

Aboriginal Case Management Policy

Strengthening Aboriginal families,
delivering outcomes for Aboriginal
children and young people

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Purpose

The Aboriginal Case Management Policy and associated *Rules and Practice Guidance: Strengthening Aboriginal families, delivering outcomes for Aboriginal children and young people* is an operational framework for all practitioners working with Aboriginal children, young people and families across the continuum of support in NSW, providing guidance to practitioners regarding core case management practices. It provides a framework for Aboriginal-led and culturally embedded case management practice to safeguard the best interests of Aboriginal children and young people.

The objective of the Aboriginal Case Management Policy is to:

promote an integrated case management approach that is tailored to the needs of Aboriginal children and families, that commences early in the continuum of support and that empowers and supports families and communities to reduce the incidence of harm, addressing identified risks and thereby supporting Aboriginal children and young people to thrive.

The Aboriginal Case Management Policy and associated Rules and Practice Guidance aims to:

- support practitioners to achieve and maintain stable and enduring relationships with an Aboriginal child or young person's family and community, and meaningful connections to culture and Country, for lifelong wellbeing
- support practitioners to engage early with Aboriginal families and empower families to shape case planning, identifying tailored priorities and solutions to keep children safe and with their family and community. Family engagement is a family-centred and strengths-based approach to making decisions and maximising the positive outcomes for children and families
- encourage case management that provides holistic and flexible supports to Aboriginal children and families, building trust and promoting access to services
- ensure services delivered to Aboriginal children and families are culturally embedded and delivered by competent practitioners with an understanding of the families and communities they serve
- reduce the need for more intensive and intrusive services through effective engagement and case management, addressing risks early
- build the trust of Aboriginal children, families and communities in the child and family service system, by empowering Aboriginal communities to design, deliver and oversee local services, supports and processes, through Aboriginal Community Controlled Mechanisms.

The Aboriginal Case Management Policy sits alongside the *Permanency Case Management Policy*, and provides specialised guidance on achieving safety, stability and cultural continuity for Aboriginal children and young people across early intervention and prevention supports, child protection services and the Permanency Support Program.

Principles of Aboriginal case management

The Aboriginal Case Management Policy reflects key principles for engaging and working with Aboriginal children and young people, families and communities, strengthening families and addressing risks that may contribute to the incidence of harm or providing for the optimal development of Aboriginal children and young people.

1. Case management that is child focused to promote child safety and wellbeing

- understanding and meeting the developmental needs, in a trauma-informed context, of Aboriginal children and young people, including physical, emotional, cognitive, cultural and spiritual elements – elements that are interdependent
- providing every opportunity for a child to be raised within their own family, community, culture and on Country where they are cared for in safe and nurturing homes, by relatives and kin who support and strengthen their identity and connections to family, and have every possible opportunity for their views to be sought and heard.

2. Case management that facilitates Aboriginal family-led decision making

- understanding that Aboriginal families and communities are critical to achieving the best outcomes for Aboriginal children, and empowering them to engage with risks or concerns to develop practical solutions for their children
- building an inclusive network of care around the child, understanding what each person is able to bring to promote a positive outcome, and drawing on the collective wisdom and capacity of these networks to address the challenges that threaten the safety, welfare and wellbeing of Aboriginal children and young people.

3. Case management that values community involvement, including self-determination and advocacy

- empowering Aboriginal communities, through their own processes, to safeguard the rights of Aboriginal children and young people and their families, including participation in decision making and advocating on behalf of their children and families; acknowledging and valuing the important strengths and assets of Aboriginal communities that strengthen Aboriginal people and families
- upholding Aboriginal self-determination, the collective right of communities to freely pursue their economic, social and cultural development, and to develop and implement their own processes, services, supports and frameworks that sit around Aboriginal children and families.

4. Case management that is culturally embedded

- respecting and valuing the perspectives, beliefs, lived experiences and values of Aboriginal people, families, children and young people and communities
- recognises the importance of culture in the lifelong wellbeing of Aboriginal children and young people, strengthening identity, belonging and sense of purpose, and that all systems, processes and practices are underpinned by this, including through meaningful care and cultural support planning

5. Case management that delivers holistic services tailored to the needs of Aboriginal children and families

- that provides a key point of contact and case coordination (including soft entry and ‘no wrong door’ referral processes) and wraps the relevant services around Aboriginal children and families
- that prioritises an integrated local Aboriginal service system centred around Aboriginal children and families, with streamlined information sharing and referral pathways to deliver the services children and families need, when they are needed.

6. Case management that is oriented to prevent harm and preserve families

- supporting families to address the underlying causes of risk (including intergenerational trauma, marginalisation and disadvantage associated with colonisation)
- engaging proactive efforts to strengthen families, minimise the incidence of harm and foster resilience for Aboriginal children and their families, taking proactive steps to minimise disruption and disconnection experienced by Aboriginal children as a result of statutory intervention.

7. Case management that is accountable to Aboriginal peoples for the outcomes achieved for Aboriginal children and their families

- engaging openly with Aboriginal Community Controlled Mechanisms that oversees compliance with the Aboriginal Case Management Policy, including family and community participation in decision making and proactive efforts to support Aboriginal children and families
- promoting openness, honesty and transparency as key values in case management and accountability to Aboriginal children, families and communities.

Aboriginal Case Management Policy

This Policy, and related Rules and Practice Guidance, takes effect from **19 October 2018** and provides a distinct case management policy alongside the *Permanency Case Management Policy*.

Scope

This Policy applies to:

- the case management of all Aboriginal families that seek targeted supports to strengthen their family, including addressing causes of risk
- the case management of all Aboriginal children and young people and their families who are assessed as being at risk of significant harm by the statutory child protection system
- empowering Aboriginal families and communities to take a significantly greater role in the decisions affecting Aboriginal children and families and the services provided to them.

Policy statement

Aboriginal case management supports Aboriginal families and communities to overcome key barriers and obstacles including poverty, intergenerational trauma, disadvantage and marginalisation that negatively impact on the development of Aboriginal children and young people. It builds a supportive network of family, kin and community around Aboriginal children and young people, and provides a clear platform for Aboriginal families and communities to make decisions that impact on Aboriginal children within a culturally embedded framework.

Aboriginal case management upholds the rights of Aboriginal communities to determine the systems and supports that impact on their lives, and to make decisions about the safety, welfare and wellbeing of their children, families and communities. Aboriginal case management translates the Aboriginal child placement principles, including the principles of prevention, partnership, placement, participation and connection, into everyday practice.

Outcomes

Aboriginal children and young people are:

- safe at home with relatives and kin – they are supported to live with their own family and community to grow up strong and in culturally rich environments
- connected to their family, community, Country and culture – connection and safety in culture is respected, valued and actively preserved and strengthened
- strong in identity – they are supported to practice their culture openly and freely and to fulfil their cultural roles and responsibilities
- strong in spirituality – they are supported to experience the interconnectedness of the elements of their culture that underpins Aboriginal life
- supported to use their voice – they are supported to participate in decisions and actions that affect them and their views are taken seriously.

Aboriginal families and communities:

- are supported to strengthen their cultural systems of care and responsibility for Aboriginal children and young people
- are engaged in all decision making processes concerning their children
- have access to information to inform their rights, and ensure accountability.

Operationalising the Aboriginal Case Management Policy

The Aboriginal Case Management Policy spans the continuum of support, from targeted earlier supports delivered to families through to out-of-home care, restoration and leaving care supports. Across the continuum of support, services and practitioners are focused on delivering services aligned to family need, applying 'downward pressure' with respect to identified risks (see Figure 1), diverting families from more intensive or intrusive interventions and strengthening supports to reduce risk of harm and promote healthy development.

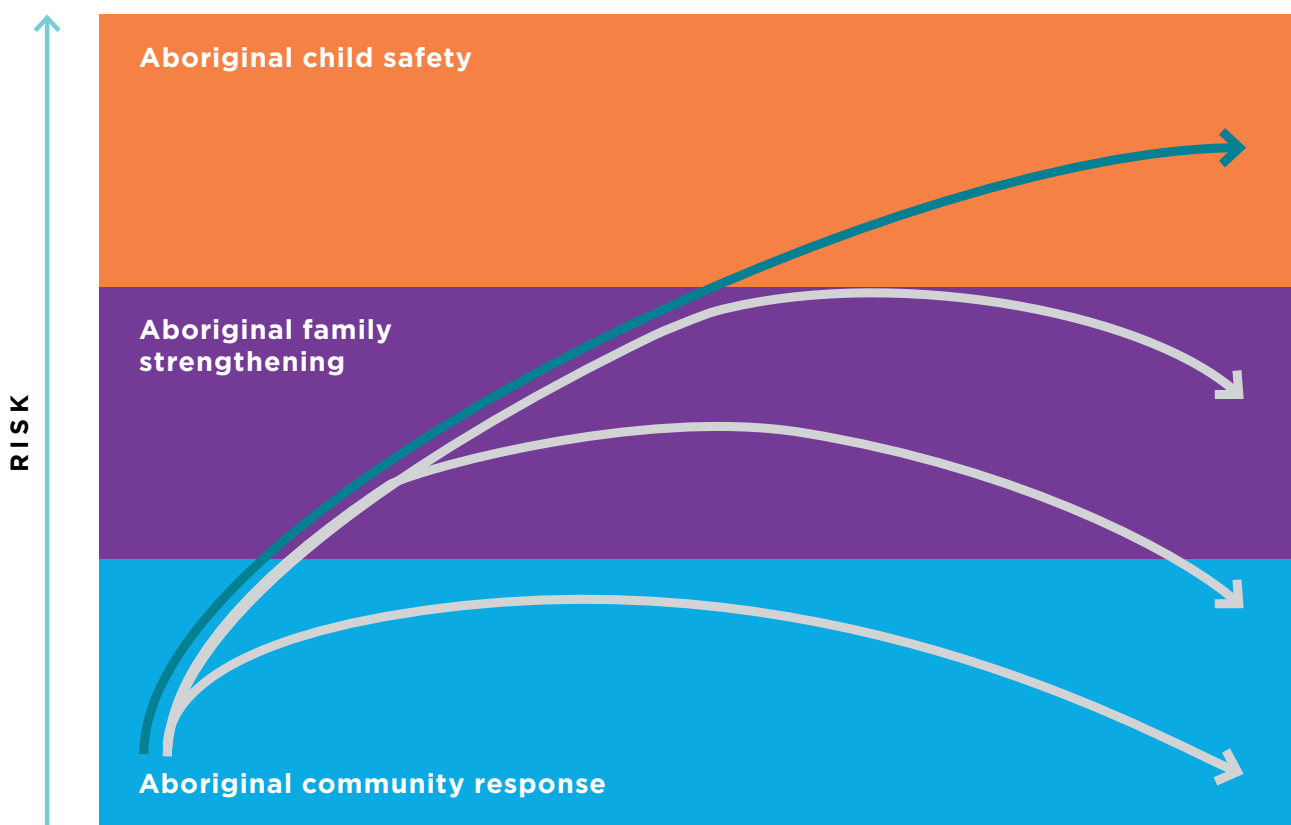


Figure 1: Case management is intended to alter an otherwise linear trajectory (orange), through proactive efforts that divert families from statutory intervention (or promote restoration) (grey arrows), thereby reducing the risk and incidence of harm experienced by Aboriginal children and young people. As risk increases, a more intensive service response is required.

The Aboriginal Case Management Policy is complemented by Aboriginal Case Management Policy Rules and Practice Guidance, providing practical guidance to practitioners about expectations, roles and responsibilities, and elements and operating functions across the continuum of support, aligned to three key levels:

- Aboriginal community response case management rules and practice guidance
- Aboriginal family strengthening case management rules and practice guidance
- Aboriginal child safety case management rules and practice guidance.

The Aboriginal Case Management Policy, and Rules and Practice Guidance are aligned to the following enabling foundations:

- the experience and expertise of Aboriginal practitioners and communities providing key supports to Aboriginal children and families on an ongoing basis
- existing evidence regarding child development, capacity and capability building and best practice with Indigenous communities.
- the Convention on the Rights of the Child
- the Declaration of the Rights of Indigenous Peoples
- the *Children and Young Persons (Care and Protection) Act 1998*, in particular the Aboriginal and Torres Strait Islander Principles (sections 11–14)
- AbSec’s Achieving a Holistic Aboriginal Service System for NSW
- the NSW Permanency Support Program, in particular Aboriginal care
- Targeted Earlier Intervention program
- related child protection programs, including Intensive Family Based Services, Brighter Futures, and other intensive family preservation and restoration programs.

Context

Aboriginal family and knowledge systems of caring for children are among the most significant aspects of Aboriginal culture and is critical to a child's physical, emotional, social, cognitive, cultural and spiritual development. The connections to family, community, Country and culture are central to a child's lifelong wellbeing, identity and sense of belonging. Aboriginal culture is rich, strong and diverse despite the profound impacts of colonisation including the forced removal of Aboriginal children from their families. The effects of intergenerational trauma, cultural disconnection and family disruption continue to be lived and experienced by Aboriginal people today emphasising the critical need for healing and empowering Aboriginal people through their own processes.

The Aboriginal family system is distinct and consists of strong extended family and community structures rather than just the parents or immediate family alone, these structures are especially important to the wellbeing of Aboriginal people. Aboriginal children are the responsibility of the entire family and community and often there are significant members who are relied upon to play vital roles in raising and educating children. Practitioners appreciate this broader conceptualisation of 'family'¹ and acknowledge Aboriginal families as a cohesive group including blood and multi-generation relatives (for example parents, grandparents, aunts, uncles, siblings and cousins) but this also extends to significant people who are connected through marriage, kinship systems, community ties and cultural obligations. Practitioners understand the complex system of these relationships to enable effective family finding, empowering these broad networks for the care of their children.

Aboriginal young people identify relationships across their families and communities, including the important role of Elders, and connection to culture as central to their experience of safety². They emphasise the enduring nature of these connections, contributing to their feeling of safety in the present as well as supporting them into the future for lifelong wellbeing. It is essential that Aboriginal children remain immersed in culture and connected to their families.

Aboriginal case management is a critical element to supporting Aboriginal families and children in contact or at risk of contact with the child protection and out-of-home care system in NSW. Aboriginal families and communities know how to keep their children safe and to raise them strong in their own community and culture. Practitioners seek out solutions that acknowledge Aboriginal people's cultural ways of life. It is understood that separation from family is also separation from critical cultural connections. Therefore, practitioners embed in their practice an understanding of the structures and concepts that exist in Aboriginal families and communities.

The Aboriginal Case Management Policy, and Rules and Practice Guidance, aim to strengthen the role of case management supporting Aboriginal families and children across the continuum of support from earlier intervention through to out-of-home care, recognising the multiple pathways that are adopted in order to achieve stability for Aboriginal children, and strengthening the potential in families.

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1. In line with these views, the use of the word 'family' in the Aboriginal Case Management Policy and guidelines reflects this broader conceptualisation unless otherwise stated.
 2. Youth Report: AbSec Youth Ambassador Program (2017), AbSec NSW

Aboriginal case management is a collective response to the needs and vulnerabilities of Aboriginal families and children, taking a focused relationship-based approach and embedding clear decision making that is inclusive of informal supports, as well as the responsibility of the formal service system to Aboriginal children and families.

The Aboriginal Case Management Policy, and Rules and Practice Guidance take a holistic approach to strengthening families and supporting children and young people, inclusive of the roles and responsibilities of key practitioners across multiple service systems. Importantly, the Policy and upcoming Rules and Practice Guidance, to be applied to government and non-government operated supports for Aboriginal families and children, has been designed based on the aspirations, expectations and perspectives of Aboriginal people. In doing so it aims to ensure the best possible outcomes for Aboriginal families and children in NSW.

Acknowledgement

DCJ engaged AbSec to write the Aboriginal Case Management Policy, incorporating the voices of Aboriginal people. The policy was informed by the views of Aboriginal people, agencies and communities through a state-wide consultation process conducted by AbSec.

Note on adoption

It is acknowledged that adoption of Aboriginal children and young people through the statutory system remains a contested area of policy.

AbSec does not support the adoption of Aboriginal children through the existing processes of the statutory child protection system in NSW, and is of the firm belief that the safety, welfare and wellbeing of Aboriginal children can be achieved without severing their connection to family, community and culture. This reflects the overwhelming view of Aboriginal individuals and community controlled organisations consulted, and the evidence regarding the impact of past practices on Aboriginal peoples, and Indigenous peoples internationally. AbSec advocates for the provision of meaningful safeguards to ensure that all Aboriginal children and young people placed through the statutory system are safe and are supported to enjoy their rights in full, including their cultural and identity rights, with mechanisms for the periodic review of their placement and treatment. Critically, Aboriginal communities themselves must be empowered to administer these systems, consistent with the findings and recommendations of *Bringing Them Home*. This is not consistent with the current provision of adoption orders.

In AbSec's view, and the consensus view of Aboriginal Community Controlled Organisations consulted, orders that sever Aboriginal children from their family/kin, community and culture are not considered to be in the best interests of Aboriginal children and young people. Imposing adoption on Aboriginal communities through non-Aboriginal mechanisms is not consistent with the principle and statutory obligation regarding self-determination, and is in breach of the rights of Aboriginal peoples.

The NSW Government position is that open adoption is a permanency option for Aboriginal children within the legislated parameters provided. Legislated permanent placement principles

(section 10A) of the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act) provide for adoption as the last preference for Aboriginal children, when other preferences are assessed as 'not practicable or in the best interests of the Aboriginal child'.

Where adoption is considered, the *NSW Adoption Act 2000* makes specific provisions that address the needs of Aboriginal children, families and communities. The Adoption Act (Division 2, section 36) states 'An Aboriginal child is not to be placed for adoption unless the Secretary is satisfied that the making of the adoption order is clearly preferable in the best interests of the child to any other action that could be taken by law in relation to the care of the child'. Prior to proceeding with the adoption of an Aboriginal child, the child's extended family must be consulted and their views and wishes considered. Placement for adoption must also be made in consultation with a local, community-based and relevant Aboriginal organisation, and adhere to the placement hierarchy of the Aboriginal child placement principles. DCJ acknowledges that such discussions must be sensitively conducted acknowledging the trauma that many Aboriginal families have suffered as a result of systemic injustices.

