

9 December 2022

The decision to place an
**Aboriginal and Torres Strait
Islander child or young
person in residential care**



Queensland
Family & Child
Commission



Queensland
Government



The Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

About the Queensland Family and Child Commission (QFCC) and this report.

The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families. Under the *Family and Child Commission Act 2014*, the QFCC has been charged by government to review and improve the systems that protect and safeguard Queensland's children. The QFCC also hosts the Child Death Review Board which undertakes system reviews and makes recommendations for systemic improvement following the death of a child connected to the child protection system.

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty understanding this report, you can contact Translating and Interpreting Service National on 13 14 50 to arrange for an interpreter to effectively explain it to you. Local call charges apply if calling within Australia; higher rates apply from mobile phones and payphones.

Contact for enquiries

Queensland Family and Child Commission
Level 8, 63 George Street
PO Box 15217, Brisbane City East QLD 4002

Email: info@qfcc.qld.gov.au

Website: www.qfcc.qld.gov.au

Attribution and licence

© The State of Queensland (Queensland Family and Child Commission) 2022.

This report is licensed by the State of Queensland (Queensland Family and Child Commission) under a Creative Commons Attribution (CC BY) 4.0 International licence. You are free to copy, communicate and adapt this report, as long as you attribute the work to the State of Queensland (Queensland Family and Child Commission). To view a copy of this licence visit <https://creativecommons.org/licenses/by/4.0/legalcode>.

Content from this document should be attributed as: The State of Queensland (Queensland Family and Child Commission) The decision to place an Aboriginal and Torres Strait Islander child or young person in residential care review. Copyright inquiries should be directed to the Queensland Family and Child Commission by email to: info@qfcc.qld.gov.au or in writing to PO Box 15217, Brisbane City East QLD 4002.

Feedback

The Queensland Family and Child Commission values your feedback.

Please complete this brief survey and share your thoughts on *'The decision to place an Aboriginal and Torres Strait Islander child or young person in residential care'* report.

Access the survey via the QR code below, or by clicking [here](#).



<https://forms.office.com/r/NbmAs9Nech>

Table of Contents

A message from the Commissioner.....	5
Introduction	6
The State of Residential Care in Queensland.....	9
Our Approach	16
Applying an Active Efforts scoring matrix	20
Findings.....	27
Conclusion.....	31
Appendix A – Summary of legislation and policy	33
Appendix B – Overview of case read tool	36

A message from the Commissioner

“Would this be good enough if it were my child, my sibling, niece, nephew, grandchild or friend’s child?”

The Queensland Family and Child Commission takes its commitment to Aboriginal and Torres Strait Islander children and their families seriously.

The Aboriginal and Torres Strait Islander Child Placement Principle safeguards the rights of Aboriginal and Torres Strait Islander children and young people who are involved with, or at risk of entering the statutory child protection system.

The effective operation of the Aboriginal and Torres Strait Islander Child Placement Principle is contingent on active efforts being applied at all significant decision points in the child protection continuum.

The decision to place an Aboriginal and Torres Strait Islander child or young person in residential care has enduring consequences, now and for the duration of a child’s life. Often the decision is not made in the best interests of the child, rather it is perceived to be the only or easiest option at a point in time. As a result, the decision compromises the continuity and connection to kin, country and culture – which are the rights that the Aboriginal and Torres Strait Islander Child Placement Principle exists to protect and uphold.

That is why every effort is required to influence this decision in the best interests of the child.

Natalie Lewis

Commissioner

Introduction

Between 1910 and 1970, government policy aimed at assimilation enabled the forcible removal of Aboriginal and Torres Strait Islander children and young people from their families. Since that time, there have been many inquiries, discussions and initiatives developed to address the over-representation of Aboriginal and Torres Strait Islander children and young people in out-of-home care, most notably the *1997 Bringing them home*¹ report and the *Aboriginal and Torres Strait Islander Child Placement Principle* (child placement principle) established in 1984.² Despite this focus and effort, the disproportionate representation of Aboriginal and Torres Strait Islander children and young people continue to be a pervasive feature of statutory child protection systems across all jurisdictions in Australia.³

The enduring intention of the child placement principle has been to preserve Aboriginal and Torres Strait Islander human rights across all elements of the child protection system via an explicit recognition of every child's right to be raised in their own culture, family, extended family, kinship networks and community and the vital role that Aboriginal and Torres Strait Islander children, families, communities, and their culture play in decisions about the safety and wellbeing of children and young people.

In 2018, Australian Community Services Ministers agreed to a national priority to implement active efforts to ensure compliance with all five elements of the child placement principle.

In this context, active efforts refer to purposeful, thorough, and timely efforts that are supported by legislation and policy and enable the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people.

The Queensland Family & Child Commission's (QFCC) 2021 Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children paper

¹Human Rights and Equal Opportunity Commission, 1997, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Retrieved from: https://humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf

²SNAICC, 2013, *Aboriginal and Torres Strait Islander Child Placement Principle: Aims and Core Elements*. Retrieved from: <https://www.qatsicpp.com.au/wp-content/uploads/2020/05/Child-Placement-Principle.pdf>

³Queensland Family and Child Commission, 2021, *Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children*. Retrieved from: https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Principle%20Focus%20Report_WCAG_WEB.pdf

presented data and evidence about the experience of children and young people in out-of-home care.⁴ It found that despite the child placement principle being enshrined in the *Queensland Child Protection Act 1999* more than five years ago, there is limited evidence of consistent implementation to a standard of active efforts at significant decision points for Aboriginal and Torres Strait Islander children or young people.

The implementation of the child placement principle is essential to the full enjoyment of the rights of Aboriginal and Torres Strait Islander children and young people in Queensland. Without full and faithful implementation, the child protection system will continue to see disproportionate representation.

About this paper

This paper is for practitioners and policy makers who are required to apply active efforts when implementing the child placement principle at all significant decision⁵ points across the child protection continuum.

To better understand the ongoing trend of placing First Nations children in residential care settings, *The decision to place an Aboriginal and Torres Strait Islander child or young person in residential care* review aims to examine the implementation of the child placement principle to a standard of active efforts at the point of deciding to place an Aboriginal and Torres Strait Islander child or young person in residential care.

Active Efforts and the Aboriginal and Torres Strait Islander Child Placement Principle

The purpose of the child placement principle is to ensure the child or young person remains connected with family, community, and culture to the maximum extent possible, and to preserve and enhance their sense of identity. By doing so the full implementation of the child placement principle:

1. ensures policy and practice embed an understanding that culture is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children and young people;
2. recognises and protects the rights of Aboriginal and Torres Strait Islander children, family members and communities in child protection matters;

⁴ Queensland Family and Child Commission, 2021, *Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children*. Retrieved from: https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Principle%20Focus%20Report_WCAG_WEB.pdf

⁵The *Child Protection Act 1999*, schedule 3, defines a significant decision about an Aboriginal or Torres Strait Islander child as one that is likely to have a significant impact on the child's life. This includes a decision about where or with whom a child will live—if the child is subject to a child protection care agreement or an order granting custody or guardianship to the chief executive

3. increases the level of self-determination of Aboriginal and Torres Strait Islander people in child protection matters; and
4. reduces the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.⁶

People involved in providing universal and targeted services for Aboriginal and Torres Strait Islander children and families and the statutory child protection system must consistently implement the child placement principle to the standard of active efforts to safeguard the rights of Aboriginal and Torres Strait Islander children and reduce the harm experienced by these children.⁷

Active efforts are purposeful, thorough, and timely efforts that are supported by legislation and policy and enable the safety and wellbeing of Aboriginal and Torres Strait Islander children.⁸ Put simply, the real test of active efforts is ‘would this be a good enough effort if it were my child, sibling, niece/nephew, grandchild or friend’s child?’

The five elements of the child placement principle are:

- **Prevention** – Protecting children’s rights to grow up in family, community, and culture by redressing causes of child protection intervention
- **Partnership** – Ensuring the participation of community representatives in service design, delivery, and individual case decisions
- **Placement** – Placing children and young people in out-of-home care in accordance with the established Aboriginal and Torres Strait Islander Child Placement Principles placement hierarchy
- **Participation** – Ensuring the participation of children, parents, and family members in decisions regarding the care and protection of their children
- **Connection** – Maintaining and supporting connections to family, community, culture, and country for children in out-of-home care

⁶ SNAICC, 2019, *The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2019/06/928_SNAICC-ATSICPP-resource-June2019.pdf

⁷ Queensland Family and Child Commission, 2021, *Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland’s First Nations children*. Retrieved from: https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Principle%20Focus%20Report_WCAG_WEB.pdf

⁸ SNAICC, 2019, *The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2019/06/928_SNAICC-ATSICPP-resource-June2019.pdf

The State of Residential Care in Queensland

Policy context of the child placement principle and residential care

Residential care is defined as non-family-based accommodation and support services funded by the Department of Children, Youth Justice and Multicultural Affairs (Child Safety) to provide placement and support for children who are the subject of ongoing departmental intervention. Residential care services provide daily care and support for children from a house parent or rostered residential care worker.⁹

Despite young people's voices reporting overwhelmingly negative experiences of residential care¹⁰, there has been a significant over-reliance in its use across all Australian jurisdictions. Since 2018, Queensland has seen a doubling of residential care placements for all children, from 814 in June 2018 to 1,582 in June 2022.¹¹

Residential care is not listed in the placement hierarchy under section 83 of the *Child Protection Act 1999*.¹² However, the five-year trend showing the number of Aboriginal and Torres Strait Islander

⁹ Department of Children, Youth Justice and Multicultural Affairs, 2022, *Annual Report 2021-2022*. Retrieved from: <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/publications/coporate/annual-report/cyjma-annual-report-21-22.pdf>

¹⁰ The voices of young people's experiences in residential care are reported in:

Australian Institute of Health and Welfare, 2018, *The views of children and young people in out-of-home care Overview of indicator results from the second national survey 2018*. Retrieved from: <https://www.aihw.gov.au/getmedia/ab21f8c3-3d5b-423e-9d36-2050e6e17ea6/aihw-cws-68.pdf.aspx?inline=true>

McDowall, J. J. 2018. *Out-of-home care in Australia: Children and young people's views after five years of National Standards*. Sydney: CREATE Foundation. Retrieved from: <https://create.org.au/wp-content/uploads/2019/03/CREATE-OOHC-In-Care-2018-Report.pdf>

Office of the Advocate for Children and Young People, 2021, *The Voices of Children and Young People in Out-of-Home Care*. Retrieved from: https://522228.fs1.hubspotusercontent-na1.net/hubfs/522228/OOHC%20report-1.pdf?utm_campaign=Newsletter&utm_medium=email&_hsmi=222076849&_hsenc=p2ANqtz-_aGkkri49Wpq65krD3eK2_fmJ52s6SBqN4r3x9Zd9My1ahnmrYDKwojNA10zHX1NFF72tn_cTl7N5OmvP8yIPPF9yFS2zNFPYUo5lvmtCT_yfunQ&utm_content=222076849&utm_source=hs_email

Queensland Family and Child Commission, 2018, *Young people's perspectives of residential care, including police call-outs*. Retrieved from: <https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Young%20people%20s%20perspectives%20on%20residential%20care%2C%20including%20police%20call-outs.pdf>

¹¹ Department of Children, Youth Justice and Multicultural Affairs, *Our Performance*. Retrieved from: <https://www.cyjma.qld.gov.au/about-us/performance-evaluations/our-performance>

¹² *Child Protection Act 1999*, Section 83, Additional provisions for placing Aboriginal and Torres Strait Islander children in care. Retrieved from: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010#sec.83>

children and young people entering residential care is increasing and at the same time the children being placed in residential care are getting younger.¹³ According to the 2022 Productivity Commission's Report on Government Services, Queensland has the highest reliance on residential care placement for Aboriginal and Torres Strait Islander children in Australia.¹⁴

There is a notion that children and young people 'fail into residential care' when all other placement options become exhausted, due to the lack of availability of suitable family-based care options or a child's complex needs. This is opposed to a deliberate decision based on the best interests of the child and the most suitable option at a point in time. More often, residential care is perceived as the only option (and sometimes first option) in an over extended system to place children somewhere.

These perspectives place the problem as an external system factor (i.e., a placement supply issue) and does not recognise the responsibility child protection systems have to actively implement the child placement principle. That is, engaging with Aboriginal and Torres Strait Islander families early and at every significant decision point to identify and adequately support family-based care options (including, family preservation, family mapping or finding and reunification).

Child Safety's Strategic Plan 2022 – 2026 commits to addressing this situation, with measures to reduce the proportion of children and young people in residential care (to seven per cent by 2027), while at the same time increasing the proportion of children in kinship care (to 70 per cent by 2026).¹⁵ The QFCC's monitoring of over-representation¹⁶ has seen some Child Safety regions make early positive gains to increasing kinship placements, with 46.4 per cent of children being placed with kin.¹⁷

Additionally, there is a sustained focus on implementing *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037* and supporting action plans to eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children in the

¹³ Department of Children, Youth Justice and Multicultural Affairs, *Our Performance*. Retrieved from: <https://performance.cyjma.qld.gov.au/>

¹⁴ Australian Productivity Commission, *Report on Government Services 2022 – 16 Child protection services*. Table 16A.22. Retrieved from: <https://www.pc.gov.au/ongoing/report-on-government-services/2022/community-services/child-protection>

¹⁵ Department of Children Youth Justice and Multicultural Affairs, 2022, *Strategic Plan 2022- 2026*. Retrieved from: <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/publications/coporate/strategic-plan-2022-26.pdf>

¹⁶ Refer to the Queensland Family and Child Commission's Over-representation Snapshots. Retrieved from: <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/over-representation-snapshots>

¹⁷ Queensland Government Media Statement from 21 October 2022, *A record number of children placed with kin*. Retrieved from: <https://statements.qld.gov.au/statements/96396>

child protection system. The third action plan, *Breaking Cycles 2023–2025*, to be released in 2023, will build on previous action plans and needs to sustain the government’s emphasis on strengthening investment in Aboriginal and Torres Strait Islander Community Controlled Organisations (CCOs) and self-determination in decision-making.

In May 2022, the *Child Protection Reform and Other Legislation Amendment Act 2022* was passed by the Legislative Assembly to mandate that the Child Safety Chief Executive, authorised officers and the Director of Child Protection Litigation make active efforts to apply the child placement principle when making significant decisions for Aboriginal and Torres Strait Islander children and young people.¹⁸ This is a positive shift away from the concept of ‘having regard to’, towards setting a consistent standard of applying active efforts to the full implementation of the child placement principle. It is anticipated these changes will come into effect in the first half of 2023.

Queensland will be one of the first jurisdictions to have a legislative requirement for active efforts to be applied to the implementation of the child placement principle. Most other jurisdictions have provisions to ‘take into account’ or ‘give consideration to’. This approach supports the ongoing implementation of the *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families* and will contribute to reducing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system, and ensures all Aboriginal and Torres Strait Islander children are afforded the right to grow up safe and cared for in family, community and culture.¹⁹

Aboriginal and Torres Strait Islander children in residential care

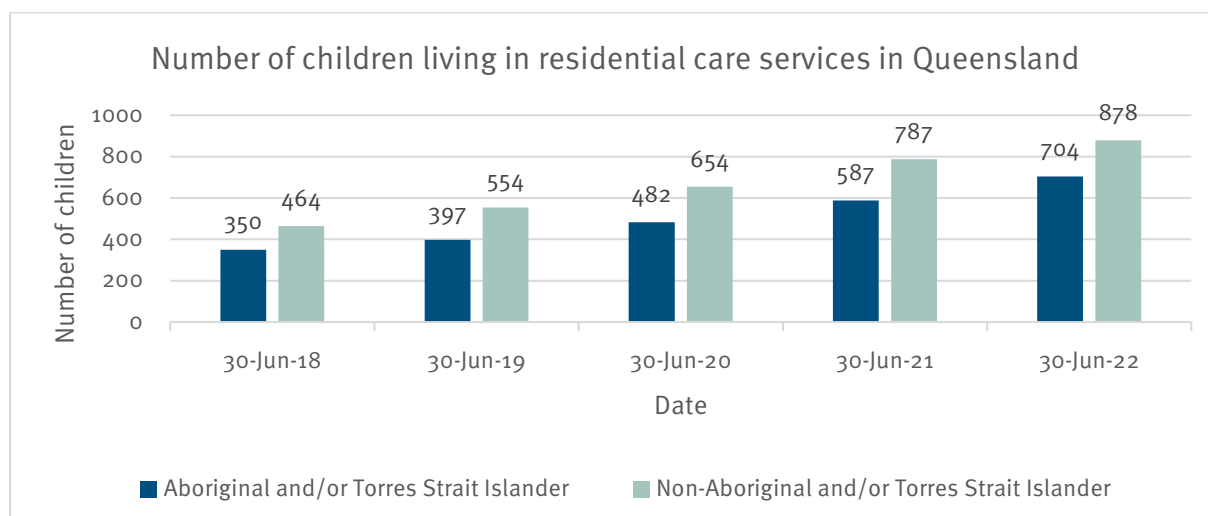
As of 30 June 2022, 704 Aboriginal and Torres Strait Islander children and young people were placed in residential care, making up 44.6 per cent of all children in residential care. This is an increase from 587 children over a 12-month period from June 2021. Placements of Aboriginal and Torres Strait Islander children and young people in residential care increased 35 per cent between June 2020 and June 2022. Currently residential care interventions make up 12 per cent of all Aboriginal and Torres Strait Islander children in out-of-home care placements.²⁰

¹⁸ *Child Protection Reform and Other Legislation Amendment Act 2021*. Retrieved from <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2022-007>

¹⁹ Child Protection Reform Other Legislation Amendment Bill 2021, Explanatory Notes. Retrieved from: <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2021-032>

²⁰ Department of Children, Youth Justice and Multicultural Affairs, *Our Performance*. Retrieved from: <https://performance.cyjma.qld.gov.au/?domain=6r87nygu3rko&subdomain=7d488nxbnmoo&tab=10ui54hbif20> on 5 December 2022.

Figure 1. Number of children living in residential care services in Queensland between June 2018 and June 2022



Source: Department of Children, Youth Justice and Multicultural Affairs (2022), *Our Performance*

Whilst there is a view that residential care is generally suited to children over the age of 12 years, there are a significant number of children below that aged being placed in residential care. A breakdown of the ages of Aboriginal and Torres Strait Islander children placed in residential care as of 30 June 2022²¹ are detailed below:

Table 1. Ages of children living in residential care services in Queensland at June 2022

Age group	Aboriginal and Torres Strait Islander child	Non- Indigenous child	Total all children
0-4 years	19	7	26
5 to 9 years	96	121	217
10 to 14	346	380	726
15 to 17 years	243	370	613
Total all age groups	704	878	1,582

Source: Department of Children, Youth Justice and Multicultural Affairs (2022), *Our Performance*

²¹ Department of Children, Youth Justice and Multicultural Affairs, *Our Performance*. Retrieved from: <https://performance.cyjma.qld.gov.au/?domain=6r87nygu3rko&subdomain=7d488nxbnmoo&tab=10ui54hbif20> on 5 December 2022.

Despite only small numbers, it is most concerning to see Aboriginal and Torres Strait Islander children aged under five years old making up 80 per cent of all children under five years old being placed in residential care. In some cases, this may be a decision to place with siblings or for short periods of time while a kinship placement is sorted.

Service Provider Footprint

Child Safety provided data on residential care placements ²² for Aboriginal and Torres Strait Islander children and young people. As of 31 December 2021, there are over 180 non-family-based care services across Queensland made up of residential care services; safe house services; therapeutic residential care services; and supported independent living services. Across Queensland, there is only one residential care provider identifying as Aboriginal and Torres Strait Islander Community Controlled.

²² Residential care placements refer to a funded placement.

Table 2. Residential care services and placements by region as of December 2021

Child Safety Region	Number of all Residential Care Services	Total Number of placements	Number of Aboriginal and Torres Strait Islander placements	Per cent of Aboriginal and Torres Strait Islander placements
Brisbane and Moreton Bay	31	275	93	34%
Far North Queensland	48	197	149	76%
North Queensland	20	155	109	70%
South East	43	354	100	28%
South West	35	295	127	43%
Sunshine Coast and Central Queensland	33	236	95	40%
Total all Queensland	210	1512	673	

Source: Department of Children, Youth Justice and Multicultural Affairs (2022), Unpublished data.

In 2021-2022, Child Safety invested approximately \$709 million to provide residential care (this includes Outsourced Service Delivery funding and the fee for service arrangements).²³ This is a significant portion of the total amount Queensland invests in all out-of-home care services.²⁴

A smaller investment of \$14 million is made towards 18 CCO Family Participation Programs (FPP). FPPs support Aboriginal and Torres Strait Islander family's participation in child protection decision making through facilitating Aboriginal and Torres Strait Islander Family Led Decision Making (ATSIFLDM).

²³ Question on Notice 385 asked on 10 May 2022. Retrieved from:

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/385-2022.pdf>

²⁴ Refer to the Australian Productivity, Report on Government Services (RoGs) 2022 – Child Protection Table 16A.36 *State and Territory Government real recurrent expenditure on care services, 2020-21* details Queensland's total expenditure on care services (residential care and non-residential care) as \$990 million. It is noted that data provided to RoGs are not comparable to previous years and may not match Queensland data published elsewhere.

ATSIFLDM is a process whereby authority is given to parents, families, and children to work together to solve problems and lead decision-making in a culturally safe space.²⁵ Strengthening investment in CCOs will drive active efforts across all five elements of the child placement principle earlier in the child protection continuum, and may see increases in kinship placements, reducing the economic cost of residential care and more importantly the negative experience of children and young people.

The QFCC has a commitment to promoting and safeguarding the rights of all children, with a particular focus on the way in which First Nations children's rights are upheld and safeguarded.

The trend in Queensland shows that First Nations children are being placed in residential care at an increasing rate and at a younger age than non-Indigenous children.

The QFCC is concerned that children are being placed in residential care because of the ongoing systemic pressures and lack of available family-based care placement options rather than as a way to meet the ongoing needs and rights of individual Aboriginal and Torres Strait Islander children.

This is occurring at a time in Queensland when the statutory child protection system is undertaking a generational reform and the focus has been on addressing the disproportionate levels of representation and adverse outcomes experienced by First Nations children, young people and families as a result of statutory intervention.

The QFCC is encouraged by Child Safety's commitment to reduce the number of Aboriginal and Torres Strait Islander children in residential care. To achieve this, active efforts is required to be put into maintaining the focus on family restoration and reunification through the identification of kinship; approaches that enable the provision of requisite supports to kin; and addressing the existing disincentives and barriers for family to engage as kinship carers.

²⁵ Department of Children, Youth Justice, and Multicultural Affairs, 2022, *Family Participation Program*. Retrieved from: <https://www.cyjma.qld.gov.au/protecting-children/child-family-reform/meeting-needs-requirements-aboriginal-torres-strait-islander-children-families-communities/family-participation-program>

Our Approach

Methodology

The review has used a mixed-method approach consisting of qualitative and quantitative data collection, analysis, and synthesis. The methods used include:

- an analysis of legislation, policy, processes, programs, and practice from desktop audits;
- a case file read to gather some case examples on the implementation of active efforts to investigate if decisions were thorough, timely, and purposeful; and
- stakeholder discussions in the form of an Expert Panel to validate interpretations of findings.

In partnership with the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) a case file read tool and scoring matrix was developed.

Desktop Audit of legislation, policy, process and program

To be able to investigate the implementation of the child placement principle, the QFCC needed to determine if the intent of the child placement principle had been sufficiently reflected across the system elements as defined by SNAICC: The elements are legislation; policy; process; program; and practice.²⁶

To do this the QFCC conducted a desktop audit of Child Safety publicly available documents, including legislation, whole of government strategies, the *Child Safety Practice Manual* and other practice resources and guides, relating to placement and decision making (see Appendix A for a summary of resources reviewed). The audit found that the child placement principle has a strong grounding in legislation and policy, however lacked specific guidance on active efforts and what it is to implement the child placement principle in process and program documentation. The audit also identified that references to the *prevention* element of the child placement principle is narrowly interpreted, focusing on preventing entry into the child protection system or preventing removal rather than redressing the causes of intervention and what that means across the continuum. For example, addressing social determinants of risk, right through to preventing placement breakdown and the provision of adequate kinship support.

All the five elements of the child placement principle are indivisible, and all elements are relevant and should be applied at each significant decision point for a child or young person. This means that if

²⁶SNAICC, *Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle: a resource for legislation, policy and program development*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf

consideration is only given to a single element, then the child placement principle is not being fully implemented. For example, there is evidence that consideration is primarily focused on the *placement* element. However, without active efforts to implement the other four elements it is unlikely the placement decision will be in the best interest of the child.

The desktop audit found that the implementation of the child placement principle within legislation and policy is sound both in wording and intent. However, concerns remain regarding full implementation of the child placement principle at all significant decision points, and the lack of specific guidance in process and program documentation.

The QFCC is concerned that the five elements of the child placement principle (prevention, participation; placement; partnership and connection) are being reflected in programs, processes and practice as separate and linear elements rather than as interdependent.

The desktop audit identified that references to the *prevention* element of the child placement principle appears to only provide a focus for entry into the child protection system rather than at each significant decision made across the continuum which is about the life of an Aboriginal or Torres Strait Islander child and their family. For example, what active efforts has gone into preventing a child from being placed in residential care.

Process and program documentation require review to ensure that the implementation of all five elements of child placement principle are embedded in decision making across the entire child protection continuum. With legislative amendments to take effect in the first half of 2023, Child Safety has an opportunity to review and update resources and tools with guidance on the standard of active efforts required to implement the child placement principle.

Case examples of children in residential care

Two QFCC staff were granted honorary office status under the *Child Protection Act 1999*, which enabled the QFCC to review the information recorded in the electronic case files of Child Safety's Integrated Client Management System (ICMS). The files of five First Nations children were reviewed using the case reading tool (see Appendix B for an overview of the Case Reading Tool).

The QFCC staff only looked at the information recorded on documents which related to when the decision was being made to place an Aboriginal and Torres Strait Islander child or young person in residential care. Evidence of implementation of the five elements of the child placement principle was recorded.

This was not an exhaustive examination, and as such does not reflect the practice occurring in all Child Safety Service Centres. The purpose of this case read was not to comment on or analyse practice decisions, rather to provide illustrative examples for the members of the Expert Panel as to what types of information was recorded which reflected implementation of the five child placement principle elements.

The files were selected from all Aboriginal and Torres Strait Islander children and young people in residential care as of 15 June 2022. The sample specifically reflected different age groups and regions.

The average age of the sample group was 11 years old with ages ranging from three to 16 years old. The review team used the case reading tool to gather information recorded within the placement history, the child's strengths and needs assessments, and the case plans including the cultural plans. QFCC officers gathered evidence to determine that elements of the child placement principle had been considered in the decision to place the child in residential care.

Evidence of steps taken to implement the elements of the child placement principle was limited and, in the files reviewed, absent.

Most files read did not include evidence of the *participation* element of the child or family in the decision-making process.

There was little evidence of documentation in relation to the *connection* element outside of mention of the Cultural Practice Advisor or attendance at NAIDOC events. There was little evidence that the *prevention* element was included in the decision-making processes.

Expert Panel

The QFCC met with an Expert Panel consisting of stakeholders with expertise in the child protection system and the implementation of the child placement principle. The Expert Panel consisted of the following membership:

Dr Paul Gray	Associate Professor, University of Technology Sydney	Paul is a Wiradjuri man from NSW and leads the Indigenous child protection hub at the University of Technology Sydney Jumbunna Institute of Indigenous Education and Research. Paul is also co-chair of Family Matters.
Michael Currie	Principal Advisor, Indigenous Development, The Benevolent Society	Michael has over 20 years' experience in working with vulnerable children and their families in the areas of Youth Justice and Child Protection across the jurisdictions of Queensland, Northern Territory, Western Australia and Tasmania. Michael is also co-chair of Family Matters Queensland.
Candice Butler	Director, Innovation and Practice, Queensland Aboriginal and Torres Strait Islander Child Protection Peak	Candice is a Social Worker with over 15 years' experience working across government and Aboriginal and Torres Strait Islander affairs. Candice has strong family connections to Yarrabah in North Queensland.
Madeline Lea	Chief Services Officer, REFOCUS	Madeline has worked across child protection over many years holding both government and non-government leadership positions. In her current role at REFOCUS she supports the implementation of delegated authority.
Jacynta Krakouer	Chair, Research Fellow, Health and Social Care Unit, Monash University	Jacynta is a Mineng Noongar woman originally from southern Western Australia who lives and works on Wurundjeri Country in Naarm. She is a Research Fellow in the Health and Social Care Unit (HSCU) at Monash University, with expertise in cultural connection for First Nations children and young people in out-of-home care.
Sharon Smith	Indigenous Practice Leader, Department of Children Youth Justice and Multicultural Affairs	Sharon leads a network of Cultural Practice Leaders, working for Child Safety across the state.

The role of the Expert Panel in this review was to:

1. provide expert insight and contextual information regarding the intent and implementation of the child placement principle to a standard of active efforts;
2. provide insight and contextual information regarding the contributing and restricting factors of the results of the review;
3. provide feedback on the report drafted and/or recommendations formulated as a result of the review; and
4. work collaboratively to identify improvements to oversight mechanisms for the implementation of the child placement principle in regard to the decision to place an Aboriginal and Torres Strait Islander child or young person in residential care.

The Expert Panel met in July 2022, with Commissioner Natalie Lewis chairing. The discussions focused on a common language, what may constitute an active effort when implementing the child placement principle, the decision to place a child in residential care and an active efforts scoring matrix.

Applying an Active Efforts scoring matrix

Active efforts are purposeful, thorough, and timely efforts to implement the child placement principle that enable the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people. Active efforts encompass a variety of strategies to ensure Aboriginal and Torres Strait Islander children and young people are connected to kin, country, and culture.²⁷ This broad understanding presents a risk of inconsistent interpretation and implementation of the child placement principle to a standard of active efforts.

A scoring matrix was co-designed by the QFCC and the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) to guide assessment of active efforts and provide greater consistency. The matrix is based on practice standards as identified by QATSICPP²⁸ and was developed specifically to identify the factors requiring consideration when a decision to place an Aboriginal and Torres Strait

²⁷ SNAICC, *Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle: a resource for legislation, policy and program development*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf

²⁸ QATSICPP, 2018, *Practice Standards*. Retrieved from: https://www.qatsicpp.com.au/wp-content/uploads/2020/05/QATSICPP_Practice_Standards.pdf

Islander child or young person in residential care is being made. The matrix can be used to assess the standard of active efforts being implemented across each of the five elements of the child placement principle.

The draft scoring matrix was presented to the Expert Panel for discussion and refinement. The Expert Panel were asked to identify the standard of active efforts expected to ensure Aboriginal and Torres Strait Islander children and young people’s rights were being safeguarded through adherence to the child placement principle in practice.

To ensure scoring consistency it was essential to have a common language when talking about active efforts. The Expert Panel were provided draft descriptions developed by the QFCC and QATSICPP. The descriptions below were agreed to by the Expert Panel.

Timely	Thorough	Purposeful
Urgently responding to needs and making decisions based on what is in the best interest of the child	Focused decisions based on understanding of child’s needs that are continuously re-assessed and redressed to work towards positive outcomes for the child and their family	Including cultural authority* in decision making that leads to long term positive changes for a child and family

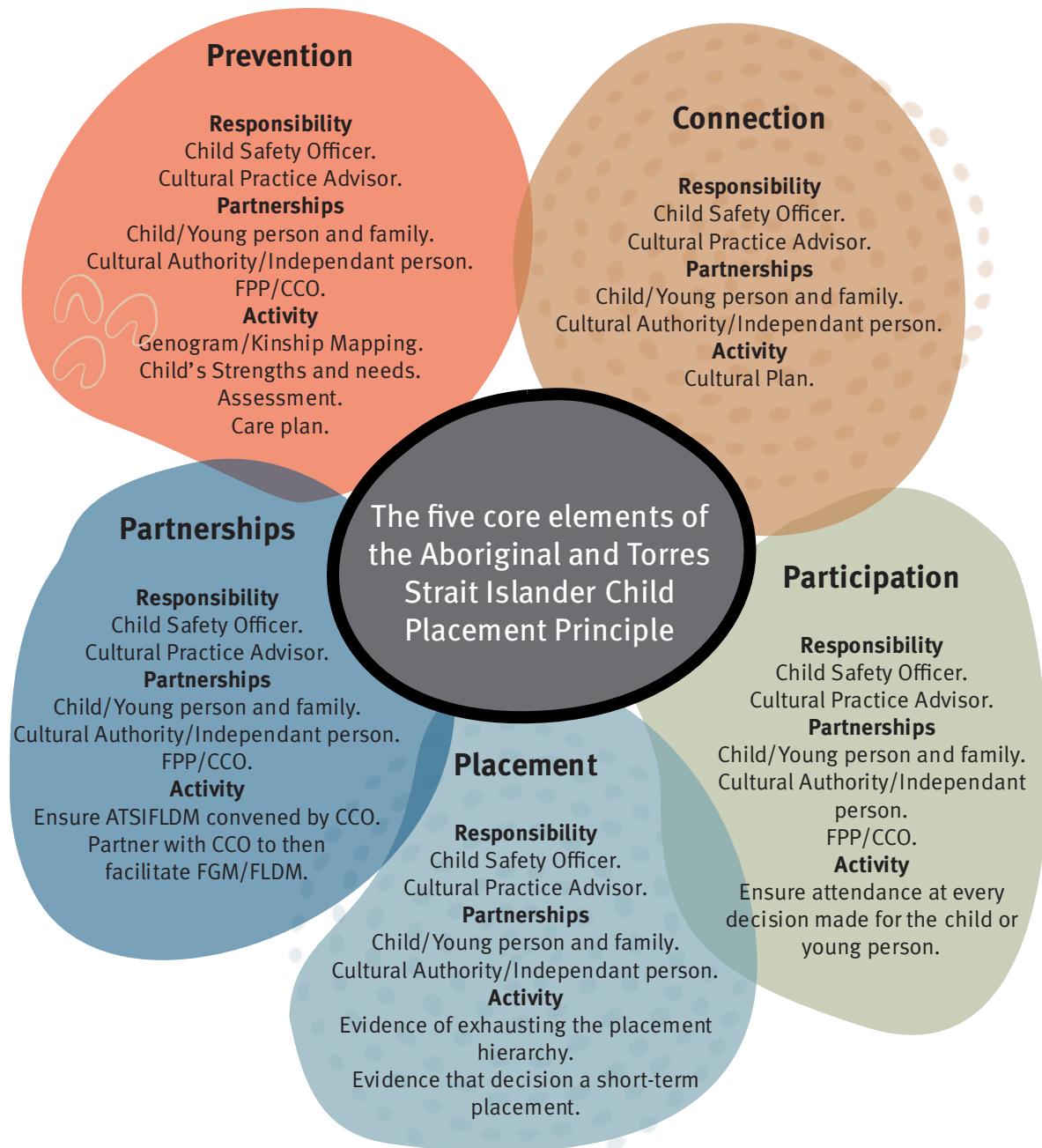
** Cultural authority can only be identified by members of the child’s Aboriginal and/or Torres Strait Islander family.*

The Expert Panel refined the draft scoring matrix to identify and describe the standard of active efforts expected for implementing the child placement principle when deciding to place Aboriginal and Torres Strait Islander children or young people in residential care.

Through Principle Focus the QFCC asserts that the effective implementation of the child placement principle is contingent on responsible parties consistently applying a standard of active efforts to safeguard the rights of Aboriginal and Torres Strait Islander children and young people.



The standard of active efforts for each element of the child placement principle that were used within the scoring matrix for the purpose of this review are outlined below.



Standard of Active Efforts for each of the five child placement principle elements for the decision to place in residential care.

Using the active efforts scoring matrix the case examples were analysed and identified that there was no evidence of active efforts being made to implement the child placement principle.

The scoring methodology for the active efforts' matrix is based on the standard of active efforts identified by the Expert Panel. To score an Active Effort all activities must be completed in a timely, thorough and purposeful way. A *Passive Effort* means one or more of the essential components were not being undertaken and a *Negative Effort* would equate to none of the components being undertaken.

The case examples were used to test the scoring matrix, although given the limited evidence identified it was difficult for the Expert Panel to assess active efforts being made to implement the child placement principle.

The table below identifies the essential components of a standard of active efforts for each child placement principle element as well as the result from the case file read analysis.

Element	Partnership	Prevention
Activity	<ul style="list-style-type: none"> FPP Engagement Cultural authority and/or independent person, nominated by the family, engagement 	<ul style="list-style-type: none"> FPP engagement Genogram Child strengths and needs assessment Case plan
Timely	<ul style="list-style-type: none"> Within 20 days of a new placement being needed 	<ul style="list-style-type: none"> Within 20 days of a new placement being needed
Thorough	<ul style="list-style-type: none"> Cultural authority and/or independent person invited and attended ATSIFLDM 	<ul style="list-style-type: none"> FPP participation recorded Three maternal and paternal generations identified in genograms Routine, comprehensive and purposeful mapping of a child's kin, country and culture All sections of Child strengths and needs assessment and case plan completed
Purposeful	<ul style="list-style-type: none"> Advice/views of child, family and cultural authority and/or independent person recorded in case plan 	<ul style="list-style-type: none"> Case plan includes: <ul style="list-style-type: none"> Genogram ATSIFLDM (as distinct from departmentally lead FGM) Concurrent planning for reunification
Results	60% Negative Effort	60% Negative Effort
Element	40% Passive Effort	40% Passive Effort
Activity		

Element	Placement	Participation	Connection
Activity	<ul style="list-style-type: none"> Exhausting the Placement hierarchy principles 	<ul style="list-style-type: none"> Child present at decision point Family present at decision point Cultural authority and/or independent person present at decision point 	<ul style="list-style-type: none"> Cultural plan
Timely	<ul style="list-style-type: none"> Within 20 days of a new placement being needed 	<ul style="list-style-type: none"> Within 20 days of a new placement being needed 	<ul style="list-style-type: none"> Within 20 days of a new placement being needed
Thorough	<ul style="list-style-type: none"> Evidence that the placement hierarchy has been exhausted Regular review of other placement options 	<ul style="list-style-type: none"> Child and family invited and attended ATSIFLDM Cultural authority and/or independent person invited and attended ATSIFLDC ATSIFLDM processes used early and often 	<ul style="list-style-type: none"> Cultural plan is completed Review and updating of quality cultural support plans, including the child and their family cultural authority and/or independent person
Purposeful	<ul style="list-style-type: none"> Evidence that the residential care placement is a short-term option 	<ul style="list-style-type: none"> Advice/views of child, family and Cultural authority and/or independent person recorded in case plan 	<ul style="list-style-type: none"> Cultural Plan includes: Child and family involvement is visible Cultural identity recorded Activities supporting cultural identity and connection Support for carer to maintain activities Contact plan to support cultural identity and connection
Results	80% Negative Effort	60% Negative Effort	60% Negative Effort
Element	20% Passive Effort	40% Passive Effort	
Activity			40% Active Effort

It was evident from the limited case examples reviewed that overall implementation of child placement principle was not to a standard of active efforts. The lack of evidence of timely, thorough, and purposeful actions and decisions in the best interest of the child within ICMS highlights several concerns.

The Expert Panel agreed that Child Safety Officers' (CSO) engagement with a FPP to lead the process prior to making the decision to place an Aboriginal and Torres Strait Islander child or young person in residential care is essential to ensure a standard of active efforts. The FPP should lead (in *partnership* with the CSO) the kinship mapping with *participation* from the family and cultural authority to ensure all possible kinship *placements* have been identified and the placement hierarchy options have been exhausted. Kinship mapping and family finding is not a point in time activity and should be actively revisited and reviewed to see if new family or kin has been identified, and more so when a decision is being made to place a child or young person in residential care. The CSO should partner with the FPP to facilitate and support the engagement of the child or young person, family, and cultural authority to develop culturally responsive case plans and cultural plans that are focused on keeping the child or young person safely at home with their family or connected to kin, country, and culture.

Absence of a genogram and limited involvement of cultural authority demonstrates inadequate efforts to work with families and may often lead to residential care being considered the only option, in the absence of developing alternatives. A genogram is a basic requirement when implementing the child placement principle as it is fundamental to all five elements of *prevention, partnership, participation, placement, and connection*. The evaluation of Aboriginal and Torres Strait Islander Family Led Decision Making highlighted that while genograms are useful for identifying the wider support network and reconnecting family members, critical understandings of kin and family relationships can be missed when they are not completed by an Aboriginal or Torres Strait Islander person that has established trust and rapport with family.²⁹

The cultural plans reviewed by QFCC lacked detail and did not document how the child or young person would maintain connection with kin, country, and culture. Effort is needed to tailor it to the specific child and their family's kin and country.

The QFCC acknowledges that over the last four years there have been changes across Child Safety's information system and that there may be limitations capturing evidence of active efforts. However, the

²⁹ Winangali, 2017, *Evaluation: Aboriginal and Torres Strait Islander Family Led Decision Making trial*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2018/05/Evaluation_Report_ATSIFLDM-2018.pdf

case examples identified that there appeared to be challenges to undertake due diligence let alone a standard of active efforts.

The QFCC recognises that Child Safety's replacement information system, Unify, aims to improve the development, use and availability of client cultural information and provide a better client matching and locating care arrangement function. It is proposed that the care arrangement function will focus on the active efforts of CSO's to consider and apply the elements of the child placement principle when placing an Aboriginal and Torres Strait Islander child or young person.

Findings

With the intent of the child placement principle visible in legislation, policy, and programs the Expert Panel discussed whether practitioners had access to tools and systems to implement the five elements of the child placement principle fully and faithfully, across the child protection continuum. The Expert Panel view the child placement principle as a policy expression of social and emotional wellbeing and a child's rights, not just for the child protection space but rather a framework that should be applied to all systems that impact Aboriginal and Torres Strait Islander children and young people (i.e. education, health, housing and justice). The child placement principle, when applied purposefully, provides a mechanism to uphold the collective right to culture and community in the context of best interests for First Nations children.

When the Expert Panel members were asked to think about the elements of the child placement principle, and specifically, its implementation in the decision-making processes which result in the outcome of Aboriginal and Torres Islander children and young people being placed in residential care, the following was discussed in relation to each of the five elements.

Prevention

Discussions on the *prevention* element focused on the intent of it being to prevent harm not just entry into the child protection system. In the case of this review, the prevention of harm by being placed in residential care. More broadly, *prevention* includes providing equitable access to the universal (e.g. education and health) and targeted (e.g. mental health and disability) supports required to promote safety and wellbeing, as well as access to supports to redress the causes of child neglect and harm. The Expert Panel expressed a view that this element should be considered from the perspective of how much trauma the child has experienced from multiple placement breakdowns and focusing on centring 'valued' relationships between the child, family, and carers in the lead up to a residential care placement, as part of a focus on healing and prevention of future harm. It was also discussed that

decisions should consider whether residential care placement can enable connections, matching of a child's needs and expressed views, curriculum of culture, and access to school or training.

The Expert Panel raised the issue of family mapping or family finding as not a point in time activity that is completed when a child enters care but an ongoing process that should be regularly reviewed, including when placement decisions are being made. It was agreed that CCOs and FPPs providers would be best placed to facilitate the development and regular review of genograms³⁰ as they have a better understanding of who the family is, can identify supports needed and put the supports in place. For this to be effective sufficient investment for CCOs to undertake any and all mapping of a child's kin, country and culture is essential.³¹

Partnership

Discussions on the *partnership* element focused on a reiteration of the intent to addressing the power imbalance between Child Safety and the family, increasing community presence in decision making, and shaping the service system context to focus on children and families. The role, and independence, of CCOs and professionals is fundamental. There needs to be active efforts in engaging CCOs as partners in supporting families and in the processes instigated to place a child in residential care. A focus on engagement of CCOs, at the earliest indication of a placement change, enables more effective identification of the child's needs and aspirations and the opportunity to provide the right response.

As an example of the interaction between different elements, the Expert Panel emphasised the importance of *partnership* in shaping the *participation* of families in decision making. An ATSIFLDM process should be independently convened by CCO, promoting cultural safety throughout all elements of the process and providing an important mechanism for accountability back to community. In contrast, Family Group Meetings (FGM) convened by Child Safety are generally not characterised by adequate *partnership* and reinforce harmful power imbalances that undermine cultural safety and engagement of Aboriginal and Torres Strait Islander families. The use of Child Safety-led, rather than CCO ATSIFLDM processes is an indicator of both *partnership* and *participation* elements being compromised.

³⁰ A quality genogram is comprehensive and reflects the participation of family members and those with cultural authority in identifying significant relationships and connections - familial and cultural - for children. A genogram typically stretches three or four generations, and for Aboriginal and Torres Strait Islander children should extend further than a family tree in seeking to explore not only a person's family background but also culture and connections to Country.

³¹ QATSICPP, 2018, *Position Statement for Aboriginal Kinship Care*. Retrieved from: <https://www.qatsicpp.com.au/wp-content/uploads/2020/05/PPP-POSITION-STATEMENT-KINSHIP-BK.pdf>

The Expert Panel emphasised for the *partnership* element to be implemented to the level of active efforts, a focus on what happens prior to the meeting to support and prepare the child and family and how the child and family is supported after the meeting is required.

Placement

The *placement* element discussion focused on the fact that residential care is not a placement option within the placement hierarchy, therefore there needs to be evidence of active efforts to secure a preferred placement option, ideally within a family-based setting with relative or kin. This might include revisiting the genogram to identify opportunities, the provision of targeted supports to relatives and kin to enable such placements, and other efforts to ensure that any period of residential care is as brief as possible. Residential care should not be considered a suitable long-term placement option.

The Expert Panel emphasised that compliance with the *placement* element to the standard of active efforts aligns with relationally focused approaches to permanency. There was a clear focus on relational permanency among the Expert Panel, noting the importance of enduring relationships and continuity of connections to family, kin, country and culture for lifelong social and emotional wellbeing, identity and belonging.

There is a need when making placement decisions to ensure both *partnership* and *participation* elements are properly oriented to community and family perspectives about how best to promote the interests of children.

Participation

Discussion on the *participation* element focused on the need to ensure engagement with both the child and members of their family and community. Non-engagement demonstrates practice failures in creating adequate space and trust to enable participation. As such active efforts requires finding ways to enable participation, not sending an invite, and leaving it at that.

To uphold the *participation* element, significant decisions, such as with who and where a child lives, should not be made in the absence of children, young people, and their family's participation.

The participation element has direct alignment to the United Nations Convention of the Rights of the Child (Articles 12 and 9), as well as Section 26 of Queensland's *Human Rights Act 2019*. Practical application of these is extrapolated through:

- The *Charter of Rights for parents involved with the child protection system in Queensland* is a useful instrument to support the application of active efforts to the *participation* element.³² While the charter details rights that are available to all parents, there is explicit recognition of the rights of Aboriginal and Torres Strait Islander parents and an understanding that term ‘parent’ can have a broader cultural meaning.
- The charter of rights under the *Child Protection Act 1999*³³ is explicit that children and young people must participate in the decisions that impact their lives.

Connection

Discussion regarding the *connection* element reiterated the importance of enduring connection to kin, country, and culture for the wellbeing of Aboriginal and Torres Strait Islander children and young people. Promoting these connections requires active efforts including, the development of comprehensive cultural planning.

Cultural connection is considered as a primary fundamental need for Aboriginal and Torres Strait Islander children’s identity and wellbeing and requires family connection if it is to be fostered and strengthened.³⁴ The nature of the connections that Aboriginal and Torres Strait Islander children and young people enjoy, including with country, is diverse, and a decision to place a child in residential care can further disconnect them.³⁵

Further discussions identified that the continuity of valued relationships with former carers was also an important component of connection and promoted social and emotional wellbeing (note the points raised under the *placement* element regarding permanency).

³²Department of Children, Youth Justice and Multicultural Affairs, 2022, *Charter of Rights for parents involved with the child protection system in Queensland*. Retrieved from: https://d2yuko1qrkttgv.cloudfront.net/live/docs/FIN-Resources/Charter_of_Rights_Parents.pdf

³³ Child Protection Act 1999, section 74 and Schedule 1 - Charter of rights for a child in care. Retrieved from: <https://www.qld.gov.au/community/caring-child/foster-kinship-care/information-for-carers/rights-and-responsibilities/charter-of-rights-for-a-child-in-care>

³⁴ Jacyntha Krakouer, Sarah Wise & Marie Connolly, 2018, *We Live and Breathe Through Culture: Conceptualising Cultural Connection for Indigenous Australian Children in Out-of-home Care*, Australian Social Work. Retrieved from: https://www.researchgate.net/publication/325424110_We_Live_and_Breathe_Through_Culture_Conceptualising_Cultural_Connection_for_Indigenous_Australian_Children_in_Out-of-home_Care

³⁵ SNAICC, 2019, *The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*. Retrieved from: https://www.snaicc.org.au/wp-content/uploads/2019/06/928_SNAICC-ATSICPP-resource-June2019.pdf

The importance of comprehensive genograms, which are regularly reviewed and updated, was also noted.

Conclusion

There is significant pressure on the child protection system to find suitable 'placements' for children and young people who require out-of-home care. The rise in residential placements is in response to this system need, rather than the developmental interests of children and young people, particularly Aboriginal and Torres Strait Islander children and young people.

The child placement principle is a key legislative framework intended to safeguard the rights of Aboriginal and Torres Strait Islander children and young people involved in or at risk of entering the child protection system, including distinct cultural rights.

Placement of an Aboriginal and/or Torres Strait Islander child or young person in residential care conflicts with the Aboriginal and Torres Strait Islander child placement hierarchy in the *Child Protection Act 1999*, and with a holistic understanding of the interrelated child placement principle more broadly.

The QFCC review found that while there is sound reflection of the intent of the child placement principle in legislation and policy the evidence of implementation of the child placement principle, when making a practice decision to place an Aboriginal and Torres Strait Islander child or young person in residential care, is minimal at best across the Queensland child protection system.

All five elements of the child placement principle (*prevention, partnership, placement, participation, and connection*) must be implemented to a standard of active efforts that is consistent and persistent to promote the rights and wellbeing of Aboriginal and Torres Strait Islander children and young people, including their right to remain safely at home with kin and connected to culture and country. More work in embedding a consistent approach to applying active efforts in the implementation of the child placement principle into process and practice is required. The development of the standard of active efforts for the decision to place an Aboriginal and Torres Strait Islander child and young person in residential care within this report can be utilised across other significant decision points.

The QFCC concludes that:

- The five elements of the child placement principle are indivisible and all of them must be implemented simultaneously at every significant decision point.
- For the child placement principle to be implemented consistently and fully, all service providers are responsible to meet a standard of active efforts.
- Active efforts are iterative and must be assessed, reassessed, and readdressed consistently through the practice of making significant decisions that impact Aboriginal and Torres Strait Islander children and young people.
- Child Safety's commitment to reduce the number of Aboriginal and Torres Strait Islander children in residential care and increase the number of children in kinship care is encouraging.
- With legislative amendments to take effect in the first half of 2023, Child Safety has an opportunity to review and update resources and tools with guidance on the standard of active efforts required to fully implement the child placement principle.
- A focus on identifying and engaging the child or young person's family and those with cultural authority through the development of a genogram is required.
- A quality genogram must be developed and regularly reviewed as a pre-requisite for all other active efforts. This should be facilitated by the FPP and remain an ongoing process of development.
- For this to be effective FPP need to be engaged early in the child protection continuum and when other significant decisions are being made about a child's life, including where and with who they live. This will require sufficient resourcing.
- While there is evidence of cultural support plans being in place, these should be reviewed when significant decisions are being made and involve the family and those with cultural authority.
- Child Safety's replacement information system, Unify, needs to improve capturing information, use and availability of client cultural information and provide a better client matching and locating care arrangement function.

Application of the child placement principle at all significant decision-making points is critical to ensuring the immediate and long-term safety and wellbeing of Aboriginal and Torres Strait Islander children and young people. Without proper implementation of the child placement principle, the child protection system will continue to compromise the inalienable rights of Aboriginal and Torres Strait Islander children and young people in Queensland.

Appendix A – Summary of legislation and policy

The desktop audit consisted of scan of Department of Children, Youth Justice and Multicultural Affairs publicly available documents across legislation, policy, process and programs. NVivo, a data analysis software system, was utilised to code information within the documents to identify references and depth of information. The following categories were used to code information:

Aboriginal and Torres Strait Islander Child Placement Principle Core statements

- Connection
- Participation
- Partnership
- Placement
- Prevention
- Active Efforts

The following documents were reviewed and coded to determine if the child placement principle elements and active efforts have been sufficiently reflected:

Legislation

- Child Protection Act-1999
- Child Protection Reg sl-2011-0245

Child Safety Policy

Retrieved from [Policies | Child Safety Practice Manual \(csyw.qld.gov.au\)](https://www.csyw.qld.gov.au/policies)

- Care-agreements- Policy No 415
- Case-planning – Policy No 263
- Child related costs – placement funding- Policy No. 628
- Child related costs - placement-support-funding- Policy No. 629
- Whole of department - complaints-management
- Decisions about Aboriginal and Torres Strait Islander children- Policy No. 641
- Investigation-and-assessment - Policy No. 386
- Participation of children and young people in decision-making - Policy No. 369
- Residential care – Policy No. 606
- Structured decision-making – Policy No. 407

Child Safety Practice Manual – Process

Retrieved from [Home | Child Safety Practice Manual \(csyw.qld.gov.au\)](https://www.csyw.qld.gov.au)

- Procedures – Recommend a child protection order
- Practice kits – Safe care and connection – Child placement principle – Responding - Applying the child placement principle in practice
- Practice kits – Safe care and connection – Child placement principles – Responding - Active efforts
- Practice kits – Safe care and connection – Child placement principles – Applying the child placement principle in practice
- Practice kits - Care arrangements
- Procedures - Case planning
- Resources – Tools - Case reflection tool – strengthening safe care and connection and permanency for Aboriginal and/or Torres Strait Islander children
- Practice kits – Care arrangements – Overview of care arrangements - Child placement principle
- Practice kits – Permanency - Concurrent case planning – Responding – Concurrent case planning with Aboriginal and Torres Strait Islander children and families
- Procedures – Recommend a child protection order - Decide the type of child protection order to recommend
- Procedures – Support a child in care - Decision making for a child
- Practice kits – Safe care and connection – Participation in planning and decision making – Seeing and understanding – Family Participation Program
- Resources – Handouts – Strengthening families Protecting children Framework for Practice
- Practice kits – Permanency – Concurrent case planning – Responding – Implement a concurrent plan
- Practice kits – Care arrangements – Working with carers – Seeing and understanding - Introduction to family-based care arrangements
- Practice kits – Care arrangements – Overview of care arrangements - Key messages
- Practice kits – Care arrangements – Working with young people – Responding - Participation of young people
- Resources – Practice guides – Evidencing compliance with the-5 elements of the Aboriginal-and Torres Strait Islander CPP (Practice Guide)
- Resources – Handouts – Strengthening families Protecting children Framework-for-practice
- Procedures – Provide and review care - Place a child in care
- Practice kits – Permanency – Reunification – Responding - Post reunification support
- Practice kits – Permanency – Reunification – Seeing and understanding - Reunification is core business

- Practice kits – Safe care and connection – Overview of safe care and connection- Rights of Indigenous peoples
- Practice kits – Care arrangements – Working with Aboriginal and Torres Strait Islander people – Responding - Seeking a care arrangement
- Practice kits – Care arrangements – Overview of care arrangements - Types of care arrangements
- Procedures – Support a child at home - Use a child protection care agreement
- Practice kits – Transition to adulthood – Working with young people – Seeing and understanding - Vulnerability and resilience during transition
- Practice kits – Care arrangements – Working with young people – Seeing and understanding - Young people and care arrangements

Appendix B – Overview of case read tool

ICMs Documents
Family Group Meetings
Case plan
Cultural Plan
Placement Agreement
Child Strengths & Needs Assessment
Genogram

Decision to Place in Residential Care - Case Read Tool

ATSICPP	Indicator	Identified in ICMs Y/N	Notes	Actions Free text to include actions taken to implement
Prevention	Kinship mapping/Current genogram		maternal & paternal generations recorded. If none, go back through history & use free text to record.	Record entries from ICMs that relate to the actions taken for each element.
	Child strengths & needs assessment		Check previous assessments if copied & pasted.	
	Case Plan	May include ACCOS/CPA/CPL or independent person/entity	Check if all sections completed. Check if FGM conducted. Concurrent planning for reunification visible.	
Partnership	Cultural Authority representative		Advice/views included in Case Plan	
Connection	Cultural Plan		Check if cultural plan includes: *child & family involvement in development clearly visible *cultural identity *activities supporting cultural identity & connection *support for carer to maintain activities above *contact plan to support cultural identity & connection	
Participation	Child and family present at decision point		Case Plan includes child and/or family's views	
Placement	Cultural Authority representative		As above - advice/views included in Case Plan	
	Placement history - types & #	NA - use free text in comments	Record dates	