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24 March 2020

[Redacted]

Email: [Redacted]

Our Ref: GIPA20/[Redacted]

Dear [Redacted]

### **Formal Access Application - Notice of Decision**

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (the GIPA Act), where you requested access to a copy of the following information:

*“Copies of any Department of Communities and Justice (‘DCJ’) policies or staff guidance concerning:*

- a. The selection of Aboriginal Consultation Advisory Panels (ACAPs);*
- b. The participation of external Aboriginal people on ACAPs;*
- c. The practices and procedures of ACAPs, including (but not limited to):*
  - i. the process for referring a case to the ACAPs;*
  - ii. the conduct of meetings of ACAPs;*
  - iii. the methods of recording of ACAP discussion, decisions and recommendations; and*
- d. The process for adopting or departing from the ACAP recommendations.”*

In processing your application, I have taken into account the obligations referred to in section 53 of the GIPA Act, which states:

#### **“53 Searches for information held by agency**

- (1) The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.*
- (2) An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency’s searches must be conducted using the most efficient means reasonably available to the agency.*
- (3) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.*

*(4) An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1998 or contrary to the agency's established record management procedures.*

*(5) An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency's resources."*

In accordance with the obligations outlined in section 53 of the GIPA Act, I liaised extensively with the following Divisions within the department:

- Strategy, Policy & Commissioning.
- Child Protection and Permanency, District and Youth Justice Services.

Collectively, the above divisions were able to identify and collate information that falls within the scope of your access application. I have paginated the information, 1 to 101.

I have carefully considered your request in view of the objectives of the GIPA Act where you have a legally enforceable right to obtain information, unless there is an overriding public interest against disclosure of the subject information. Further, I have also considered the requirements of section 74 of the GIPA Act, which provides that an agency may delete information from a record to which access is provided if the deleted information is not relevant, or within the scope of the information applied for, or an agency has decided to refuse access to that information.

In deciding which information to withhold in full or in part, I was required to conduct a "public interest test" where the public interest considerations favouring disclosure of government information were weighed against those factors that do not favour disclosure. The following are a number of public interest factors I considered which favour disclosure of the information requested:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.
- Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
- Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.
- Disclosure of the information could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.

I have decided pursuant to section 58(1)(a) of the GIPA Act to fully disclose the information that falls within the scope of your access application.

If you are aggrieved by any of the reviewable decisions in this notice of decision, you may seek a review under Part 5 of the GIPA Act, by requesting any one of the following:

- An internal review that must be lodged with Open Government, Information and Privacy within 20 working days of this notice of decision. You must lodge your internal review at the address shown at the top of the first page and must be accompanied by the appropriate application fee of \$40.

- Alternatively, a request for an external review may be lodged with either the Information and Privacy Commission, or the NSW Civil and Administrative Tribunal. Please note that you must lodge your request for an external review within 8 weeks of this notice of decision.

If you have any questions regarding this notice, please contact me on telephone (02) 8753 8400.

Yours sincerely

*Peter Bazzo*

Peter Bazzo  
**Senior Right to Information Officer**  
**Open Government, Information and Privacy**  
**Department of Communities and Justice**



Family &  
Community Services  
Community Services

# Aboriginal Consultation Guide





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# Aboriginal Consultation Guide



## Acknowledgement

The Aboriginal Services Branch would like to thank the staff within the Community Services' regions, whose work and knowledge in the area of Aboriginal consultations has informed the development of this document. Their leadership is applauded.

Illustrations with thanks to: Denise Freeman, Jodie Stewart and Warren Mason.

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## Acronyms

ACRONYM	PHRASE/MEANING
AbSec	Aboriginal Child, Family and Community Care State Secretariat
AC	Assessment consultation
ACAP	Aboriginal Consultation Advisory Panel
AIS	Aboriginal Impact Statement
CS	Community Services
CSC	Community services centre
EI	Early intervention
KiDS	Key Information and Directory System
LAAP	Local Aboriginal Action Plan
NGO	Non-government organisation
OOHC	Out-of-home care
PAC	Pre-assessment consultation
PACT	Protecting Aboriginal Children Together



### Important points to note

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Community Services recognises Aboriginal people as the original inhabitants of NSW. The term 'Aboriginal' in this document refers to the First Nations people of NSW.<sup>1</sup>

Community Services also acknowledges that Torres Strait Islander people are among the First Nations of Australia and a part of our client and staff base.

It is important that Community Services seeks out representatives of the Torres Strait Islander community to find out the right consultation process for Torres Strait Islander children, young people, their families and communities.

This guide focuses on Aboriginal consultation. It is a living document and will evolve over

time to reflect learnings from the field. This guide also shows Community Services' ongoing commitment to improve meaningful engagement and consultation with the Aboriginal community, in protecting the safety, welfare and wellbeing of Aboriginal children and young people.

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<sup>1</sup> Consistent with the publication [Working with Aboriginal people and communities - a practice resource](#).

## SECTION 1 Introduction

The safety, welfare and wellbeing of the child or young person ALWAYS remain the paramount consideration and goal of Aboriginal consultation.

### 1.1 What is Aboriginal consultation and why is it important?

**Aboriginal consultation is an exchange or two-way flow of information. It is an important method that empowers Aboriginal families and communities to help make decisions on matters that affect the care and protection of their children and young people.**

Respectful Aboriginal consultation is important to Community Services as it helps build a strong foundation for good policy development, project design and delivery. It is also the cornerstone of best-practice casework. Effective consultation allows caseworkers within Community Services to develop a cultural understanding of Aboriginal families and communities. It supports engagement and intervention with the family, kinship network or relevant Aboriginal services to inform casework planning and decisions.

Consultation must be at the centre of all that Community Services does, if it is to overcome

generations of history, in which Aboriginal people were treated as second-class citizens and given no control over their own lives, or those of their children.<sup>2</sup> Historically, NSW government agencies had statutory decision-making control over almost every aspect of Aboriginal people's lives. Aboriginal people were not consulted or allowed to make decisions about their own or their children's lives.

The Special Commission of Inquiry into Child Protection Services in NSW<sup>3</sup> commented on the importance of adopting a consistent approach to Aboriginal consultations and the need to improve how they are undertaken and recorded. The report also highlighted the need to broaden practice to include Aboriginal consultations outside Community Services.

Community Services' commitment to Aboriginal consultation is reflected in the legislation under which it operates. There are also policies such as the Memorandum of Understanding between Community Services and the Aboriginal Child, Family and Community Care State Secretariat (AbSec) and protocols like the

*JIRT Aboriginal Consultation Protocol*.<sup>4</sup> A list of the legislative requirements that underpin Community Services' commitment can be found in Appendix A.

### 1.2 Purpose of the consultation guide

**This guide provides a practical framework to enable caseworkers to fulfil Community Services' commitment to consult consistently, effectively and sensitively with Aboriginal children, families and communities.**

It supports a standard approach to Aboriginal consultations that Community Services does across NSW. It also aims to clarify caseworkers' roles and responsibilities when undertaking Aboriginal consultations.



<sup>2</sup> Refer to the [Working with Aboriginal people and communities: a practice resource](#) for a historical overview.

<sup>3</sup> Report of the Special Commission of Inquiry into Child Protection Services in NSW.

<sup>4</sup> The [JIRT Aboriginal Consultation Protocol](#) guides JIRT agencies in using more Aboriginal staff to advise and assist in matters involving Aboriginal children, young people and families.

### 1.3 Placement Principles

This guide is the vehicle for which caseworkers can adhere to the Aboriginal and Torres Strait Islander Child Placement Principles.

Good consultation and meaningful engagement with Aboriginal and Torres Strait Islander children, young people, their families and communities is essential for caseworkers as they work through the general order of placement for Aboriginal and Torres Strait Islander children in the out of home care system.

### 1.4 Links to other initiatives

The NSW Government recognises the right of Aboriginal people to self-determination and a role in determining where and how government responds to their needs and aspirations. Key to this approach is *Two Ways Together*, a whole-of-government plan to reduce the social disadvantage Aboriginal people experience, whilst strengthening their capacity to

exercise their inherent rights. The complementary NSW *Closing the Gap* strategy focuses on six key areas – justice; health; education; economic development; children and families; and housing and infrastructure – to close the gap in Aboriginal disadvantage in NSW.

Engaging Aboriginal people as equal partners in government decisions has a special resonance for Community Services. It is our response to the still-felt impact of past welfare policies, and a concrete way of showing our commitment to reducing the over-representation of Aboriginal children and young people in out-of-home care.

Key Community Services' initiatives aimed at improving outcomes for Aboriginal children which are linked to this commitment include:

- Protecting Aboriginal Children Together (PACT)
- Local Aboriginal Action Plan (LAAP)
- Permanency Planning for Aboriginal children
- Memorandum of Understanding between Community Services and the Aboriginal Child, Family and Community Care State Secretariat (AbSec).

More details on these initiatives can be found in Appendix B.



## SECTION 2 Guiding principles

### 2.1 Aboriginality

The legal definition of Aboriginality is drawn from the *Aboriginal Land Rights Act 1983*<sup>5</sup>, and is adopted in full in the *Children and Young Persons (Care and Protection) Act 1998*.

An Aboriginal person means a person who:

- (a) is a member of the Aboriginal race of Australia, and
- (b) identifies as an Aboriginal person, and
- (c) is accepted by the Aboriginal community as an Aboriginal person.

Similarly, Torres Strait Islander means a person who:

- (a) is descended from a Torres Strait Islander, and
- (b) identifies as a Torres Strait Islander, and
- (c) is accepted as a Torres Strait Islander by a Torres Strait Islander community.

The Children's Court may determine that a child or young person is an Aboriginal or Torres Strait Islander if it is satisfied that they are of Aboriginal or Torres Strait Islander descent.

It is important to understand that NSW Aboriginal people may consider the term 'Indigenous' and the acronym 'ATSI'<sup>6</sup> offensive. Both are generic terms that do not take into consideration the fact that Aboriginal and Torres Strait Islander people are culturally, linguistically and ethnically different and identify as either an Aboriginal person OR a Torres Strait Islander (unless they are from a blended family).

More information on this issue is covered in the following Community Service's publications:

- [Working with Aboriginal people and communities: a practice resource](#)
- [Research to Practice Note – Use of appropriate language when working with Aboriginal communities in NSW](#)

### 2.2 Self-determination

Section 11 of the *Children and Young Persons (Care and Protection) Act 1998* requires that Aboriginal and Torres Strait Islander people are to participate in the care and protection of their children and young people with as much self-determination as possible.<sup>7</sup>

Self-determination for Aboriginal people means that Aboriginal communities are able to take charge of their own lives and make important decisions about their future. This includes making decisions about Aboriginal children and young people in the statutory child protection system and/or who are entering or at risk of entering out-of-home care. It also means making decisions and having input into the design of policies and programs that affect Aboriginal people.

<sup>5</sup> *Aboriginal Land Rights Act 1983* can be found at [NSW legislation](#).

<sup>6</sup> Aboriginal and Torres Strait Islander.

<sup>7</sup> Section 11 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

The principle of self-determination is aimed at safeguarding, recognising and respecting Aboriginal customary law. Although a large number of Aboriginal people live in urban areas, elements of customary laws still exist and are practised. A good example is the specific role for Elders as decision-makers within many communities.

*See Section 4.1.1 for practice information about helping to facilitate self-determination.*

## 2.3 Participation in decision-making

**Section 12 of the *Children and Young Persons (Care and Protection) Act 1998* states that Aboriginal people, including communities and community groups, are to be given the opportunity to participate in decisions that concern the placement of their children and young people.<sup>8</sup>**

Participation in decision-making can enhance the protection of Aboriginal children and young people. Aboriginal families, communities and organisations can offer different information, perspectives and values, and their knowledge and skills should be respected. Working together will support actions to improve outcomes for Aboriginal children and young people.

Participation of Aboriginal people can help in:

- determining culturally-appropriate strategies so that Aboriginal families can get more support. For example, talk to the local Aboriginal medical service or other local community organisations where the client can get a range of culturally-appropriate support services
- developing strategies to prevent Aboriginal children and young people entering out-of-home care
- using Aboriginal people in the community, such as Aboriginal education officers and health workers, to support the family to address various issues; another example of how

Aboriginal communities can help

- discussing placement options for an Aboriginal child or young person in out-of-home care. For example, talk about options with the family and extended family and arrange a kinship care placement
- seeking help from the community in developing a restoration plan for the Aboriginal child or young person; once again using Aboriginal support people from within the family and the community to gain access to culturally-appropriate services
- finding out the needs of the child or young person and their family and suggesting effective options to address these needs. Involving Aboriginal family and community members can influence effective change within the family.

*See Section 4.1.2 for practice information about helping people to participate in decision-making.*

<sup>8</sup> Section 12 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

## 2.4 Placement principles

**Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* provides for a general order of placement for Aboriginal and Torres Strait Islander children. The aim is to ensure that if possible and assessed as safe, Aboriginal children and young people are placed within their biological family, extended family, local Aboriginal community or wider Aboriginal community and culture.<sup>9</sup>**

The purpose of the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles is to enhance and preserve Aboriginal children's sense of their Aboriginal identity. The objective of the principles is to ensure an Aboriginal child's right to be raised in their own culture. They also recognise the importance and value of family, extended family, kinship networks, culture and community, in raising Aboriginal children.

This general order of placement aims to ensure that, where possible, children and young

people are placed within their family, community or other Aboriginal community to stay connected with their Aboriginal culture. This reflects the NSW Government's determination to avoid a repetition of past practices which had a devastating impact on so many Aboriginal families.

Effective applications of the principles requires Aboriginal families, extended family and Aboriginal community representatives to be consulted and involved in decision-making about care arrangements for Aboriginal children and young people.

The principles also support the importance of Aboriginal people having increased and ongoing involvement and control in Aboriginal child and family welfare, and child protection matters.

*See Section 4.1.3 for practice information about applying the placement principles.*

## 2.5 Record-keeping

**Section 14 of the *Children and Young Persons (Care and Protection) Act 1998* requires that records about Aboriginal children and young people, who have been placed in out-of-home care, are kept permanently.<sup>10</sup>**

It is important that records be kept for the following reasons:

- it can be difficult to recall the history and life experiences of a child or young person in out-of-home care if there is no care record
- a child or young person is entitled to expect that their care records accurately reflect their life story
- it can give them a sense of who they are and what happened to them, and may help them find their family.

*See Section 4.1.4 for practice information about record-keeping.*

<sup>9</sup> Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

<sup>10</sup> Section 14 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).



## 2.6 Information exchange and confidentiality

**Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* authorises agencies and NGOs to share information that helps deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.<sup>11</sup>**

A key reform of the Report of the Special Commission of Inquiry into Child Protection Services in NSW (the Wood Report) was to strengthen interagency collaboration and acknowledge that the care and protection of children and young people is a shared responsibility.

*Keep Them Safe* is the Government's response to the Wood Report. It states 'Caring for children is a shared responsibility. It is first and foremost the obligation of parents, families and communities. When government does need to step in, it is not just Community Services but all of government that needs to respond.'<sup>12</sup>

To carry out this recommendation, there will need to be information available to educate Aboriginal family and community members to recognise when a child is in need of care and protection. Appropriate and relevant information will help Aboriginal parents and families understand why they have come to the attention of a child protection agency.

*Keep Them Safe* encourages families and communities, government agencies and non-government organisations (NGOs) to work together to support children, young people and families. In a child wellbeing context, information exchange involves giving details about services, individual clients or client groups and their needs, to another practitioner or agency. It also includes communicating with them to deliver the best service possible to children and families in need.

Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* allows freer exchange of information between 'prescribed bodies' (government agencies and non-government organisations) about a child or young person's safety, welfare or wellbeing. (More information can be found in Section 4.1.5 of this guide).


While consent of the child, young person, parent or carer is not necessary for information exchange under Chapter 16A, best-practice case management is to tell them about it, which also helps to increase their engagement.<sup>13</sup>

If information or advice is being sought from external sources, which are not prescribed bodies, it will be necessary to tell the child, young person and/or their parent or carer who you wish to consult with and seek their permission to do so.

<sup>11</sup> Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

<sup>12</sup> *Keep Them Safe* – A shared approach to child wellbeing.

<sup>13</sup> [Information exchange – Long fact sheet for human services workers](#).



**Please note:** The Brighter Futures program is based on the principles of voluntary participation and a collaborative approach to casework with families. It is therefore essential that families are fully informed about the collection, storage, access, use and disclosure of their personal and health information. Families taking part in the Brighter Futures program must formally consent to the disclosure and exchange of their information. Early intervention caseworkers must ensure that families' rights to privacy are upheld and information about them is protected throughout their participation in Brighter Futures.

*See Section 4.1.5 for practice information about the exchange of information and confidentiality.*

## SECTION 3 Overview of the consultation process

**Aboriginal community involvement in the consultation process is necessary to ensure a culturally-informed and effective response in the protection of Aboriginal children.**

Consultation may provide information about such things as:

- extended family and community networks to involve in decision-making
- cultural norms and beliefs
- trans-generational impacts of trauma from past welfare practices
- Aboriginal approaches to holistic wellbeing
- the identity and role of Elders in the community
- Aboriginal parenting practices.

There are two streams to the Aboriginal consultation process within Community Services. The first stream occurs when a policy, project or procedure is being developed within the agency, while caseworkers carry out the second stream in the field.

Both consultation streams require internal and external consultation.

### 3.1 Stream 1: Aboriginal consultation in project methodology

**Best-practice project management means getting stakeholder input at the start of each and every project, as well as throughout the project's development and implementation.**

Community Services embeds Aboriginal consultation in project methodology via specific means such as the Aboriginal Impact Statement (AIS).<sup>14</sup> The AIS prompts the involvement of Aboriginal stakeholders in the design and implementation of projects, while making sure careful thought is given to the likely effects and outcomes for Aboriginal people and communities.

### 3.2 Stream 2: Aboriginal consultation by casework practitioners

**Aboriginal consultation should continue throughout Community Services' involvement in the life of an Aboriginal child or young person.**

Aboriginal people should be consulted during all facets of intake, child protection, out-of-home care, early intervention including safety assessments (pre-assessment and assessment consultations), case planning, case meetings, home visits, attending court, out-of-home care placement and restoration decisions.

Caseworkers are required to engage and consult with:

- the child or young person and their family
- the extended family
- the Aboriginal community
- Aboriginal and non-Aboriginal agencies.

<sup>14</sup> Community Services completed an [Aboriginal Impact Statement](#) for all Community Services' *Keep Them Safe* projects in January 2010. A leadership group was also set up to develop systems and resources to improve our capacity to apply the guidance of the impact statement across all major change program actions.

### 3.3 Internal Aboriginal consultation

**Internal consultation refers to the consultation process/mechanisms developed within Community Services.**

Internal Aboriginal consultation includes structured consultation with:

- Aboriginal caseworkers and staff
- Aboriginal Consultation Advisory Panel (ACAP)<sup>15</sup>
- Aboriginal Reference Group (ARG)
- Aboriginal Services Branch (ASB).

To address the over-representation of Aboriginal children in the child protection system, ongoing Aboriginal consultation is essential in developing Community Services' policies, programs and processes.

Formal consultation with the Aboriginal Services Branch and the Aboriginal Reference Group should occur in the first stages of policy development and continue throughout the policy process. Aboriginal caseworkers and the Aboriginal Consultation Advisory Panel should be formally consulted on all casework matters.

### 3.4 External Aboriginal consultation

**External consultation involves seeking input from organisations and professionals outside Community Services.**

The aim of structured external Aboriginal consultation is to ensure that Community Services' decision-making and practices benefit from an Aboriginal perspective outside of the agency.

Good quality advice requires the sharing of all relevant information about the nature of the concerns, the assessment and understanding of the situation, in an ongoing and dynamic process.

Aboriginal community organisations and professionals

can give valuable information on:

- the child and family dynamics
- community support services available to the child, young person or family
- locating family members who may be potential carers and/or respite carers
- keeping the child or young person connected to their community
- community dynamics and factions.

Professionals may include:

- Aboriginal education officers and Aboriginal teachers employed in schools
- Aboriginal community liaison officers employed by NSW Police
- Aboriginal health workers employed in area health services, Aboriginal medical services or community health centres
- Aboriginal staff working in local, state and Commonwealth government.

<sup>15</sup> ACAPs are locally-based panels which operate in some regions. These panels provide a regular forum to allow caseworkers to consult with Aboriginal staff and community organisations/members about strategies to engage and support Aboriginal families. See Section 4.2.3 and Appendix D for more details.

More details on Aboriginal community organisations can be found in Appendix E.

It is vital to consult with Aboriginal people who are knowledgeable about the issues of their culture and community dynamics. Although it is a sensitive issue, there are many people that identify as Aboriginal later in life; this can be for several reasons.

Newly-identified Aboriginal people may have limited knowledge and connections to the Aboriginal culture and way of life and feel uncomfortable providing consultations. As a result, they may not be the best person to consult with on Aboriginal-specific issues at this time. Use best judgement and sensitivity in these circumstances.

### 3.5 Protecting Aboriginal Children Together (PACT)

**Protecting Aboriginal Children Together (PACT) is the *Keep Them Safe* project to pilot and evaluate a Lakidjeka-type<sup>16</sup> consultation model to give an Aboriginal perspective on the best ways of keeping Aboriginal children and young people safe.**

The PACT service pilot project, which started in early 2011, will run for a three-year period in two locations. Consultation with the PACT service will only affect the two community services centres taking part in the pilot.

Further information on PACT can be found in Appendix B.



<sup>16</sup> Lakidjeka Aboriginal Child Specialist Advice and Support Service is a non-government service based in Victoria.

## SECTION 4 Consultation in practice

### 4.1 Values and principles in practice

#### 4.1.1 Facilitating self-determination

As outlined in Section 2.2 of this guide the *Children and Young Persons (Care and Protection) Act 1998* requires that Aboriginal and Torres Strait Islander people are to participate in the care and protection of their children and young people with as much self-determination as possible.

Community Services' caseworkers can help self-determination by observing culturally-informed and effective practices to protect Aboriginal children. These practices include:

- observing the requirement for ongoing consultation throughout the period of contact that the child, young person and/or family has with Community Services
- engaging with the child and family, including fathers and step-fathers, who may or may not live at home, grandparents, aunts, uncles, cousins, etc
- seeking the support and help of community Elders, Aboriginal foster care and carer support groups, Aboriginal peak and locally-based organisations, where decisions are being made about the future of an Aboriginal child or young person
- seeking the support and help of external agencies that are providing or can potentially give support to the family
- setting up an open and transparent relationship with the child, young person and/or family
- giving financial help to the extended family to travel to case meetings
- ensuring Community Services' 'bottom lines' are clear
- consulting with the child, family, Community Services' ACAP, Aboriginal caseworker, Aboriginal organisations and/or Aboriginal community members, in all phases of Community Services' involvement
- supporting and empowering Aboriginal organisations to arrange and provide out-of-home care for Aboriginal children and young people.

Interagency collaboration, particularly with Aboriginal organisations, can help provide the information needed to conduct a respectful, culturally-informed and holistic assessment. For this reason, caseworkers should strive to have a good understanding of other agencies' roles and what insight they may be able to give on the child, young person or family.

Information from other agencies should be included in the risk analysis for the child, young person or family. This will help ensure that information received is examined and, if necessary, further questions asked.

Aboriginal social networks are also valuable resources for information about birth or extended families, kinship relationships, interagency networks, and community politics and dynamics. Recognising the role these networks play has the capacity to:

- reduce racial and cultural stereotyping
- ensure culturally-appropriate responses and an increased willingness of the client, family and community to accept a decision made with consultation, rather than one imposed without consultation
- improve remedial support where systematic disadvantages, such as access to health, housing and education, have resulted in the removal of a large proportion of Aboriginal children due to neglect. Intervention from such agencies can provide early solutions to such problems and reduce the incidence of removal
- include Aboriginal perspectives in risk and safety assessments
- improve case planning and decision-making.

#### 4.1.2 Participation in decision-making

**As outlined in Section 2.3 of this guide the *Children and Young Persons (Care and Protection) Act 1998* states that Aboriginal people, including communities and community groups, are to be given the opportunity to participate in decisions that concern the placement of their children and young people.**

Helping Aboriginal people to have maximum participation in decision-making requires respectful and culturally-competent personal communication, openness, transparency and opportunities for input from significant people in a child's life.

Respectful and culturally-competent personal communication helps people take part fully in decision-making at a one-on-one level. It takes into account literacy levels and cultural protocols, and helps ensure all parties have maximum opportunity to focus on the best interests of the child or young person. Examples of respectful and culturally-competent communication include:

- asking people how they would like to be addressed
- talking to people to arrange meetings before writing to them
- ensuring that unless the matter is urgent, home visits are scheduled with details known in advance – it is not alright to turn up without notice
- paraphrasing to ensure you understand what the client and/or support people are saying
- using jargon-free 'plain English' so everyone has the same level of understanding
- checking throughout the consultation that everyone fully understands how decisions will affect them and the child or young person
- adopting a supportive role with a focus on practical skill-building.

Finding and providing opportunities for input from significant people in a child's life or social network also helps them to take part in decision-making. It is important to tell the client that Community Services has legislative obligations around

Aboriginal consultation and is committed to giving them the best chance to participate fully in the decision-making process.

Ways to maximise constructive input into the process are to:

- ensure both parents are engaged in the process and the views of the mother, father and step-parents are considered
- check with clients and support people before the meeting to see if any help is needed in getting their messages or views across to others at the meeting
- consider holding meetings in a neutral location, such as away from community services centres
- complete and review a genogram to identify significant people in the child's life
- ask the child and/or parents for the names and contact details of someone they trust who would be prepared to participate in the consultation
- invite a parent to have a family or community member, or representative of an external

agency with them during any interviews. If a child or family wish to have the support of an external agency but have no relationship with one, help is available through Aboriginal staff consultants or the LAAP<sup>17</sup>

- ask young people and families if they have received help from any other welfare or support agencies that may be able to give additional input
- have a debrief afterwards to check if the client or support people have any unresolved questions or issues as a result of the meeting.

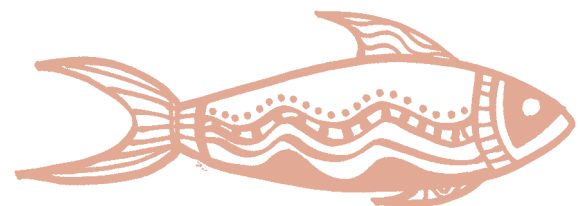
Throughout this process caseworkers should make sure the child and their parents understand that any people they ask to participate in consultations may find out sensitive, confidential or personal information about them.

If consultation is to succeed it should be run openly and at a pace that is comfortable for participants. The following practices can assist:

- convene consultations or meetings at appropriate times and ensure they do not clash with significant cultural events or a funeral

- advise participants about the statutory Aboriginal Child Placement Principles, and the role of ACAP and Aboriginal staff consultants to ensure that Aboriginal views and issues are considered
- ensure that the participants fully understand the issue and the implications if it is not resolved
- contact parents or carers early. If they do not return a call, fail to keep an appointment or are not at home, caseworkers should keep trying to contact them or check with other family members.

To build a trusting and respectful relationship, caseworkers should also give feedback about the outcome and thank those who took part in the consultation.



<sup>17</sup> Local Area Action Plans are developed within CSCs to engage with the Aboriginal community. More information on LAAP can be found in Appendix B or [LAAP frequently asked questions](#).



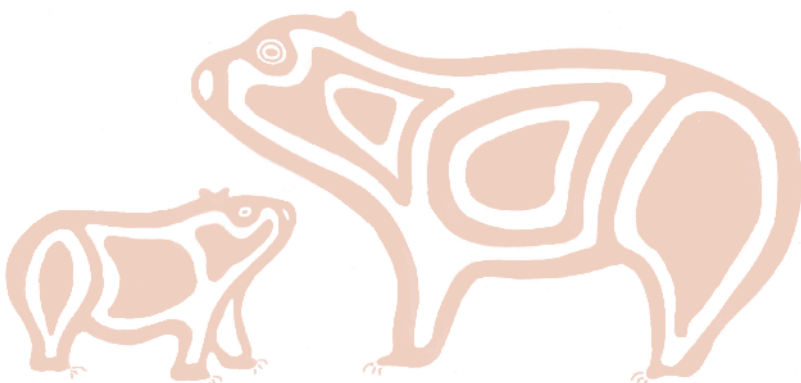
### 4.1.3 Placement principles

As outlined in Section 2.4 of this guide the *Children and Young Persons (Care and Protection) Act 1998* provides for a general order of placement for Aboriginal and Torres Strait Islander children. The aim is to ensure that wherever possible and where it is assessed as safe, Aboriginal children and young people are placed within their biological family, extended family, local Aboriginal community or wider Aboriginal community and culture.

Practice approaches that take account of Aboriginal culture, family relationships and parenting arrangements will better protect Aboriginal children's safety, welfare and wellbeing while complying with the legislation.

This general order of placement aims to ensure, where possible, that children and young people are placed within their family, their community or other Aboriginal community so they can stay connected to their Aboriginal culture. When applying the principles it is important to remember the following practice points:

- Caseworkers must follow the general order of placement that is in the legislation.
- A process of consultation with the child, young person and their family, as well as extended family and external Aboriginal consultants, needs to start from the initial notification and continue throughout the case until it is finalised.
- The safety of a child must always be paramount.
- All options for placement within the child or young person's family should be explored, even if that family is some distance away from where they are currently living. The opportunity of moving to that area and being placed with family should be considered, along with all other options to provide for the safety and wellbeing of the child.
- Where a child or young person belongs to, or has connections with, more than one community, Community Services' caseworkers should acknowledge that all these communities will be important to the child or young person and encourage relationships with all of them.
- It is recognised that sometimes Aboriginal children or young people may need to be placed in a non-Aboriginal placement. In such cases, it is **critical** that all avenues for support and help be explored and recorded **before** a child is placed with a non-Aboriginal carer.



- A child or young person who comes from a mixed cultural background will always be considered as Aboriginal. Any other cultural background they come from should also be recognised.
- Where a child or young person has an Aboriginal and non-Aboriginal parent, and is placed within the non-Aboriginal parent's family or community, arrangements should be made to ensure they have the opportunity for ongoing contact with their Aboriginal family, community and culture.
- Similarly, if the child or young person is placed within their Aboriginal family or community, arrangements should be made to ensure they have the opportunity for ongoing contact with his or her non-Aboriginal family, community and culture.

The placement principles do not take away the rights of parents to express an opinion about placement decisions for their own children. It does, however, take into account the inherent right of an Aboriginal child to be raised in an environment that allows him or her access to their culture, extended family and community.

The views of the child or young person should also be considered if they are at an appropriate age to express an opinion on placement decisions.

A flow chart in Appendix C identifies the placement principles. It clearly highlights the general order of placement that must be followed when a child or young person needs to be placed in statutory out-of-home care. The flow chart also notes important things to consider when applying the placement principles.

Aboriginal engagement strategies highlighted throughout this guide will help caseworkers to consult effectively with Aboriginal families, communities and NGOs, when working through the principles and exploring suitable placements.

#### 4.1.4 Record-keeping

**As outlined in Section 2.5 of this guide the *Children and Young Persons (Care and Protection) Act 1998* requires that records about Aboriginal children and young people, who have been placed in out-of-home care, are kept permanently.**

Community services centres in many locations place a sticker of the Aboriginal flag on the front of the file of Aboriginal children to clearly identify them, to ensure these records are permanently kept.

Information to note in the file of an Aboriginal child or young person should include:

- the communities, country and nation to which they belong or identify with
- family names that bear some relationship to the child whether they be by blood, marriage or community
- the names, ages and whereabouts of all close family members
- their language group.

It is essential that all Aboriginal consultations that caseworkers undertake, whether internal or external, be recorded in KiDS.

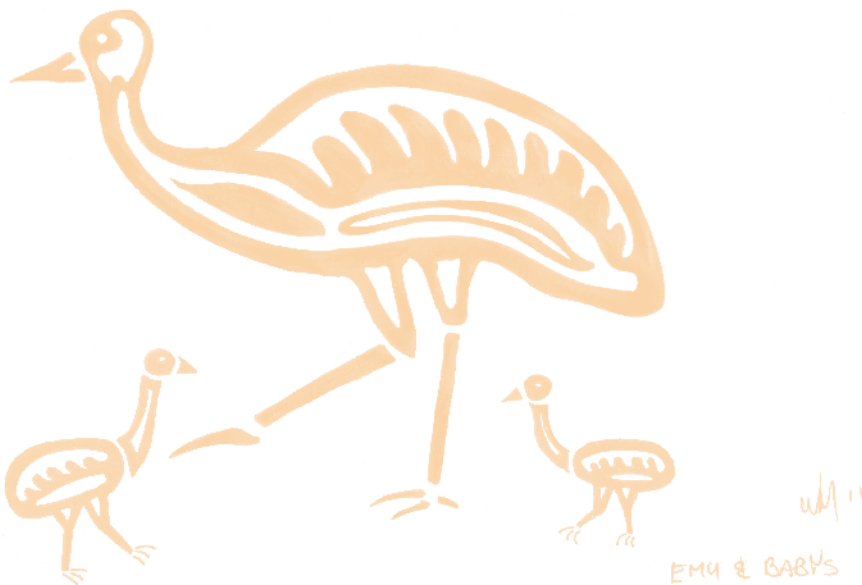
Consultations for program and policy areas should also be recorded on a file.

### Follow the instructions below when recording Aboriginal consultations in KiDS:

Create a **General File Note** record in KiDS with the following information:

- **Description field** – enter who the consultation was with, e.g. ‘Aboriginal caseworker’, ‘Aboriginal Consultation Advisory Panel’, ‘Aboriginal organisation’
- **Sub Type field** – select ‘Aboriginal Consultation’
- **File Note field** – enter a summary of the consultation
- **Related Records view tab** – relate to any other relevant records
- **Attachments view tab** – attach the consultation form (5.2.1 in this guide) and any other relevant documents to the record
- **Start Date and End Date fields** – should reflect when the consultation occurred
- Complete the **General File Note** record

Every consultation should be documented in a separate **General File Note** record.



#### 4.1.5 Information exchange and confidentiality

As outlined in Section 2.6 of this guide the *Children and Young Persons (Care and Protection) Act 1998* authorises agencies and NGOs to share information that helps deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.

The following sections of the *Children and Young Persons (Care and Protection) Act 1998* are relevant to information exchange and confidentiality:

- **Chapter 16A** – Exchange of information and coordination of services
- **Section 245A(d)(ii)** – Precedence of safety, welfare and wellbeing of children and young people over confidentiality and privacy
- **Section 248(6)** – Prescribed bodies
- **Section 139** – Designated agencies.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* allows NSW government agencies and NGOs who are 'prescribed bodies' to exchange information about a child or young person's safety, welfare and wellbeing, whether or not they are known to Community Services or consent to the information exchange.

The legislation overrides all other privacy legislation where the requirements are in conflict. The needs and interests of the child or young person take precedence over the protection of confidentiality or an individual's privacy.<sup>18</sup>

Section 248 of the *Children and Young Persons (Care and Protection) Act 1998* centres on Community Services' role in information exchange. It contains stronger powers of direction and discretion to support Community Services' statutory role in relation to child safety, welfare and wellbeing. Section 248 also applies to Commonwealth bodies.

When consulting externally, or if an external person is sitting on the ACAP, it will be necessary to give these consultants sufficient relevant information to help them to provide advice.

#### *Seeking information from prescribed bodies?*

While consent of the child, young person or family is not necessary for the exchange of information under Chapter 16A, best-practice case management is to tell them about information exchange so as to increase their engagement.

However, there may be circumstances in which you would not inform the child or young person, or their parents or carer, about exchanging information. These include where you:

- believe it is likely to further jeopardise a child or young person's safety, welfare or wellbeing
- believe it would place you or another person at risk
- are unable to contact a parent and the matter is urgent.<sup>19</sup>

<sup>18</sup> [Information exchange – Long fact sheet for human services workers.](#)

<sup>19</sup> [Information exchange – Long fact sheet for human services workers.](#)

### **Seeking information from non-prescribed bodies?**

If information or advice is being sought from external sources, which are not prescribed bodies, it will be necessary to tell the child or young person's parents or carer who you wish to consult with and seek their permission to do so.

It is good practice to tell the child or young person of any proposed consultation, if age appropriate. The need to consult with an external source to get more information for an assessment should be explained to them and their parents or carer, so that they know about the process and the reasons why it is necessary.

The child or young person and their parents or carer will need to sign the required consent forms before any consultation or exchange of information takes place. Similarly, an external consultant will need to sign a privacy declaration form before any consultation.

Both forms can be found in Section 5 of this guide:

- Consent to Provision or Exchange of Information for Aboriginal Consultation

- Privacy Declaration by Aboriginal External Consultant.

More information is available at [Keep Them Safe guidelines – Information exchange](#).

### **Brighter Futures**

The Brighter Futures program is based on the principles of voluntary participation and a collaborative approach to casework with families. It is therefore essential that families are told about the collection, storage, access, use and disclosure of their personal and health information. Families in the Brighter Futures program must formally consent to the disclosure and exchange of any of their information. Early intervention caseworkers must ensure that families' rights to privacy are upheld and their personal and health information is protected throughout their participation in Brighter Futures.

For Aboriginal consultations, Brighter Futures' caseworkers should use the [Brighter Futures Consent to Exchange and Release Information form](#) which can be found in Appendix D of the [Brighter Futures caseworker manual](#).

### **4.1.6 Confirmation of Aboriginality**

**It is important to remember that you do not need a legal form of confirmation of Aboriginality to be an Aboriginal person. There is no legal requirement for Aboriginal children and young people to have a confirmation of Aboriginality.**

Only Aboriginal people can determine who is Aboriginal, although the Children's Court can also do this if satisfied that the child or young person is of Aboriginal descent.

Confirmation of Aboriginality is normally done through incorporated Aboriginal organisations using the *Aboriginal Land Rights Act 1983* definition for Aboriginality (see Section 2.1 in this guide).

There is no single process that these organisations adopt, so each process may be different. Generally, the person wanting a confirmation needs to approach the organisation; however children and young people may need some help from caseworkers who can enquire on their behalf.

While a confirmation of Aboriginality may help the child access some services later in life, it is not essential to have a confirmation and if one cannot be obtained this is okay.

**Please note:** Aboriginal community organisations operate as autonomous bodies and have the right to determine their own procedures for confirming Aboriginality. They also have the right to refuse to give a confirmation to people who do not satisfy their organisation's requirements.

The types of information or action that organisations may require when confirming Aboriginality include:

- where the family is from
- known family members
- any links or anyone that can provide a reference
- some may need the applicant to join the organisation and attend a certain number of meetings
- most will ask the applicants to address the Board of Directors
- if the applicant is unable to get sufficient proof or references it is suggested that they contact

their home community or where their relatives come from and ask them for help. Even if they are no longer living in the community their family name may be known or relatives could still be there.

If children or young people and their families have been separated or lost contact with each other and do not know their families or kin, then Link-Up (NSW) Aboriginal Corporation or Aboriginal Affairs may be able to help. Details on both agencies can be found in Appendix E.

Questions to help learn more about a child, young person or family's Aboriginality can be found in Appendix G.

**Whether the child or young person gets a confirmation or not, it is important that caseworkers record their cultural information (country or nation, communities of belonging and language groups, etc). This information will support their Aboriginal identity and connection to their communities.**



## 4.2 Consultation support for casework practitioners and project and policy staff

### 4.2.1 The role of Aboriginal caseworkers

**Aboriginal caseworkers within Community Services can play a significant role in improving outcomes for Aboriginal children within the child protection system. It is important to note that an Aboriginal caseworker can participate in Aboriginal consultations whether they have an identified position or not.**

Aboriginal caseworkers do not make decisions on case management direction as their role is to inform the decision-making process. They ensure that Community Services works in a culturally-appropriate way by giving information and advice so that the cultural needs of Aboriginal children and young people are maintained.

Practice points to assist effective internal Aboriginal consultations:

- there is no single Aboriginal culture, so Aboriginal caseworkers may not have

all of the answers to your questions

- all participants need to be treated with dignity and respect
- effective consultation with Aboriginal caseworkers and panels is an essential ongoing process
- each consultation needs to be booked as per the local protocol with the issues to be discussed clearly defined and ensure enough time for a response
- as members of their community, Aboriginal caseworkers have cultural obligations and responsibilities that extend beyond the workplace and sometimes conflicts of interest may occur. These pressures on Aboriginal caseworkers need to be considered
- consultations with Aboriginal caseworkers should be run respectfully and professionally
- it is inappropriate to have a casual conversation in a corridor or lunch room with an Aboriginal caseworker and then write this up as an

Aboriginal consultation. No informal consultation should occur. All consultations should be recorded and considered a formal process at all times

- Aboriginal caseworkers have the right to refuse to sign any forms if the consultation is not done properly or recorded
- when wanting to consult with an Aboriginal caseworker from another CSC, the request must go to their manager. This ensures that the manager is aware of the caseworker's additional workload.

#### 4.2.2 Role of caseworkers seeking to consult

**The allocated caseworker should give as much information as possible to the person, panel or organisation they are consulting with to help them to provide informed cultural advice.**

**Before consulting with an external consultant, the allocated caseworker must check if the organisation is a prescribed body (section 248 of the Act).<sup>20</sup> If they are not, the caseworker will need to seek**

**permission from the child or young person and their parents or carer, and ask them to sign the required consent form (Section 5.2.4 of this guide). The external consultant will need to sign the privacy declaration form (Section 5.2.3 of this guide).**

The type of information the allocated caseworker can provide will depend on whether it is a newly allocated case, and therefore the first consultation, or an ongoing case requiring further consultations. Information can include:

- identifying details of the child or young person such as name and date of birth, the parents and other known family names
- other known details such as their health status, special needs, enrolment and attendance at childcare or preschool and school connectedness
- child and family's child protection history (KiDS database)
- outcomes of caseworker assessment of the nature of concerns about the

<sup>20</sup> Children and Young Persons (Care and Protection) Act 1998.

- significant risk of harm and the information gathered
- preliminary arrangements in place to reduce the risk of significant harm
- information about the family including strengths, weaknesses, areas of concern and family functioning (information can be sought from extended family, community members, Aboriginal NGOs, local Aboriginal service providers, Aboriginal Community Services' staff and non-Aboriginal service providers)
- background information about the child's family, extended family, community support networks and their cultural connections within the Aboriginal community
- information about the outcome of any previous consultation (decisions, recommendations or referrals) to ensure continuity
- any new information, changes in circumstances or progress
- details of engagement with service providers and uptake of services

- service providers that are located close to where the child and family live.

It is essential that all internal and external Aboriginal consultations that caseworkers undertake are recorded in KiDS.

**Follow the instructions below when recording Aboriginal consultations in KiDS:**



**Create a General File Note record in KiDS with the following information:**

- **Description field** – enter who the consultation was with, e.g. 'Aboriginal caseworker', 'Aboriginal Consultation Advisory Panel', 'Aboriginal organisation'
- **Sub Type field** – select 'Aboriginal Consultation'
- **File Note field** – enter a summary of the consultation
- **Related Records view tab** – relate to any other relevant records
- **Attachments view tab** – attach the consultation form (Section 5.2.1 in this guide) and any other relevant documents to the record
- **Start Date and End Date fields** – should reflect when the consultation occurred
- Complete the **General File Note** record

Every consultation should be documented in a separate **General File Note** record.



### 4.2.3 Aboriginal Consultation Advisory Panel (ACAP)

ACAPs provide a regular forum to allow caseworkers to consult with Aboriginal staff and community organisations and members about strategies to engage and support Aboriginal families.

ACAPs can advise caseworkers to help them ensure Aboriginal children and young people, along with their families, are supported in a culturally-appropriate way. They can also recommend how children and young people can maintain their cultural identity and connection to their family and community, if they enter the out-of-home care system.

The benefit of this group consultation is that it gives caseworkers the opportunity to consult more widely and be exposed to a variety of opinions and ideas and/or feedback about issues they may have encountered. The use of external community organisations and members also allows for different views on child protection issues.

#### ACAPs do not make decisions on case management direction.

Panels inform the decision-making process to ensure that community services centres are working in a culturally-appropriate way. They provide information, advice and recommendations to ensure the cultural needs of children and young people in the child protection or out-of-home care system are maintained.

ACAPs can advise on:

- what the risk factors are and how they can be addressed in a culturally-appropriate way
- how to best engage with the child and family
- how the child's safety can be addressed in a culturally-appropriate way
- Aboriginal child-rearing practices and acceptable parenting practices
- cultural norms and beliefs
- information about the dynamics of Aboriginal families and communities
- how to maintain the child's Aboriginal identity and connection with community

- strategies to build on strengths and resilience within the wider family, kinship network and community
- community history that may impact on the safety and wellbeing of children, for example the impact of the Stolen Generations and previous Community Services' involvement
- appropriate referral pathways, known organisations or external agencies that could assist
- Aboriginal approaches to holistic wellbeing
- family tracing and reunification.

It is recognised that consultation panels exist in many regions and operating arrangements vary according to local needs. An overview of the preferred ACAP model can be found in Appendix D.

ACAPs can use the worksheet in Section 5.2.2 to help them work through the issues for the child or young person they are consulting on.

#### 4.2.4 Aboriginal Reference Group

The NSW Aboriginal Reference Group is a representative group elected by Aboriginal and Torres Strait Islander staff within their own region.

The Aboriginal Reference Group (ARG) was set up to meet the needs of Aboriginal communities and families.

There are more than 300 Aboriginal staff at Community Services and each region coordinates Aboriginal staff meetings. They discuss issues relevant to their region and work and raise and resolve issues of concern to Aboriginal staff and clients.

The ARG also gives advice to the Chief Executive of Community Services.

Aboriginal staff in each region should know the details of their current ARG representative. The Aboriginal Services Branch in head office supports the ARG and can be contacted for further information.

#### 4.2.5 Aboriginal Services Branch

The Aboriginal Services Branch (ASB) is a central source of expert and specialist advice on issues affecting Community Services' Aboriginal staff and clients and works across all areas of the organisation.

The Director, Aboriginal Services Branch heads the branch which has four specialist teams:

- Child Protection and Out-of-Home Care
- Employment and Development
- Program Coordination
- Intensive Family Based Services and Early Intervention.

The ASB can provide input and advice on all policies, projects or procedures that Community Services develops to ensure an Aboriginal perspective is considered. The ASB can also help regions if they have any questions about Aboriginal consultation.

The ASB can be contacted for advice on 9716 2218 or emailed at [ASB\\_DOCSResponse@community.nsw.gov.au](mailto:ASB_DOCSResponse@community.nsw.gov.au).

#### 4.2.6 Conflict of interest

If an Aboriginal staff member feels they have a conflict of interest in a case that they are being asked to consult on, they should declare it before discussing the case and have it recorded.

Declaring a conflict of interest does not automatically mean that the staff member should not be involved in giving advice and information in the consultation. It is common in Aboriginal communities for Aboriginal staff to know or have a connection with the child or family being consulted on (particularly if the staff member is working in their home community).

A decision on whether the staff member should be involved in the consultation needs to be discussed openly and a collective decision made amongst the managers casework, the Aboriginal staff member and the allocated caseworker.

### 4.3 Consultation practice steps

Helpline

#### SCREENING AND PRIORITISATION

Consult with Aboriginal CW, who will identify cultural issues, strengths, risks and norms.

Aboriginal CW will also provide engagement strategies and recommendations.

#### CRISIS RESPONSE FIELDWORK

##### PAC

Consult with Aboriginal CW, who will identify cultural issues, strengths, risks and norms. Aboriginal CW will also provide engagement strategies and recommendations.

##### FIELD

CW gathers and verifies family, kin and community details. Information gathered during this field visit will help to verify the family's Aboriginality and allow Aboriginal cultural information to be obtained.

##### AC

Consult with Aboriginal CW, who will identify and confirm cultural strengths, risks, norms and issues. Aboriginal CW provides recommendations.

### Brighter Futures & EI

#### **PAC**

Consult with Aboriginal CW, who will identify cultural issues, strengths, risks and norms. Aboriginal CW will also provide engagement strategies and recommendations.

#### **FIELD**

CW verifies Aboriginality, family, kin and community details.

#### **AC**

Consult with Aboriginal CW, who will identify cultural issues, strengths, risks and norms. Aboriginal CW will also provide recommendations.

#### **ONGOING INTERVENTION, MONITORING AND REVIEW**

Scheduled consultation with Aboriginal CW/ACAP/external consultant.

#### **CRITICAL INCIDENTS**

Consult with Aboriginal CW at PAC and AC.

#### **CLOSURE**

Scheduled consultation with Aboriginal CW/ACAP/external consultant.

### Intake (or triage and assessment)

#### **SASI/2 OR SAFETY AND RISK ASSESSMENTS\***

CW gathers information to verify Aboriginality, such as family/kinship details, area of belonging and Aboriginal services involved.

Consult with Aboriginal CW if required on suitable services, engagement strategies and ascertaining family links.

\*The phased implementation of the SDM Safety and Risk Assessment tools in child protection practice is planned to occur from May to September 2011.

**Child protection (1)**

**PAC**

Consult with Aboriginal CW who identified cultural issues, strengths, risks and norms. Aboriginal CW also provides engagement strategies and recommendations.

**AC**

Consult with Aboriginal CW, who identifies/confirms cultural strengths, risks, norms and issues. Aboriginal CW provides recommendations and information about appropriate services and contacting family and kin.

**FIELD**

CW verifies Aboriginality details, family, kin and community.

**Child protection (2)**

**ONGOING CASEWORK**

CW contacts Aboriginal CW/ACAP/external consultant to:

- advise on preliminary arrangements, what has happened, service involvement and family/kinship details
- outline the direction of the case
- specify any problems (e.g. lack of knowledge about services).

Aboriginal CW/ACAP/external consultant to provide:

- a cultural aspect on developing the case plan
- recommendations on suitable services
- a schedule for the next review date.

**CRITICAL INCIDENTS**

Consult with Aboriginal CW.

**COURT WORK**

Consult with Aboriginal CW/ACAP/external consultant who can help to develop the cultural/care plans.

**PLACEMENTS**

Consult with Aboriginal CW/ACAP/external consultant for long-term placements (with Aboriginal CW for emergency placements).

**MEETINGS**

Consult with Aboriginal CW for attendance at family or care plan meetings.

**CLOSURE**

Consult with Aboriginal CW/ACAP/external consultant.

OOHC

**LONG-TERM PLACEMENTS**

Consult with Aboriginal CW/ACAP/external consultant.

**REVIEWING AND MONITORING**

Consult with Aboriginal CW/ACAP/external consultant.

**PAC**

Consult with Aboriginal CW, who will identify cultural issues, strengths, risks and norms. Aboriginal CW will also provide engagement strategies and recommendations.

**AC**

Consult with Aboriginal CW, who will identify and confirm cultural strengths, risks, norms and issues. Aboriginal CW will also provide recommendations and information about appropriate services and contacting family and kin.

**LEAVING CARE PLANS**

Consult with Aboriginal CW/ACAP/external consultant.

**TRANSFERRING TO OTHER CSC**

Consult with Aboriginal CW/ACAP/external consultant.

#### 4.4 External consultation practice tips

If seeking information or advice from external sources which are not prescribed bodies (section 248 of the Act)<sup>21</sup> it is necessary to tell the child or young person's parent or carer about who you wish to consult with externally and seek their permission to do so.

They will need to sign the required consent form (Section 5.2.4 of this guide) before any consultation or exchange of information takes place. Similarly, an external consultant will need to sign the required privacy declaration form (Section 5.2.3 of this guide) before any consultation.

##### BRIGHTER FUTURES

For Aboriginal consultations, Brighter Futures' caseworkers should use the [Brighter Futures Consent to Exchange and Release Information form](#) which can be found in Appendix D of the [Brighter Futures caseworker manual](#).

It is critical that Community Services works collaboratively with Aboriginal organisations and professionals who may offer different information, views and

values. This approach needs to be respectful of the knowledge and skills of others and should:

- offer choices in communication and consultation methods that reflect Aboriginal cultural needs
- use decision-making approaches that are culturally appropriate
- use culturally-appropriate resources
- not use disrespectful terms, phrases or acronyms in records of consultations (refer to *Working with Aboriginal people and communities: a practice resource*)
- ensure all parties understand the purpose of the consultation
- provide a comfortable environment to undertake the consultation.

Names of autonomous Aboriginal organisations and peak bodies that may be available for consultation are provided in Appendix E.

##### 4.4.1 Engaging with external Aboriginal organisations and peak bodies

**It is important to remember that it may take some time**

**to develop a good working relationship with individuals and organisations. The LAAP should assist in building relationships with the local Aboriginal community and organisations.**

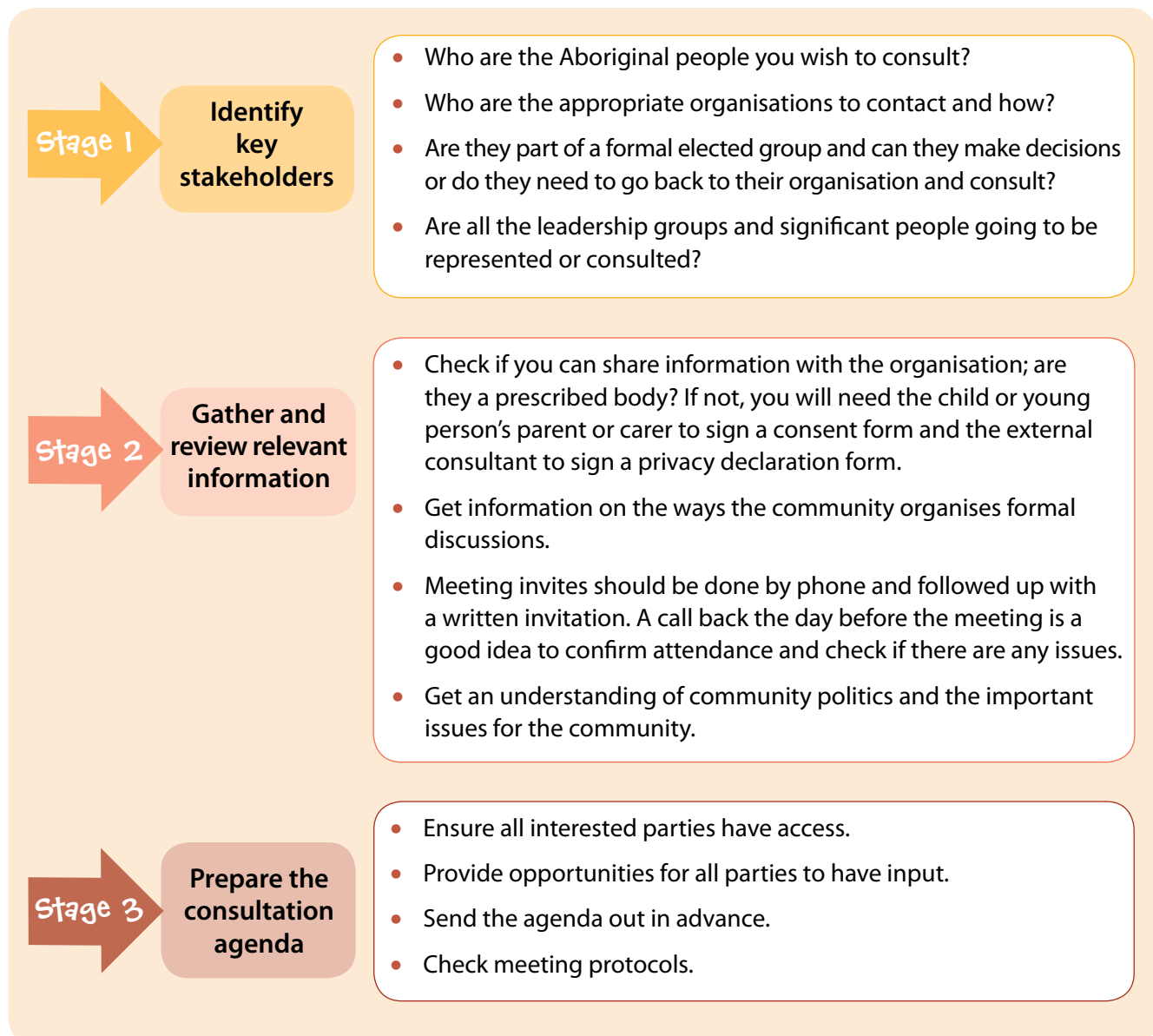
Follow these practice tips when seeking to engage external Aboriginal organisations and peak bodies:

- talk to Aboriginal staff, use websites or local directories to get phone numbers and ring and speak to the manager or person you have been advised to contact
- explain that you are from Community Services and what you would like to discuss with them and will need from them
- advise them of confidentiality and privacy issues
- explain how the information they provide will be used
- arrange a time to meet face to face.

When working with families who may not originally be from the local community, try to engage individuals and organisations from those other communities.

<sup>21</sup> Children and Young Persons (Care and Protection) Act 1998.

#### 4.4.2 External consultations with Aboriginal organisations: step-by-step





Stage 4

**The consultation**

- Welcome to or acknowledgement of country.
- Clarify procedural rules – roles and responsibilities.
- Be open about the purpose of the consultation.
- Negotiate use of information.
- Advise of any non-negotiable items.
- Ask for any conflict of interest to be declared.
- Must discuss confidentiality and privacy issues.
- Proceed at a pace set by the group and allow sufficient time for all views to be heard.
- Be open, honest and sincere.
- Understand that Aboriginal views on a particular subject may be different to your own views, so have an open mind.
- Be aware that Aboriginal communities generally operate on consensus, so consultations may go longer than expected.
- Don't assume silence to mean agreement.
- Avoid leading questions. In many interactions Aboriginal people may not express a firm opinion until they gauge others views; then express their own.

Stage 5

**Ending the consultation**

- Wrap up meeting and discuss outcomes, findings and issues.
- Advise of what the next steps will be and how their input will be used.
- Advise or decide on future meetings.
- Write and thank participants and keep in contact!

## SECTION 5 Questions, forms and templates

### 5.1 Frequently asked questions

#### What do I do if members of the organisation decline to participate in consultation?

Chapter 16A of the Act<sup>22</sup> allows government agencies and NGOs who are 'prescribed bodies' to exchange information about a child or young person's safety, welfare or wellbeing, whether or not they are known to Community Services. Unless an exemption applies, a government agency or NGO must comply with a request for information that meets the criteria set out under Chapter 16A (section 245C).<sup>23</sup>

Under section 248 of the Act,<sup>24</sup> the Director-General of Human Services can direct prescribed bodies to provide Community Services with information about the safety, welfare and wellbeing of a particular child or young person. Section 248 contains strong powers of direction and discretion which support Community Services' statutory role in protecting children.<sup>25</sup>

If an organisation is not a 'prescribed body' then there is no requirement for it to provide information or consult.

#### What do I do if an Aboriginal staff member is not available, has stated a conflict of interest or the client declines their involvement?

Consultation should occur with Aboriginal staff members from the local CSC, in the first instance. If not possible, consultation should then occur with an Aboriginal staff member from the nearest CSC in the region. If this is also not possible then contact should be made with Aboriginal staff in other regions and a request put through to their manager. In some cases it may be useful to contact an Aboriginal caseworker from the family's home community.

#### What do I do if the child, young person or family identify as Aboriginal after starting work?

Start by consulting with an Aboriginal staff member/ACAP and continue to follow the Aboriginal consultation process from that point forward.

Caseworkers will need to begin recording the child/young person's cultural information in the case plan. This information will assist in directing caseworkers to the appropriate communities and organisations to consult with.

#### What if there is no time to consult?

The only occasion this should occur is where immediate risk is identified in the field or another exceptional circumstance occurred that prevented consultation before intervention.

Consultation should occur within 48 hours of intervention.

<sup>22</sup> Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

<sup>23</sup> [Information exchange – Long fact sheet for human services workers](#). See Interagency Guidelines at [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au).

<sup>24</sup> Section 248 of the *Children and Young Persons (Care and Protection) Act 1998* can be found at [NSW legislation](#).

<sup>25</sup> [Information exchange – Long fact sheet for human services workers](#). See Interagency Guidelines at [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au).

## 5.2 Forms and templates

### 5.2.1 Aboriginal Consultation

Meeting date:

Name of child/young person:	
Cultural background:	
Age:	
KiDS person number:	
Legal status:	
Supervising CSC:	
Caseworker:	
Casework Manager:	
Client Services Manager:	
Case type (CP/OOHC, etc)	
Current placement is with:	
Cultural background of carers:	

**GENOGRAM:**

**CASE HISTORY:** *(Include sibling information and any health and education issues)*

**CONSULTATION HISTORY:** *(Please record who was consulted, date and outcome of those consultations)*

**PLACEMENT HISTORY:** *(Include advice of any placement of other siblings)*

**FAMILY STRENGTHS:**

**ISSUES TO BE CONSULTED ON:**

1.

2.

3.

**DISCUSSIONS:**

1.

2.

3.

4.

**RECOMMENDATIONS:** *(This record is to be scanned and placed on KiDS – See Appendix H for KiDS recording details)*

**1.**

**2.**

**3.**

**RECOMMENDATIONS:** *(continued)*

4.

5.

Review date: \_\_\_\_\_

**PRINT NAME AND SIGN**

Allocated caseworker: \_\_\_\_\_

Aboriginal caseworker: \_\_\_\_\_

ACAP representative: \_\_\_\_\_

Other (NGO representative, etc): \_\_\_\_\_



5.2.2 **ACAP Workshop Guide**

This worksheet can be used by ACAPs when working through the issues for a child or young person.

What has happened? What do we know?	Where are the gaps? What don't we know?	Experience for child or young person

Strengths to build on	What needs to happen to improve safety and maintain family connections and identity?	Resources required





### 5.2.3 Privacy Declaration by Aboriginal External Consultant

**This form is applicable for the purpose of external Aboriginal and Torres Strait Islander consultation within the framework provided in the Community Services' Aboriginal Consultation Guide.**

I \_\_\_\_\_ (please print your full name) hereby undertake that I shall keep strictly confidential, all information which I access in the course of my involvement with Community Services' Aboriginal consultation.

I agree not to discuss information I receive in the course of my involvement in the consultation to any other person or body outside of the formal consultation process.

I agree not to remove any documentation (including notes, reports, case plans and other records) I receive or create, outside of the consultation venue.

I agree to return to Community Services any document I receive or have created at the conclusion of each consultation.

I understand it is an offence under section 105 of the *Children and Young Persons (Care and Protection) Act 1998* to publish or broadcast any information, report or other material that identifies or may lead to the identification of the Aboriginal child or young person subject to the consultation.

I understand it is an offence under section 254 of the *Children and Young Persons (Care and Protection) Act 1998* to disclose information I have obtained in the course of my involvement with the Community Services' Aboriginal consultation unless the disclosure is permitted under the Act.

I agree to indemnify Community Services for any claim that may be made against Community Services for non-authorized disclosure of personal information, with respect to information that has been disclosed by me without proper authorisation.

**Signed (external consultant):** \_\_\_\_\_

**Date:** \_\_\_/\_\_\_/\_\_\_

**Witnessed by (Community Services' officer):** \_\_\_\_\_

**Please print name:** \_\_\_\_\_

**Position title:** \_\_\_\_\_

**Date:** \_\_\_/\_\_\_/\_\_\_

#### 5.2.4 Consent to Provision or Exchange of Information for Aboriginal Consultation

- **This form is applicable for the purpose of external Aboriginal and Torres Strait Islander consultation within the framework provided in the Community Services' Aboriginal Consultation Guide.**
- This form is to be used when Community Services' Aboriginal consultation will involve external sources that are not '**prescribed bodies**' under section 248(6) of the *Children and Young Persons (Care and Protection) Act 1998* or by the regulations for the purpose of that section.
- This form **is not** required for external consultation with respect to the making of a care plan involving permanency planning, in the context of a Children's Court care application for a child or young person.

1. I / We (delete inapplicable) \_\_\_\_\_

\_\_\_\_\_ (print parent/s' / primary carer/s' full name) consent to Community Services providing or exchanging my personal information or other relevant information that is held on Community Services' records that may relate to my child / young person / family, for all or any of the following purposes in the course of the Aboriginal consultation:

- determining culturally-appropriate strategies so that Aboriginal families can get more support
  - identifying the needs of a child/young person/family and effective options to address those needs
  - developing strategies to prevent Aboriginal children/young people entering out-of-home care
  - discussing placement options for an Aboriginal child/young person in out-of-home care
  - seeking assistance from the community in developing a restoration plan for the Aboriginal child/young person.
2. I / We understand the type of information that Community Services may disclose in the course of the Aboriginal consultation might include information of the following nature:
- identifying details of the child/young person and parents, i.e. name and date of birth
  - background information about the child's family, extended family, community support networks and their cultural connections within the Aboriginal community
  - other known details about the child/young person, e.g. health status, special needs, enrolment and attendance at childcare or school
  - child/young person's and family's child protection history
  - outcomes of caseworker assessment of the nature of the concerns of the significant risk of harm and the information gathered
  - preliminary arrangements in place to reduce the risk of significant harm
  - information about the family, including strengths, weaknesses, areas of concern and family functioning

- information about the outcome of any previous consultation (decisions, recommendations or referrals)
- any new information, extenuating circumstances or progress
- details of engagement with service providers and uptake of services.

3. I / We understand that all external persons who participate in the consultation will be required by Community Services to sign a Privacy Declaration. The Privacy Declaration advises the external consultant that it is an offence to disclose information about a particular child, young person or family that is obtained in the course of their involvement with the Aboriginal consultation.
4. I / We voluntarily authorise Community Services to provide and exchange my personal information and other relevant information that is held on Community Services' records that may relate to my child / young person / family with external persons or bodies who are involved in the Aboriginal consultation.

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Witnessed by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Please print name: \_\_\_\_\_



## APPENDIX A Legislation

The *Children and Young Persons (Care and Protection) Act 1999* and the *Adoption Act 2000* are key pieces of legislation under which Community Services operates.

### *The Children and Young Persons (Care and Protection) Act 1998*

**Section 5** of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) specifies the definition used within this Act for Aboriginal or Torres Strait Islander children and young people.

**Sections 11–14** of the Act provide a framework of Aboriginal and Torres Strait Islander principles that promote the best interests of Aboriginal children in out-of-home care. These principles are:

- Aboriginal and Torres Strait Islander self-determination
- Aboriginal and Torres Strait Islander participation in decision-making
- Aboriginal and Torres Strait Islander child and young person placement principles

- records relating to Aboriginal and Torres Strait Islanders.

**Chapter 16A** of the Act relates to the exchange of information with NSW agencies and NGOs to help deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.

**Section 32** of the Act refers to the initial identification of Aboriginal and Torres Strait Islanders and the role of the Director-General in enquiries about identification.

**Section 139** of the Act relates to who is a designated agency.

**Section 167** of the Act relates to the recording of relevant dates for Aboriginal children in out-of-home care placements. This includes entry, the period of time spent in care and plans for the child or young person leaving out-of-home care.

**Section 245A** of the Act relates to agencies that have responsibilities for the safety, welfare and wellbeing of children or young people and the need to provide and receive information, that promotes their safety, welfare and wellbeing, taking precedence over confidentiality and privacy.

**Section 248(6)** of the Act relates to the provision and exchange of information by 'prescribed bodies'.

### *The Adoption Act 2000*

**Sections 33–39** of the *Adoption Act 2000* require consultation with relevant local community-based Aboriginal community organisations about the placement of an Aboriginal child for adoption; adoption plans; and maintaining the child's links to their cultural identity and heritage.

## APPENDIX B Linked initiatives

### Protecting Aboriginal Children Together

Protecting Aboriginal Children Together (PACT) is the *Keep Them Safe* project to pilot and evaluate a Lakidjeka-type (Victorian-based non-government Aboriginal Child Specialist Advice and Support Service) consultation model to provide an Aboriginal perspective on the best ways of keeping Aboriginal children and young people safe.

The PACT service will be piloted for a period of three years in two locations; these started in early 2011.

PACT services will provide expert cultural advice and case consultation to Community Services' field staff on reports about the abuse and/or neglect of Aboriginal children and young people. They will also give advice about significant case management decisions in all phases of a child protection and out-of-home care intervention.

It is mandatory that staff in the participating CSCs consult with the contracted Aboriginal NGO who is providing the PACT service. These staff should refer to the

PACT Service Provision Guidelines for details on the process of seeking cultural advice.

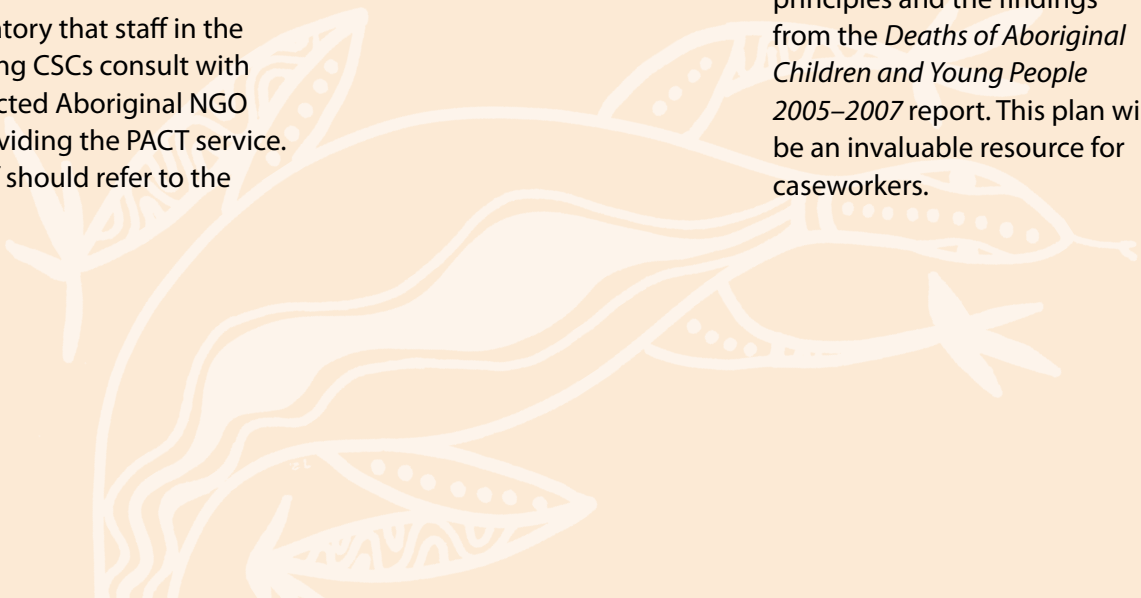
The PACT service is intended to:

- improve case planning and decision-making processes, in cases where an Aboriginal child or young person is the subject of a risk of significant harm report, to ensure their best interests
- improve Aboriginal family and community members' involvement in supporting Aboriginal children and young people reported to Community Services
- improve Aboriginal families' and their children's engagement with relevant support services
- reduce the number of Aboriginal children and young people in out-of-home care placements with non-Aboriginal carers.

### Local Aboriginal Action Plan

The Aboriginal Cultural Capability through Local Aboriginal Action Plan (LAAP) strategy is designed to build the cultural capability of all Community Services' staff. This will enable them to form meaningful partnerships with Aboriginal services and communities, engage in appropriate consultation and provide holistic, culturally-responsive services to Aboriginal families, children and communities.

Each plan will set out meaningful and practical actions to improve and maintain strong links with the local Aboriginal community and embed good practice in all aspects of engaging with Aboriginal clients. This will in turn provide a sound, supportive basis for implementing important Aboriginal initiatives, such as Aboriginal cultural support, permanency planning, placement principles and the findings from the *Deaths of Aboriginal Children and Young People 2005–2007* report. This plan will be an invaluable resource for caseworkers.



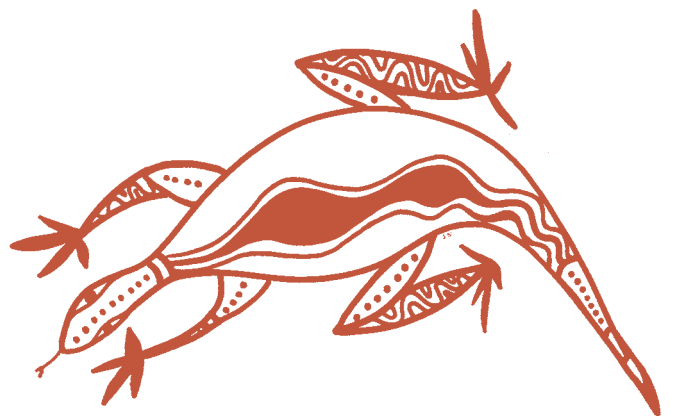
## Permanency planning for Aboriginal children

Permanency planning is a Community Services' major project that aims to achieve a consistent approach to permanency planning and increase the long-term stability for children entering care.

The trial for permanency planning for Aboriginal children will be undertaken for a year at four CSCs: Central Sydney, Armidale, Blacktown and Shellharbour. It will target Aboriginal and Torres Strait Islander children aged 0–2 years and their siblings, when entering statutory out-of-home care at the same time via a Children's Court order.

The key objective of the trial is to inform the roll-out of permanency planning for Aboriginal children and young people across all CSCs. It will also:

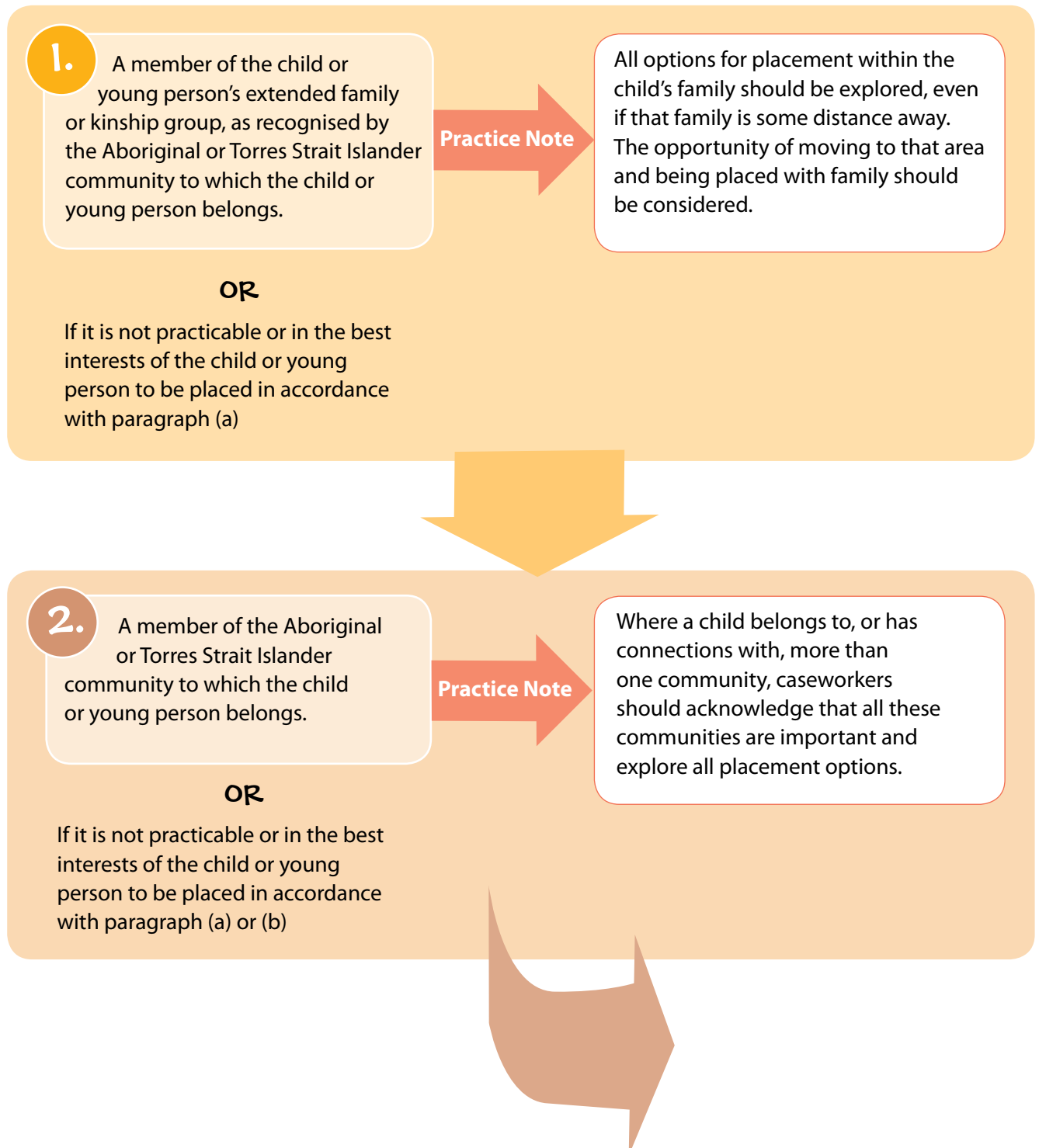
- test the time frames for decision-making about restoration for Aboriginal children
- strengthen and support thorough assessment of family and kin as permanent placement options
- strengthen and support consultation and placement decision-making consistent with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.





## APPENDIX C Placement principles

**A child or young person who needs to be placed in statutory out-of-home care is to be placed with:**



- 3.** A member of some other Aboriginal or Torres Strait Islander family residing in the vicinity of the child or young person's usual place of residence.

**Practice Note**

Placement options with Aboriginal families living in close proximity to the child's family should be explored to assist in supporting and maintaining the child's ongoing connection to their family, community and culture.

**OR**

If it is not practicable or it would be detrimental to the safety, welfare and wellbeing of the child or young person to be placed in accordance with paragraph (a), (b) or (c)

- 4.** A suitable person approved by the Director-General after consultation with:
- members of the child or young person's extended family or kinship group
  - Aboriginal or Torres Strait Islander organisations as are appropriate to the child or young person.

**Practice Note**

It is recognised that there are cases in which Aboriginal children or young people may need to be placed in a non-Aboriginal placement. In such cases, it is critical that all avenues for support and assistance to maintain the child's connection to culture be explored and documented, before a child is placed with a non-Aboriginal carer.

## APPENDIX D Aboriginal Consultation Advisory Panel (ACAP)

### Practice and procedure

A case should be seen by ACAP as part of ongoing casework (see Section 4.3 in this guide for internal consultation practice steps). An ACAP gives caseworkers the opportunity to consult more widely and be exposed to a variety of opinions, ideas and/or feedback about issues they may have encountered. The use of external community organisations and members also allows for different views, outside of Community Services, on child protection issues.

### How is the panel selected?

How the panel is selected will depend on the number of Aboriginal staff located within a CSC. If there is a high number of Aboriginal staff, a roster system will give them all an opportunity to participate on the panel.

In CSCs with a smaller number of Aboriginal staff, panels will generally have the same staff on an ongoing basis. In these circumstances, it may be possible for CSCs within a cluster or region to join together to form a panel.

This decision will need to be made locally.

The selection of a member of an Aboriginal community organisation could be done by asking an organisation to put forward names of suitable people to sit on a panel. Community Services would need to complete the necessary working with children checks in these cases.

### How many people should be on the panel?

A panel should consist of at least three Aboriginal staff and/or an Aboriginal community member.

It is recognised that in areas where there are a smaller number of Aboriginal staff they may not have three people for the panel. In these cases, they should see if other CSCs have Aboriginal staff available to sit on their panel.

The panel will need to choose a chairperson whose responsibility it will be to convene the meeting and provide the panel's signed recommendations to the caseworker.

### Which staff should be on the panel and who should attend panel meetings?

Generally, the panel should be made up of staff in casework roles. However, as the purpose of consultation is to recommend ways to ensure that the cultural needs of children are identified and addressed, Aboriginal staff in non-casework roles should also be given the opportunity to sit on the panel.

Things to consider when setting up a panel are:

- there should be at least one Aboriginal caseworker on each panel. A panel is not to have all Aboriginal staff in non-caseworker roles
- managers casework should ensure that participation on the panel is reflected in each staff member's work load planner
- managers casework should attend meetings of the panel with caseworkers. This gives them the chance to further develop an understanding of Aboriginal families, communities and culture,

and make better informed decisions about Aboriginal children and young people

- an external Aboriginal person can be invited to participate on the panel, giving Community Services a broader perspective on issues. The selected person would need to have a working with children check before taking part and be briefed on their role and the requirements around maintaining confidentiality
- the chairperson is to control the agenda and guide the proceedings, making sure that the meeting always follows an agenda, agreed to by all attending parties
- all participants should be treated with courtesy and have an equal opportunity to participate in the consultation meeting, with all views respected
- any conflict of interest should be disclosed whether it be real or perceived
- confidentiality must be maintained at all times.

Panels can use the worksheet provided in Section 5.2.2 to help them work through the issues for the child or young person.

### Conflict of interest

If a panel member feels they have a conflict of interest in a case being presented to the panel, this should be declared before discussing the case and recorded. It is good practice to have a standing agenda item where members can declare any conflict of interest.

Declaring a conflict of interest does not automatically mean that the panel member should not be involved in providing recommendations. It is common in Aboriginal communities for Aboriginal staff to know or have a connection with the child or family being consulted on, (particularly if the staff member is working in their home community).

A decision on whether that panel member should be involved in making recommendations should be discussed and a collective decision made amongst the panel members, managers casework and the caseworker.

### What information should the caseworker provide to the panel?

When seeking to consult on a case the caseworker should give the panel the following information:

- identifying details of the child or young person, such as name and date of birth, the parents, and other family names that are known
- other known details about the child or young person such as health status, special needs, enrolment and attendance at childcare or preschool and school connectedness
- child and family's child protection history (KiDS database)
- outcomes of caseworker assessment of the nature of the concerns of the significant risk of harm and the information gathered
- preliminary arrangements in place to reduce the risk of significant harm

- information about the family including strengths, weaknesses, areas of concern, family functioning (information can be sought from extended family, community members, Aboriginal NGOs, local Aboriginal service providers, Aboriginal Community Services' staff and non-Aboriginal service providers)
- background information about the child's family and community support networks
- information about the outcome of any previous consultation (decisions, recommendations or referrals) to ensure continuity
- any new information, extenuating circumstances or progress
- details of engagement with service providers and uptake of services
- service providers that are located in close proximity to the child and family.

### How are the panel's recommendations delivered?

The panel should give each caseworker a list of recommendations (signed by the panel chairperson) about the case they have consulted on.

The recommendations should be provided at the meeting to allow further discussion to occur if required and give caseworkers the opportunity to ask any additional questions.

Recommendations may be typed or handwritten, and then scanned and attached to KiDS.

### Follow the instructions below when recording ACAP consultations in KiDS:

Create a **General File Note** record in KiDS with the following information:

- **Description field** – enter who the consultation was with, e.g. 'Aboriginal caseworker', 'Aboriginal Consultation Advisory Panel', 'Aboriginal organisation'
- **Sub Type field** – select '**Aboriginal Consultation**'
- **File Note field** – enter a summary of the consultation
- **Related Records view tab** – relate to any other relevant records
- **Attachments view tab** – attach the consultation form (Section 5.2.1 in this guide) and any other relevant documents to the record
- **Start Date and End Date fields** – should reflect when the consultation occurred
- Complete the **General File Note** record

Every consultation should be documented in a separate **General File Note** record.

## How often should the panel meet?

As a minimum panels should meet on a monthly basis. If panels consist of Aboriginal staff from more than one CSC, particularly in more remote areas, video or telephone conferencing can be used at times when travel is not possible.

## Responsibility for decisions and recommendations

The manager casework retains responsibility for casework directions and decisions.

The recommendations or advice of the ACAP need to be adopted; however there may be instances where safety or other concerns prevent this. Any departure from the recommendations of the ACAP needs to be recorded, with reasons.

## Dispute resolution

If the panel cannot agree on a recommendation for the case then the process would be to seek advice from:

- other Aboriginal staff, who may be from the same mob or community of the child in question
- local community organisations that may be working with the family
- Elders, the Aboriginal Services Branch or other external Aboriginal organisations.



## APPENDIX E Aboriginal Community Organisations

**There are many Aboriginal organisations within NSW. Each of these organisations operates as an autonomous unit, although some are associated with a peak body. These peak bodies may be a good source of information and able to help and/or provide some direction with Aboriginal issues. These organisations include:**

### The Aboriginal Health and Medical Research Council (AH&MRC)

The AH&MRC works closely with a number of other bodies, including Commonwealth and NSW government departments and non-government agencies, in addition to AH&MRC member services. Its aim is to improve health outcomes for Aboriginal people in NSW. In many areas, the AH&MRC works together under formal partnership agreements or memoranda of understanding.

Aboriginal Community Controlled Health Services (ACCHS), also known as Aboriginal medical services (AMS), provide culturally-appropriate primary health care and health services to the communities they service.

Aboriginal Community Controlled Aboriginal Health Related Services (ACCHRS) provide specialist health services in keeping with the Aboriginal holistic definition of health.

[www.ahmrc.org.au](http://www.ahmrc.org.au).

### The New South Wales Aboriginal Land Council (NSWALC)

The New South Wales Aboriginal Land Council aims to protect the interests and further the aspirations of its members and the broader Aboriginal community.

The NSWALC is committed to ensuring a better future for Aboriginal people by working for the return of culturally-significant and economically-viable land; pursuing cultural, social and economic independence for its people; and being politically proactive and voicing the position of Aboriginal people on issues that affect them.

The principal client of NSWALC is a network of 119 local Aboriginal land councils which collectively manage the range of support services delivered at a local level

to their communities. These services include housing, legal affairs, employment, training, and property acquisition and management.

Local Aboriginal land councils are autonomous bodies governed by boards. Local Aboriginal community members elect their board every two years.

[www.alc.org.au](http://www.alc.org.au).

### NSW Aboriginal Education Consultative Group (AECG)

The NSW AECG Inc. is an Aboriginal community-based organisation made up of volunteer members who are involved in local and regional AECGs throughout NSW. The NSW AECG Inc. is recognised as the main source of advice on behalf of Aboriginal communities on issues about education and training.

[www.aecg.nsw.edu.au](http://www.aecg.nsw.edu.au).

## The Aboriginal Child, Family & Community Care State Secretariat (NSW)(AbSec)

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AbSec is an incorporated not-for-profit community organisation, mainly funded by Community Services. It is recognised as the peak NSW Aboriginal body that gives policy advice to the government and non-government sector on issues affecting Aboriginal families involved in the child protection and out-of-home care system.

AbSec advises on funding decisions related to service provision by local Aboriginal community-controlled organisations that deliver, or seek to provide, Aboriginal child protection and associated services.

AbSec also auspices the Aboriginal Statewide Foster Care Support Service (ASFCSS). This service provides a free telephone advice and advocacy service for carers of Aboriginal children. It also helps local communities in setting up Aboriginal foster carer support groups.

AbSec is the lead agency which

developed the memorandum of understanding with Community Services, as well as developing the PACT.

[www.absec.org.au](http://www.absec.org.au).

## Aboriginal Legal Service (NSW/ACT)

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The Aboriginal Legal Service (NSW/ACT) operates a head office in Sydney and has 22 regional offices throughout NSW and the ACT. Their services cover criminal, family and care matters.

[www.alsnswact.org.au](http://www.alsnswact.org.au).

## Multifunctional Aboriginal children's services and Aboriginal housing organisations

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Multifunctional Aboriginal children's services also operate in numerous regions across the state, as do local housing organisations.

Local Aboriginal caseworkers, LAAP or even local directories can assist in locating these.

## Link-Up (NSW) Aboriginal Corporation

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Link-Up (NSW) Aboriginal Corporation was founded around 1980 to help all Aboriginal people who have been fostered, adopted or raised in institutions to find their way home. Link-Up also gives information to people who wish to trace their family tree. There are Link-Up services in each state and territory in Australia; so for people originally from other states these services can assist.

[www.linkupnsw.org.au](http://www.linkupnsw.org.au).

## Secretariat of National Aboriginal and Islander Child Care

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The Secretariat of National Aboriginal and Islander Child Care (SNAICC) has published a directory of Aboriginal family and children's services, health and legal services, government departments, peak bodies and resources agencies from across Australia. The SNAICC Connecting Communities – National Aboriginal and Torres Strait Islander Children's Services



Directory can be used to look up services that work with Aboriginal and Torres Strait Islander children and families in specific areas.

[www.snaicc.asn.au](http://www.snaicc.asn.au).

### Aboriginal Affairs

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Aboriginal Affairs is an agency within the NSW Department of Human Services. The Family Records Unit in Aboriginal Affairs can help Aboriginal people in NSW to access records about themselves and their families; particularly members of the Stolen Generations who lost contact with their families as a result of past government policies and practices.

[www.daa.nsw.gov.au](http://www.daa.nsw.gov.au).

### Office of the Registrar of Indigenous Corporations

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The Registrar supports and regulates about 400 Aboriginal corporations registered in NSW.

Corporate functions are diverse; from providing services such as health care and power supply to simply holding land. Many corporations have multiple functions.

[www.oric.gov.au](http://www.oric.gov.au).

### Other community resources – Aboriginal organisations

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There are also Aboriginal organisations incorporated with the *Corporations Act 2001*. Details for these organisations can be found on the NSW Fair Trading website.

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

## APPENDIX F Aboriginal Impact Statement

The [Aboriginal Impact Statement](#) aims to ensure NSW government agencies include the needs and interests of Aboriginal children and young people when implementing *Keep Them Safe* actions. As a result, this should reverse their current over-representation in the child protection system and improve the outcomes for Aboriginal children and young people. The AIS provides a consistent way across agencies to ensure that the wellbeing of Aboriginal children, young people, families and communities is considered at all stages of *Keep Them Safe* implementation.

At Community Services, the AIS is also required as part of the project methodology for other key reform projects, including those for out-of-home care reform. All project leaders are strongly encouraged to adopt the AIS when developing and planning their own projects.

The AIS has three elements:

- 1) A **checklist** of 14 questions about how the needs and interests of Aboriginal children, young people, families and communities were obtained and included in the implementation of *Keep Them Safe* actions, where appropriate.
- 2) A **formal process** to ensure each action in *Keep Them Safe* is assessed against the checklist and reported on.
- 3) A **statement** (or summary report) which details how the needs and interests of Aboriginal children, young people, families and communities were obtained and included in the implementation of *Keep Them Safe* actions.

## APPENDIX G Questions to help learn more about a child, young person or family's Aboriginality

To help Community Services provide the appropriate support to a family, child or young person that has identified as Aboriginal, or if there is information to suggest they may be Aboriginal, caseworkers can ask the following questions to learn more:

1. Are you Aboriginal?
2. Where do you come from or where is your area/s of belonging?
  - It is important to remember that an Aboriginal child or young person may identify with, belong to, or be accepted by different Aboriginal communities. They are the:
    - traditional community/ country/nation of one or both parents
    - community where the parent(s) or the child were born
    - community where they were raised or lived most of their life
    - community where they live.

3. Who are your family/ kinship ties?
  - It is important to understand that Aboriginal people have an extended family structure as opposed to the nuclear or immediate family structure. Extended family is based on:
    - blood-related (mum, dad, brother, grandparent, cousin, aunty, etc)
    - marriage (aunty, uncle, cousin, etc)
    - community or non-related family (Elder, neighbour, friend, organisation, etc)
    - kinship system (Elder, aunty, uncle, cousins, etc)
    - acceptance and knowledge of kinship ties
    - mutual respect
    - a sense of belonging.
4. Have you had any Aboriginal service involvement (Aboriginal land council, Aboriginal medical service, Aboriginal education assistant in school, Aboriginal community liaison officers, Link-Up and other community organisations)?

➤ These agencies may be able to provide knowledge on the Aboriginality of a client. Caseworkers could ask these agencies the following questions:

- To your knowledge does the family identify as Aboriginal?
- Do you have any knowledge of any other family/kinship ties?
- Does the family access your services?
- Are you aware if any family members were part of the Stolen Generation?

**Some Aboriginal families may not have accessed Aboriginal services nor had any involvement with Aboriginal organisations or community workers; however, this does not mean that they are not strong in their Aboriginal identity. Many Aboriginal families may choose not to engage with these services, organisations or workers for any number of reasons.**

## APPENDIX H KiDS recording

It is essential that all internal and external Aboriginal consultations that caseworkers undertake are recorded in KiDS.

Over time there may be multiple Aboriginal consultations for a case, so it is important to ensure identifying details are recorded

(such as who the consultation was with, when it occurred, etc). This helps caseworkers and managers to locate relevant information and differentiate between consultations over time.

### Follow the instructions below when recording Aboriginal consultations in KiDS:

Create a **General File Note** record in KiDS with the following information:

- **Description field** – enter who the consultation was with, e.g. 'Aboriginal caseworker', 'Aboriginal Consultation Advisory Panel', 'Aboriginal organisation'
- **Sub Type field** – select '**Aboriginal Consultation**'
- **File Note field** – enter a summary of the consultation
- **Related Records view tab** – relate to any other relevant records
- **Attachments view tab** – attach the consultation form (Section 5.2.1 in this guide) and any other relevant documents to the record
- **Start Date and End Date fields** – should reflect when the consultation occurred
- Complete the **General File Note** record

Every consultation should be documented in a separate **General File Note** record.





**Family and Community Service**  
**Aboriginal and Torres Strait Islander Consultation Group**  
**Terms of Reference 2019**

## **Family and Community Services Illawarra Shoalhaven District**

### **Aboriginal and Torres Strait Islander Consultation Group Terms of Reference 2019**

#### **Background:**

Family and Community Services (FACS) plays an important part in the NSW Government's efforts to improve the lives of Aboriginal and Torres Strait Islander people by improving Housing, Child Protection, Family Support and Out of Home Care. Aboriginal and Torres Strait Islander people represent a high proportion of people who use social welfare services and therefore it is important that the services provided are responsive, accessible and culturally competent. Community Services has a legislative requirement under Part 2 Children and Young Persons (Care and Protection) Act 1998 to ensure principles of participation and self determination are met.

Staff in FACS and OOHC Funded Service Provider's (FSP) may find it difficult to build open and trusting relationships with Aboriginal and Torres Strait Islander people and vice versa. This can be attributed to a lack of cultural understanding or a lack of awareness of effective practice techniques. Working with our Aboriginal and Torres Strait Islander staff and communities provides an opportunity to improve our knowledge and understanding of the diverse cultural dynamics that exist within Aboriginal and Torres Strait Islander families and communities. Cultural consultation is not just about obtaining information to identify culturally appropriate services, it involves us engaging genuinely in the process and seeking specific knowledge, skills and assistance to ensure our practice meets the needs of the family. The establishment of the District Aboriginal and Torres Strait Islander Consultation Group (ACG) will provide FACS and FSP staff with a regular consultation forum in which to achieve this.

#### **Purpose:**

The purpose of the Aboriginal and Torres Strait Islander Consultation Group (ACG) is to provide an opportunity for all FACS and FSP staff to participate in a two way exchange of information in an open non judgmental environment.

The ACG can empower staff in making confident culturally appropriate decisions to ensure the needs of Aboriginal and Torres Strait Islander client's identity and culture are met whilst assisting staff towards building cultural competence in working towards positive outcomes for Aboriginal clients.

These TOR are to be read in conjunction with the FACS Aboriginal Consultation Guide (June 2011). Whilst the consultation group will make recommendations, it is to be known that this is only consultative and not a decision making group. Recommendations are for FACS to ensure

that this is included in their casework and that FACS will make the final decision and FSP will make day to day decisions.

### Membership:

Family and Community Services

Community OOHC Funded Service Provider Partners:

<b>FSP PARTNERS</b>
Illawarra Aboriginal Corporation 'Myimbarr'
South Coast Medical Service Aboriginal Corporation
Waminda

### Role of the ACG:

The role of the ACG is to provide helpful non judgmental culturally appropriate and sensitive consultation to all FACS and FSP Partner staff. It is also important that the privacy of our family's information is maintained and not disclosed outside of ACG.

### Consultation Group Responsibilities:

<b>MEMBERS</b>	<b>RESPONSIBILITY</b>
<b>Chair - FACS</b>	<ul style="list-style-type: none"> <li>• Chairing the consultation group</li> <li>• Policy/procedural advice</li> <li>• Overseeing the consultation group process</li> <li>• Reporting to the Director on consultation group progress &amp; outcomes</li> <li>• District Performance reporting</li> <li>• Review completed consultation group records and recommendations prior to distribution</li> </ul>
<b>All consultation members</b>	<ul style="list-style-type: none"> <li>• Consultation/advice on cultural matters, services and casework options for example; How safety and risk factors can be addressed in a culturally appropriate way, how to engage with the family, cultural norms and beliefs, child rearing practices, information on Aboriginal services/supports, maintaining the child's Aboriginal identity and connection with community, the history of Stolen generation and strategies to build strengths and resilience in the wider family, kinship network and community.</li> <li>• Advice and expertise in placement options, placement support and general OOHC matters</li> <li>• Annual review of Terms of Reference</li> <li>• To attend and actively participate in a positive, reflective and solutions-focused manner</li> <li>• Maintain case confidentiality at all times and be operating within the Chapter 16A Principles of the <i>NSW Children's and Young Persons (Care and Protection) Act, 1998</i>.</li> </ul>



	<ul style="list-style-type: none"> <li>• If there is a conflict of interest panel advise and complete the <i>ACG conflict of interest</i> form.</li> </ul>
<b>Secretariat - FACS</b>	<ul style="list-style-type: none"> <li>• Responsible for agenda/bookings and referrals tabled at consultation group</li> <li>• Attendance at consultation group meetings</li> <li>• Responsible for all record keeping associated with consultation group meetings and referrals in and out of the consultation group.</li> </ul>

### **Consultation Positions:**

Two consultation groups are established with one located in the Illawarra and one in the Shoalhaven, containing gender equal, cross section of Aboriginal and Torres Strait Islander staff from within the Illawarra Shoalhaven (ISD).

The positions of the chair will stay static for one year and will actively promote the use of the ACG. The position of the chair will also provide a level of coaching and mentoring for new consultation members.

The consultation group will consist of minimum of three positions from a rotating roster, one from our FSP Partner and a minimum of two from FACS (excluding Chairperson and Secretariat). A secretariat will also be appointed for each ACG. FACS consultation group positions will be rotated on an annual basis and EOI will be sent by the Chairperson.

Provision for observation of the consultation group by any FACS or FSP Partner employee, will be made in preparation for the rotation of staff. This is done by contacting the Secretariat.

Nominations for membership are open, with new FACS and FSP Partner, Aboriginal and Torres Strait Islander employees encouraged to participate. All Aboriginal and Torres Strait Islander Community Services' employees are expected to be a functional part of the consultation group at some stage.

### **Frequency/Meetings:**

Six (6) to eight (8) sessions will be open for consultation during each consultation sitting.

Time is set aside prior to commencing consultation group for discussion about referrals. Likewise time is set aside at the end of the session for debrief of consultation group members. The length of time for discussion and debrief is to be determined by the chair person in accordance with the subject matter and the needs of consultation group members.

Due to travel logistics, staff in the Shoalhaven are not expected to sit on the Illawarra consultation group and vice versa, this is voluntary.

**Illawarra:**

Consultation Group is to be held on the first and third Thursday of every month at Birralelee in Dapto.

**Shoalhaven:**

Consultation Group is to be held on the last Monday of the month at Nowra CSC. \*\*This is currently being reviewed to be held fortnightly\*\*

In any case where consultation is required and the Shoalhaven group are unable to facilitate this need, consultation will be done via teleconference with the Illawarra consultation group.

**Secretariat:**

There will be separate secretariat support arranged for Illawarra and Shoalhaven consultation groups that will be managed for coordination or booking as well as any informal consultation group requests.

Secretariat support is also responsible for, but not limited to:

- Allocation of referrals to panels, including sending booking sheet to the relevant ISD consultation group chair persons.
- Rostering of rotational staff
- Advising staff as to when their case will be heard at consultation group
- Collation/redistribution of ACG outcomes.
- Collation of feedback on operational issues, general progress or concerns

If the secretariat is unable to attend consultation group, they are to advise the corresponding chairperson and alternative arrangements will be made through requesting SCSO support from the local CSC.

**Referral Pathways and Agenda:**

Referrals for consultation are received via

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mailbox for Illawarra matters and  
au mailbox for Shoalhaven matters.

All staff are to complete the *ISD Aboriginal Consultation Referral & Record Form* including the most recent genogram.

Referrals will be prioritised by nomination from the caseworker pertaining to urgency as marked on the referral form.

Referrals for consultation from FSP's will be accepted for Aboriginal children in Non-Aboriginal placements and for Aboriginal children case managed by Non-Aboriginal agencies.

**Monitoring/Review:**

Operational review of the consultation group will be conducted every six (6) months by The Secretariat, the chair persons and the Director of Community Services.

Recommendations identified during panel discussion will be recorded on the *ISD Aboriginal Consultation Referral & Record Form* and are to be followed up by the allocated Caseworker, which is circulated to the Caseworker and Manager from either FACS or FSP within three working days of the panel meeting.

FACS Caseworkers are responsible to attach the report to ChildStory under an Event record subtype "Aboriginal Panel".

FSP Caseworkers are responsible to attach the report where required according to their recording guidelines/procedures or policy.

The consultation group will determine review requirements and provide the review date to the Caseworker and/or Manager Casework during their consultation.

**Terms of Reference:**

The Terms of Reference are reviewed every twelve months by the consultation group in consultation with the Director and/or Executive District Director.

The Terms of Reference will be reviewed at any time required by the Director and/or Executive District Director.

The Terms of Reference are authorised by the Director and/or Executive District Director.

The Terms of Reference are adhered to by consultation group members and managers/casework staff attending the consultation.

**Group Sponsorship:**

The ACG is sponsored and supported by the Executive District Director, Director of Community Services,

**Signatories:**

<b>Title</b>	<b>Name and Position</b>	<b>Signature and Date</b>
Author	Tegan Close	
Author	Michele Abbey	
Executive District Director	Jill Herberte	
Director of Community Services	Kim McMullan	

**Documents:**

ISD Aboriginal Consultation Referral & Record Form  
ACG Conflict of Interest Form  
FACS Aboriginal Consultation Guide (June 2011).



## ISD Aboriginal Consultation Referral & Record Form

CHILD/YOUNG PERSON/S:

ABORIGINAL:

TORRES STRAIT ISLANDER:

AGE:

NATIONS/S IF KNOWN:

MOTHERS NAME:

ABORIGINAL:

TORRES STRAIT ISLANDER:

FATHERS NAME:

ABORIGINAL:

TORRES STRAIT ISLANDER:

GENOGRAM ATTACHED:

*(Genogram is to be attached and include all extended family known and Aboriginal lineage)*

CASE PLAN GOAL:

PROGRAM ENGAGED:

CSC/FSP:

CASEWORKER:

MANAGER:

### PLACEMENT DETAILS (if OOHC)

PLACEMENT TYPE:

CARER'S NAME/S:

NATIONS/S IF KNOWN:

**DISCLAIMER:** Whilst the consultation group will make recommendations, it is to be known that this is only a consultative and not a decision-making group. Recommendations are for FACS and FSP to ensure that this is included in their casework and that FACS will make the final decision.

Should consultations be attached to court work, it is to be reviewed and signed off by the consultation group that all recommendations have been completed or a rationale as to why they could not be completed.



**PLACEMENT SUMMARY:**

**CULTURAL SUPPORT PLAN ATTACHED:** **SELECT**

**CONSULTATION HISTORY:** (Please include prior consults through PAC/AC's, dates and who provided the consult)

**CASE SUMMARY:**

**TOPIC/QUESTION TO BE CONSULTED:** (What would you like to ask the panel, refer to Aboriginal Consultation Guide)

**THIS SECTION BELOW IS ONLY TO BE COMPLETED BY CONSULTATION GROUP**

**DISCUSSION:**

**RECOMMENDATIONS:**

**DISSENTING VIEWS:**

**REVIEW DATE:** (Panel review forms will be sent to the Caseworker to update prior to the scheduled review date)

Please send your consultation referral to:

Illawarra Consultation Group:

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**DISCLAIMER:** Whilst the consultation group will make recommendations, it is to be known that this is only a consultative and not a decision-making group. Recommendations are for FACS and FSP to ensure that this is included in their casework and that FACS will make the final decision.

Should consultations be attached to court work, it is to be reviewed and signed off by the consultation group that all recommendations have been completed or a rationale as to why they could not be completed.



Family &  
Community  
Services

ILLAWARRA SHOALHAVEN DISTRICT

Shoalhaven Consultation Group:

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**OFFICE USE ONLY**

Illawarra or Shoalhaven (Please circle)

Referral Received:

Date of consult:

**DISCLAIMER:** Whilst the consultation group will make recommendations, it is to be known that this is only a consultative and not a decision-making group. Recommendations are for FACS and FSP to ensure that this is included in their casework and that FACS will make the final decision.

Should consultations be attached to court work, it is to be reviewed and signed off by the consultation group that all recommendations have been completed or a rationale as to why they could not be completed.



**SIGNATURES:**

**DATE:**

\_\_\_\_\_

Manager

Name:

\_\_\_\_\_

Caseworker

Name:

\_\_\_\_\_

Aboriginal Consult Group Chair

Name:

\_\_\_\_\_

Aboriginal Consult Group Member

Name:

\_\_\_\_\_

Aboriginal Consult Group Member

Name:

\_\_\_\_\_

Aboriginal Consult Group Member

Name:

\_\_\_\_\_

Aboriginal Consult Group Member

Name:

**DISCLAIMER:** Whilst the consultation group will make recommendations, it is to be known that this is only a consultative and not a decision-making group. Recommendations are for FACS and FSP to ensure that this is included in their casework and that FACS will make the final decision.

Should consultations be attached to court work, it is to be reviewed and signed off by the consultation group that all recommendations have been completed or a rationale as to why they could not be completed.



## CENTRAL COAST DISTRICT ABORIGINAL CASE CONSULTATION PANEL TERMS OF REFERENCE

### Background

The *Children and Young Persons (Care and Protection) Act 1998* mandates FACS to provide culturally appropriate support and services to Aboriginal children and adhere to the Aboriginal Placement Principles.

The Aboriginal Case Consultation Panel provides consultation and guidance on complex Aboriginal casework matters and monitoring of Aboriginal children and young people in non-Aboriginal placements. The panel (through the Chair) is a critical consultation and decision-making body for the following:

- Consultation and decision making in relation to casework direction for Aboriginal children and young people at risk of significant harm (Director Community Services holds delegation and is the chair of the panel);
- Placement decisions where appropriate;
- Permanency decisions; and
- Cultural planning guidance.

### Aims

1. The Panel provides district casework staff with a structured forum for culturally appropriate consultation on Aboriginal children and young people at ROSH OR in OOHC. The panel provides an effective, consistent process for decision making for Aboriginal children and young people in the Child Protection and Out of Home Care system, ensuring the application of Chapter 2, Part 1, Sections 8,9,10 and Chapter 2, Part 2, Sections 11,12, and 13 of the *NSW Children's and Young Persons (Care and Protection) Act, 1998*.
2. To ensure that when a decision is made to place an Aboriginal child or young person with non-Aboriginal carers, a comprehensive Aboriginal Cultural Support Plan is developed, implemented and documented on Child Story.
3. To ensure that decision making for Aboriginal children and young people in Out of Home Care (OOHC) is reflective of the NSW Office of the Children's Guardian NSW Child Safe Standards for Permanent Care 2015.

### Objectives

1. To support the FACS strategy to reduce the number of Aboriginal children and young people entering OOHC;
2. To reduce the number of Aboriginal children and young people remaining in OOHC – increasing the number of restorations to family care;
3. Increase the overall number of culturally appropriate placements/family placements;
4. Ensure that Aboriginal children and young people in care are connected to culture, family, community and country through meaningful cultural planning and review.
5. To identify themes in practice and placement trends for Aboriginal and Torres Strait Islander children, young people and their families across the districts in order to:
  - Share innovative and high quality practice
  - Develop strategies and cultural training to address gaps in knowledge or skills in working with Aboriginal children, young people and their families

- Provide panel data to the district for performance reporting and progress
- To provide strategic advice to the Executive District Director as required

### Panel Constitution

- Chair – Director Community Services (delegate and decision-maker)
- District-wide FACS Aboriginal staff membership (EOI to be conducted as required)
- Manager Casework
- Aboriginal Casework Specialist (where available)
- Aboriginal Permanency Coordinator
- Aboriginal service provider as relevant to casework concerning Aboriginal children and young people at ROSH or in OOHC (eg FACS, FSP provider)

Administrative support is provided by the allocated CSC (where panel is conducted on the day)

### Panel Responsibilities

MEMBERS	RESPONSIBILITY
<b>Chair (Director Community Services)</b>	<ul style="list-style-type: none"> <li>• Chairing the panel</li> <li>• Policy/procedural advice</li> <li>• Overseeing the panel project</li> <li>• Reporting to the Regional Director on panel progress &amp; outcomes</li> <li>• District Performance reporting</li> </ul>
<b>All panel members</b>	<ul style="list-style-type: none"> <li>• Consultation/advice on cultural matters, services and casework options</li> <li>• Advice and expertise in placement options, placement support and general OOHC matters</li> <li>• Annual review of Terms of Reference</li> <li>• To attend and actively participate in a positive, reflective and solutions-focused manner</li> <li>• Maintain case confidentiality at all times and be operating within the Chapter 16A Principles of the <i>NSW Children's and Young Persons (Care and Protection) Act, 1998</i>.</li> </ul>
<b>Administration support</b>	<ul style="list-style-type: none"> <li>• Responsible for agenda and reports tabled at Panel</li> <li>• Attendance at panel meetings</li> </ul>

	<ul style="list-style-type: none"> <li>• Responsible for all record keeping associated with panel meetings and reports in and out of panel</li> </ul>
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### Frequency & venue

The Panel meets monthly alternating between Gosford and Wyong CSC. Dates and times will be sent out to panel members in advance.

The Panel may be convened at other times on a needs basis.

**Quorum** The monthly meeting will require a minimum of one Director Community Services and three panel members.

### Referrals

Children, young people and their families must be referred to the panel when:

1. Directed by the DCS (imminent entry into care and/or proposed removal of a child/children assessed as being unsafe).
2. Identified by the CSC following entry into care.
3. Immediately on placement with any carer other than a an Aboriginal relative/kin carer (short or long term)
4. Aboriginal children placed with an NGO carer where panel consultation is identified..
5. Where an Aboriginal Child or Young Person is being considered for Guardianship or Adoption a referral should be made prior to the assessment occurring.

\*After a general Aboriginal consultation has occurred, a referral to the panel may also be recommended.

### Procedures

Initial referrals are made to the Aboriginal Consultation Mailbox for the Central Coast five working days prior to the next scheduled panel meeting. Late referrals will be accepted with DCS approval (eg following a removal or placement breakdown). Depending on the number of referrals a priority listing will occur and some matters may be held over or referred elsewhere. All panel members will review the case discussion information prior to the panel meeting. The panel will ensure that the information presented in the *ACCP Review Form* is current and accurate by affirming with the staff member present for the case discussion.

The Panel will participate in strengths based, reflective case discussion to identify optimal case direction and placement options.

Actions/outcomes identified during panel discussion will be recorded on an *ACCP Review Report (Tab A)* to be followed up by the allocated Caseworker, which is circulated to the Caseworker and Manager Casework within three working days of the panel meeting. The review report is to be attached to Child Story under an Event record subtype "Aboriginal Panel" by the Caseworker.

The Panel will determine panel review requirements and provide the review date to the Caseworker and/or Manager Casework.

**Review and Authority of Terms of Reference**

The Terms of Reference are reviewed every twelve months by the panel in consultation with the Director. The Terms of Reference will be reviewed at any time required by the Director.

The Terms of Reference are authorised by the Director.

The Terms of Reference are adhered to by panel members and managers/casework staff attending the panel.

**A/Director Community Services Central Coast:**

A handwritten signature in black ink that reads "Maree Sykes". The signature is written in a cursive style with a period at the end.

**Maree Sykes**

**Date: 04/06/2019**



## Murrumbidgee Aboriginal Consultation Advisory Panel

### Terms of Reference

#### 1. Name

Murrumbidgee Aboriginal Consultation Advisory Panel (ACAP)

#### 2. Purpose

Provide a regular forum for caseworkers to consult with Aboriginal staff and community organisations / members about strategies to engage and support Aboriginal families in protecting the safety, welfare and wellbeing of Aboriginal children and young people.

Panel members provide cultural information or cultural advice to support the safety, welfare and wellbeing of Aboriginal children and young people whilst adhering to the Aboriginal Torres Strait Islander Placement Principles and Practice Framework. It supports engagement and intervention with Aboriginal family, kinship network or relevant Aboriginal services to inform casework planning and decisions.

#### 3. Objectives and Functions

- Empower Aboriginal families and communities to help make decisions on matters that affect the care and protection of their young people.
- Support caseworkers' engagement and intervention with the family, kinship network or relevant Aboriginal services to inform casework planning and decisions.
- Increase the range of opportunities for Aboriginal consultations outside Community Services, and ensure a perspective outside Community Services is heard.
- Provide information, advice and recommendations to ensure the cultural needs of children and young people in the child protection and out of home care system are maintained.
- Provide a consistent framework for how Aboriginal consultations are undertaken and recorded.
- Allow caseworkers within Community Services to develop and maintain a cultural understanding of Aboriginal families and communities.
- Support and advise caseworkers as they apply the Aboriginal and Torres Strait Islander Child Placement Principles and Practice Framework, e.g. Family Group Conferencing changes.
- Identifying matters of concern early by consulting with the panel as soon as possible to implement best practice and ensure early intervention.
- This group consultation is that it gives caseworkers the opportunity to consult more widely and be exposed to a variety of opinions and ideas and/or feedback about issues they may have encountered. The use of external community organisations and members also allows for different views on child protection issues.
- Promote Self Determination



#### 4. The ACAP is not:

- A decision making panel. The Manager Casework retains responsibility for casework directions and decisions.
- The only source of advice, information and recommendations that caseworkers will consider.
- The only Aboriginal consultation mechanism. ACAP is one part of an on-going process of consultation. (See *Aboriginal Consultation Guide* for more information on consultation opportunities and requirements).
- Family Group Conferencing
- A forum for an Aboriginal consultation as part of the Child/young person's Cultural Care Plan
- A case meeting of family members and/or service providers involved with a family.
- A mechanism to complete Cultural Support Plans or determine Aboriginality.

#### 5. Principles

- The safety of a child must always be paramount.
- Self-determination.
- Participation in decision-making.
- Aboriginal and Torres Strait Islander Placement Principles.
- Practice Framework
- Record keeping.
- Information exchange and confidentiality.

#### 6. Membership

ACAP members consist of Aboriginal and non-Aboriginal members. ACAP members are drawn from Community Services staff, Aboriginal and non-Aboriginal staff of external agencies. From time to time Community Services may invite a nominated community member involved in the Aboriginal community to attend the ACAP in order to provide skills or knowledge relating to specific cases.

The external agencies invited for ACAP must be agencies or non-government organisations which are authorised under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* to share information that helps deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.

It is important that ACAP members are knowledgeable about the issues of their culture and community dynamics.

There should be a mix of both male and female members on ACAP.

Community Services are required to provide ACAP members training relevant to ACAP and their roles and responsibility.

ACAP members will include:

- Aboriginal staff from Murrumbidgee Community Services.
- Aboriginal staff from both Department of Education and Communities and Independent schools.



- Teams from Riverina Medical and Dental Aboriginal Health Service such as:  
Functional Family Therapy, Intensive Family Based Services, Out Of Home Care, Drugs and Alcohol Team, Domestic Violence Team, Generalist Team, Youth at Risk Program, Health Team.
- Aboriginal staff from Murrumbidgee Local Area Command
- Aboriginal staff from Murrumbidgee Local Health District — Aboriginal Child and Family Health.
- Aboriginal staff from FACS - Housing and Disability

## 7. Information exchange and confidentiality

The Children and Young Persons (Care and Protection) Act 1998 are relevant to information exchange and confidentiality: Chapter 16A – Exchange of information and coordination of services.

Section 245A(d)(ii) – Precedence of safety, welfare and wellbeing of children and young people over confidentiality and privacy

Section 248(6) – Prescribed bodies

Section 139 – Designated agencies.

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 allows NSW government agencies and NGOs who are ‘prescribed bodies’ to exchange information about a child or young person’s safety, welfare and wellbeing, whether or not they are known to Community Services or consent to the information exchange.

The legislation overrides all other privacy legislation where the requirements are in conflict. The needs and interests of the child or young person take precedence over the protection of confidentiality or an individual’s privacy.

Section 248 of the Children and Young Persons (Care and Protection) Act 1998 centres on Community Services’ role in information exchange. It contains stronger powers of direction and discretion to support Community Services’ statutory role in relation to child safety, welfare and wellbeing.

Section 248 also applies to Commonwealth bodies. When consulting externally, or if an external person is sitting on the ACAP, it will be necessary to give these consultants sufficient relevant information to help them to provide advice.

Seeking information from prescribed bodies? While consent of the child, young person or family is not necessary for the exchange of information under Chapter 16A, best-practice case management is to tell them about information exchange so as to increase their engagement. However, there may be circumstances in which you would not inform the child or young person, or their parents or carer, about exchanging information.

These include where you: believe it is likely to further jeopardise a child or young person’s safety, welfare or wellbeing, believe it would place you or another person at risk, are unable to contact a parent and the matter is urgent.

## 8. Meetings

**Frequency:** ACAP will meet once every month, on the third Thursday of each month.

**Quorum:** 4 ACAP members plus the Convener. There must be at least one Aboriginal caseworker.

**Convener/Chair:** Manager Casework or interim chair arranged by the Manager Casework,



MDST will convene ACAP meetings in order to provide maximum participation by members.

It is the Convener's duty to ensure ACAP administration receive referrals, prepare agenda, send out meeting invitations/reminders, organise for minutes to be recorded, and provide written records of the panel recommendations to caseworkers.

Where it is appropriate or in special circumstances Manager Client Services will be the meeting convener.

**Participants:** Caseworker and/or Manager Casework will attend ACAP to provide information and seek advice regarding the matters they have referred.

## 9. Procedures

See *Appendix 2: ACAP Procedures* for details

Caseworkers will complete the *Murrumbidgee ACAP referral form* and submit to the Cultural Connections Team mailbox, [REDACTED] s.74 - Information not within scope [REDACTED] at least 3 working days prior to the scheduled ACAP meeting date.

## 10. Record Keeping

- ACAP case discussions will be recorded using a meeting minutes format.
- ACAP consultations are recorded in the Aboriginal Consultation Form, which are prepared by requesting caseworkers.
- ACAP case discussions will be recorded using a meeting minutes format.
- ACAP recommendations are recorded by ACAP administration in the Aboriginal Consultation Form and signed off by two ACAP members then provided to the requesting caseworker for signing.
- Signed Aboriginal Consultations will be uploaded to ChildStory by ACAP administration and a copy provided the referring Caseworker.
- ACAP recommendations will be recorded to ChildStory as Action Items by ACAP administration and assigned to Caseworker. The Caseworker will receive the Chatter notification when this is completed

## 11. What will consultations be about?

Caseworkers will be seeking cultural advice and / or information to assist them to improve outcomes for Aboriginal children, young people and families. ACAP members may be asked for advice on:

- How to best engage with the child and family i.e. Family and community dynamics
- How the child's safety can be addressed in a culturally appropriate way
- Appropriate community support services available to the child, young person or family
- Locating family members who may be potential respite carers and / or carers /or family finding
- How to maintain a child's or young person's Aboriginal identity and connection to their culture and communities if placed in out-of-home care i.e. financial supports and advice for kinship carers etc.





- Strategies to build on strengths and resilience within the wider family, kinship network and community
- Cultural norms and beliefs.

## 12. Conflict of Interest

There may be a time when the ACAP is asked to consult about a child or family who is related or closely connected to one or more ACAP members.

In these circumstances it is important for members to declare a conflict of interest up front, and the record will make note of this statement. .

Declaring a conflict does not automatically mean that the ACAP member should not be involved in providing advice and information. A decision on whether the member should be involved will be discussed openly and Community Services will decide whether the member will remain for the consultation.. The conflict of interest and any decision regarding this will be noted in the minutes.

If the ACAP member is a carer or parent of a family that is being discussed, they will be asked to step out of the meeting to allow for there to be no perceived bias toward any recommendations.

## 13. Dispute Resolution

If the panel cannot agree on a recommendation for the case the process in order would be to seek advice from:

- Discuss the dispute your manager and MDST Manager Client Services
- A referral can be made to the local Aboriginal Placement Review Panel Other Aboriginal staff, who may be from the same mob or community of the child in question
- Local community organisations that may be working with the family
- Elders, the Aboriginal Services branch or other external Aboriginal organisations.

## 14. Feedback and Review

The ACAP agenda will contain a standing agenda item for members to provide feedback on the panel process, to allow for a reflective process that leads to improvements in the ACAP process.

The ACAP agenda will provide the ability for a brief update report back to the ACAP for each referral. This will allow for relevant information about the progress of each child or young person following the ACAP consultation.

Ongoing evaluation of Murrumbidgee ACAP, including feedback from Community Services Casework staff who have made referrals and ACAP members will regularly occur.

*Reviewed and Updated on:* July 2019

*Next review date of TOR's and ACAP:* July 2020

## **Central West, Western & Far West NSW Aboriginal Permanency Review Panel**

### **TERMS OF REFERENCE**

#### **1. PURPOSE**

Department of Communities and Justice (DCJ) recognises the fundamental principle that Aboriginal children and young people should live within their extended family, kinship group or community and remain on country wherever possible. The Director Operations must approve any new entry and placement of an Aboriginal child entering OOHC.

The role of the WFWNSW Aboriginal Permanency Review Panel is to review decisions to place Aboriginal children and young people into care with non-Aboriginal placements managed by DCJ or a non-government organisation (NGO). It is also to support and monitor Aboriginal children and young people currently placed in long term OOHC care.

The Western Aboriginal Permanency Review Panel is an internal Aboriginal Consultation Advisory Panel (ACAP) which is part of the broader Aboriginal Consultation mechanism (**DCJ**). The panel will further assist Western NSW DCJ in complying with:

- the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles as set out in Section 13 of the *Children and Young Persons (Care and Protection) Act 1998*
- the Office of the Children's Guardian (OCG) NSW Child Safe Standards for Permanent Care

The term 'Aboriginal' is used hereafter as inclusive of Aboriginal and Torres Strait Islander children and young people.

#### **2. SCOPE AND ACTIVITIES**

The Community Service Centres (CSC) with case management will be responsible for identifying and referring matters to the panel.

**The Panel will review at the earliest opportunity all Aboriginal children and young people:**

- in a non-Aboriginal placement and ensure that efforts are being made to comply with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles;
- entering care prior to or within 3 months of any final Orders being made to the Children's Court where they are in a non-Aboriginal placement;
- following a placement breakdown;
- who have remained in care for a period greater than 2 years to determine if restoration or Guardianship should be considered as part of OOHC case planning. This will occur following a Permanency Coordinator consultation.

**Additionally the Panel may as appropriate:**

- refer children and young people for Family Finding;
- refer families for consideration of Family Group Conferencing;
- refer to Aboriginal Protocol Community Advisory Groups where appropriate;
- seek specialist advice from non-panel members about Aboriginal communities or families;
- accept referrals for complex case discussions such as children and young people in motel style accommodation;
- undertake other duties as directed by the Executive District Director
- consider other matters where benefit from panel review could be gained

### 3. MEETING DETAILS

- The Panel will meet monthly as per meeting schedule, but may convene out of session as required.
- Meetings will be held face to face where practicable with use of VC or tele-link as required.
- Location will be nominated by the Chair.

#### **Agenda and Minutes:**

- Minutes of the meeting will be prepared by the secretariat and distributed to members for email endorsement within one week to allow time for follow up of actions.
- Meeting agenda and relevant documentation will be compiled by the secretariat and sent to all members one week prior to the next meeting.
- Referral information is to be forwarded to the WFW NSW DOPS mailbox at least one week prior to Panel meeting where possible
- All conflicts of interest and related decisions will be minuted.

### 4. PANEL MEMBERSHIP

#### **Membership of the panel will consist of:**

- Directors Operations ( Chairs)
- Manager Client Services Aboriginal
- Manager Case Work
- Aboriginal Caseworkers
- Aboriginal Caseworker from Cultural Connections team
- Permanency Support Co-ordinator
- Casework Specialist
- Manager Commissioning & Planning
- Others as invited by the Chair
- Secretary

Panel membership will be reviewed every 12 months.

The MCS, MCW and caseworker for children and young people identified for panel consultation will be invited for the period of the consultation.

#### **Quorum:**

The minimum representation for a meeting to take place is a quorum of over 50% of standing members present with a minimum of five (5) Aboriginal consultants.

#### **Conflict of Interest:**

When panel members are asked to consult about a child or family who is related or closely connected to them it is important to declare a conflict of interest up front. The standing agenda will facilitate raising conflict of interest prior to commencing panel discussion. Declaring a conflict does not automatically mean that the ACAP member should not be involved in providing advice and information. A decision on whether the member should be involved will be discussed openly and the panel will decide whether the consultation will go ahead. If the ACAP member is a carer or parent of a family that is being discussed, they will be asked to step out of the meeting to allow for there to be no perceived bias toward any recommendations.

### External Membership:

Other parties may be invited to attend panel meetings as requested by the Chair

## 5. PANEL POSITION RESPONSIBILITIES

### Panel Chairperson will:

- chair all meetings;
- endorse the agenda and minutes prepared by the Secretariat;
- ensure the responsibilities of all members of the panel are agreed to and understood;
- ensure resources are made available to support the operation of the Panel;
- ensure the legislation, Aboriginal Child Placement Principles and other relevant DCJ policies are adhered to
- Manage any conflict or escalation process as required: and
- other duties as required by the Director Operations (DOPS) or the Executive District Director (EDD).

### Panel Secretariat will:

- record the minutes of the meeting as per agreed format with the Chair;
- in consultation with the Chair, prepare the meeting agenda and ensure a copy is issued to all participants one week prior to each meeting;
- ensure that the minutes of meetings are compiled and after review by the Chair, distributed to all participants within two weeks of each meeting;
- ensure that the CSC attaches the panel report to ChildStory for each Child or young person reviewed by the panel;
- coordinate and disseminate meeting calendar invites, meeting room bookings with relevant administrative staff;
- collate referral information received from the MCS of matters identified for panel consultation; and
- other duties as required by the Chair

It is the responsibility of all panel members to ensure appropriate representation for each meeting.

## 6. PROCESS AND DOCUMENTATION

### Referral and Documentation:

All Referrals and relevant information needs to be submitted by MCS as per the standard referral form to the WFW NSW DOPS mailbox one week prior to Panel meeting where possible for any Aboriginal children and young people:

- who are currently before the Children's Court and placed with non-Aboriginal carers
- are assessed for Guardianship or Adoption
- with a proposed change of placement to a non-Aboriginal carer
- who require approval of cultural plans

Follow up and feedback on actions arising will be minuted and reviewed as part of the standing agenda.

All documentation pertaining to panel meetings including agendas, minutes, reports, feedback reports and relevant forms will be stored in a secure TRIM container maintained by the Secretariat.

Panel Consultation Records from the Permanency Review Panel relating to children and young people will be attached to Child Story by the MCS.

**Dispute Resolution:**

If the panel cannot agree on a recommendation for the case the process will be for the chair to seek further advice from other Aboriginal staff, who may be from the same mob or community of the child, local community organisations that may be working with the family, or elders as nominated by the Aboriginal Services branch or other external Aboriginal organisations.

**Review:**

The ACAP agenda will contain a standing agenda item for members to provide feedback on the panel process, to allow for a reflective process that leads to improvements in the ACAP process.

The TOR, panel feedback and membership will be evaluated every 6 months and will include the review of feedback from referring DCJ Casework staff that have made referrals, ACAP members and the Aboriginal Circle of Influence.

**Note:** Cultural Plans for Aboriginal children and young people in non-Aboriginal placement must be referred and endorsed by the Cultural Connections Team for approval.

## 7. TRAINING AND RESOURCES

- An orientation package will be provided for all panel members.
- Ongoing training will be provided as necessary in relation to areas of permanency planning such as Guardianship.
- Costs for operations of the panel are to be met from within existing DCJ budget and resources

## 8. RELATED ATTACHMENTS

1. Standard Agenda and Minutes Template
2. Referral Form
3. Panel Consultation Feedback Form
4. Meeting Schedule
5. Panel Evaluation Form
6. Worksheet - monitor and report on panel consultation activity and outcomes
7. Panel Member Information pack - including Aboriginal Consultation Guide, Conflict of Information, Dispute resolution process, feedback

## ***Far West and Western NSW - Aboriginal Care Pathway Meeting***

### **TERMS OF REFERENCE**

#### **1. BACKGROUND**

FACS acknowledges the legacy of a statutory system that was once responsible for discriminatory practices and policies that resulted in many Aboriginal children being taken from their families. FACS actively looks for opportunities to change the tide of the over representation of Aboriginal children in Out of Home Care (OOHC). There is a need to reflect critically, to make sure the decisions made about a child explore the influence of bias and privilege.

Aboriginal families and representative groups acknowledge that some Aboriginal children cannot remain safely at home. For these children, it is 'how' the child is taken that is of upmost concern to the Aboriginal community. Discussing how you will take the child is as important as reaching a decision about the child's safety. Consultation is required with Aboriginal practitioners to ensure that when a child is removed from their family that this occurs with cultural sensitivity. The resources and strengths of the Aboriginal community need to be accessed when planning for a child's removal or immediately following their removal to ensure the child's connection to culture remains strong. Involving community is one way to support self determination and genuinely partner with Aboriginal people in the protection of their children.

The delegation for the removal of all Aboriginal children and young people is with the Director Operations (DOP). Consultation needs to occur with the Director Operations before removing any Aboriginal child, or a child that is believed may identify as Aboriginal, from their family, kin, community or land. Director level approval of the decision to take an Aboriginal child from their family allows for multiple perspectives to share in decision making, and to have important conversations with senior practice leaders about how to carry out a decision that will irreversibly change the lives of the children who are taken, and the families they are taken from.

#### **2. PURPOSE**

The Care Pathway Meeting is the identified system for the Director Operations in FWWNSW to consult on the planning for the safety of Aboriginal children where it is identified that they are no longer safe to remain with their family. It is an internal Aboriginal Consultation process which is part of the broader FACS Aboriginal Consultation system. Decisions about safety, removal and placement of an Aboriginal child need to be made with their family, community advocates and support people and meet the statutory requirements of:

- Children and Young Persons (Care and Protection) Act 1998 - Sections: 34-38, 43-75
- NSW Child Safe Standards for Permanent Care - Standards: 1-7, 13, 17

The Care Pathway Meeting provides the opportunity to consider information including safety and risk assessment (SARA) and family action plans (FAP) in the appropriate cultural context. It allows for critical reflection of multiple perspectives to help inform decisions made for each child or young person.

### 3. SCOPE AND ACTIVITIES

**The Care Pathway Meeting will review all Aboriginal children and young people:**

- where there are safety concerns identified which indicate that the child or young person is no longer safe to remain in their home and consideration is given to removal, assumption of care or a temporary care arrangement

### 4. MEETING DETAILS

- The Care Pathway group will be convened by the MCS when it is identified that there is a child or children requiring consultation with the Director Operations on the decision for entry into care.
- A rotating roster of Aboriginal Caseworkers and Manager Casework (MCW) will be identified by the Manager Client Services (MCS) to support the Care Pathway meetings to be convened
- Meetings will be held face to face where practicable with use of VC or tele-link as required
- The Director of Operations needs to be notified when a MCW is able to identify that there are significant safety concerns prior to a home visit which may require a child to be removed from their home. This will enable the Care Pathway meeting to be scheduled to allow for a planned and considered consultation.

**Documentation:**

- A consultation record will be completed by the CSC Casework Support or District Senior Business Analyst (SBA) as nominated for each consultation. The record will be documented as per the Aboriginal Consultation Form for the FFWNSW Care Pathway meeting.
- A register of all children and young people considered by the Care Pathway Meeting will be maintained by the District SBA.
- A copy of the consultation record will be attached as a note to ChildStory for each Care Pathway consultation and provided to the FFWNSW DOP Mailbox.
- All conflicts of interest and related decisions will be minuted.

**Care Pathway Meeting members will be invited by the DOP and will consist of:**

- Directors Operations
- Aboriginal Caseworker – Consultant as per rotating roster
- Manager Case Work – Peer Consultant from a different unit as per rotating roster
- The casework team - MCS (Chair) , MCW and CW for children and young people for consultation

**Conflict of Interest:**

When meeting members are asked to consult about a child or family who is related or closely connected to them it is important to declare a conflict of interest up front. Declaring a conflict does not automatically mean that the consultant member should not be involved in providing advice and information. A decision on whether the member should be involved will be discussed openly and the DOP will decide whether the consultation will go ahead. A carer or parent of a family that is being discussed will not be asked to consult to ensure that there is no perceived bias toward any recommendations.

**External Membership:**

Other parties may be invited to attend panel meetings as requested by the Director Operations.

## 5. MEETING PROCESS AND DOCUMENTATION

### Initiating Consultation and Delegation of Decision:

1. The MCS is required to notify the DOP and convene a meeting for all Aboriginal children and young people where:
  - it is identified prior to a home visit that significant safety concerns are to be assessed which may indicate that the child is no longer able to remain safely in their home.
  - an emergency remove/assume or temporary care arrangement has resulted in the child being removed from their home.
2. Prior to the Care Pathways Meeting all SARA, FAP, genogram and previous consultation information needs to be emailed to the FWWNSW DOP Mailbox for consideration. Where an emergency intervention occurs this documentation needs to be emailed within 48 hours where possible.
3. The MCS is the delegated Chair for the Care Pathways Meeting. The casework team of MCS, MCW and CW are required to present and discuss information enabling the appropriate interventions and decisions to be made for the child within their cultural context.
4. A consultation record recording all decisions and recommendations of the Care Pathway Meeting will be completed by the nominated CSC Casework Support or District SBA and attached to the ChildStory record for each child as delegated by the MCS.
5. A record will be maintained in TRIM by the SBA for FWWNSW DOP for all children and young people considered by the Care Pathway Meeting and any actions which require follow up.

### Dissenting Views:

All views and rationale for decisions will be recorded on the Consultation record. The DOP holds the delegation for all decision related to the removal of Aboriginal children and young people from their parents. The perspectives of all members involved in the care pathway meeting are considered to inform this decision. The DOP may seek further advice from other Aboriginal staff from the same mob or community of the child, local community organisations that may be working with the family or elders as nominated by the Aboriginal Services branch or other external Aboriginal organisations.

### Review:

The Care Pathway meeting will be evaluated every 6 months. Meeting participants will be asked to provide feedback following each meeting as per FWWNSW Care Pathway Consultation Evaluation Form.

## 6. TRAINING AND RESOURCES

All Care Pathway Meeting participants will be provided with an orientation package including the Terms of Reference for the Care Pathway Meeting.

Costs for operations of the panel are to be met from within existing FACS budget and resources

## 7. RELATED ATTACHMENTS

1. FWWNSW - Aboriginal Care Pathway Meeting – Standing Agenda
2. FWWNSW - Aboriginal Care Pathway Meeting - Consultation Record
3. FWWNSW - Aboriginal Care Pathway Meeting - Consultation Evaluation Form
4. FWWNSW - Aboriginal Care Pathway Meeting - TRIM Worksheet – Meeting Record
5. FWWNSW - Aboriginal Care Pathway Meeting - Orientation Powerpoint



## **Sydney, South East Sydney and North Sydney Aboriginal Placement Panel**

### **Terms of Reference**

#### **Background**

Section 13 of the Children and Young Person's (Care and Protection) Act, 1998 sets out the principles which Family and Community Services must follow when placing Aboriginal children and young people in Out-of-Home Care. A Panel made up of senior Executive and senior Aboriginal staff has supported the application of the placement principles in Metro Central Region and Sydney, South East Sydney and Northern Sydney since December, 2009.

#### **The Panel:**

- receives reports and reviews data about all Aboriginal and Torres Strait Islander children and young people in non-Aboriginal/Torres Strait Islander placements
- may provide additional advice about locating culturally appropriate placements to advice provided within casework consultation
- offers advice to support all reasonable efforts to locate culturally appropriate placements being exhausted before managers approve a non-Aboriginal/Torres Strait Islander placement
- provides advice on draft Cultural Support Plans, developed with the extended family members, where Aboriginal and Torres Strait Islander children are placed in a non-Aboriginal/Torres Strait Islander placement or an Aboriginal/ Torres Strait Islander placement outside their community of birth or community of belonging
- where two or more potential placements have been identified for an Aboriginal or Torres Strait Islander child, receives a matching report comparing the placements and provides advice on the placement which best meets the cultural needs of the child or young person
- provides advice to support all reasonable efforts to locate an Aboriginal agency being exhausted before the District Director approves case management transfer of Aboriginal and Torres Strait Islander children to a non-Aboriginal NGO, advising on planning to ensure that the ongoing cultural needs of the children can be met by the agency and the carers and on the robustness of the Cultural Support Plan
- provides advice to support full consideration of culture alongside other factors where a CSC is considering adoption as a caseplan goal
- Identifies themes in placement trends for Aboriginal and Torres Strait Islander children, young people and their families across the three Districts and notes any action required.
- is not the primary forum for cultural consultation to support casework with Aboriginal and Torres Strait Islander children, young people and their families
- has a primary focus on placement but comments on casework when Panel members have observations, questions or concerns

- takes a strengths based and reflective approach to case discussion, demonstrating respect for the views and expertise of all participants and all members of the casework team

### **Membership**

- Director Community Services, Sydney, North Sydney
- Director Community Services, South East Sydney
- Manager Casework, Yallamundi Intensive Family Based Service
- Senior Project Officer, Aboriginal
- Aboriginal Genealogy and Consultation Team
- At least one Aboriginal Caseworker

Note: Director Panel membership will be reviewed as we move to the new Cluster Structure

### **Process**

#### ***Meetings***

The Panel meets twice monthly in the conference rooms at Strawberry Hills, normally on the 1<sup>st</sup> and fourth Monday of each month. Meetings will not last longer than half a business day.

Out of session meetings are held only when a decision must be made between monthly Panels. At least one Director Community Services and two Aboriginal Panel members must participate. It is preferable that all Panel members participate.

#### ***Agendas***

CFDU adds to the agenda all Aboriginal and Torres Strait Islander children in non Aboriginal and Torres Strait Islander placements, at the first Panel after they enter care and thereafter as agreed by the Panel.

CSCs can request that discussion is brought forward, or deferred, via the Director, Community Services.

#### ***Secretariat***

Secretariat is provided by the Child and Family District Unit. Agendas and Papers are circulated to Panel members no later than 2 days before the Panel. CSCs are responsible for tabling copies of late papers before or at the Panel. Actions and Outcomes are circulated to Panel members no later than 5 days after the Panel.

#### ***Papers***

The Caseworker completes the District Review Panel/Aboriginal Placement Panel template to the first Panel at which the case is discussed, and updates that profile with significant new information for subsequent Panels. Panel Secretariat records recommendations and comments on the template and forwards the revised template to the Casework team. Papers are provided to CFDU 3 working days prior to the date of next Panel meeting

**Consultation**

The Panel expects cultural consultation occurs at key points in the life of the case. In particular, the Panel expects that Cultural Support Plans are referred to the Aboriginal Consultation and Genealogy Team prior to being submitted to the Panel. The Panel prefers that the draft Cultural Support Plan is sent to the ACGT mailbox for comment no later than 10 working days prior to the next Panel meeting.

**Decision-making**

The Panel is an advisory forum. Decisions are made by the relevant manager or Director, as set out in delegations.

The Panel is guided by the views of Aboriginal members when providing advice on Support Care Plans.

Recommendations and comments are recorded on the Panel template and notes agreements reached on submission for further Panel advice include whether, and when, the case needs to be reviewed again by the Panel. Where an Aboriginal or Torres Strait Islander child is placed in a non Aboriginal or Torres Strait Islander placement, the Panel notes the rationale for that decision.

**Case management transfer**

Where an Aboriginal placement is being prepared for transfer to a non Aboriginal or Torres Strait Islander NGO, the CSC will ensure that the case is listed for Panel discussion. The CSC will prepare a Memo to the respective Executive District Director via the respective Director Community Services, using the approved template.

**Review**

The Terms of Reference will be formally reviewed every twelve months. The District Directors can direct additional reviews. Panel members can request that the District Directors consider additional reviews, via the Director Community Services.

Next Review Date: 6/12/17



## Practice Standards

"I need you to build a relationship with me, my family and other people so that together we can work out how to make my family safe. I need you to include us in decision making and creating change."

*Practice Standard 2*

"I need you to acknowledge the trauma and impact of the Stolen Generations. Genuinely value my Aboriginal and Torres Strait Islander culture and connection to community."

*Practice Standard 6*

"I need you to seek to learn from and be responsive to my culture and the language spoken by me and my family."

*Practice Standard 7*

## Purpose

- Ensure that all possible opportunities have been explored and parents have been assisted, to make the changes needed so that their child can return home and be safe long term.
- Embed in practice, the importance and value of family, extended family, kinship networks, culture and community, in raising Aboriginal and Torres Strait Islander children and young people.
- Provide an effective, consistent process for decision making for Aboriginal and Torres Strait Islander children and young people in the Child Protection and OOHC system.
- Ensure that decision making for Aboriginal and Torres Strait Islander children and young people in OOHC is reflective of the NSW Office of the Children's Guardian *Child Safe Standards for Permanent Care*.
- Prevent Aboriginal and Torres Strait Islander children and young people from drifting in non-culturally appropriate placements.
- Ensure Aboriginal and Torres Strait Islander children and young people with complex needs are kept visible through the ongoing review process.
- Improve caseworkers' understanding and competency in working with Aboriginal and Torres Strait Islander families.

## Method

Referral to the panel occurs for all Aboriginal and Torres Strait Island children who are at risk or no longer able to live with their kin/family.

CSC will be required to send through referrals one week prior to panel.

The Panel will focus on principles of self determination and participation in decision making through:

- Consideration of the Pathways to Permanency options:
  - Family Preservation
  - Restoration
  - Guardianship/Other Parental Responsibility Orders
  - Adoption
  - Long-Term Parental Responsibility to the Minister
- Assisting with the development of extended family genograms and ensuring lifelong connections are embedded for the child or young person.

- Exploring all reasonable efforts that have been undertaken to locate a culturally appropriate placement and may provide additional advice if culturally appropriate placement was not secured.
- Provide advice on draft Cultural Support Plans where Aboriginal and Torres Strait Islander children are placed in a non-Aboriginal/Torres Strait Islander placement or a placement outside their community of birth or community of belonging.
- Make recommendations for future actions to be undertaken including family finding, family group conferencing or referral to specialist supports or services including AbSec, FGC, Centacare FGC, Aboriginal Community Consultation, Winangay, Office of Senior Practitioner, Casework Specialists, Psychological services, Legal services and Clinical issues.

An Outcome report will be sent to relevant Caseworker, Manager Casework and Manager Client Services with recommendations and expected dates of completion.

Panel will determine if the matter will be resubmitted for review or closed.

### **Location**

(TBC)

### **Date and Time**

As per agenda

### **Frequency of meeting**

(TBC)

### **Chair/Co-Chair**

Director Community Services

Manager Casework Wiritjiribin IFBS

### **Secretariat**

Senior Customer Service Officer (SCSO IFBS)

### **Permanent Membership of Panel**

- District Director (optional)
- Director Community Services
- Manager Casework Wiritjiribin IFBS
- Manager Client Services CFDU
- Manager Practice Support
- Casework Specialist (Aboriginal)
- Elected representative Mana Yura (rotating 3 monthly)
- Caseworker (Genealogy team)

### **Agenda**

Senior Customer Service Officer (SCSO IFBS) will send out agenda a week prior to panel.

### **Outcome Report**

Outcome report will be sent by the Senior Customer Service Officer (SCSO IFBS) to the relevant units

### **Review**

Terms of reference to be reviewed every 6 months

## NBM WS DISTRICTS

### GURUNG BYALA ABORIGINAL CASE CONSULTATION PANEL

#### TERMS OF REFERENCE

##### Background

The *Children and Young Persons (Care and Protection) Act 1998* mandates FACS to provide culturally appropriate support and services to Aboriginal children and adhere to the Aboriginal Placement Principles.

The Aboriginal Case Consultation Panel provides consultation and guidance on complex Aboriginal casework matters and monitoring of Aboriginal children and young people in non-Aboriginal placements. The panel (through the Chair) is a critical consultation and decision-making body for the following:

- Consultation and decision making in relation to casework direction for Aboriginal children and young people at risk of significant harm (Director Community Services holds delegation and is the chair of the panel);
- Placement decisions where appropriate;
- Permanency decisions; and
- Cultural planning endorsement.

##### Aims

1. The Panel provides district casework staff with a structured forum for culturally appropriate consultation on Aboriginal children and young people at ROSH OR in OOHC. The panel provides an effective, consistent process for decision making for Aboriginal children and young people in the Child Protection and Out of Home Care system, ensuring the application of Chapter 2, Part 1, Sections 8,9,10 and Chapter 2, Part 2, Sections 11,12, and 13 of the *NSW Children's and Young Persons (Care and Protection) Act, 1998*.
2. To ensure that when a decision is made to place an Aboriginal child or young person with non-Aboriginal carers, a comprehensive Aboriginal Cultural Support Plan is developed, implemented and documented on KiDS.
3. To ensure that decision making for Aboriginal children and young people in Out of Home Care (OOHC) is reflective of the NSW Office of the Children's Guardian NSW Child Safe Standards for Permanent Care 2015.

##### Objectives

1. To support the FACS strategy to reduce the number of Aboriginal children and young people entering OOHC;
2. To reduce the number of Aboriginal children and young people remaining in OOHC – increasing the number of restorations to family care;
3. Increase the overall number of culturally appropriate placements/family placements;
4. Ensure that Aboriginal children and young people in care are connected to culture, family, community and country through meaningful cultural planning and review.
5. To identify themes in practice and placement trends for Aboriginal and Torres Strait Islander children, young people and their families across the districts in order to:
  - Share innovative and high quality practice
  - Develop strategies and cultural training to address gaps in knowledge or skills in working with Aboriginal children, young people and their families

- Provide panel data to the two districts for performance reporting and progress
- To provide strategic advice to the Executive District Director as required

### Panel Constitution

- Chair – Director Community Services (delegate and decision-maker)
- District-wide FACS Aboriginal staff membership (EOI to be conducted every 12 months)
- Aboriginal Staff as per EOI or Nominated by ARG
- ARG Chair and Deputy Chair
- Aboriginal service provider as relevant to casework concerning Aboriginal children and young people at ROSH or in OOHC (eg FACS SOW, NGO provider)

Administrative support provided by CFDU

**Note:** The Guiding Principles Yarning Circle recommendations will be addressed by the establishment of a local advisory group inclusive of community representation from across the two districts.

### Panel Responsibilities

MEMBERS	RESPONSIBILITY
<b>Chair (Director Community Services)</b>	<ul style="list-style-type: none"> <li>• Chairing the panel</li> <li>• Policy/procedural advice</li> <li>• Overseeing the panel project</li> <li>• Reporting to the Regional Director on panel progress &amp; outcomes</li> <li>• District Performance reporting</li> </ul>
<b>All panel members</b>	<ul style="list-style-type: none"> <li>• Consultation/advice on cultural matters, services and casework options</li> <li>• Advice and expertise in placement options, placement support and general OOHC matters</li> <li>• Annual review of Terms of Reference</li> <li>• To attend and actively participate in a positive, reflective and solutions-focused manner</li> <li>• Maintain case confidentiality at all times and be operating within the Chapter 16A Principles of the <i>NSW Children's and Young Persons (Care and Protection) Act, 1998</i>.</li> </ul>
<b>Administration support</b>	<ul style="list-style-type: none"> <li>• Responsible for agenda and reports tabled at Panel</li> <li>• Attendance at panel meetings</li> <li>• Responsible for all record keeping associated with panel meetings and reports in and out of panel</li> </ul>

### Frequency & venue

The Panel meets monthly at Mt Druitt CSC. Dates and times will be sent out to panel members in advance.

The Panel may be convened at other times on a needs basis.

**Quorum** The monthly meeting will require a minimum of one Director Community Services and three panel members.

### **Referrals**

Children, young people and their families must be referred to the panel when:

1. Directed by the DCS (imminent entry into care and/or proposed removal of a child/children assessed as being unsafe).
2. Identified by the CSC following entry into care.
3. Immediately on placement with a non Aboriginal carer (short or long term)
4. Aboriginal children placed with an NGO carer where panel consultation is identified.

\*After a general Aboriginal consultation has occurred, a referral to the panel may also be recommended.

### **Procedures**

Initial referrals are made to the Aboriginal Case Consultation Mailbox five working days prior to the next scheduled panel meeting. Late referrals will be accepted with DCS approval (eg following a removal or placement breakdown). Depending on the number of referrals a priority listing will occur and some matters may be held over or referred elsewhere.

All panel members will review the case discussion information prior to the panel meeting.

The panel will ensure that the information presented in the *ACCP Review Form* is current and accurate by affirming with the staff member present for the case discussion.

The Panel will participate in strengths based, reflective case discussion to identify optimal case direction and placement options.

Actions/outcomes identified during panel discussion will be recorded on an *ACCP Review Report (Tab A)* to be followed up by the allocated Caseworker, which is circulated to the Caseworker and Manager Casework within three working days of the panel meeting. The review report is to be attached on KiDS as a specialist consultation record by the Caseworker.

The Panel will determine panel review requirements and provide the review date to the Caseworker and/or Manager Casework.

### **Review and Authority of Terms of Reference**

The Terms of Reference are reviewed every twelve months by the panel in consultation with the Executive District Director. The Terms of Reference will be reviewed at any time required by the Executive District Director.

The Terms of Reference are authorised by the Executive District Director.

The Terms of Reference are adhered to by panel members and managers/casework staff attending the panel.

Lisa Charet

**Executive District Director**

Nepean Blue Mountains Western Sydney Districts

Date