

Losing Ground

**A report on adherence to the
Aboriginal and Torres Strait Islander
Child Placement Principle in Queensland**

QCPCI

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Foreword

The Child Placement Principle has a very special meaning to the Aboriginal Torres Strait Islander community. It was a community initiative born out of pioneering grassroots action by the newly formed Aboriginal and Islander Child Care Agencies (AICCA) movement in the 1970s. Long before the Apology, it was an acknowledgment that serious harm can be caused to children by separation from their families, communities and culture. It was a protection against the continuation of the devastation caused to the Stolen Generations and the whole community. In the 1970s this was fresh in recent memory. As the various states and territories accepted it into policy and eventually in legislation (in Queensland it has been part of legislation for over a decade) it was an encouraging sign that the days of Aboriginal and Torres Strait Islander children growing up without fully knowing their country, community and identity were coming to an end.

In 2007, QATSICPP produced a report on the Child Placement Principle. Now in 2011, in developing this second report on the Child Placement Principle, QATSICPP hopes to again shine a light on this important an area of departmental intervention.

Sadly, the most recent departmental data (March 2011) indicates that over 1,337 Aboriginal and Torres Strait Islander children are currently growing up without their family, community and culture. Our community's lived experience tells us this is not acceptable, research supports this, our state legislation spells out that it should not occur... and yet it does and the rate of deterioration is accelerating virtually unchecked. 1,337 children and their families are paying a terrible price for this failure. The whole community will continue to pay this for years to come.

We have decided not to make a new set of recommendations in this report. Rather we ask that the recommendations of the original report as well as the unimplemented recommendations of the many significant reports there have been, be reconsidered and implemented. We want the findings of this report to be an urgent call to respond to this situation – to ensure that 1,337 children and young people are immediately connected in a meaningful way to their family, community, country and culture and that no new children are lose vital connections in this way. We know this is possible and we want to work in partnership with all key stakeholders to see that it is done.

Elizabeth Adams
Chairperson
Queensland Aboriginal and Torres Strait Islander Child Protection Peak Ltd

INTRODUCTION

Aboriginal and Torres Strait Islander children deserve the same life chances as all other Australian children. The current focus on closing the gap for Aboriginal and Torres Strait Islander people, if successful, should ensure a more hopeful future for Aboriginal and Torres Strait Islander children and young people and ensure they have these chances. Until that happens these children will continue to endure many disadvantages in comparison to other children.

This is most evident in the child protection system where Aboriginal and Torres Strait Islander children and young people are over-represented across all measures. Ongoing and concerted efforts to address overrepresentation in the child protection system and more widely to close the gap across health, education, housing and other factors will be the primary way to ensure the best outcomes for Aboriginal and Torres Strait Islander children and young people.

However, there will always be a need for a child protection system to ensure the safety and well being of the most vulnerable children and young people whether Indigenous or non-indigenous. While there are Aboriginal and Torres Strait Islander children and young people in Care, they will need special protection to ensure actions taken to ensure their safety do not cause greater harm through loss of contact with family, culture, community and country. Therefore while it is crucial to work actively to close the gap in child protection, it is equally important to ensure that the Child Placement Principle is implemented and that each child and young person in Care has the opportunity to grow up knowing their family, community and culture.

BACKGROUND

The Child Placement Principle was originally developed in the 1970s by the Aboriginal and Torres Strait Islander community as the safeguard for children removed from their families and placed in statutory care. It was developed in response to the forced removal of children known as the Stolen Generations, the negative impact of which continues to be felt years later. Over time, the Child Placement Principle has become widely accepted across Australia and has now been introduced into Child Protection legislation in every state. It continues to be a significant foundation principle governing the treatment of Aboriginal and Torres Strait Islander children and young people in Care.

In 2007, the Queensland Aboriginal and Torres Strait Islander Child Protection Partnership (which later became the Queensland Aboriginal and Torres Strait Islander Child Protection Peak - QATSICPP) presented a concept paper to the then Minister for Child Safety Desley Boyle. (See Attachment 1 for background on the development of the Peak Body) The report outlined concerns about the deteriorating levels of adherence to the Child Placement Principle in Queensland. This report set out the legislative and policy background of the Child Placement Principle, mapped statistical evidence and identified issues of concern. It also set out a raft of possible solutions to address these concerns.

This current report now provides a summary of actions taken since the first report, describes the current situation through data analysis and a summary of policy initiatives and suggest future directions.

THE INITIAL PATHWAY DOCUMENT

The report - "*Pathway to Achieving Adherence to the Aboriginal and Torres Strait Islander Child Placement Principle in Queensland - Concept Paper and Report to the Minister for Child Safety*" provided an examination of departmental practice in 2007, in relation to the removal of Aboriginal and Torres Strait Islander children from their families and the extent to which, once removed, they were enabled to maintain contact with their families and communities. It identified that this would continue to be a major issue facing both government and the community in relation to Aboriginal and Torres Strait Islander child protection.

The initial Pathways report marked the tenth anniversary of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. This Inquiry resulted in the Bringing Them Home report, which was tabled in Federal Parliament in May 1997. This report documented the impact of child removal policies on individuals, their families and communities. It examined the contemporary legacies of these policies in the social disruption and continuing disadvantage experienced by Aboriginal and Torres Strait Islander Australians to this day. While it is acknowledged there are many differences between the original Stolen Generations, there are also many parallels in the ongoing disadvantage and poor outcomes that result from the displacement and disconnection that occurs when a child is separated from his or her family and community.

The Pathway report noted that since the Crime and Misconduct Commission reforms, improvements for the general population had occurred. However, for Aboriginal and Torres Strait Islander children there continued to be deterioration across all key indicators. While it was acknowledged that considerable funding has been injected into the system, the question remained as to what outcomes this had produced for Aboriginal and Torres Strait Islander children, their families and communities.

Of particular concern were the increasing levels of over-representation and the plummeting levels of adherence to the Child Placement Principle. The report also highlighted the need to have a broad understanding of the Child Placement Principle as governing all aspects of intervention rather than the narrow placement hierarchy, which is how it is commonly viewed. For example, the best way to ensure a child remains connected to family is to ensure early intervention services are available so that children, who can remain safely at home, can do so. Another example would be to engage with family from the start of intervention in a way that ensures that all possible kinship placement options are clear and available.

The following solutions were proposed to address the concerns raised in the report:

- A Joint Policy Statement and Statement of Commitment which would represent a mutual understanding of core principles and required action;
- Commitment to ongoing targeted funding specifically aimed at reducing over-representation and increasing adherence to the Child Placement Principle;
- This funding would have at its core - holistic Child Placement Principle Services in each zone, linked to AICCA/REs involving:
 - Family Group Conferencing and Linkup type services to locate and work with extended family to decide the best placement for children;
 - Comprehensive assessments including education/health/counseling etc;
 - Reconnect services to address the backlog of children not with family;
 - Well resourced cultural support plans for all children; and
 - Innovative placement programs which allow time to make the best family placement and ongoing support for kinship carers
- Ongoing comprehensive reviews of the implementation of the Principle including resources and plans on how to address identified issues;

- A joint project focusing on developing strategies to address overrepresentation for implementation by both government and Aboriginal and Torres Strait Islander Child Protection services ; and
- Ongoing implementation of the recommendations of the Bringing Them Home Report.

DEVELOPMENTS SINCE THE FIRST PATHWAYS DOCUMENT

Current Data

To enable an assessment of progress since the first report, data relating to overrepresentation and adherence to the Child Placement Principle can be examined. It should be noted that this data is provided by the Department of Communities. There is a strong likelihood that this data overstates the current level of adherence to the Child Placement Principle. For example, there are various ways in which a child could be listed as being placed in adherence to the Child Placement Principle while not growing up connected to their own family or community. For example, Indigenous Residential Care placements are considered to be in adherence. There has also been some evidence of unrelated, non-indigenous foster carers being renamed kinship carers because of the length of their placement. If this is the case, it would result in further underestimation of the problem.

The most transparent reporting would include analysis of children placed in the different levels of placement hierarchy. Unfortunately this type of information is not currently available.

Overrepresentation

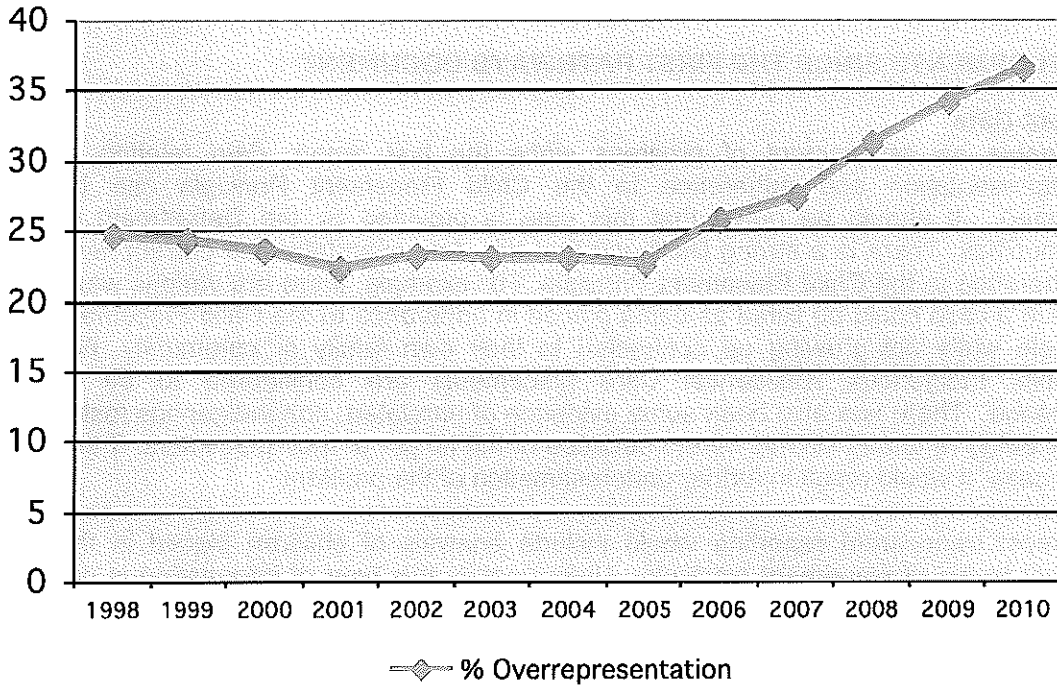
Overrepresentation has risen markedly since the Pathway report from 27.5% at the time of the report's release to the current figure of 36.7%. Actual numbers of Aboriginal and Torres Strait Islander children in Care has risen from 1,690 in 2007 to the recent 2010 data of 2,969 children. This is an increase of 76% while the rate rise for the total population was only 31% (6,156 to 8,090).

Figure 1* Percentage of children subject to finalised protective orders who are Aboriginal and Torres Strait Islander

Year	Percentage
1998	24.8%
1999	24.4%
2000	23.7%
2001	22.5%
2002	23.4%
2003	23.2%
2004	23.2%
2005	22.9%
2006	25.9%
2007	27.5%
2008	31.5%
2009	34.3%
2010	36.7%

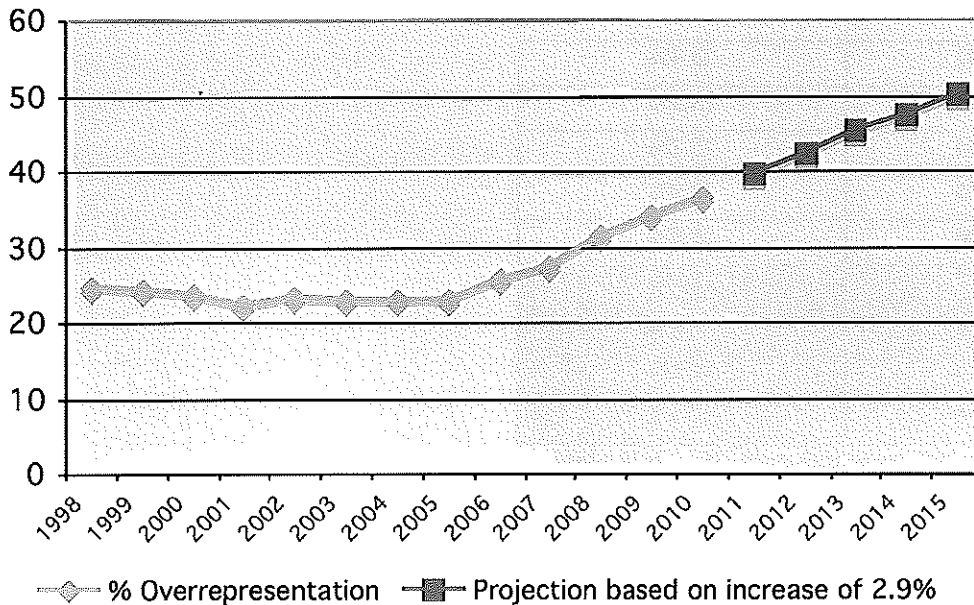
*Figure 1 from 2007 report with years 2007 – 2010 added

Figure 2 Graph of percentage increase in overrepresentation of Aboriginal and Torres Strait Islander children in Care in Queensland over last 13 years



A dramatic increase in overrepresentation occurred around 2005 at the time that the reforms that resulted from the recommendations of the CMC Inquiry were being implemented. This sudden increase has continued unabated since that time. This follows a general trend of much greater deterioration for Aboriginal and Torres Strait Islander children as compared to the general population since the CMC Inquiry. If it continues at this rate, Aboriginal and Torres Strait Islander children will make up half of the child protection population as early as 2015.

**Figure 3
Graph of percentage increase in overrepresentation of Aboriginal and Torres Strait Islander children in Care in Queensland with projection based on average annual increase over previous five years**



Adherence to the Child Placement Principle

Adherence to the Child Placement Principle has followed a similar pattern to overrepresentation with ongoing decline and accelerating deterioration after 2005. In the four years since the original report was written, the number of children who were not placed with family or community rose from 566 to 1,241. The percentage adherence figures have dropped from 61.2% at June 2007 to 53.8% in June 2010. Extrapolating this growth, at the current rate of change, the number of children not placed in adherence to the Child Placement Principle could be over 2,000 by 2015.

In addition, the Child Guardian Report (2007 – 08) reported that family contact was at a very low level. Only 20% of cases indicated the child had regular contact with their mother, 6% with their father and 6.5% with at least one siblings. This was another indication that the intention of the Child Placement Principle, that of preserving a child's connection to family, community and culture, is currently not being adequately implemented.

Figure 4 Graph of changes in numbers of Aboriginal and Torres Strait Island children in Out of Home Care and numbers not placed with family or community 2001 - 2010

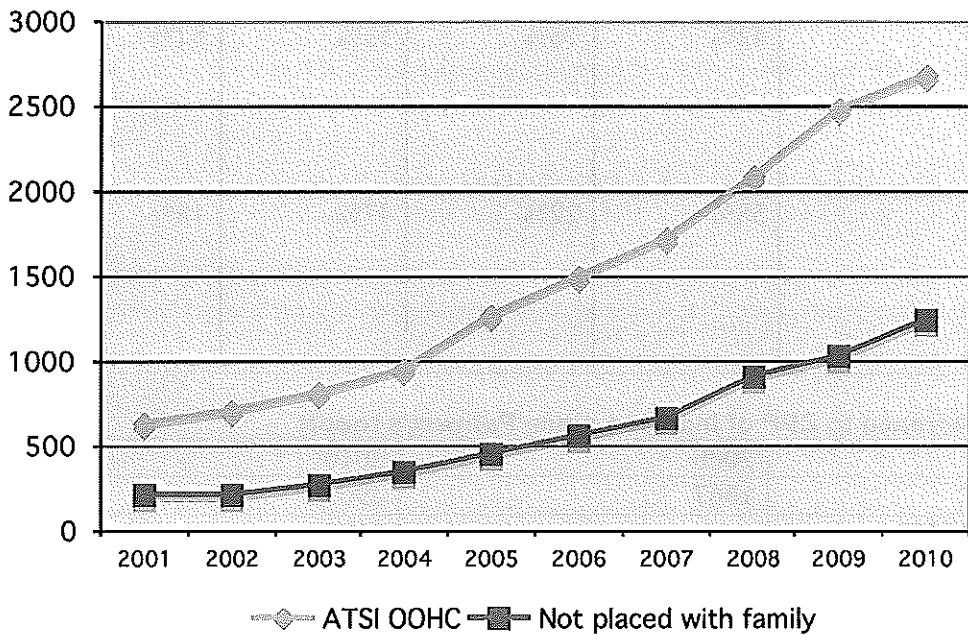
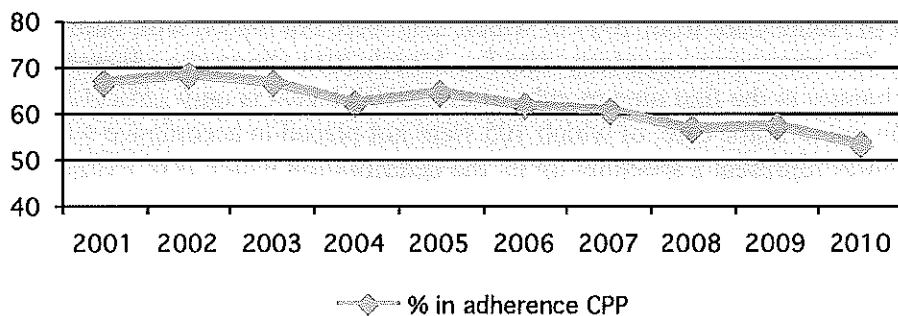


Figure 5 Graph of changes in percentage adherence to Child Placement Principle 2001 - 2010



Because many children are in long term care, the impact of current practise may be masked by a large cohort remaining in same type of placement from year to year. To get a clearer idea of this current impact - the changes in numbers have been examined. While it is acknowledged there is fluidity in placements, this approach allows analysis of broad trends.

Figure 6 Adherence to CPP of annual net increase

	2006	2007	2008	2009	2010
ATSI OOHC	1667	1915	2216	2720	2969
Annual increase in OOHC		248	301	504	249
Not placed CPP	566	669	903	1036	1241
Annual increase in non CPP		103	234	266	205
% Net Increase not adhering to CPP		42%	78%	53%	82%
% adherence to CPP of annual net increase		58%	22%	47%	18%

Figure 7 Adherence to CPP of increase since Pathways report

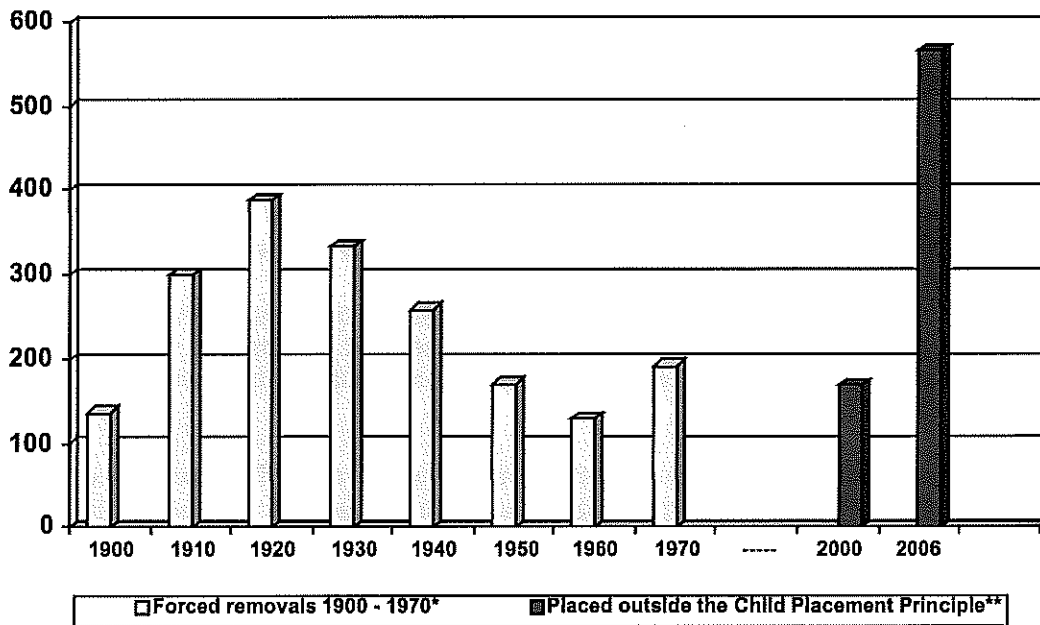
	2006	2010
ATSI OOHC	1667	2969
Increase in OOHC		1190
Not placed CPP	566	1241
Increase in non CPP		675
% Net Increase not adhering to CPP		57%
% adherence to CPP of increase over four years		43%

This analysis indicates much lower levels of adherence in new cases, with an average in the changes over the four years since the Pathways document of 43%. The most recent annual figure for the increase from 2009 to 2010 is only 18% adherence. (249 children in Out of Home Care from 2009 of which 205 were not placed with family or community). The most recent quarterly data for March 2011 shows the adherence to CPP of the changes in the first nine months of the 2010/11 year is only 15% (124 more children in out of home care, of which 105 were not placed in accordance with CPP). These figures represent a speeding up in the deterioration which is of extreme concern.

To draw attention to the scale of the problem, the original report compared the numbers involved in original forced removals to levels of adherence to the Child Placement Principle. It was considered necessary to make this comparison as there was concern that the most common way of reporting by percentage was masking the scale of the problem.

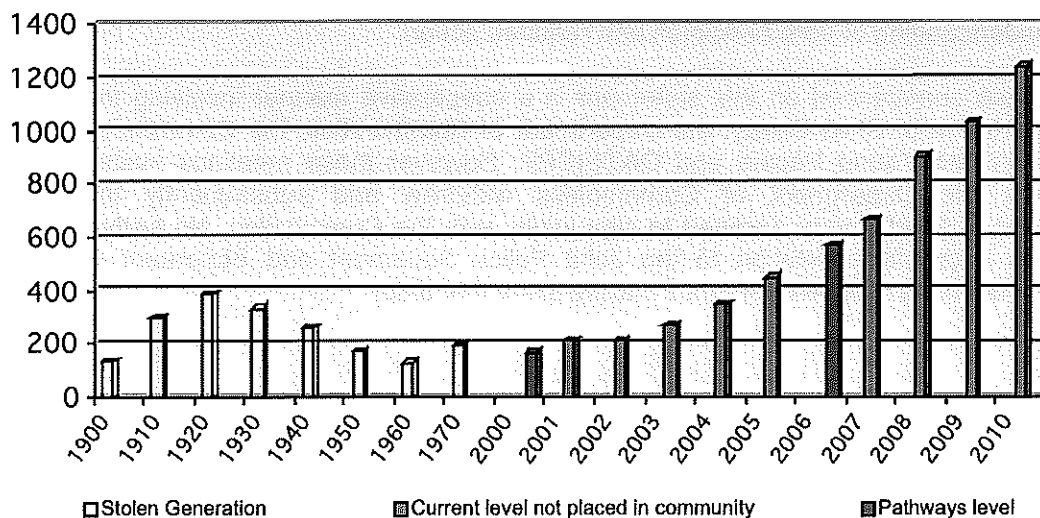
The report was clear that this was not a comparison about the impact of forced removals but rather about the comparisons that can be made about the long term impact of separation from family, community and country. In 2007, there was increasing understanding of this ongoing negative impact and this comparison hoped to draw attention to the current problem as well as the future legacy of social problems that will be caused by failure to adhere to the Child Placement Principle. Unfortunately, those comparisons are even more stark now.

Figure 8 Original comparison of numbers involved in historic forced removals to current adherence to the Child Placement Principle



*Calculating Lives: The Numbers and Narratives of Forced Removals in Queensland 1859 - 1972 Mark Copland PhD Thesis Griffith University 2005 **Child Protection Australia (1999 - 2000 and 2005-06 editions) AIHW ^ Figure 4 from 2007 report and Figure3 in this report

Figure 9 Comparisons of numbers involved in original forced removals to current levels of adherence to the Child Placement Principle



Costs of non-adherence to the Child Placement Principle

The Pathways document highlighted the significant ongoing costs of not adhering to the Child Placement Principle. Every child currently placed in non-indigenous foster care growing up without strong connections to family, community and culture represents a major ongoing cost in many ways. Costs to the individual have been clearly demonstrated in the Bringing Them Home report and includes major physical, emotional, psychological, mental health, spiritual and cultural trauma and loss. This will not only impact on the individual but their family and community for generations to come. Lost contact with family and community also represents loss of connection to land which is a significant spiritual and emotional factor for Aboriginal and Torres Strait Islander people as well as a significant political issue in the resulting loss of land rights.

Costs to the Aboriginal and Torres Strait Islander community are in the ongoing heartache of the disintegration of the family unit, the loss of cherished children and the loss of future leaders and community members.

Costs to the wider Queensland population include the ongoing costs of delivering social services to individuals suffering the impact of social dislocation. This is a widespread impact across many sectors eg health, criminal justice, mental health, substance abuse. In the child protection sector it also includes the impact on future families and the likelihood of multigenerational problems. The costs of building and running future prisons, substance abuse facilities, health, mental health, child protection and juvenile justice services will grow exponentially over time.

The Pathways report highlighted the major ongoing risk of compensation claims especially given that failure to adhere to the Child Placement Principle is in clear non-compliance with Queensland law. The possible compensation bills would be huge.

As the situation deteriorates these costs are blowing out. The projected compensation bill for the 500 children not placed in adherence to the Child Placement Principle in 2007 is a small fraction of the projected costs of today's children or the 2,000 children who will be separated from their families, community culture by 2015 if immediate action is not taken to address this issue.

Response to initial solutions

The original Pathways document mapped out the issues in relation to the Child Placement Principle and also proposed solutions. The following summarises the response to each of these solutions:

Solution One: Joint Policy Statement and Statement of Commitment to the Child Placement Principle

A Joint Policy Statement and Statement of Commitment which would represent a mutual understanding of core principles and required action.

In 2008 work commenced on this statement in a cooperative manner involving the then Department of Child Safety, the Department of Communities, the Commission for Children and Young People and QATSICPP. However these meetings stalled when first, the Department of Communities withdrew and subsequently the Department of Child Safety declined to sign jointly with the Commission. No further action has occurred in relation to the Joint Policy Statement and Statement of Commitment to the Child Placement Principle since that time.

Solution Two: Specifically targeted Child Placement Principle Funding

Commitment to ongoing targeted funding specifically aimed at reducing over-representation and increasing adherence to the Child Placement Principle

There has been no specific allocation for programs to support the adherence to the Child Placement Principle either for government or non-government programs. QATSICPP has continued to lobby for specific services to support better adherence to the Child Placement Principle.

Solution Three: Regional Holistic CPP Services linked to Aboriginal and Torres Strait Islander child protection services.

This funding would have at its core - holistic Child Placement Principle Services in each zone, linked to AICCAs/REs involving:

- a. Family Group Conferencing and Linkup type services to locate and work with extended family to decide the best placement for children;
- b. Comprehensive assessments including education/health/counselling etc;
- c. Reconnect services to address the backlog of children not with family;
- d. Well resourced cultural support plans for all children; and
- e. Innovative placement programs which allow time to make the best family placement and ongoing support for kinship carers

Although there has been recent systems reform with the introduction of new Family Support Services, there has been no improvement in the specific areas recommended. It is hoped that the current focus on kinship care will result in increased funding and expansion of services in the near future.

Solution Four: Ongoing Reviews

Ongoing, comprehensive reviews of the implementation of the Principle including resources and plans on how to address identified issues

Despite active lobbying by QATSICPP, there has been only one monitoring report of the Principle to date. See later in this report for specific information about the Commissioner for Children and Young People and Child Guardian's performance in this monitoring role.

Solution Five: A joint project focussing on overrepresentation

A joint project focusing on developing strategies to address overrepresentation for implementation by both government and Aboriginal and Torres Strait Islander Child Protection services

In 2010, in response to a number of pressures including the Combined Voices Campaign, the Aboriginal and Torres Strait Islander Child Safety Taskforces released " *Together keeping our children safe and well: our comprehensive plan for promoting the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and reducing their overrepresentation within Queensland's Child Protection System.*

In response, the Department of Communities - Child Safety Services developed a *Blueprint for implementation strategy - reducing the overrepresentation of Aboriginal and Torres Strait Islander children within Queensland's Child Protection System.*

While QATSICPP welcomes this Blueprint, it remains to be seen if these will have the intended impact. This implementation process needs to be closely monitored to ensure its effectiveness. It should also be noted that this is only one piece of a much

larger picture and that real improvement will not occur until the broader disadvantage facing Aboriginal and Torres Strait Islander people are addressed and the Gap is closed. This will not occur until real and measurable investment across government is achieved.

Solution Six: The Bringing Them Home Report

Ongoing implementation of the recommendations of the Bringing Them Home Report

There does not appear to be progress in further implementing these recommendations. Some of the recommendations not implemented include a call for self-determination in child protection, national standards legislation for minimum standards in the treatment for all Indigenous children and that this legislation provide that the initial presumption is that the best interest of the child is to remain within his or her Indigenous family, community and culture. QATSICPP continues to lobby for these recommendations to be implemented.

ANALYSIS OF CURRENT SITUATION

There does not appear to be any argument that the Child Placement Principle is a core component of an effective child protection system for Aboriginal and Torres Strait Islander children, young people and their families. It is a significant tool to ensure the best outcomes for their children and families. Aboriginal and Torres Strait Islander child protection and family support agencies and the wider Aboriginal and Torres Strait Islander community value it as an important foundational principle. The Queensland Government has valued it to the extent of placing it within Child Protection Legislation. At a National level all State and Territory governments have taken similar action.¹

However, it is obvious that some major barriers exist to achieving improved adherence to the Child Placement Principle. All parties have declared their commitment to the Principle, it has clear benefits for children and young people and can prevent future disadvantage and therefore large scale welfare spending and compensation claims. So what are the major barriers? The following discussion explores a range of misconceptions or myths and documents the inaccuracies in this thinking. It is hoped this type of analysis may uncover barriers which may be preventing vital improvement in adherence to the Principle.

BARRIERS TO IMPROVED ADHERENCE

Myth 1

Strict adherence to the Child Placement Principle can place children at risk of further harm.

The safety of each child is paramount. This is a core foundational principle of the Child Protection Act. Strict adherence to the Child Placement Principle is often seen in some quarters as a barrier to ensuring this safety. It is wrongly believed that trying to keep children in their families may leave them at risk. This view totally disregards the fact that the Child Placement Principle is embedded in Child Protection legislation the primary aim of which is to ensure the safety, protection and wellbeing of children. Placement in adherence to the Child Placement Principle must be a placement that ensures safety, protection and well being. Placements that do not are therefore not in adherence to the Principle in its wider context of the Child Protection Act.

¹ <http://www.snaicc.asn.au/policy-advocacy/dsp-landing-policyarea.cfm?loadref=36&txnid=581&txncstype=article&txncstype>

Placements that reflect poor practice or lack of resources should not be used as an argument against adhering to the Child Placement Principle but rather a call for better resourcing and more professional and effective work in locating, placing with and supporting kinship carers.

Myth 2

Higher levels of adherence are not possible because of the demographics of the Aboriginal and Torres Strait Islander community. For example it is a very young population and this results in insufficient carers for the number of children needing care.

The Pathways document clearly points out that each Aboriginal and Torres Strait Islander child has a much larger pool of “kin” from which to choose kinship carers than non-indigenous children and this negates the logic of this myth. The demographic ratio should be considered however when planning greater levels of support for Aboriginal and Torres Strait Islander kinship carers.

This myth can also be addressed with a comparison with a similar population. New South Wales and Queensland have similar population levels, with the numbers of Aboriginal and Torres Strait Islander children being almost identical. An analysis of the similarities and differences between Queensland and New South Wales may then provide direction for future actions and programs that could improve adherence to the Child Placement Principle. It is of particular value to make this comparison because New South Wales has the highest level of adherence to the Child Placement Principle in Australia.

Of the 70,000 Aboriginal and Torres Strait Islander children in each state, the number of children not placed in adherence to the Child Placement Principle is significantly higher in Queensland – 1,241 as compared to 970 in New South Wales. The difference is even more when percentage adherence is considered as the numbers of children in the system are much higher across the board. Levels of adherences in Queensland is 54% compared to 82% in New South Wales.

It is clear that there are many factors involved in the marked differences in outcomes for these two very similar populations of children. Attachment Two contains a fuller analysis and discussion of this data and can give some pointers as to possible direction for Queensland to improve. However what is clear is that it is possible to achieve much higher levels of adherence to the Child Placement Principle in Queensland. The New South Wales example gives hope that improvement is possible and that levels of adherence of over 80% are achievable and necessary.

Myth 3

With the current economic situation, there is no capacity to provide further resources to address this issue at the present time.

The budget for the delivery of child protection services has risen dramatically over the last decade. Dramatic increases came after both the Forde Inquiry and the CMC Inquiry and the budget has continued to rise since then. However budget allocations for Aboriginal and Torres Strait Islander services have not risen in the same way. Recent service systems have seen these dollars stretched even further and services forced to provide more services with similar levels of funding, As overrepresentation rises so does pressure on these services while their share of the funding decreases.

Figure 10 Table of Recurrent Expenditure on Child Protection in Queensland (rounded to nearest million and adjusted for inflation)

	2002-03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Child Protection Services*	105	113	142	161	178	205	225	231
Out of Home Care Services*	113	132	197	241	292	309	313	334
Intensive Family Support Services*	17	17	42	46	57	65	61	61
Total CP expenditure	235	262	381	448	527	579	599	626
Overrepresentation	23%	23%	23%	26%	28%	32%	34%	37%
Notional ATSI share of total CP budget	54	60	88	116	148	185	204	232

While the departmental budget has been growing many workload indicators for the non-indigenous population have been falling or at least stabilising with little growth. In contrast the Aboriginal and Torres Strait Islander figures have been increasing yearly.

Figure 11 Increases in Notifications over last 5 years

Year	ATSI QLD	ATSI QLD As% of 05-06	Non-ind QLD	Non-ind QLD As% of 05-06
05-06	4,312	100%	29,300	100%
06-07	5,157	120%	23,354	80%
07-08	4,896	114%	20,107	69%
08-09	5,475	127%	17,933	61%
09-10	5,506	128%	16,379	56%

Figure 12 Increases in Children under Orders over last 5 years

Year	ATSI QLD	ATSI QLD As% of 05-06	Non-ind QLD	Non-ind QLD As% of 05-06
05-06	1,667	100%	4,779	100%
06-07	1,915	115%	4,476	94%
07-08	2,216	133%	4,824	101%
08-09	2,720	163%	5,222	109%
09-10	2,969	178%	5,121	107%

Figure 13 Increases in Out of Home Care over last 5 years

As of 30 June	ATSI QLD	ATSI QLD As% of 2006	Non-ind QLD	Non-ind QLD As% of 2006
2006	1,496	100%	4,380	100%
2007	1,749	117%	4,223	96%
2008	2,085	139%	4,585	105%
2009	2,481	167%	4,612	105%
2010	2,686	180%	4,664	106%

With this major increase in funding combined with a decline or lack of growth in the general population and a major growth in the Aboriginal and Torres Strait Islander population, it is difficult to sustain an argument that no money can be found to respond to a vital foundational issue for Aboriginal and Torres Strait Islander children. The question should be, with the current economic situation, how can Queensland afford not to address this crisis before it escalates even further.

Myth 4

Aboriginal and Torres Strait Islander services are already funded sufficiently to provide child protection services and should be held responsible for any deterioration.

The Blueprint for the implementation of the recommendations of the CMC Inquiry recommended funding for Recognised Entities commence at \$4.7M in the first year to be gradually increased until it reached \$17.2M in year four (2007/08). The allocated (and publicly announced) funding levels have never been reached and in fact the difference between the amounts allocated/announced and what actually reached the agencies is now close to \$30M. Meanwhile the numbers of Aboriginal and Torres Strait Islander children in the system has skyrocketed. Recent reforms have halved the Recognised Entity budget to enable funding of Family Support services within the same 2007 budget levels.

Figure 14 Proportion of budget specifically allocated to Aboriginal and Torres Strait Islander community controlled services - Recognised Entities

	2005/06	2006/07	2007/08	2008/09	2009/10
Notional ATSI share of total CP budget	116	148	185	204	232
RE funding (CMC Reform budget allocation in brackets)	4.1 (9.4M)	7.8 (15.6M)	9.8 (17.2M)	12.4	8*
ATSI children under orders	1,667	1,915	2,216	2,720	2,969
Notional per order funding measure	\$2,460	\$4,070	\$4,422	\$4,560	\$2,700

* Half of the original funding has been allocated to Family Support Services

There is currently no measure for understanding work pressures for Aboriginal and Torres Strait Islander community controlled services. To create a way to compare funding over time, annual funding has been divided by number of children under orders for each year. It should be noted that these figures do not represent a real per capita amount or a true measure of actual workload costs as the workload of these services includes providing services in relation to intake, notifications and Out of Home Care. It does give a way of comparing funding levels in the light of major increases in numbers of children and families involved in the system.

The CMC/Blueprint funding level for community controlled agencies of \$17.2M was established at a time when the number of children under orders was 1,342. The per order rate would have then been \$12,742. If current services were funded in the way the CMC/Blueprint envisaged, the current budget for Aboriginal and Torres Strait Islander community controlled services should be \$37.8M (and this figure does not allow for other factors such as cost of living adjustment). In other words, agencies are currently being funded less than half of the level envisaged by the CMC. This erosion in funding must be viewed against the increases in the Aboriginal and Torres Strait Islander child protection population and especially when compared to the Non-Indigenous population.

Through a lack of basic funding combined with the disruption the recent reforms have caused, Aboriginal and Torres Strait Islander agencies are being set up to fail. A greater concern is that a core component of the solution to the lack of adherence to the Child Placement Principle - the community controlled agencies are being severely hampered in achieving the best outcomes for children and their families. Any plan to improve adherence to the Child Placement Principle will not be effective without immediate improvements in funding to these agencies to at least the levels envisaged by the CMC/Blueprint.

Myth 5

There is no real need for the Child Placement Principle – non-indigenous carers can provide good care that meets the cultural needs of Aboriginal and Torres Strait Islander children.

Lack of understanding of the Child Placement Principle can lead to this conclusion. The problems caused by separation from family and culture cannot be remedied by the most well intentioned non-indigenous carer. Foster care is seen by Aboriginal and Torres Strait Islander people as stranger care and as such is not an accepted child care arrangement for Aboriginal and Torres Strait Islander people whereas kinship care is. The original Pathway document also stressed the importance of the holistic understanding of the best interests of a child to include the whole of life. It is well documented that people growing up without strong attachment to family and community face considerable difficulties in adulthood when kinship ties provide important connection, support, identity and connection to culture.

The Kinship Reconnection Project was a small action research project established in 2008 to improve kinship connections for those children involved in the project and identify practice improvements and models of service delivery to better connect children to their family, community and culture. The report identified that in every case actions could be taken to improve connection to family and community and in some cases these actions could have a major positive impact on children's lives.

The report's 28 recommendations provide a comprehensive analysis of how to improve the cultural connections for Aboriginal and Torres Strait Islander children not placed with family or community. (The report can be found on the QATSICPP website at http://www.qatsicpp.com.au/?page_id=380)

Myth 6

Issues with the Child Placement Principle are not an exclusive Queensland challenge. This is an issue across Australia and as such is being addressed by national programs including the National Framework for Protecting Australia's Children, National Out of Home Care Standards and COAG initiatives.

The National Framework for Protecting Australia's Children has a family support and standards focus. The Child Placement Principle is seen as a state controlled issue and there does not appear to be awareness at the national level of the problems confronting Queensland.

The Council of Australian Governments (COAG) has signed off on an ambitious commitment to Close The Gap on health outcomes and social disadvantage for Aboriginal and Torres Strait Islander citizens. This commitment takes the form of specific policy areas, specific targets and specific timelines. The commitment is backed up by resource investments that are tied to a number of policy-area Partnership Agreements. Unfortunately, none of the COAG dollars from the Australian Government have Aboriginal and Torres Strait Islander child protection as a target.

Myth 7

The Commission for Children and Young People and the Child Guardian has the power and ability to monitor adherence and is currently adequately undertaking this monitoring role .

In January 2004, *Protecting Children - the Crimes and Misconduct Commission report of the Inquiry into Abuse of Children in Foster Care* Recommendation 8.4 stated: "That DCS compliance with the Indigenous child placement principle be periodically audited and reported on by the new Child Guardian". The Blueprint for implementing the CMC report recommendations subsequently identified that monitoring adherence of Indigenous Child Placement Principle was a key role for the new Child Guardian and work commenced on amending legislation accordingly.

In 2005, *The Commission for Children and Young People and Child Guardian Act 2000* was subsequently amended to establish the Child Guardian and require her to "monitor compliance by the chief executive (child safety) with the Child Protection Act 1999 section 83." (Section 18 (c))

To date only one report has been produced although the Commission website reported as of August 2011, that the next report will be presented in late 2011. These reports are critical to alert government, the Aboriginal and Torres Strait Islander community and the general public to the serious deterioration that is occurring and to make valid and effective recommendations that could stem this deterioration. Apart from allowing major deterioration to go unnoticed or addressed, it places unnecessary pressure on the peak body to continue to raise this issue and to take on this monitoring role especially when it is in relation to its own funding body.

The numbers of Aboriginal and Torres Strait Islander children who are not living with their families and communities has increased from 351 in 2004 when the CMC

initially made this recommendation to 1241 in 2010. This clearly indicates a need for annual reporting.

Annual reporting should commence immediately and continue until the deterioration abates and levels of adherence are at least 80%. As the Commission has been unable to produce annual reports that are transparent, accountable and frank and which achieve improved adherence to the Principle, consideration should be given to the immediate transfer of this role to another more effective body. Alternatively consideration should be given to the development of a separate and independent Aboriginal and Torres Strait Islander Children's Commissioner and Guardian.

Myth 8

This problem should already be solved. Many Recommendations from many Inquiries have addresses this issue. If they could not solve this then achieving adherence to the Child Placement Principle is not achievable.

It is true that a wide range of Inquiries and Reports have touched on this issue of adherence to the Child Placement Principle and have made a great many well considered recommendations. However it is not possible to report on the effectiveness of these recommendations as such a quantity of them remain unimplemented.

Some of these include:

- Royal Commission into Aboriginal Deaths in Custody (1987 – 1991),
- Bringing Them Home Report (1997),
- CMC Inquiry into Abuse in Foster Care (2004),
- QATSI CPP's Pathway to Achieving Adherence to the Aboriginal and Torres Strait Islander Child Placement Principle in Queensland (2007),
- Commission for Children and Young People and the Adult Guardian Indigenous Child Placement Principle Audit Report 2008; and
- The Kinship Reconnection Report (2010).

It is unclear why this should be but if government is seeking a way forward, it need only look to the many Inquiries and reports in which it has already invested to find clear solutions.

SUMMARY

This report has sought to update the previous report "*Pathway to Achieving Adherence to the Aboriginal and Torres Strait Islander Child Placement Principle in Queensland - Concept Paper and Report to the Minister for Child Safety*" and provide a snapshot of the current levels of adherence to the Child Placement Principle.

This report has established that:

- The gap in child protection outcomes for Aboriginal and Torres Strait Islander children continues to widen at an alarming rate. Overrepresentation is currently 36.7% and rising. At the current rate of increase, by 2015 one in two children in the Queensland child protection system will be Aboriginal or Torres Strait Islander.
- Adherence to the Child Placement Principle continues to plummet and the number of children who are not placed with family or community is now 1,241 as compared to 566 when the original report was written in 2007. The rate of adherence of net annual increases is currently only 15%. At the current rate

and with the projected rate of overrepresentation in 2015 at least one in four children in care will be an Aboriginal and Torres Strait Islander child who is not connected to their family, community or culture.

- Much higher levels of adherence are observed across Australia (especially in the most comparable state by demographics and size – New South Wales) which would indicate there is room for considerable improvement in Queensland and that this improvement is achievable.
- The Kinship Reconnection project has established that it is possible to improve the level of connection for those children not placed in adherence with the Child Placement Principle.
- Funding levels for Aboriginal and Torres Strait Islander services have not increased in the past five years despite major increases to both the departmental budget and the number of Aboriginal and Torres Strait Islander children in the system.
- The current low level of monitoring is insufficient to impact on this deterioration. The Child Guardian has not fulfilled the spirit of the monitoring role. Monitoring needs to be annual and conducted in a transparent and effective manner that achieves positive change. Serious consideration should be given to the creation of an Aboriginal and Torres Strait Islander Commissioner for Children and Young People and Child Guardian.
- The recommendations of a wide range of significant reports provide a way forward. This update therefore has not made specific recommendations other than that previous recommendations should be implemented.

CONCLUSION

This report has highlighted the urgent need for ongoing and concerted efforts towards full adherence to the Child Placement Principle and to other measures to enhance the wellbeing and life chances of Aboriginal and Torres Strait Islander children and young people and their families and communities. It is hoped that the next report about the Child Placement Principle will be able to show the outcome of a real commitment to change through a major improvement in adherence to the Child Placement Principle and improved monitoring of this important issue.

Attachment One

Queensland Aboriginal and Torres Strait Islander Child Protection Peak Ltd

The Queensland Aboriginal and Torres Strait Islander Child Protection Partnership was formed in May 2004 in response to the release of the report by the Crime and Misconduct (CMC) inquiry, "Protecting Children: An Inquiry into Abuse of Children in Foster Care". The inquiry highlighted that the rights, needs and interests of Aboriginal and Torres Strait Islander children and young people their families and communities are promoted and effectively represented to Governments and the broader community.

One of the outcomes sought from the CMC Inquiry was the development of a sustainable network of Aboriginal and Torres Strait Islander child and family services across Queensland. The Network be supported and represented by a peak body.

In August 2008, the Partnership registered as a Public Company limited not having share capital and officially launched in November 2008 under the new name of Queensland Aboriginal and Torres Strait Islander Child Protection Peak and started operating as a independent Peak Body on 1 January 2009.

QATSICPP plays a vital role in providing community agencies a collective voice to Governments in relation to the safety, health and overall wellbeing of Aboriginal and Torres Strait Islander children and young people. As such it has a key role in lobbying for the best practice in relation to the Child Placement Principle.

QATSICPP has been a key driver in the development of the the Combined Voices Campaign which commenced in 2009. It is an independent coalition of state-wide human services, peak organisations, individuals and networks in Queensland that exists to raise public and political awareness of the need for systemic reform to improve outcomes for Aboriginal and Torres Strait Islander at risk children and families and to promote positive programs that achieve sustainable change for at risk families.

Attachment Two

Queensland compared to New South Wales

An analysis of the similarities and differences between Queensland and New South Wales may provide direction for future actions and programs that could improve adherence to the Child Placement Principle. It is of value to make this comparison because New South Wales has the highest level of adherence to the Child Placement Principle in Australia. Also New South Wales and Queensland have similar population levels, with the numbers of Aboriginal and Torres Strait Islander child being almost identical.

Figure a Demographic and Child Protection Data

	Queensland	New South Wales
Total Child Population	1,086,829	1,636,193
Aboriginal and Torres Strait Islander Child Population	70,069	70,721
Substantiations of Aboriginal and Torres Strait Islander Children (actual children)*	1,780	3,707
Substantiations of Aboriginal and Torres Strait Islander Children (per 1,000 children)*	25.6	52.6
Substantiation rate ratio Indigenous/non-Indigenous	6.1	8.7
Distribution over types of abuse	Physical 26.1% Sexual 3.8% Emotional 30.7% Neglect 39.4%	Physical 17.4% Sexual 12.9% Emotional 33.7% Neglect 35.9%
Aboriginal and Torres Strait Islander Children on care and protection orders (actual children)	2,969	4,555
Aboriginal and Torres Strait Islander Children in Out of Home Care (per 1,000 children)	42.4	64.4
Aboriginal and Torres Strait Islander Children in Out of Home Care (actual children)	2,686	5,465
Aboriginal and Torres Strait Islander Children in Out of Home Care (per 1,000 children)	38.3	77.3
Aboriginal and Torres Strait Islander Children in Out of Home Care placed with Indigenous relative (actual number)	571	2,802
Aboriginal and Torres Strait Islander Children in Out of Home Care placed with Indigenous relative (as %)	21.3%	51.5%
Children not placed in adherence to the Child Placement Principle	1,241	970
Adherence to the Child Placement Principle	53.8%	82.2%

* AIHW notes that NSW figures for notifications are not comparable with other states

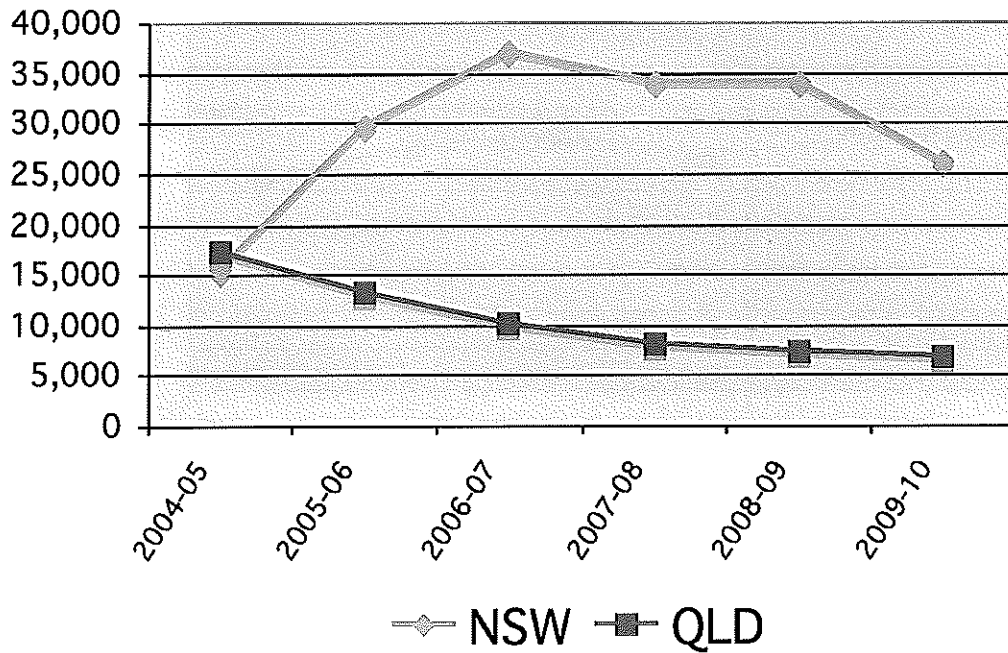
Key observations of the similarities and differences between Queensland and New South Wales as derived from this data include:

- The rate of Substantiation for the total population and the Aboriginal and Torres Strait Islander population is much higher in New South Wales than in Queensland. Positive aspects of a high substantiation rate are that children who need help may be more likely to receive it. Positive aspects of a lower substantiation rate are that less children are brought into the statutory system. Further examination of the context of this issue would be required to draw other conclusions from this difference and its impact on adherence to the Child Placement Principle.
- Overrepresentation of Aboriginal and Torres Strait Islander children in substantiation figures is also higher in New South Wales than in Queensland. In New South Wales, Aboriginal and Torres Strait Islander children are 8.7 times more likely than non-indigenous children to have abuse substantiated as compared to Queensland where it is 6.1 times more likely. In both states this figure is too high.
- The substantiation rate exacerbates the difference in adherence to the Child Placement Principle. In both states of the 70,000 Aboriginal and Torres Strait Islander children, 1,780 on Queensland and 3,707 in New South Wales have a substantiated notification of abuse or neglect. Even with this much higher rate who are in contact with the system., the number of children not placed in adherence to the Child Placement Principle is significantly higher in Queensland – 1,241 as compared to 970.
- While in both states Neglect is the most common type of abuse reported, New South Wales has a much higher rate of sexual abuse reported (12.9% - NSW as compared to 3.8% - QLD). This of concern if there is any chance that the lower levels of substantiation could indicate underreporting in Queensland. Queensland has higher rate of physical abuse reported (17.4% - NSW as compared to 26.1% - QLD).
- The trend continues for care and protection order statistics. 4,555 Aboriginal and Torres Strait Islander children in New South Wales are under orders as compared to 2,969 in Queensland. This equates to per 1,000 children rates of 64.4(NSW) to 42.4 (QLD).
- Similarly there are 5,465 Aboriginal and Torres Strait Islander children in Out of Home Care in New South Wales as compared to 2,686 in Queensland. This equates to per 1,000 children rates of 77.3 (NSW) to 38.3 (QLD)
- New South Wales appears able to cope with this comparatively higher level of children requiring Out of Home Care with a significantly higher use of placement with kin. In New South Wales, 2,802 children are placed with relatives compared to only 571 in Queensland. This equates to 51.5% of Aboriginal and Torres Strait Islander children in New South Wales placed with relatives as compared to 21.3% in Queensland.
- It could be argued that many children brought into the Child Protection system in New South Wales who do not reach Queensland---- for intervention are more easily placed with relatives as they are “ less at risk”. It would be dangerous to assume this as it could just as easily be argued that the children who have received intervention in New South Wales which resulted in them being placed with relatives may have much better outcomes than children left at risk in the community. This requires much closer examination.
- Whatever this analysis brings out there remains a significant difference in outcomes for children in terms of adherence to the Child Placement Principle. Of the 70,000 Aboriginal and Torres Strait Islander children in each state,

children in Queensland are much less likely to be placed with their family and community.

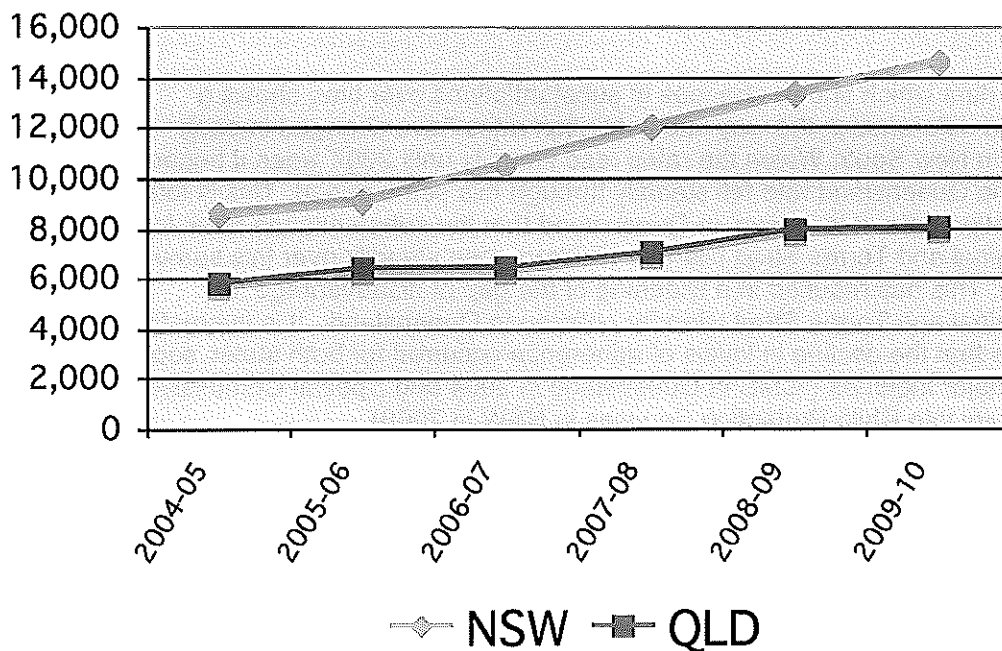
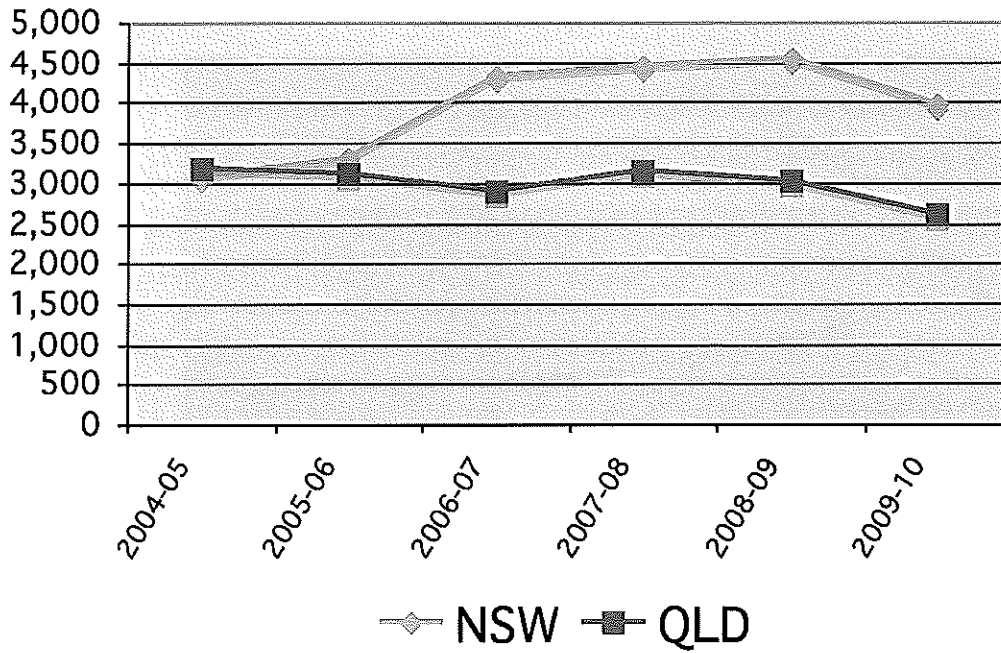
Trend data

Figure b Changes in total population substantiations of child abuse and neglect since 2004



- Trend data which shows changes in substantiations over time shows a marked difference in the way substantiation rates have changed in each state. In New South Wales the rates rose steadily until 2007 when it began to fall. The Queensland rate fell steadily through this same period. This is total population data. It is known in Queensland that the substantiation rates for Aboriginal and Torres Strait Islander children rose steadily over this same period. This has resulted in a widening of the gap of disadvantage for Aboriginal and Torres Strait Islander children in Queensland. It is interesting to note that the decline in levels of adherence occurred for both states soon after major Inquiries (CMC in Queensland in 2004 and Special Commission of Inquiry into Child Protection Services in NSW in 2008)

Figure c Changes in total population - children under orders since 2004



- There are less observable differences between states in the trend graphs for both children under orders and Out of Home Care statistics. This is surprising given the marked differences in the substantiation data

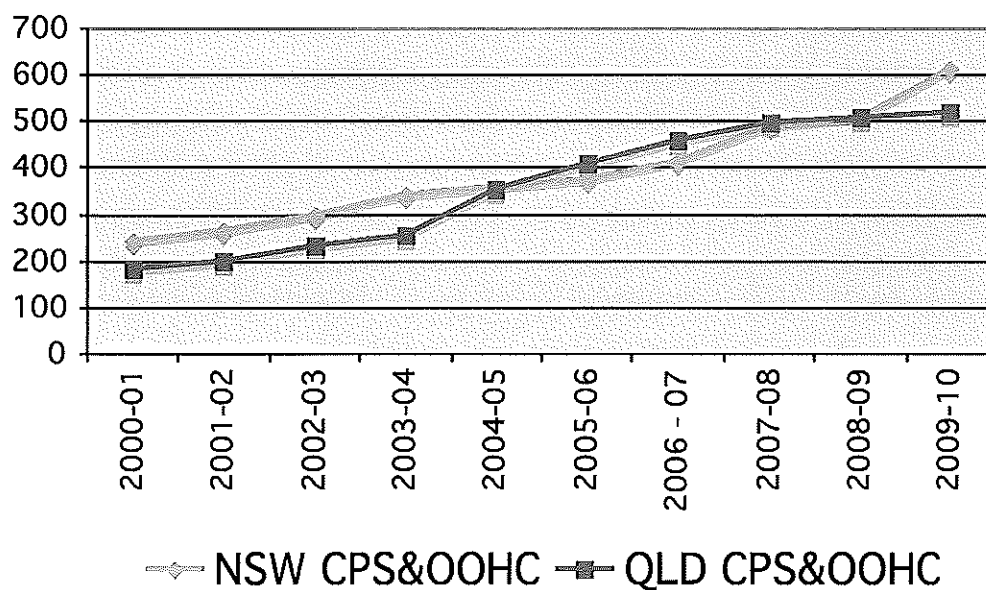
Comparison of Child Protection Funding

The Report on Government Services 2011 provides a wide range of data about the provision State Governments make for various types of government services. This allows an additional perspective in the comparison of Queensland and New South Wales.

Figure d Funding data

	Queensland	New South Wales
Total real expenditure - Child Protection Services	\$230M	\$358M
Per child expenditure - Child Protection Services	\$212 per child	\$219 per child
Total expenditure - Out of Home Care	\$334M	\$642M
Per child expenditure - Out of Home Care	\$307 per child	\$392 per child
Total expenditure CPS & OOHC	\$1,000M	\$565M
Per child expenditure - CPS & OOHC	\$520 per child	\$611 per child
Total expenditure - Intensive Family Support	\$ 61M	\$141M
Per child expenditure – Intensive Family Support	\$56 per child	\$87 per child

Figure e Trend funding data - Per child funding of Child Protection Services and Out of Home Care since 2000



Summary

- Queensland and New South Wales spend similar amounts per child on Child Protection Services \$219 (NSW) and \$212 (QLD).
- However there is a marked difference in expenditure on Out of Home Care. With a 30% greater input by New South Wales \$392 (NSW) and \$307 (QLD) in the per child expenditure.
- This results in an 18% increase in the overall total expenditure on Child Protection and Out of Home Care - \$611 (NSW) and \$520 (QLD)
- Expenditure on Intensive Family Support also differs by 55%. \$87 (NSW) and \$56 (QLD)
- While it is difficult to prove a direct correlation it is likely that the extra investment in Intensive Family Support and Out of Home Care may result in improved outcomes including adherence to the Child Placement Principle.
- This could result from improved support to families both before a child enters care and also in extra resources provided to placements which could see them last longer.
- However levels of funding have fluctuated over last decade. An examination of trends in funding show that Queensland and New South Wales have had comparable levels of funding over recent years. Also recent increases in New South Wales may be yet to have an effect.
- It is likely that the main reason for the marked differences in adherence to the Child Placement Principle lie in policy and practice. Further investigation of these elements could reveal possible strategies to improve adherence in Queensland.