

## Step 5: Non-Indigenous carers' commitment

### Section 83 of the *Child Protection Act 1999*:

- (7) Before placing the child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, the chief executive must give proper consideration to whether the person is committed to –
- (a) facilitating contact between the child and the child's parents and other family members, subject to any limitations on the contact under section 87; and
  - (b) helping the child to maintain contact with the child's community or language group; and
  - (c) helping the child to maintain a connection with the child's Aboriginal or Torres Strait Islander culture; and
  - (d) preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity.

### Key message

- The Child Safety Practice Manual does not provide any specific procedural guidance on how departmental officers should assess a non-Indigenous carer's commitment before the placement decision is made.

### Compliance with this step

#### How is compliance with Step 5 measured?

In relation to non-Indigenous carers of Indigenous children, section 83(7) of the *Child Protection Act 1999* requires the department to consider the commitment of those carers to meeting specific obligations.

To measure compliance with section 83(7) of the *Child Protection Act 1999* (Step 5 of the Child Placement Principle Compliance Assessment Tool) there must be record of an assessment of a carer's commitment to facilitate contact between the child and the child's parents and other family members, maintain contact with the child's community or language group, maintain a connection with the child's Aboriginal or Torres Strait Islander culture, and preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity.

#### Placement review findings

Findings from the placement review showed that no placement decision complied with section 83(7) of the *Child Protection Act 1999* (Step 5 of the Child Placement Principle Compliance Assessment Tool).

## 9.1 Assessing and recording non-Indigenous carers' commitment

### 9.1.1 Policies and procedures for assessing non-Indigenous carers' commitment

The Child Safety Practice Manual states that, before placing the child with a non-Indigenous carer, proper consideration must be given to whether the person is committed to facilitating contact with the child's parents, family and community or language group, and helping maintain a connection with the child's culture and Indigenous identity.<sup>75</sup>

The Child Safety Practice Manual requires that a case plan for an Indigenous child include:

- the name of the clan/language group/ethnic or cultural group/Island or community group to which the child belongs
- arrangements for contact between the child and the child's parents, guardians or carers
- arrangements for contact between the child and other family members and significant persons
- support required by carers to maintain and support family and community relationships
- activities and arrangements for supporting the child's cultural identity, and
- the names of family members or significant persons to maintain and support the child's cultural identity and their contact details.<sup>76</sup>

This information can only be included in a case plan once a placement decision has been made.

In addition to information collected for a case plan, the Child Safety Practice Manual discusses details of the agreement by the carers and departmental officers about the goals of the placement that are required to be kept in the placement agreement.<sup>77</sup> However, the Child Safety Practice Manual does not provide any specific procedural guidance on how departmental officers should assess a non-Indigenous carer's commitment before the placement decision is made.

The explanatory notes for the Child Safety Legislation Amendment Bill 2005 highlight the importance of the department conducting an assessment of the non-Indigenous carer's commitment in accordance with section 83(7) of the *Child Protection Act 1999*:<sup>78</sup>

*Subsection 83(7) strengthens the obligations on the chief executive to ensure that when placing a child with non-Indigenous carers proper consideration is given to the Aboriginal or Torres Strait Islander child's important identity and cultural needs. It obliges the chief executive to have assessed that the carer is committed to helping the child with these special needs. These considerations apply where the child is placed with the child's non-Indigenous family or kin, or if the child is placed with a non-Indigenous carer. Cultural competency training may be an important aspect in considering the carer's commitment.*

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75 Available at <http://www.childsafety.qld.gov.au/practice-manual/chapters/out-home-care/response-guide.html>

76 Available at <http://www.childsafety.qld.gov.au/practice-manual/chapters/ongoing-intervention/planitems-guide.html>

77 Available at <http://www.childsafety.qld.gov.au/practice-manual/chapters/out-home-care/placement-process.html>

78 Page 23 of the Child Safety Legislation Amendment Bill 2005, Explanatory Notes, subclause 21(3).

## Recommendation 23

The department develop comprehensive guidelines for inclusion in the Child Safety Practice Manual that assist and support departmental officers in assessing a non-Indigenous carer's commitment in accordance with the *Child Protection Act 1999*. The assessment process should include (but not be limited to):

- the department identifying and recording what its expectation is of the non-Indigenous carer to:
  - facilitate contact between the child and family members
  - help maintain contact with the child's community or language group
  - help maintain a connection with the child's Aboriginal or Torres Strait Islander culture, and
  - preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity
- the department providing details of its expectations to the non-Indigenous carer
- the non-Indigenous carer's response to the department's expectations (including any support that may need to be provided by the department to the non-Indigenous carer), and
- a written commitment from the non-Indigenous carer to meet the department's expectations.

### 9.1.2 Recording consideration of non-Indigenous carers' commitment

The Integrated Client Management System's recognised entity/Child Placement Principle form has the following fields that must be completed if the carer is non-Indigenous:

- Indicate if the person is committed to:
  - facilitating contact between the child and the child's parents and other family members (y/n)
  - helping the child to maintain contact with their community or language group (y/n)
  - helping the child to maintain a connection with the child's Aboriginal or Torres Strait Islander identity (y/n), and
  - preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity (y/n).

These fields in the recognised entity/Child Placement Principle form mean that there is record of a commitment being given by a non-Indigenous carer. What it does not record are the details of what the non-Indigenous carer is committing to and how the commitment was assessed – for example, an assessment of the carer's commitment to understanding how Indigenous children in non-Indigenous placements will:<sup>79</sup>

- value different things from their own community
- expect different types of behaviour
- have different social rules
- view the world differently from their Aboriginal family.

In addition, the capacity to record the non-Indigenous carer's commitment to specific contact and activities to comply with section 83(7) of the *Child Protection Act 1999* should be available to departmental officers.

79 Page 23 of *Caring for Aboriginal and Torres Strait Islander Children in Out of Home Care*, Victorian Aboriginal Child Care Agency – Department of Human Services, Victoria (year unknown).

## Recommendation 24

The department enhance the Integrated Client Management System's recognised entity/Child Placement Principle form to allow for recording of the assessment of the non-Indigenous carer's commitment in accordance with section 83(7) of the *Child Protection Act 1999*.

### 9.1.3 Placement review findings

Section 83(7) of the *Child Protection Act 1999* was introduced by the *Child Safety Amendment Act 2005*. Section 83(7) of the *Child Protection Act 1999* came into force on 31 May 2006.

There were three placements reviewed with non-Indigenous carers that began after 1 June 2006.

As indicated above, there are no guidelines in the Child Safety Practice Manual about how to assess a non-Indigenous carer's commitment in accordance with section 83(7) of the *Child Protection Act 1999*. However, there are requirements for information to be recorded in case plans and placement agreements that would inform an assessment of a non-Indigenous carer's commitment in accordance with section 83(7) of the *Child Protection Act 1999*.

For the three placements that were made after section 83(7) of the *Child Protection Act 1999* came into force, only two had placement agreements on the files provided for the Child Guardian placement review.

For the two files where a placement agreement was recorded, the following observations were made:

- One child wanted no contact with her mother. There were no other contact arrangements noted in the placement agreement.
- One child had regular contact with her siblings and parents, which was facilitated by her carers.
- Neither placement agreement noted the goals of the placement, or a commitment to helping the child maintain a connection with their culture, or how they were going to preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity.