

# 8 Aboriginal, Torres Strait Islander and culturally and linguistically diverse children and young people

**“Cultural activities reminds you of home. It’s cool to do those things.”<sup>67</sup>**

## Chapter 8 key messages:

- Aboriginal and Torres Strait Islander children and young people are over-represented in Serious Issue Forms<sup>68</sup> reported by the Community Visitors in 2006.
- Substantially more Aboriginal and Torres Strait Islander children aged 0–4 were the subject of a Serious Issues Form in 2006 (30%) than were non-Aboriginal and Torres Strait Islander children aged 0–4 (15%).
- Compliance with the Indigenous Child Placement Principle as specified in section 83 of the *Child Protection Act 1999* is not currently recorded or reported by the Department of Child Safety. The legislated principle relates to the quality of decisions made about the placement of Aboriginal and Torres Strait Islander children and young people (rather than just the numbers of these children and young people who are placed with Aboriginal and Torres Strait Islander carers).

In Queensland, Aboriginal and Torres Strait Islander children and young people represent 6.3% of all children and young people<sup>69</sup> and over the past three years the proportion of Aboriginal and Torres Strait Islander children and young people in out-of-home care has been:

- 22% in 2004<sup>70</sup>
- 23% in 2005,<sup>71</sup> and
- 25.5% as at 30 June 2006.<sup>72</sup>

The Child Guardian has identified that it needs to do more than just advocate and raise awareness about this over-representation. As well, the Child Guardian is dedicating its resources to giving service providers in the child safety system the following:

- analysis of information being collected by Community Visitors about Aboriginal and Torres Strait Islander children and young people in out-of-home care; this should highlight for service providers what areas of service delivery to Aboriginal and Torres Strait Islander children and young people require further attention or resources, and
- a detailed project to evaluate the operation of the Indigenous Child Placement Principle in Queensland.

The information, findings and recommendations which result from the above will be unique and should provide key stakeholders with evidence that can improve their service delivery to Aboriginal and Torres Strait Islander children and young people in out-of-home care.

67 Young person’s view as quoted at page 12 of D Higgins, L Bromfield and N Richardson, *Enhancing Out-of-home Care for Aboriginal and Torres Strait Islander Young People*, Australian Institute of Family Studies, 2005.

68 Serious Issues Forms and what they mean for the Community Visitors are described in detail in section 4.1.2 of Chapter 4.

69 Page 21 of *Snapshot 2006: Children and young people in Queensland*, Commission for Children and Young People and Child Guardian, Brisbane 2006.

70 Figure derived from page 52 of *Snapshot 2005: Children and young people in Queensland*, Commission for Children and Young People and Child Guardian, Brisbane 2005.

71 Figure derived from page 60 of *Snapshot 2006: Children and young people in Queensland*, Commission for Children and Young People and Child Guardian, Brisbane 2006.

72 Figure derived from page 57 of *Child Protection Australia 2005–06*, Australian Institute of Health and Welfare, Canberra 2007.

The Child Guardian is also interested in service delivery outcomes for culturally and linguistically diverse children and young people because of its obligation to be sensitive to the ethnic or cultural identity and values of all children and young people.<sup>73</sup>

## 8.1 Information about Aboriginal and Torres Strait Islander children and young people

### 8.1.1 The Child Guardian Survey

Children and young people of Aboriginal and Torres Strait Islander descent made up between 19.1% and 27.7% of all participants across the three different age groups surveyed<sup>74</sup>.

The responses showed that, compared with other children and young people, Aboriginal and Torres Strait Islander children and young people responded that they were more likely to:

- be in relative care, and
- reside in the Northern and Far Northern Zones.

It was also found that Aboriginal and Torres Strait Islander young people (aged approximately 9–18 years) were more likely than other young people to report that:

- they wanted more contact with their family
- they wanted to see their Child Safety Officer more often
- their possessions were not treated with respect
- their home wasn't clean enough
- they did not have enough space in their placement, and
- they had problems at school that they were not able to get help with (only 25% of these young people reported having an Education Support Plan).

Further analysis of survey data also showed that Aboriginal and Torres Strait Islander young people were less likely than other young people to report that:

- they were able to contact their Child Safety Officer when needed
- they had a say in what happens to them
- they had decisions explained to them, and
- they had a case plan.

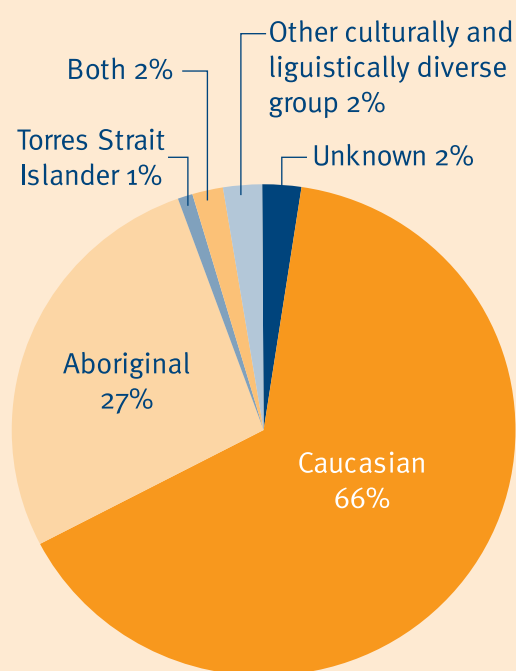
Compared with other children, Aboriginal and Torres Strait Islander children (aged approximately 5–8 years) were less likely to report knowing the reason for coming into out-of-home care.

### 8.1.2 Information from the Community Visitors

Section 4.1.2 in Chapter 4 outlines the meaning of a Serious Issues Form as reported by the Community Visitors. It is possible to break down the Serious Issues Forms from 2006 according to the cultural identity of the subject children and young people. In Figure 8.1, the types of children and young people who were identified as being culturally and linguistically diverse included Sudanese, Maori, Samoan, Puerto Rican, Indian and Filipino children and young people.

It is clear from Figure 8.1 that a total of 30% of Serious Issues Forms reported by Community Visitors in 2006 related to Aboriginal and Torres Strait Islander children and young people. Considering that, as at 30 June 2006, 25.4% of children and young people in out-of-home care identified as being Aboriginal and Torres Strait Islander, it appears that this group of children and young people in out-of-home care are being over-represented in the Serious Issues Forms reported by Community Visitors.

**Figure 8.1: Proportions of Serious Issues Forms relating to different cultural groups, 2006**



<sup>73</sup> Under section 18(1)(d) of the *Commission for Children and Young People and Child Guardian Act 2000*.

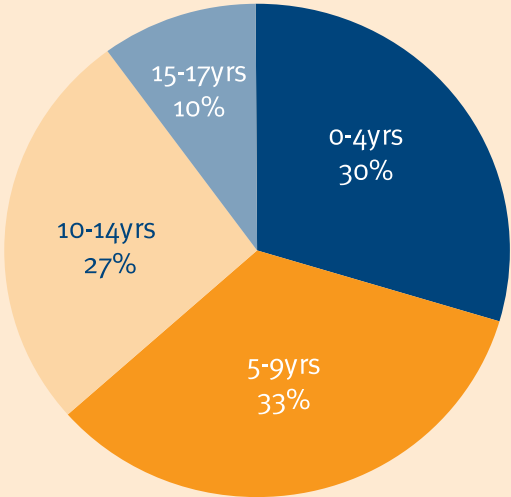
<sup>74</sup> Including young people (aged approximately 9–18 years), children (aged approximately 5–8 years) and young children (aged 0–4 years).

To understand this over-representation further, analysis was done of the breakdown of the ages of children and young people who are the subject of a Serious Issues Form. Figure 8.2 shows this age breakdown for children and young people who identify as being Aboriginal and Torres Strait Islander and Figure 8.3 shows the age breakdown for all other children and young people who were the subject of a Serious Issues Form in 2006.

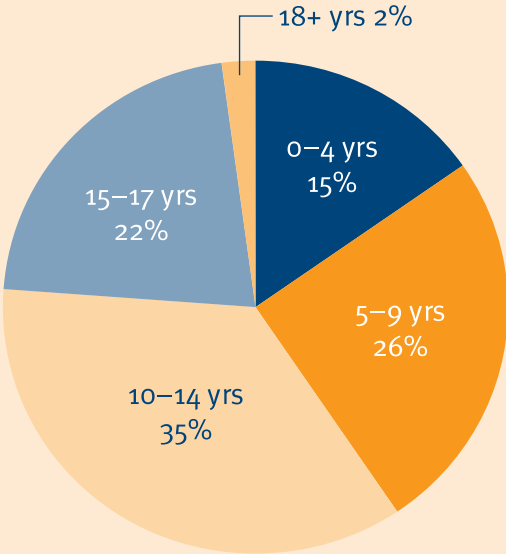
A comparison of Figures 8.2 and 8.3 reveals that substantially more (30%) Aboriginal and Torres Strait Islander children aged 0–4 were the subject of a Serious Issues Form in 2006 than non-Aboriginal and Torres Strait Islander children aged 0–4 (15%).

Given that children are at their most vulnerable between the ages of 0 and 4 it would appear that further intervention or attention is required by the Department of Child Safety to service delivery to Aboriginal and Torres Strait Islander children in this age range. The Child Guardian will discuss this and other more detailed data from the Community Visitors with the Department of Child Safety early in 2007 so that this information can be used to improve service delivery.

**Figure 8.2: Ages of Aboriginal and Torres Strait Islander children or young people subject to Serious Issues Forms, 2006**



**Figure 8.3: Ages of non-Aboriginal and Torres Strait Islander children or young people subject to Serious Issues Forms, 2006**



**8.2 Action at the system level**

**8.2.1 Advocacy**

The Child Guardian was invited to comment on the Department of Child Safety’s draft practice paper for working with clients from culturally and linguistically diverse backgrounds. The Child Guardian submitted that Child Safety Officer recruitment needs to reflect the cultural diversity of children and young people coming into contact with the child safety system.

Also in 2006 the Child Guardian provided feedback to the Department of Child Safety about a practice paper on working with culturally and linguistically diverse clients. The Child Guardian suggested that the Department should consider a placement principle for culturally and linguistically diverse children and young people similar to the Indigenous Child Placement Principle.

**8.2.2 Recommendation about cultural profiles**

In 2006 the Child Guardian made a provisional recommendation to the Department of Child Safety to create a cultural profile for all Aboriginal and Torres Strait Islander children and young people in out-of-home care and their foster carers.

This recommendation was designed to benefit Aboriginal and Torres Strait Islander children and young people by making sure that Department of Child Safety officers have adequate information to comply with the Indigenous Child Placement Principle. This information includes:

- whether foster carers have had training relating to cultural awareness
- whether a foster carer will or can commit to ongoing contact with a child or young person's community, and how this is to be undertaken
- the other children placed with the foster carer, and
- the foster carer's history of providing cultural connections and offering cultural support within the placement.

### 8.2.3 The Indigenous Child Placement Principle Project

The Child Guardian is required to monitor<sup>75</sup> the Department of Child Safety's compliance with the Indigenous Child Placement Principle. Compliance with the Indigenous Child Placement Principle is often expressed as the number of Indigenous children residing with Indigenous carers.

Although the overall aim of the Indigenous Child Placement Principle is to place Indigenous children with Indigenous carers, a proper evaluation of compliance with section 83 of the *Child Protection Act 1999* requires examination of the decision-making process that led to a child's placement.

The elements of the Indigenous Child Placement Principle, as outlined in section 83 of the *Child Protection Act 1999*, that the Department of Child Safety must comply with when placing an Aboriginal or Torres Strait Islander child in out-of-home care are:

- a hierarchy of placement options for Aboriginal or Torres Strait Islander children who cannot be cared for by their parents; the options, in order of placement priority, are:
  - a member of the child's family
  - a member of the child's community or language group
  - another Aboriginal or Torres Strait Islander who is compatible with the child's community or language group

- another Aboriginal person or Torres Strait Islander
- a person who lives near the child's family, or
- a person who lives near the child's community/language group
- ensuring that an opportunity is provided for a Recognised Entity to participate in the placement decision (giving proper consideration to the views of the Recognised Entity)
- ensuring that the placement provides for optimal retention of the child's relationship with family and other people of significance under Aboriginal tradition or Island custom, and
- ensuring that consideration is given to a non-Indigenous carer's commitment to:
  - making contact possible between the child and their parents and other family members
  - helping the child maintain contact with their community or language group
  - helping the child maintain a connection with their Aboriginal and/or Torres Strait Islander culture, and
  - preserving and enhancing the child's sense of their Aboriginal and/or Torres Strait Islander identity.

The Child Guardian's Indigenous Child Placement Principle Project is assessing the quality of decisions about placing Aboriginal and Torres Strait Islander children to check compliance with the requirements of section 83 of the *Child Protection Act 1999* through the following process:

- establishing a profile of Aboriginal and Torres Strait Islander children and young people in out-of-home care in Queensland, including:
  - demographic details
  - child protection issues
  - placement details
  - connection to family and community, and
  - service delivery issues
- a review of the policies, practices and procedures developed by the Department of Child Safety in relation to the Indigenous Child Placement Principle since 2000

<sup>75</sup> Under section 15AA(1)(c) of the *Commission for Children and Young People and Child Guardian Act 2000*.

- file reviews of 28 Aboriginal and Torres Strait Islander children and young people in out-of-home care across Queensland to measure the level of compliance with the Indigenous Child Placement Principle for all placements since 2000; and
- analysis of the current placement of these children to establish how connected they are with family and community (this will be done by gaining the perspectives of the children, their carers and the relevant Recognised Entities where possible).

Work to date on the Indigenous Child Placement Principle Project includes:

- consultation with relevant stakeholders
- information requests
- information collection
- developing a profile of Aboriginal and Torres Strait Islander children and their carers, and
- initiating file reviews of 24 Aboriginal children, 3 Torres Strait Islander children and 1 child of both Aboriginal and Torres Strait Islander descent.

The Indigenous Child Placement Principle Project's provisional report containing findings and recommendations (if any) is expected to be completed and provided to the Department of Child Safety for comment in June 2007, with the release of a public report by September 2007.

### 8.3 Action on behalf of individual children and young people

#### 8.3.1 Formal review of service delivery to 'Lauren'

The Child Guardian received information about the alleged sexual abuse of an Indigenous child ('Lauren') in mid-2006 while that child was under the guardianship of the Department of Child Safety.

The Child Guardian required the Department of Child Safety to conduct a review of service<sup>76</sup> in relation to Lauren's case and provide the Child Guardian with a report about the review of service.

In particular, the Child Guardian required the review to consider whether relevant legislation and the departmental policies and procedures that applied at the time were complied with. The Department of Child Safety was also required to outline findings and recommendations about any

deficiencies in existing policies and procedures that were identified through the review.

The Department of Child Safety's review report identified a number of systemic issues, particularly in relation to non-compliance with the Indigenous Child Placement Principle, and made a number of recommendations.

The Child Guardian assessed the Department of Child Safety's review and its proposed recommendations and this resulted in:

- some of the Department of Child Safety recommendations being amended
- most of the Department of Child Safety recommendations being endorsed, and
- three systemic and three case-specific recommendations being made by the Child Guardian.

The Child Guardian made a particular recommendation that the Department of Child Safety immediately assess the safety and wellbeing of other children in Lauren's family, and take appropriate action to ensure their immediate and ongoing safety and wellbeing.

#### 8.3.2 Community Visitor services to a young person, 'John'

A Torres Strait Islander young person ('John') has been in care for some years. John has never been to the Torres Strait and has had limited contact with other Torres Strait Islanders, even his own family. John spoke to his Community Visitor midway through 2006 about wanting to learn about Torres Strait Islander culture and his desire to spend substantial time with other Torres Strait Islanders.

John's requests were communicated to his Child Safety Officer by the Community Visitor and subsequently by the Zonal Coordinator to the Manager of the Child Safety Service Centre. Unfortunately, other events in the Child Safety Service Centre prevented them from being dealt with straight away. By November 2006, John's requests were met by:

- a Torres Strait Islander Youth Worker being engaged to mentor the young person culturally, personally and socially; the Youth Worker will inform John about the history, customs and rules of Torres Strait Islander society as well as take him to visit Torres Strait Islander families and attend community functions, and

76 Under section 31G of the *Commission for Children and Young People and Child Guardian Act 2000*.



- John commencing visits with one of his siblings.

In the future, the Child Guardian will advocate for the Child Safety Service Centre to fund a visit to the Torres Strait Islands for John so that he can connect with his wider extended family.

### 8.3.3 Examples of issues raised in remote communities

Table 8.1 gives examples of positive and negative reports from Community Visitors in relation to Aboriginal and Torres Strait Islander children and young people in remote communities.

**Table 8.1: Examples of problems raised or good service delivery reported in relation to Aboriginal and Torres Strait Islander children and young people in remote communities**

Community	Examples
Community A	<ul style="list-style-type: none"> <li>• Children and young people being ‘crowded’ in out-of-home care because of approved foster carers sharing their accommodation with extended family and friends.</li> <li>• Children and young people returning to their parent’s house within the community despite being placed in out-of-home care.</li> </ul>
Community B	<ul style="list-style-type: none"> <li>• Needs of a young person are being met through:               <ul style="list-style-type: none"> <li>• living in a remote community with contact with several of her family members</li> <li>• attending events such as local football carnivals and visiting swimming holes with her foster carers</li> <li>• foster carers being aware of the need to pass on cultural information to the young person.</li> </ul> </li> </ul>
 <p>These foster carers are providing a culturally appropriate placement for the young person</p>	
Community C	<ul style="list-style-type: none"> <li>• The foster carers are helping the child to understand why she is in out-of-home care. Also, the child sees her mother when she is ‘out and about’ with the foster carers, but has no problem going home with her foster carers. The Community Visitor advises that the child appears happy and content with the whole foster family.</li> </ul>
 <p>These foster carers are providing a culturally appropriate placement for the young person</p>	
Community D	<ul style="list-style-type: none"> <li>• There is a significant housing shortage within the community and there are no houses available for the foster carer that would provide sufficient space for all five children in her care.</li> </ul>
Community E	<ul style="list-style-type: none"> <li>• The young person is sleeping on a single bed in the lounge area of the home. Though the young person says he does not mind the situation, the foster carers have asked for the Child Safety Officer to advocate for them on the young person’s behalf to the housing officer in the community.</li> </ul>
Community F	<ul style="list-style-type: none"> <li>• The young person’s mother resides in the community and the young person often encounters her in the community when the mother is intoxicated.</li> </ul>
Community G	<ul style="list-style-type: none"> <li>• The young person’s carers are not Aboriginal or Torres Strait Islander but the young person is treated with respect.</li> </ul>

**Table 8.1: Continued**

Community	Examples
Community H	<ul style="list-style-type: none"><li>• The child has regular contact with her family. She lives in care with her older sibling and her other siblings live in care nearby. The child speaks to her father by phone often and she went to another community for a funeral recently and saw numerous family members during that visit.</li></ul>



These foster carers are providing a culturally appropriate placement for the young person

#### **8.4 Future Child Guardian work on the special needs of Aboriginal, Torres Strait Islander and culturally and linguistically diverse children and young people**

In relation to services for Aboriginal, Torres Strait Islander and culturally and linguistically diverse children and young people, the Department of Child Safety has advised of the following 2006 initiatives:

- The Indigenous Recognised Entity<sup>77</sup> Service Delivery Model is a key part of the Department of Child Safety's commitment to providing improved service delivery to Aboriginal and Torres Strait Islander children, young people, and their families.

The service delivery model was approved by the Minister of Child Safety on 31 May 2005 and aims to establish a network of Recognised Entities through developing new services across the state as well as enhancing the capacity of services to provide culturally appropriate services to Aboriginal and Torres Strait Islander children and families. The model aims to:

- provide clear direction about the role of Recognised Entities
  - enhance coverage and the capacity of services, and
  - establish a Recognised Entity Peak Body.
- The Queensland Government allocated \$12.8 million per annum in new funding to develop new or enhanced Indigenous Recognised Entity services, and support mechanisms. When added to existing funds of \$2.8 million, a total of

\$15.6 million per annum is now budgeted for this function. To date, of the \$15.6 million per annum of the available budget, funding has been allocated as follows:

- funds of \$11.43 million has been allocated on either a triennial or interim basis to organisations. Currently, there are 29 services across the state that are funded to deliver the Recognised Entity functions
  - approximately \$2.02 million has been allocated for statewide support including peak body, quality assurance training, management training, governance support, capacity building, certificate IV training,
  - the remaining funds of \$2.15 million will be allocated in 2007-08 to the following areas where there is currently no recognised entity service coverage: Mt Isa, the Gulf, and the eastern areas of Cape York.
- The Department of Child Safety planned a new staffing structure to support its response to Aboriginal and Torres Strait Islander issues. The current Indigenous Support and Development Branch based in Cairns will be replaced by a new model which will be delivered through the engagement of 15 staff and total budget of \$1.48 million representing an enhanced investment of \$246,000 over the existing investment in Indigenous Support and Development Branch. These staff will include:
    - Indigenous Support Officers based in each zone to work with Aboriginal and Torres Strait Islander non-government organisations
    - Indigenous project officers to work in the Far North and Northern zones, to link with

<sup>77</sup> The role of Recognised Entities is to actively participate in significant decisions made by the Department of Child Safety regarding Aboriginal and Torres Strait Islander children and young people including Intake, Investigation and Assessment, the Suspected Child Abuse and Neglect Team process, court support, case planning and placement of the child or young person, and to provide information to families throughout these phases of the statutory system.

whole of government Indigenous initiatives in these zones

- Principal Policy Officers in each of the Department of Child Safety's divisions (Service Delivery Partnerships, Child Safety Services Division, Policy and Programs Division, and Corporate and Executive Support Division) to provide Aboriginal and Torres Strait Islander expertise into divisional initiatives
- A Principal Policy Officer in the Director-General's office to provide an Indigenous 'champion' role as part of service delivery from the Director-General's office. This role will provide a coordination and reporting function across the Department of Child Safety and would manage the Department of Child Safety's internal Indigenous Agenda Steering Committee, and
- A Principal Funding Policy Officer (A07) in Service Delivery Partnerships to develop funding policies and practices for Indigenous specific funding that aligns with the broader departmental funding practices.
- Development commenced on a practice paper for Department of Child Safety staff focused specifically on the Indigenous Child Placement Principle. Detailed discussion with a range of experts and stakeholders at the Indigenous Child Placement Principle Policy Think Tank, to be convened by the Department of Child Safety in May 2007, will inform the development of the practice paper.
- The Department of Child Safety's 2006-07 Multicultural Action Plan identifies Department of Child Safety priorities and key outcomes being sought in relation to children and their families from culturally and linguistically diverse backgrounds. The Multicultural Action Plan is consistent with the Queensland Government's Multicultural Queensland – making a world of difference policy and links with the Department of Child Safety's Strategic Plan 2004-09.
- Initiatives identified within the Multicultural Action Plan aim to strengthen the Department of Child Safety's capacity to address issues associated with cultural diversity and multiculturalism. The Multicultural Action Plan places particular emphasis on addressing interpreting issues, consistency in Zonal

level multicultural activities, staff cultural competency, and culturally and linguistically diverse data collection and reporting.

In 2007 the Child Guardian will complete and report on its Indigenous Child Placement Principle Project, including any findings and recommendations which are made as a result of that project.

2007 will also see the application of the Aboriginal and Torres Strait Islander Access Strategy across the Child Guardian activities. The strategy will improve the capacity of the Child Guardian to respond to and engage with Aboriginal and Torres Strait Islander children in out-of-home care and other key Aboriginal and Torres Strait Islander stakeholders in the child safety system.

From mid-2007 the Child Guardian also intends to start measuring the following Child Guardian Key Outcome Indicators which are relevant to Aboriginal and Torres Strait Islander and culturally and linguistically diverse children and young people:

- the proportion of Aboriginal and Torres Strait Islander children and young people placed in accordance with legislative provisions for placing Aboriginal and Torres Strait Islander children away from home, including the Aboriginal and Torres Strait Islander Child Placement Principle
- the number and proportion of children and young people identifying as Aboriginal or Torres Strait Islander or culturally and linguistically diverse who are in out-of-home care and who express satisfaction with:
  - the appropriateness of their placement, and
  - the cultural appropriateness of other services that they receive, and
- the number and proportion of issues/complaints related to special needs of Aboriginal or Torres Strait Islander or culturally and linguistically diverse children and young people that are substantiated by the Child Guardian, which includes investigations, reviews, monitoring and visits to children and young people in out-of-home care.