

Over-representation of Aboriginal and Torres Strait Islander children and young people in Queensland's statutory child protection system

Select region

Viewing information for:

All Queensland



The story behind the latest data 2022-23

FOCUS ON THE BEST INTERESTS OF THE CHILD, AND ACTIVE EFFORTS ARE NOT SYSTEMATIC

External factors, cost of living and housing pressures, and the broader economic climate are undoubtedly impacting First Nations families negatively. However, based on 'story behind the data' conversations, both Child Safety and Aboriginal and Torres Strait Islander Community Controlled Organisations (ATSICCOs) conclude there are still significant opportunities to improve outcomes for First Nations children and families within the child protection system.

Despite the implementation of the Our Way reforms and initiatives, including legislative reform, the rights of Aboriginal and Torres Strait Islander children infringed by the inconsistent interpretation and application of the Aboriginal and Torres Strait Islander Placement Principles (ATSICPP) across Queensland is still evident.

Child Safety staff's personal and professional commitment is a critical factor in reducing over-representation and improving outcomes for First Nations children. Despite legislative changes embedding the 5 Aboriginal and Torres Strait Islander Placement Principles (ATSICPP) to the standard of active efforts, their application to each decision is still not systematic. This is demonstrated by ATSICCOs, who work across several Child Safety Service Centres (CSSCs), confirming vast differences between CSSCs. Sometimes, one Child Safety staff member can make all the difference by being a blocker or enabler. Disappointingly, there appears to be limited accountability when Child Safety staff are not driving active efforts or embedding 'the child's best interests' in every decision. For

Change in the number of First Nations children in out-of-home care since the previous year

+232

All Queensland

WORSENING

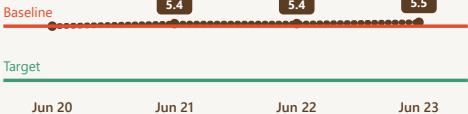
Disproportionality ratio

5.5

Progress towards eliminating over-representation

WORSENING

All Queensland



View the data...

Entry

Duration

Exit



BACK

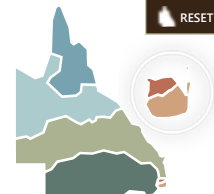
ENTRY into the child protection system

The Queensland Family and Child Commission (QFCC) will report annually on whether the number of Aboriginal and Torres Strait Islander children and young people entering the child protection system is significantly less than the number exiting.

All data in this snapshot refers to **Aboriginal and Torres Strait Islander children**, unless otherwise stated for comparison purposes.

Filter by single region

RESET



Child Concern Reports (CCRs)

All Queensland

Select year

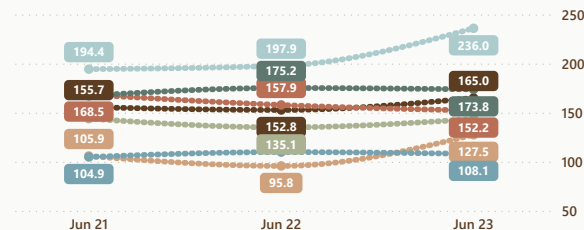
Jun 23

16,936

Number of Child Concern Reports

Rate per 1,000 First Nations children

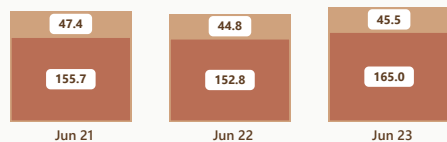
● QLD ● BMB ● SE ● SW ● SCC ● NQ ● FNQ



Proportionality (rate per 1,000)

All Queensland

● Aboriginal and Torres Strait Islander children ● Non-Aboriginal and Torres Strait Islander children



Notifications

All Queensland

Select year

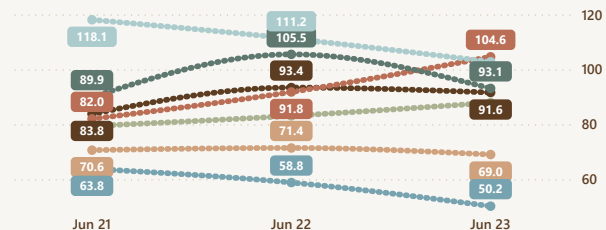
Jun 23

9,827

Number of Notifications

Rate per 1,000 First Nations children

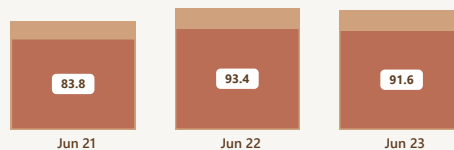
● QLD ● BMB ● SE ● SW ● SCC ● NQ ● FNQ



Proportionality (rate per 1,000)

All Queensland

● Aboriginal and Torres Strait Islander children ● Non-Aboriginal and Torres Strait Islander children



Entry into out-of-home care

All Queensland

Select year

Jun 23

9,306

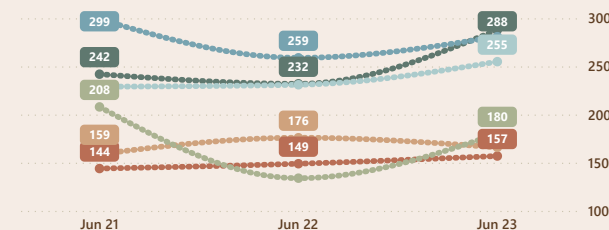
Investigations finalised by 30 June

1,400

Children entered out-of-home care

Number of First Nations children entering out-of-home care

● BMB ● SE ● SW ● SCC ● NQ ● FNQ



Proportionality (rate per 1,000) - children entering out-of-home care

All Queensland

● Aboriginal and Torres Strait Islander children ● Non-Aboriginal and Torres Strait Islander children





BACK

DURATION of placements in out-of-home care

The QFCC expects to see:

- an increase in the placement of children and young people with kin and family
- a reduction of the length of time in care
- a reduction in the number of Long-term Guardianship orders granted to the Chief Executive.

All data in this snapshot refers to **Aboriginal and Torres Strait Islander children**, unless otherwise stated for comparison purposes.

Filter by single region



Placement type



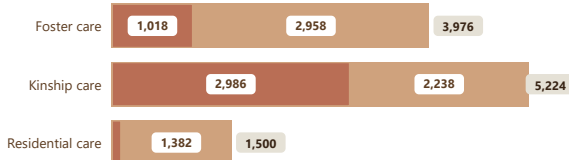
Number of First Nations children placed in out-of-home care

All Queensland

Filter by year

Jun 23

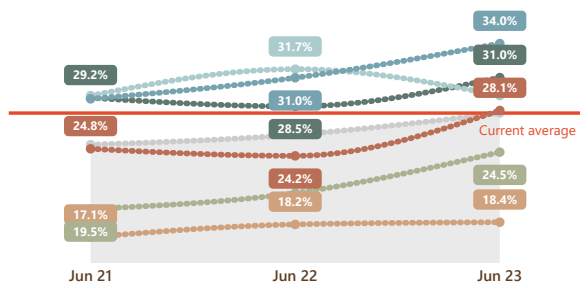
Aboriginal and Torres Strait Islander carer Non-Aboriginal and Torres Strait Islander carer



Percentage of placements with First Nations kin

BMB SE SW SCC NQ FNQ

QLD



Length of time

Filter by year

Jun 23

All Queensland

1,694

< 2 years

1,540

2-5 years

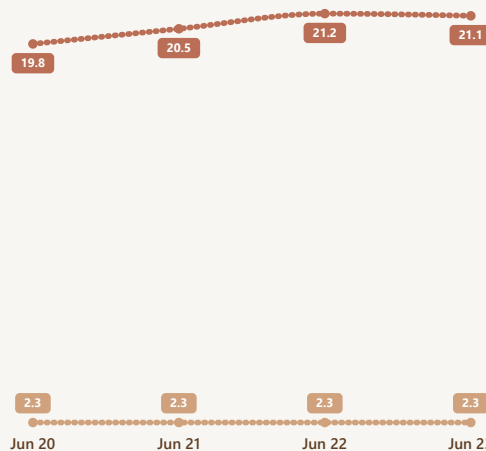
2,113

5+ years

Children in out-of-home care for 5+ years (rate per 1,000)

All Queensland

Aboriginal and Torres Strait Islander Non-Aboriginal and Torres Strait Islander



Long-term Guardianship order type



Filter by year

Jun 23

All Queensland

653

To other carer types

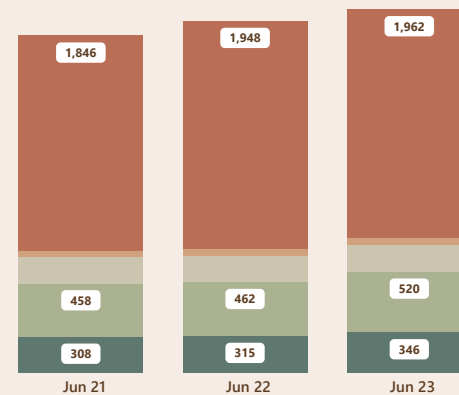
2,482

To Chief Executive

Number of First Nations children under Long-term Guardianship order/Permanent care orders

All Queensland

Other - First Natio... Chief Executive - ... Other - Non First ... Other - Foster ... Chief Executiv...



[BACK](#)

EXITS from the child protection system

The QFCC expects to see a focus on the reunification of Aboriginal and Torres Strait Islander children and young people with family, and eventually exits to exceed entries into the statutory child protection system.

All data in this snapshot refers to **Aboriginal and Torres Strait Islander children**, unless otherwise stated for comparison purposes.

[Filter by single region](#)[RESET](#)

Reunifications

All Queensland

Select year

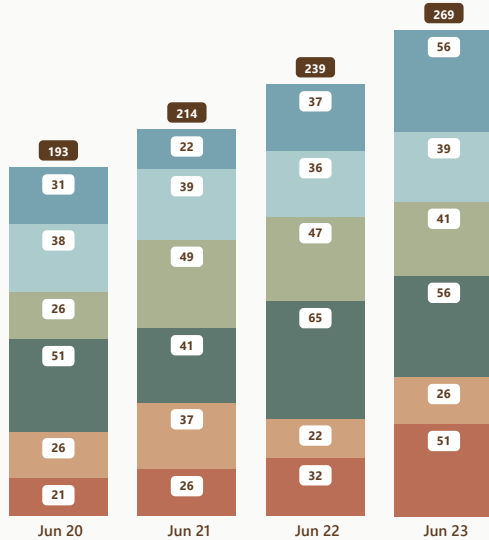
Jun 23

269

Children were reunified with their families

Reunifications

BMB SE SW SCC NQ FNQ



Aged out

All Queensland

Select year

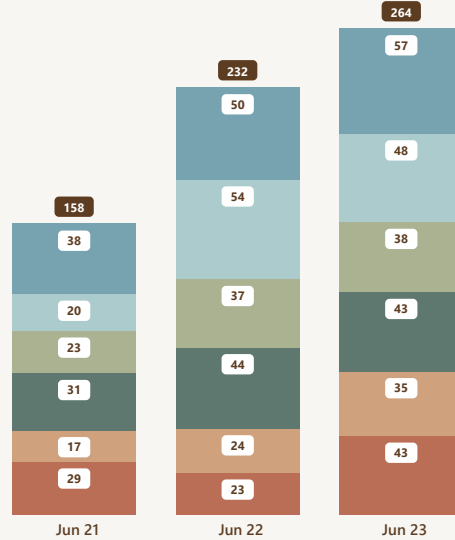
Jun 23

264

Children aged out of child protection

Number of First Nations children who aged out of child protection

BMB SE SW SCC NQ FNQ



Exits

All Queensland

Select year

Jun 23

503

Reunified or aged out

346

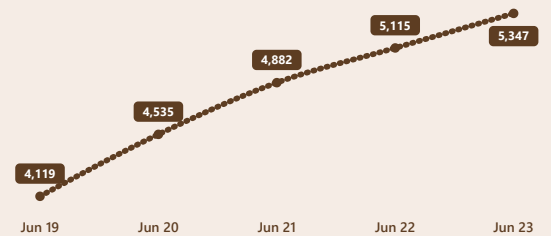
LTG-O: First Nations kin

All Queensland

5,347

First Nations children remained in out of home care on 30 June 2023

Number of First Nations children remaining in out-of-home care
All Queensland



Focus on the best interests of the child, and active efforts are not systematic

External factors, cost of living and housing pressures, and the broader economic climate are undoubtedly impacting First Nations families negatively. However, based on ‘story behind the data’ conversations, both Child Safety and Aboriginal and Torres Strait Islander Community Controlled Organisations (ATSICCOs) conclude there are still significant opportunities to improve outcomes for First Nations children and families within the child protection system.

Despite the progress towards implementation of the Our Way reforms and initiatives, including legislative reforms, the rights of Aboriginal and Torres Strait Islander children infringed by the inconsistent interpretation and application of the Aboriginal and Torres Strait Islander Placement Principles (ATSICPP) across Queensland is still evident.

Leadership, combined with staff’s personal and professional commitment is a critical factor in reducing over-representation. Despite legislative changes embedding the five elements of the Aboriginal and Torres Strait Islander Placement Principle (ATSICPP) to the standard of active efforts, their application to each decision is still not systematic. This is demonstrated by ATSICCOs, who work across several Child Safety Service Centres (CSSCs), confirming vast differences between CSSCs. In one instance, a change in management for a CSSC saw a significant improvement in the practices of that CSSC with an increase in the standard of active efforts. Stakeholders report limited transparency and accountability for active efforts or embedding ‘the child’s best interests’ in every decision. QFCC is interested in how active efforts (at a CSSC and individual staff level) are monitored and what types of strategies regions use to increase compliance with the ATSICPP. To understand, and improve the consistent application of, the ATSICPPs in practice, it is recommended tools such as the Active Efforts Matrix and QFCC’s Standard of Active Efforts for each of the five child placement principle elements for the decision to place in residential care and SNAICC training on ATSICPP is implemented by Child Safety.

While positive changes have occurred across the statutory system since the launch of Our Way and broader legislative amendments; however these have yet to be systematic. Without a consistent approach being adopted, Child Safety cannot drive down over-representation.

The findings of the Productivity Commission report on Closing the Gap resonated with the 2023 Principle Focus discussions. The report highlighted ‘governments will need to move beyond business as usual and address the entrenched attitudes, assumptions and ways of working that are preventing progress’.

The Productivity Commission report makes 4 recommendations to government: share power; recognise and support Indigenous Data Sovereignty; fundamentally rethink mainstream government systems and culture; and implement stronger accountability. This year’s Principle Focus aims to further bridge the gap with stronger accountability and highlight opportunities to strengthen Aboriginal and Torres Strait Islander Community-Controlled organisations.

Empowering ATSICCOS through greater self determination

ATSICCOs continue to advocate for flexible funding to allow them to make decisions about the best ways to support their communities. While some ATSICCOs reported increased flexibility in funding arrangements, this was limited to specific regions or programs and was generally viewed as unable to meet the demand.

Across Queensland, there were examples of innovative programs, such as support for pregnant women, and practices, such as HALT Collective, that uphold and implement the ATSICPPs and reduce the number of First Nations children entering out-of-home care. Unfortunately, most innovative programs or practices are not funded or cannot be recorded as outputs against existing funding contracts. ATSICCOs could only provide these services by shifting resources from other programs, such as early intervention services. ATSICCOs continue to call for sustainable funding that is not output but outcome focused. Providing block funding would empower ATSICCOs to practice genuine self-determination.

Several ATSICCOs reported attending intake/ case management discussions (such as HALT/ERIC) with Child Safety and other agencies. These discussions can determine if a child is removed and placed in care or remains at home with their family. ATSICCOs report that having a legitimate seat at the table for those discussions is essential for influencing decisions and outcomes for families. ATSICCOs are often better placed to advise on the protective factors for a child and their family and have greater knowledge of whether a parent is willing and able to protect the child (including with support from an ATSICCO or other services). Given the importance of those discussions, ATSICCOs are dedicating at least 15-18 hours per fortnight to prepare for and attend the meetings. While this role fits within the remit of the ATSICCOs and is crucial for keeping children safe at home, Child Safety does not specifically fund ATSICCO's participation (however, Child Safety noted it could count towards outputs for FWS contracts).

Consequently, as ATSICCOs noted, other services, such as Family Wellbeing, suffer. Child Safety has emphasised the importance of ATSICCOs attending such meetings (especially where Delegated Authority has yet to commence, and/or ATSICCOs do not want the delegation for intake and assessment decisions). As demonstrated by the results in Brisbane/ Moreton Bay and Sunshine Coast, where the ATSICCOs' attendance has changed outcomes for families (i.e. kept children from being removed), QFCC advocates for Child Safety to fund ATSCCOs to lead and participate equitably in case management discussions. Stakeholders suggested funding through I&A reforms or FWS. ATSICCOs are encouraged by Child Safety's improvements in their level of effort in relation to partnership and participation elements of the ATSICCP; however, funding allocation and reporting requirements are not keeping pace to reflect that Child Safety's active efforts are resource intensive for the ATSICCO sector.

The Principle Focus discussions align with the PC report's findings that Governments need to review and, where necessary, update funding and contracting rules so that they explicitly incorporate accountability for funders to abide by the Priority Reforms. This should include ensuring that commissioning processes: recognise that community control is an act of self-determination, and that ATSICCOs are essential partners that bring knowledges and expertise to developing service models and solutions require ways of working by government agencies that further strengthen the ATSICCO sector. Central agencies will need to issue clear guidance to contract managers and decision makers to overcome inertia and reduce barriers to working in ways that strengthen the ATSICCO sector.

Delegated authority

The Our Way and legislative reforms are underpinned by Aboriginal and Torres Strait Islander peoples' right to self-determination and that all Aboriginal and Torres Strait Islander children and young people in Queensland grow up safe and cared for in family, community and culture.

Delegated authority can enable greater self-determination for children and families. Delegated authority, legislated in 2017, allows a transformational approach to protecting First Nations children. At the heart of delegated authority is self-determination and not promoting a one-size-fits-all approach to children, families and communities. Some ATSICCOs stated they want to make decisions about the care and protection of First Nations children, and Child Safety continues to deliver the day-to-day case management. Others prefer that Child Safety continues to make decisions, such as taking out an order, and the ATSICCOs provide case management, including cultural support plans, reunification plans and transition to independence. The intent of delegated authority is not simply to shift functions to ATSICCOs but to enable ATSICCOs to determine how best to protect and promote the rights of First Nations children. Delegated authority is about transforming how child protection – policies, practices and programs – is delivered for First Nations children. ATSICCOs need autonomy to determine where they are best placed to exercise powers and functions in the best interests of children in their community. They should be empowered to determine what is required and receive sufficient funding to provide appropriate support and the requisite services to keep children safe within their families and communities. QFCC will continue to monitor the implementation of Delegated Authority against its key objective of self-determination and, if necessary, recommend a course correction.

ATSICCOs outside of the earlier adopter sites reported confusion regarding delegated authority. They raised concerns that no one is engaging with the First Nations communities independently to determine if they want delegated authority and, if so, how that would look for their community. Some ATSICCOs have greater awareness of early adopter sites models due to geographic proximity to the sites (e.g. those located in Brisbane) and/or the ATSICCO's CEO is part of a governance group that has oversight of Our Way reforms (such as Palm Island and South East) but many ATSICCOs felt it was not clear what they would be required to do and what it would mean for their community. Some ATSICCOs spoke of a reluctance to perform functions of Child Safety, such as decisions to remove children or to be seen as an extension of Child Safety.

Child Safety and ATSICCOs spoke of the maturity of Child Safety staff and CSSCs to let go and trust ATSICCOs, and existing solid and collaborative relationships are prerequisites.

Some ATSICCOs questioned if there will be increased complexities when an ATSICCO does not have the full range of programs (such as Family Participation Program, Family Wellbeing Service, foster and kinship care) and how they will need to negotiate with other ATSICCOs to seek prioritisation of their clients.

The Family Participation Program convenes an independent, Aboriginal and Torres Strait Islander family-led decision-making (ATSIFLDM) process as a preferred alternative to a child safety-led family group meeting process. The practice model of ATSIFLDM is a best practice approach. Its application is not limited to Child Safety purposes (such as those delivered by the funded FPP providers) but is applied in practice in the delivery of support for Aboriginal and Torres Strait Islander families. Stakeholders said in some areas, the Family Participation Program is limited to specific Child Safety decision making points (e.g. at intake only), and the program may have unintentionally supported stakeholders (CSSC and/or ATSICCOs) to default to old habits under the Recognised Entity program. For example, one ATSICCO reported that some CSSCs only seek the advice of the region's Family Participation Program provider rather than seeking out information from all ATSICCOs and other service providers who may be involved with a family that has come to the attention of Child Safety.

For some regions, the FPP provider has a large geographical area to cover and operate on a fly-in-fly-out model. This can mean a delay or limit in families having a seat at the table when discussing matters concerning their children. Child Safety may consider how to support more ATSICCOs to embed ATSIFLDM within their programs and expand the Family Participation Program to more ATSICCOs/ areas across the state.

Despite Child Safety commitments in response to the Carmody report and in Our Way, some stakeholders noted the investment shift from non-Indigenous providers to ATSICCOs has not been at the pace expected. Also, in some locations, First Nations families are missing out due waitlists at the ATSICCOs or the non-Indigenous provider is not delivering. Shifting investment is not simply about the allocation of proportionate funding to any First Nation service or business delivering particular programs or functions. The quantum of funds redistributed is not the primary indication of success. Ultimately, this is demonstrated through the design and delivery of services by community controlled entities, with a service delivery model and governance approach that promotes community accountability and self determination, resulting in improved outcomes for First Nations children and their families.

The PC report is reminder for us Aboriginal and Torres Strait Islander peoples need to control the speed and direction of reform rather than requiring them to fit into mainstream approaches to design and implementation. Furthermore, mainstream systems and institutions need to progress data development and data sharing to support reforms. We note many ATSICCOs spoke of wanting local level data (rather than regional) to support their decision making.

First Nations kin caring for family

Dedicated kinship teams and greater engagement with ATSICCOs have resulted in more First Nations children in out-of-home care being placed with First Nations kin: 27.9% in 2022-23, up from 23.9% in 2019-20. ATSICCOs and the regions welcomed the QFCC's 2023 report on kinship care and the impacts of Blue Cards, with many citing Blue Cards as a key barrier to enabling family caring for the family. ATSICCOs provided examples where grandparents have been denied a Blue Card for historical matters that do not impact their ability to care for their grandchildren. As one person said, 'government is attacking our culture by not letting family, who under Aboriginal culture are parents, care for the children'.

For some regions, the increase in kinship care appears to have reduced the number of First Nations children in residential care services. However, Queensland-wide residential care placements have continued to increase in number of children (now 750 First Nation children) and as a proportion of placement type (14% up from 12% in 2020-21). QFCC continues to advocate for First Nations children to be placed with First Nations kin and stresses the importance of delivering on the commitments made at the 2023 Residential Care Forum. These commitments include reviewing the case management plan for all First Nations children in residential care, engaging with local ATSICCOs to undertake a re-assessment of potential reunification or family restoration via kinship care and developing a clear plan for transition within a reasonable time frame and with the requisite resources to ensure optimal support for a successful outcome. As part of the A Roadmap for Residential Care in Queensland, it is understood that Child Safety has committed to increasing financial support to kin and carers by streamlining care

allowances and piloting flexible brokerage support packages. QFCC advocates Child Safety redirecting the costs for placement within residential care toward supporting successful kinship arrangements for children's ongoing care and connection. That is, funding that was provided to the residential care service follows the child. This funding will reduce kinship placement breakdown (e.g. allow for brokerage funding) and provide support and services for children with complex needs (e.g. private costs for health care and respite schooling).

Every region had an increase in the number of First Nations children on a long term guardianship order to kin – totalling 30 more First Nations children in 2022-23. Long term guardianship orders are seen as a positive trend when options for reunification are exhausted. Long term orders to kin reduce ongoing intrusive assessments and interventions by Child Safety while maintaining culture (e.g. an Aunt is considered the mother) and kinship care payments, effectively facilitating 'family restoration'. When placement occurs within Aboriginal or Torres Strait Islander kinship structure - the outcome promotes permanency (relational, physical and legal) and safeguards a child's right to cultural continuity, preserving a connection to kin, Country and culture. The QFCC will explore a 'family restoration' measure that promotes and recognises Aboriginal and Torres Strait Islander kinship structures, limits (or entirely removes) intrusive Child Safety practices, and empowers families to care for family.

Workforce pressures

Workforce pressures, including recruiting and retaining Child Safety Officers, continues to place pressure on the child protection system. Despite increases in resources, several Child Safety regions are unable to fill positions and report very high vacancy rates, impacting on over-representation and outcomes for First Nations children and families. Several ATSICCOs also reported high vacancy rates and an inability to meet community demand.

A consistent theme across Queensland was the importance of ensuring First Nations staff, particularly within CSSCs, have a strong understanding and connection with the clientele they serve. For a number of CSSCs, First Nations families are originally from other areas. Therefore, local Cultural Practice Advisors may not have connections with the families in contact with the system. This is also true for ATSICCOs. A recognition that the right person is not just a First Nations person but a First Nations person with cultural authority or acceptance and established, trusting relationships within the community the ATSICCO or the CSSC serves. This is particularly important, given concerns raised regarding the overreliance by CSOs on their CPAs, which can displace/replace the pro-active engagement of local ATSICCO staff and, most concerning, the active participation of family members and people of cultural significance to children and young people.

Increasing pressures on families

Housing and other cost of living pressures are pushing families out to regional areas, where there is a lack of services and often away from their family support. Experienced Child Safety staff reported homelessness as an increasing factor in removing children and placing them in out-of-home care. Homelessness is not a reason for removal, but the prolonged homelessness that some families are now

experiencing is resulting in the needs of the child not being met. For example, there are reports that health services, such as antenatal care, are denied when a family has no fixed address because services cannot determine the appropriate 'catchment' for the family.

Stakeholders are also concerned that the tight rental market and high cost of living may be preventing women experiencing domestic and family violence from leaving unsafe situations. FWS and all other support services, such as housing, mental health, food banks, etc, are reporting dramatic increases in demand and lengthening waitlists attributed to increasing adverse impacts of cost of living pressures. Disturbingly, when children are placed in out-of-home care, even on a short term order, we were advised by a number of CSSCs and stakeholders, that the parents often lose access to social housing. The loss of housing compounds existing vulnerabilities and is a significant barrier to reunification. Adverse administrative actions of departments (both State and Commonwealth), including housing and other social welfare benefits, inflict significant stress and harm to already vulnerable families. The safety, wellbeing and best interests of children are more often compromised as a result of these decisions. The QFCC calls on the Queensland Government to implement a housing moratorium (adverse actions) for families in contact with Child Safety, especially when children are on a short term order and/or there are plans to reunify the children and families. Stable housing is critical to allow Child Safety to pursue safe reunification and to enable parents to concentrate on the reasons the children were removed (e.g. attend parenting, rehabilitation or mental health programs).

The importance of contact between the children and the parents is paramount for families. Contact visits are also seen as a way Child Safety can assess the parents' capacity to provide 'safety' and as proof of the parent's commitment to parenting and, ultimately, reunification; however, stakeholders spoke of the inappropriate contact facilities (generally, the CSSC) and costs associated with attendance. The cost for parents to travel to contact visits is primarily borne by parents, who are often on a single person Centrelink income. These costs can be quite high particularly if the only viable way a parent can access the contact place is by driving, 2 or 3 times a week.

ATSICCOs and Child Safety have done a lot of heavy lifting to keep Aboriginal and Torres Strait Islander children and young people safely at home and connected to culture. While there are still opportunities to drive down over-representation within the secondary and tertiary child protection system, the QFCC suspects the greatest drivers to eliminate over-representation are the universal, secondary and tertiary supports across the Our Way wellbeing domains (health, home and environment, learning and skills, safety, culture and connections, mental health and emotional wellbeing, empowerment and economic wellbeing). Governments (state and federal) must urgently address the deficits of the Closing the Gap reforms identified by the PC report. Without the fundamental shift across all areas, over-representation is unlikely to be eliminated.