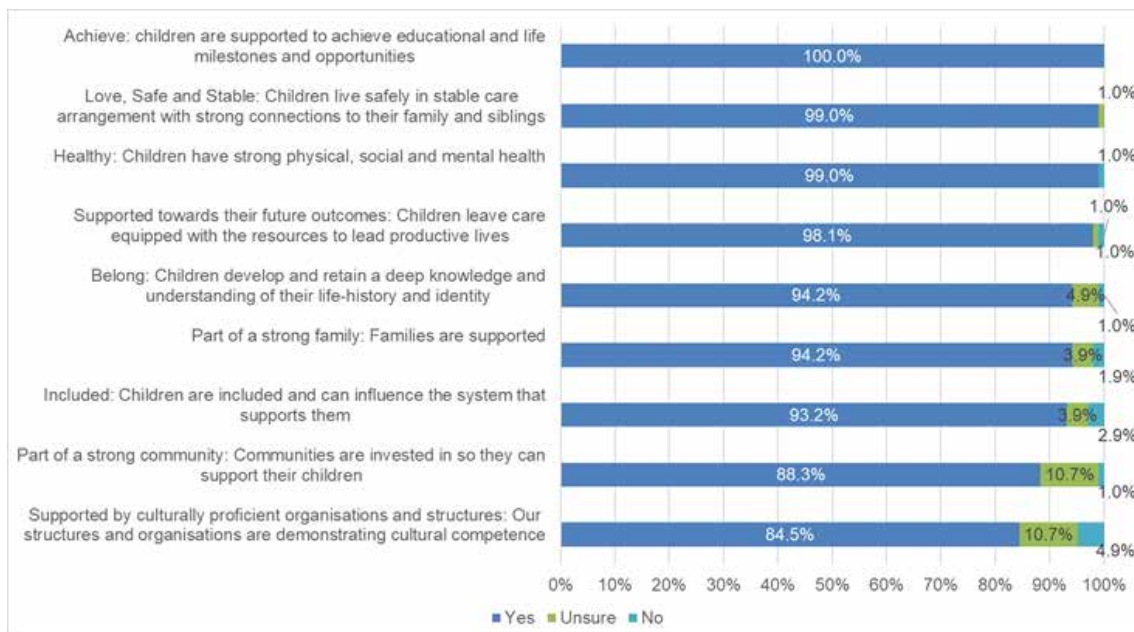
Nearly three-fifths (n=60, 58.3%) thought 'Love, Safe and Stable: Children live safely in stable care arrangement with strong connections to their family and siblings' was most important to them, followed by 'Healthy: Children have strong physical, social and mental health (n=49, 47.6%)' and 'Belong: Children develop and retain a deep knowledge and understanding of their life-history and identity (n=42, 40.8%)'. Comments noted how important it was that all of these outcomes were strived towards.

4.4. Characteristics of the future child protection system

4.4.1. The system must address structural racism

It is clear from section 3 that a key element of the future approach to the child protection system is to address the structural racism that currently underpins it. The principles of a system that is addressing structural racism, adapted from the work of Robin Diangelo, are provided below. More information, including actions that can be taken, are provided at Appendix 4.

- Being good or bad is not relevant,
- Racism is multilayered system embedded in our culture,
- All of us are socialised into the system of racism,
- I might be unconsciously invested in racism,
- Bias is implicit and unconscious; I don't expect to be aware of it without a lot of ongoing effort,
- Authentic antiracism is rarely comfortable,
- Comfort maintains the racial status quo; so discomfort is important,
- Everyone brings their history with them. History is important,
- Nothing exempts us from the forces of racism,
- Our analysis must be intersectional (we recognise how all of our social identities - class, gender, social-economic standing, ability - inform how we are socialised in the racial system),
- Racism hurts (even kills). Interrupting is incredibly important.

4.4.2. Family focussed

In keeping with the underpinning belief of reunification comes first, support has to be for the family and not only the child or carers. Parents need to feel cared for, and families need to have wrap-around support and services to ensure that the majority of children can remain at home. There should be flexible placement arrangements, including shared care or community arrangements; and the family focus should lead to a more rapid reunification process (see Appendix B).

4.4.3. Child focussed

The system, of course, has to ensure a focus on the child. There should be a 'no wrong door' approach, and choice and engagement by the child (where possible) in their care arrangements. Funds should follow the child and be linked to addressing children's needs. There should be continuity of care, funded adequately, which matches the need of the child.

4.4.4. Culturally informed and proficient

The child protection and care system needs to have Aboriginal leadership to ensure cultural proficiency. There needs to be strong Aboriginal leadership within the Department at various levels, and across the community sector system. A state-wide Aboriginal peak body

(representative body) should be established, and adequate funding must be provided to ACCOs to address overrepresentation of Aboriginal children in care, to ensure the strategy is ACCO-led.

The Government should with bi-partisan support implement a 20-year plan for ensuring cultural proficiency across the sector (and across the entire public service). This plan should ensure KPIs related to cultural competency. Further, the plan has to incorporate a truth-telling process, acknowledging the great pain that exists in this area historically for Aboriginal people, to support a continuous process of healing.

There are other suggestions that the Government may want to consider, including an Aboriginal Children's Commissioner, listed at Appendix 7.

4.4.5. Kind and transparent

There must be space and time provided for important decision-making processes for families and children. The system has to be humanised, with practice driven not only by the head but by the heart and focused on the best outcomes for children. Respect and transparency need to be critical elements of the child protection system, as between the Department and families; but also between the public and community organisations. Relationships need to be repaired and proactively worked on and managed. Ways of working differently can support this - i.e. using community development principles or a public health model. What is important, however, is the repairing of relationships on all fronts.

4.4.6. Community-led and place-based solutions

Solutions must be driven by the families and communities that need them, and the funding to these solutions needs to be place-based and reflect the demand and needs of those families.
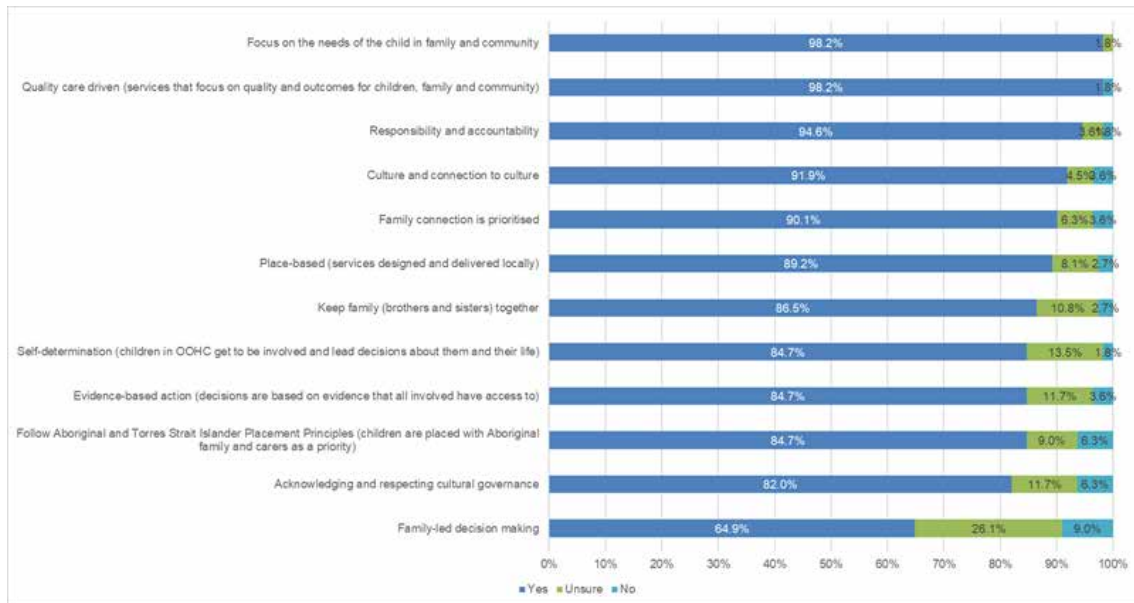
4.5. Principles of the future child protection system

The survey asked respondents (n=111) whether the below principles should be the principles for WA's OOHC system. The principles provided were:

- Focus on the needs of the child in family and community,
- Quality care driven (services that focus on quality and outcomes for children, family and community),
- Responsibility and accountability,
- Culture and connection to culture,
- Family connection is prioritised,
- Place-based (services designed and delivered locally),
- Keep family (brothers and sisters) together,
- Self-determination (children in OOHC get to be involved and lead decisions about them and their life),
- Evidence-based action (decisions are based on evidence that all are involved and have access to),
- Follow Aboriginal and Torres Strait Islander Placement principles (children are placed with Aboriginal family and carers as a priority),

- Acknowledging and respecting cultural governance,
- Family-led decision making.

The results are provided in the figure below:

Focus on the needs of the child in family and community — 98.2% / 1.8%
Quality care driven (services that focus on quality and outcomes for children, family and community) — 98.2% / 1.8%
Responsibility and accountability — 94.6% / 3.6% 1.8%
Culture and connection to culture — 91.9% / 4.5% 3.6%
Family connection is prioritised — 90.1% / 6.3% 3.6%
Place-based (services designed and delivered locally) — 89.2% / 8.1% 2.7%
Keep family (brothers and sisters) together — 86.5% / 10.8% 2.7%
Self-determination (children in OOHC get to be involved and lead decisions about them and their life) — 84.7% / 13.5% 1.8%
Evidence-based action (decisions are based on evidence that all involved have access to) — 84.7% / 11.7% 3.6%
Follow Aboriginal and Torres Strait Islander Placement Principles (children are placed with Aboriginal family and carers as a priority) — 84.7% / 9.0% 6.3%
Acknowledging and respecting cultural governance — 82.0% / 11.7% 6.3%
Family-led decision making — 64.9% / 26.1% 9.0%

■ Yes ■ Unsure ■ No

The most important principles to survey respondents were:

1. Quality care driven (services that focus on quality and outcomes for children, family and community) (48.6% ranked it in their top 3),

2. Keep family (brothers and sisters) together (41.4% ranked in top 3),

3. Culture and connection to culture (32.4% ranked in top 3).

The comments section suggested that, overall, all of the principles listed were critical.

5.
TRANSITION

5.0. Transition

It is clear that we need to transition to a system based on different principles and more holistic outcomes. To achieve the outcomes that are hoped for is going to take a deliberative systems change process. From the feedback from stakeholders during this process it was clear that significant changes need to be made. In reviewing other significant systems-change projects around the world the work Cea and Rimington (2017) have compiled around innovation for creating long-lasting social change seemed especially relevant to implementing and creating the change that is needed. This report will not cover this in detail but we recommend that the next steps consider this work in more detail.

5.1. Breakout innovation: what will this take?

Cea and Rimington (2017) noticed that a vast number of Community organisations, government departments and foundations were embracing co-creation and co-design as a way to work towards tackling significant issues. They also noticed that only a small percentage of these resulted in bold innovation and solutions that created impact. Their work looked at 20 case studies to try to identify what it takes to deliver breakout innovation, that is innovation that works. They noticed that the following practices were similar in all cases.

Practices of Breakout Innovation

Practice 1: Share Power
Practice 2: Prioritise Relationships
Practice 3: Leverage Diversity
Practice 4: Legitimise All Ways of Knowing
Practice 5: Prototype Early and Often

5.2. Barriers and Enablers in transition

Some of the barriers and enablers to transitioning to a system that prioritises those elements listed in section 4 that surfaced during the co-design process are listed here. These will need to be considered carefully in moving to the next phase of the co-design process.

5.2.1. Barriers/Challenges

Structural racism	• Directed at Aboriginal people • Not having the language to talk about structural racism • Low levels of racial literacy • Low cultural safety • Lack of Aboriginal services

Legislation	• Legislation requirements on DoC to keep siblings together • Other legislation in place
Current method of problem solving	• Refusing to listen to the Aboriginal community, families and children. Letting stereotypes dominate the discussion • Limited space for people to engage in the reform process • Limited time to connect
Structures and practices	• Machinery of Government • Procurement focussed on value for money • Resistance and frustration due to change fatigue • Adding then shifting resources • Funding is not available for additional placements • Government compliance • Data sharing system means people have to tell their story too many times
Pressure on current system	• Placement breakdowns • High staff turnover • Practice capacity • Adding then shifting resources • Unsupported carers and young carers
Mindsets and beliefs	• Ego-centric (need to look after oneself to survive) • Fear of workers to put heart into the work

5.2.2. Enablers

Aboriginal-led	• Aboriginal staff • Aboriginal participation • Aboriginal community input • Aboriginal control of child protection systems • Stopping Permanency Placement of Aboriginal children they are not available for long term placements • Create cultural safety to enable ACCO engagement and willingness

New approach to solving problems	• Proactive/forward planning • In partnership - co-design • Common outcomes • Public health model and looking at how health did it • Build trust and create a sense of willingness to work together • Engage progressive, innovative thinkers and doers both external and internal to Department of Communities • Embrace change • Community leaders • True collaboration • Community development
Change legislation	• Legislation change with real outcomes, not or PC outcomes.
Shift structures and practices	• Funding focussed on child • Contract terms managed better
Embed collective governance	• Independent Reference Group, Sponsors and the Program board need to be working together • Program delivery team • Good leadership - measured by listening, the ability to cut through the noise and hear family, parents and children
Reinforce new mindsets, narrative and beliefs	"We always keep our focus on the child and family"

6.
CONCLUSION

6. Conclusion

> *'We know we cannot live in the past, but the past lives in us'.* - *Charles Perkins*

The purpose of this report is to ensure that there are strong foundations built for all future developments of the Child Protection System and Out-of-Home Care. Strong foundations will be created through taking significant action including recognising our country's history, creating pathways for healing, transforming decision-making and taking immediate steps to address structural racism.

We have worked to uncover some challenging truths about the Care and Protection system and about ourselves in order to establish some agreed-upon principles and outcomes for the system. We've done some hard work in facing these truths - now the even-harder work of addressing them begins.

True reform has to be across the board; it was clear that it can not just be in the OOHC system, but these principles and practices and ways of working have to operate across the entire care and protection system. We must shift to a public health approach to enable the Care and Protection system to move from one that is focussed on 'rescuing' children to one that is focussed on engagement and support of families.

Issues have to be resolved. We need to build trust, transparency, respect, and heart-centred practice, all on two different fronts: between Government Departments and families, and between the public and community sectors. It is clear that strong relationships need to be the foundation for this work to grow out of and to continue. It is important to remember that strong relationships require an investment of time; they need rhythm and practices of good communication.

Care of children is a sacred responsibility. In the same way that parents are expected to put the needs of the child first and put their differences aside, so should the sectors. All sectors and government departments, including Education, Housing, Health and Justice have to work collaboratively to support children and families, and focus on reunification.

For our children to be safe families must have a voice. Aboriginal Family Led decision making will ensure the voices of families, children and young people are heard and this will create a pathway to healing and a strong future. We must extend our concept of family and understand that extended families also know the child and their voices are important too. We need to remember that an aunty is a mum in Aboriginal culture. There needs to be a new process for working with children that are already in care with foster parents when their sibling is with a blood relative, we must create options to bring them home. When foster families break down the family should be reviewed again for the child to go home to family and siblings.

The role of and requirement for Aboriginal leadership cannot be underestimated. The only way to ensure that we are not witnesses to a second Stolen Generation is to have Aboriginal-led solutions. This includes acknowledging the critical role of respected Elders in engagement and decision making processes. We need to learn about and value Aboriginal ways of being, doing and knowing. As Einstein said, "we cannot solve our problems with the same thinking we used when we created them".

We must stop calling it the 'Child Protection System' and call it what it should be: 'Child Safety, Family and Community Wellbeing'. We need to make it clear that this is a system that keeps children safe and family and communities well. This will help shift our thinking.

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APPENDIX A.

The co-design pathway shown through art and photos

Scribing by Zoe Street created over the three core workshops

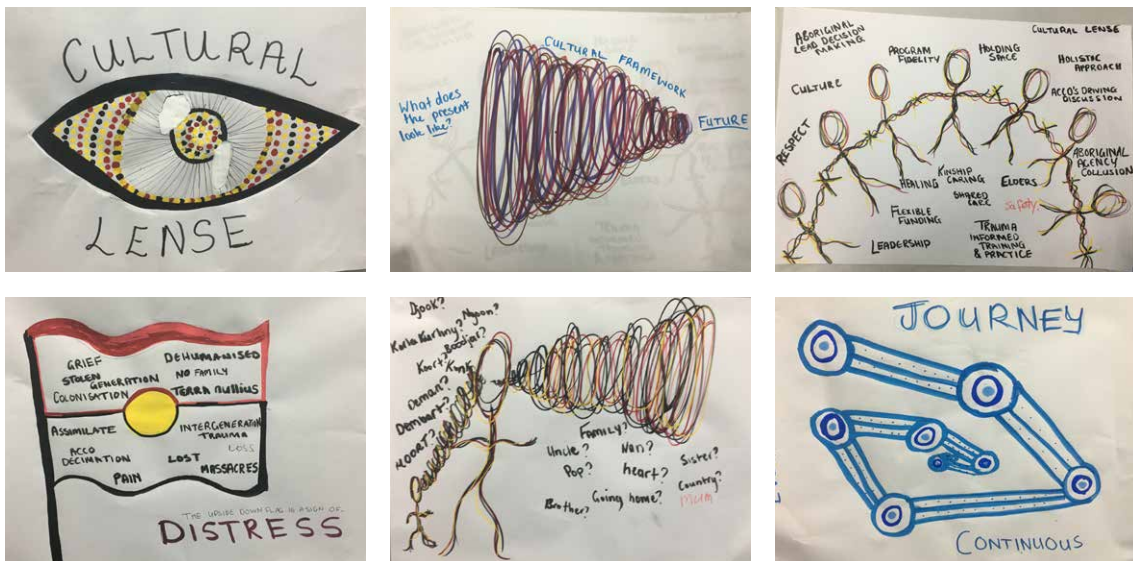**Workshop One Artwork by Jade Dolman, scribing by Zoe Street and smoking ceremony by Samuel Pilot-Kickett**

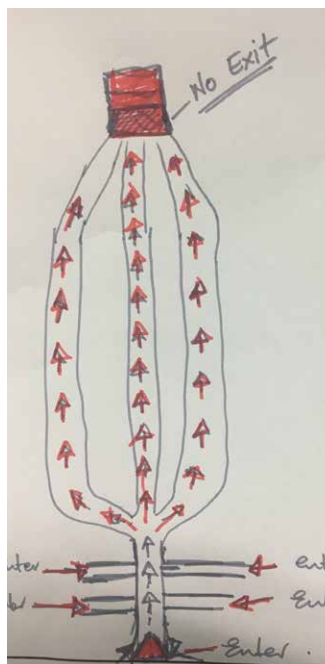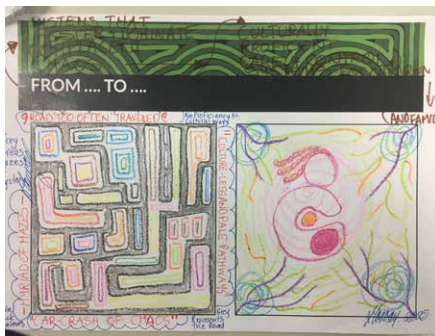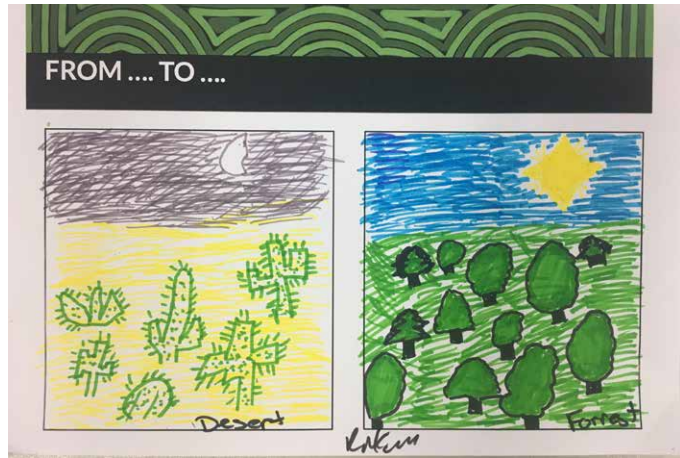## Department of Communities Only Session: Scribing by Zoe Street
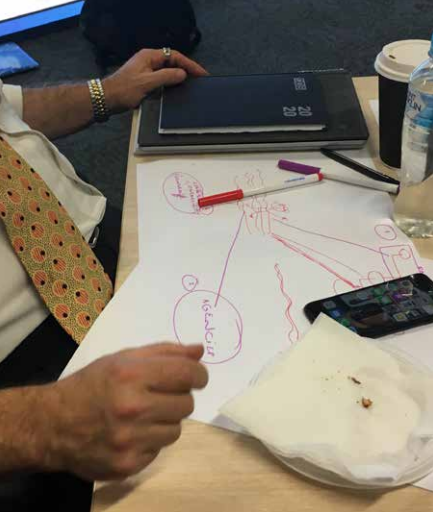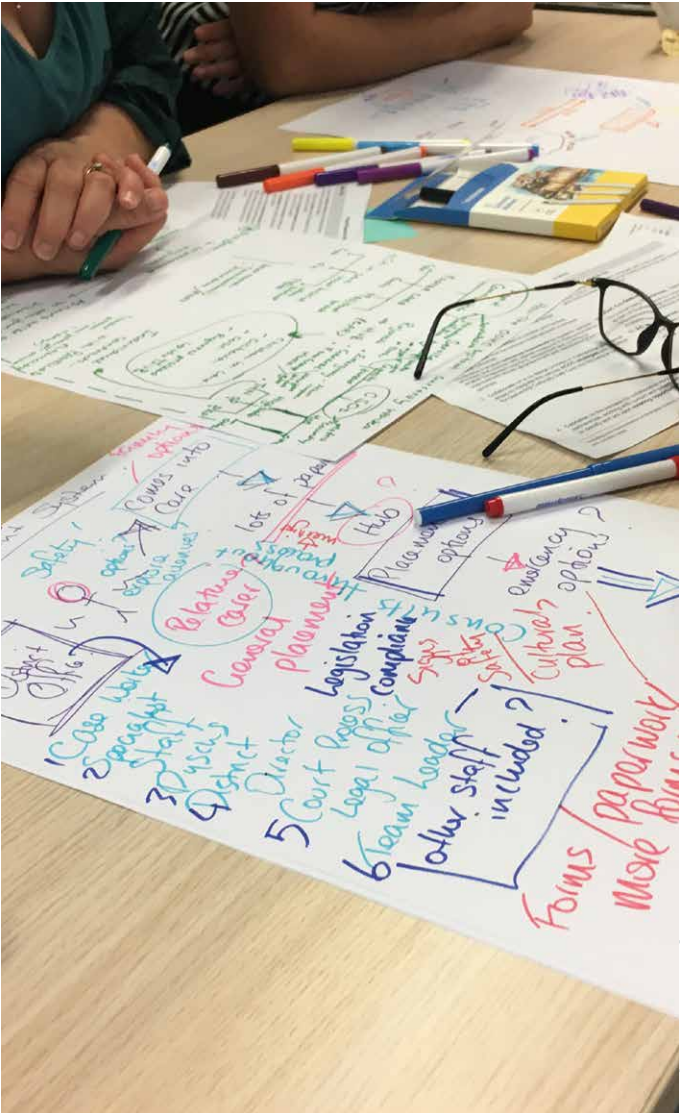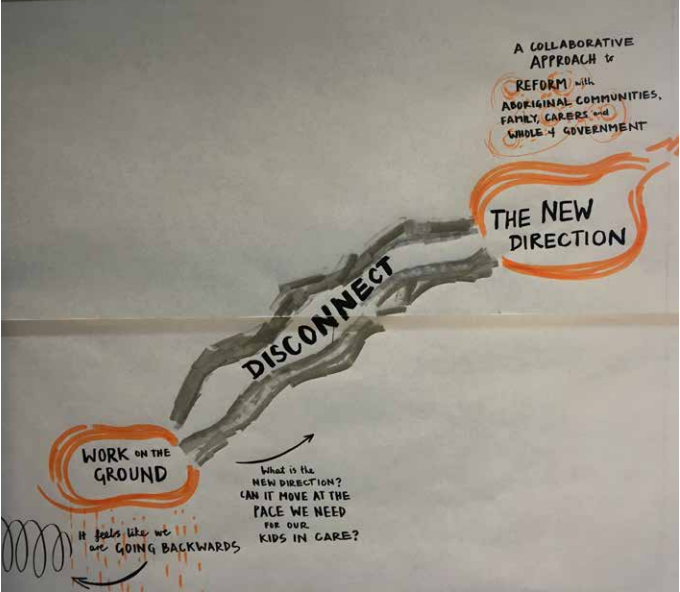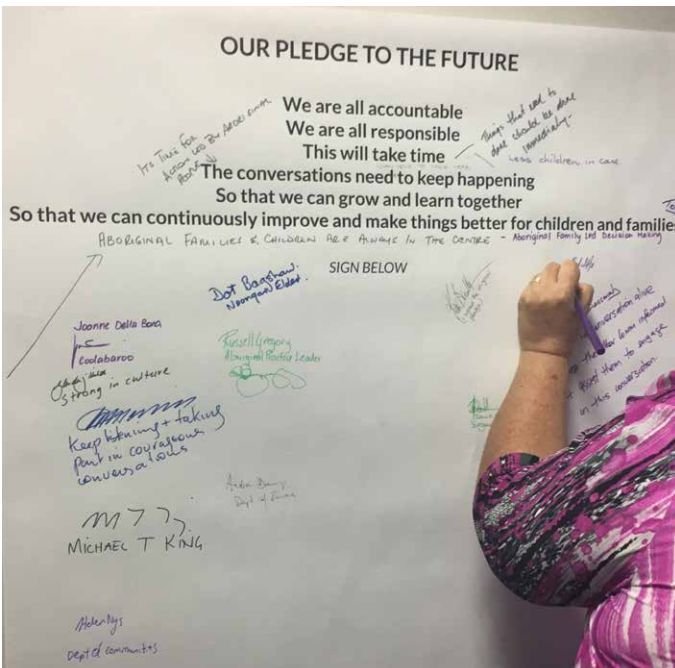
Family interview: Artwork by Jade Dolman

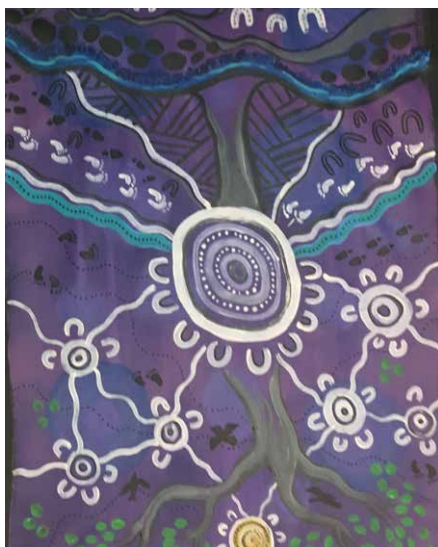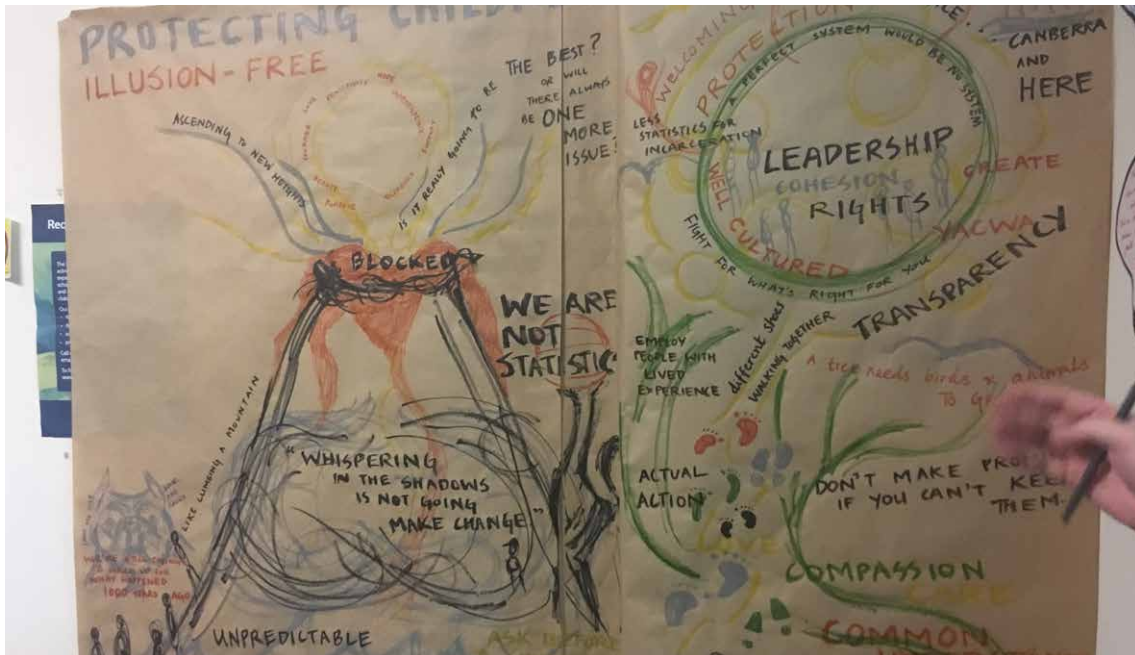**First Nations Only Session: Artwork by Paige Wood-Kenney**

Workshop Two - Artwork by Seantelle Walsh. Metaphors and systems pictures by participants

Workshop Three - Artwork by Seantelle Walsh and Zoe Street

CREATE Only session

APPENDIX B.

Part 1: Department of Communities Response

a. It should also be noted that due to recommendations in the Royal Commission Report around data sharing, this work has already commenced.

b. The Children and Community Services Act 2004, which came into operation on 1 March 2006 supports children until the age of 25 yrs. Currently there are trials looking at extending the age children can opt to remain in care arrangements (Home Stretch). The department recommends that the outcomes of these trials should be used to support the position of extending supports.

c. It should be noted that CSO's and the department are making efforts towards building their cultural competency. For example, the department and other CSOs are creating Reconciliation Action Plans, as well as taking part in cultural awareness workshops.

d. Data regarding this is that Family Care Arrangements are actually the most prominent care arrangement for children in OOHC (47%, followed by Department Foster Care at 23%). It is possible that there needs to be much more support to overcome the barriers that families experience, and also there could be more support to provide care arrangements (overcrowding, obtaining the required clearances, practical supports like the Family Care Support Service, already caring for other family members etc.). We agree that further work is required in the system to break through these barriers.

e. The family care support service is a response to the experience of Aboriginal carers and grand-carers feeling utilised well beyond their capacity. It is designed to support family carers, with a priority for Aboriginal family carers, to support and maintain the care arrangement. It's a new service implemented in 2018 and being trialled in a number of regions where Aboriginal family care arrangements are in higher numbers.

f. The Children and Community Services Act 2004 requires the department to have legal parental responsibility for children in care. This legal requirement gives the sense of the Department being too influential and having all the control.

g. It should also be noted that CSOs are funded to provide care arrangements which they aren't providing.

h. The statement "In the same way that the system expects parents to put the child first and ensure that their relationship(s) doesn't disadvantage the child, so, it is observed, must the public and community sectors create a relationship which focuses on children first" could be misinterpreted to imply that CSOs have shared legal responsibility for the child, when they do not.

i. The data shows that majority of children do stay at home. For example in 2018-19 there were 69,219 contacts with the department, of which 20,889 had notifications of child abuse, 14,454 had child safety investigation, 4,580 were substantiated and 1,107 children entered care. It's important to note this data and still acknowledge that there is a need to increase the number remaining at home using the strategies listed.

Part 2: Key Stakeholder Response to Department of Communities Response

What is heard during a workshop is the perception of the key stakeholders - for them what they say is their experience of the system. This lived-experience of the system must be listened to - this is their truth. While there are initiatives for change in place, and while there might be policy written on paper, if people do not experience this within the system then this is what will come to the surface during a co-design process.

There have been many recommendations in various reports including the Bringing them Home Report (1997), Little Children are Sacred Report (2007), The Royal Commission into Insititutional Responses to Child Sexual Abuse (2017) and the Gordon Inquiry (2002). Many agree that these recommendations are the right recommendations. Therefore it is important to ask why this doesn't translate into the outcomes we would hope to see. It is critical that there is long-term commitment to the implementation of these recommendations. There are too many pilots, trials and programs that stop due to funding or election cycles. We need decade long commitments to making the recommendations work. Instead of waiting for a pilot to end to see if it is successful or unsuccessful, we need to iterate and change it along the way to ensure it is a success.

We need consistency and commitment through changes in government. The vision and actions need to sit in an external body, so that there is a multi-decade commitment to ensuring they happen. For changes to happen we need to shift the power balance. Government can no longer have the final decision-making power. There must be cultural governance that sits above the statutory governance.

Families must be responsible for their own children, but in order for this to happen the family needs to have the capacity to care for the child. In order to build family capacity, early intervention programs need to be able to be accessed through self-referral or community referral. It does not work when access to early intervention programs can only happen through government referrals - at this point it is already too late to act as a mechanism for prevention. If we do not allow families and communities to self refer, people are already on their way into a pipe line that puts children in care, puts teenagers in prison, and leaves parents homeless. In order for us to change this we need radically different ways of responding. First, we must do everything to stop a family from entering that pipeline. Then if children are identified at school as being 'at risk' then the Education Department needs to be responsible for supporting that family. When teenagers are at risk of going to prison, we need the Department of Justice to step in and ensure we divert them from the justice system. And for every person we must remember that housing is a human right - that we all deserve the security and stability that a home provides.

Regardless of what is being tried, the statistic remains, 56% of the children in care in Western Australia are Aboriginal. This over-representation is a symptom of the institutional and structural racism that are pervasive in our society. It is the statistic that would make many people who took part in the co-design workshops agree with the statement, or say a version of the statement, "It is possible we are witnessing the second stolen generation".

A community member that was interviewed described the current attempts to change the system as feeling like things getting ticked off a checkbox, without anything actually changing. They have yet to feel a difference in their community or family. To them it feels like the goal posts are constantly shifting and they are exhausted and frustrated. It might be worth us trying to understand not only the big actions that need to happen but the micro-actions that will make a difference. For instance how do we change the quality of our listening within the system, how do we make empathy and supportive curiosity our first response, how do we actively question our own bias. The only way forward is to listen and learn together.

What people shared in the workshops and interviews came from years of observation, experience and reflection. They shared it with genuine emotion and from their guts. It is important to listen deeply to their experience. What people shared was their truth. We will need to listen with our hearts - we will need to deeply acknowledge what has happened in the past, and how we are currently perpetuating that, if we truly want to change outcomes for the better.

Having the power to control someone else's life and destiny is not right. Community, families and children must have the ability to make the decisions for themselves. For many Aboriginal families in this country the decisions that control their lives are entity focussed. It is critical that the power shifts to families and towards cultural governance. Many of the current structures increase competition and enhance disagreements. We need to invest in structures that support collaborative actions.

A service-solution mentality will not create the changes we wish to see. Instead, we need to focus on community-based solutions and family-led solutions.

There is a powerful need for us to recognise that resolving the evident tensions, of what we call the child protection system, outlined in this report, requires new partnerships involving everyone who is caring for our children. Caring for and protecting our children requires supporting families and communities, and working across agencies. Dedicated people work in this area, it is important to recognise the tough work they do, and address the constraints that limit their capacity to focus on the needs of children and families.

We must stop calling it the 'Child Protection System' and call it what it should be: 'Child Safety, Family and Community Wellbeing'. We need to make it clear that this is a system that keeps children safe and family and communities well. This will help re-route the narrative.

APPENDIX C.

Talking about racism, power and bias
From holding power to sharing power

It's important to recognise where power is held in the system, and to understand one's own power because it can be more subtle than we realise.

It's critical that training in unconscious bias, structural racism, privilege and fragility occur. We would recommend that this takes place before any future co-design work. It was clear during this process that competency and knowledge in these areas is a prerequisite to being involved in and co-creating future processes and services.

Understanding fragility and resilience.

For those who currently hold more power or privilege within the system (this could be because of your role, your ethnicity, your sex etc.), it will be important to examine fragility and resilience.

We can take some tips from Robin Diangelo (2017) who wrote the International bestseller *White Fragility*. It's important that power shifts but this can be a deeply uncomfortable feeling for those who have traditionally held power and privilege.

Feelings that can arise when someone points out bias	Common behaviours when someone points out bias	Common phrases when someone points out bias
Singled out	Crying	"I've worked in community for years"
Attacked	Physically leaving	
Silenced	Emotionally withdrawing	"I'm really good friends with…"
Shamed	Focusing on other issues where one feels more confident or comfortable	"You don't know me"
Guilty		"You are generalising"
Accused	Denying	"I agree with you but it's just not the right time to do this"
Insulted	Focus on intentions	
Judged	Seeking absolution	"You are right but it's already hard enough to change the simple things"
Angry	Avoiding	
Scared		"I don't feel safe"
Outraged		"I have suffered too"
Stupid		

Instead of reacting in the ways outlined above we can respond differently. If your privilege, power or bias is being drawn attention to you can try and embrace:

Feelings to embrace	Behaviours you can adopt	Phrases you could use
Gratitude Excitement Discomfort Guilt Motivation Humility Compassion Interest	Reflection Apology Listening Processing Seeking more understanding Grappling Engaging Believing	"I appreciate this feedback" "This is very helpful" "This is hard but also stimulating and important"" "Oops" "I will focus on the message and not the messenger" "I need to build my capacity to endure discomfort and bear witness to the pain of racism" "I have some work to do"

There are lots of great resources and books on the internet the Women's Trust of Victoria have put together a list of Anti-Racist Resources for Australia and beyond on their website, this could be a useful place to start.
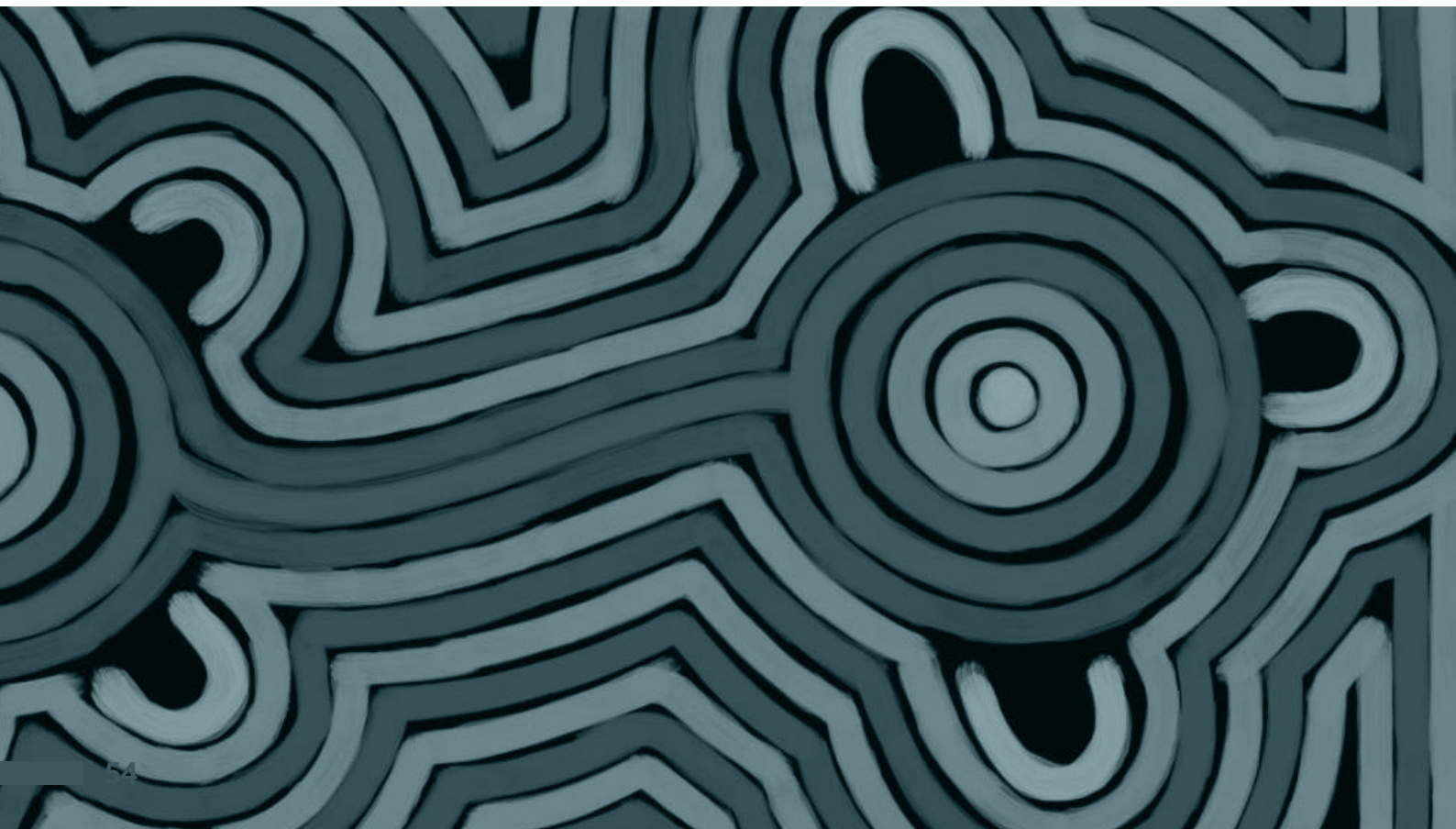
APPENDIX E.

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Notes from Workshops

Part 1: Current System: Notes from Workshops

Outcomes we are currently seeing:

- Children have a bed to sleep in and are fed and have access to school/education
- Further trauma created through removal
- We are seeing some small wins
- Children are starting to be involved in decision making
- We are at crisis point
- The rate of growth of children entering care is not slowing
- Overworked Department of Communities staff
- There are obvious solutions to current challenges but lack of time prevents them being delivered
- Aboriginal children are disproportionately represented in Out of Home Care
- Poor educational, health and psychological outcomes
- Increased expense in the adult system when kids leave care
- Minimum standards are producing minimum outcomes
- Intergenerational trauma pepertulaised by systems built to 'protect' children
- No placements (not even for a 10-month old)
- Staff taking kids home, stay at hotels, Airbnbs
- Expensive and costly
- Young people are staying in detention longer because magistrates expect appropriate placements to be found
- Neglected human rights and principles of self-determination
- Parents who disengage and feel disempowered
- Orders being made ex-parte or to avoid trials (due to parents having no trial preparation)
- Parents who return to the system - no grief counselling post-removal, having more children, or children coming back with own kids

- Funds spent on child once in care (these could go towards supporting the family to stay together)
- Family carers reluctant to step forward (due to history, paperwork, judgment etc.)
- Trying to make the best of a bad situation
- Short-term, one-solution approach. Children safe but lost without family
- Raising children is hard when parents are in difficulty, and without their children it is harder
- Broken-hearted people and workers
- Different sectors have no trust with each other
- Too many babies removed from hospitals
- Centrelink - breaches - poverty
- System is hard to navigate

Principles that we are currently operating by:

- "Equal" not equitable principles
- Accountability, compliance, contracting
- Outputs not outcomes
- We will place children wherever we have a vacancy
- Provide services to fit funding rather than based on child's needs
- Decision making is a departmental responsibility
- Parent don't have "rights"once children are removed
- Culture is important, however there is no evidence of support for this
- Foster carers get support and resources (not the family)
- Western worldview (family, wellbeing, safety, what's right, ways of knowing, being, doing etc.)
- Maslow's hierarchy (very Western perspective of needs)
- Trauma is complex and individual for each case
- Family needs to be assessed to receive support to become carers

Underlying beliefs we are currently operating by:

- The system cares for children better than family or community
- Children are vulnerable and need protection
- The Department of Communities knows best
- It is important to help Aboriginal kids in some care at all costs, including returning them to unsafe placements
- CSO's are a necessary evil
- ACCO's don't have the capacity to care for Aboriginal children
- Market value - value for money is the driving factor
- Children are business cases

- Paternalistic
- It's ok to have frequent turnover of young workers
- We only accept perfect parents
- That all children that enter the Out of Home Care system will have better outcomes in life
- Community and children's safety is only the Department of Communities role, no other government department.

Part 2: Characteristics of the future system

- Aboriginal-led, child-safe system
- Family support comes first
- Heart-driven practice
- Space and time for important decision making
- Respect
- Transparency
- Parents feeling cared for
- Cultural proficiency framework in place with a 20-year plan with bipartisan support to address overrepresentation
- Majority of children remain at home with wrap-around services
- The system is humanised - it regains its heart
- Focus on early intervention
- Statewide Aboriginal peak body
- Department of Communities has KPIs around cultural competency
- Local solutions
- Truth-telling and deep acknowledgement of the past. Continuous process of healing
- Funding to ACCOs reflects overrepresentation
- ACCO-led
- Funding to regions also reflects overrepresentation
- Aboriginal procurement process: look at a variety of options including closed tenders preferred service providers; regional community on the procurement panel for their region etc. funding is flexible (can change and develop based on what's learned and needed)
- Aboriginal Community Advisory as a key part of the governance model
- Three-year funding - contracted services delivered by Aboriginal organisations
- The 'capacity-building' myth for ACCOs is busted. This is known to be paternalistic. Instead, organisations are judged on their cultural capacity.
- Families/relatives are supported to be assessed by Department of Communities
- Same resources for all carers Aboriginal or non-Aboriginal carers
- Flexible placement arrangements

- Reunification process quicker, with a focus on supporting families (not only supporting the foster families and services)
- Shared care or community arrangements
- Aboriginal Children's Commissioner
- More Aboriginal staff and advocates, from senior levels of government to front-line staff
- Reconnection of fathers
- Cultural planning - get better at this process
- Fully implemented co-design out of home care
- Less children in care
- Community-development model
- Public-health model
- ACCO's do cultural orientation
- Continuous engagement regionally (local and place-based meetings) across sectors and stakeholders
- Aboriginal interpreting services are a must
- No wrong door
- Care arrangement choice
- Funds follow the child
- Therapeutic model
- Continuity of care that matches the need of the child or young person