
Family is Culture Progress Report

February 2024



Acknowledgement of Country

The NSW Department of Communities and Justice (DCJ) acknowledges the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past and present and acknowledge Aboriginal and Torres Strait Islander people who contributed to the development of this report.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Family is Culture Progress Report

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Gratitude to those who advocate for change

The *Family is Culture Review Report 2019: Independent Review of Aboriginal Children and Young People in Out of Home Care* (Family is Culture Review) led by Cobble Cobble woman Professor Megan Davis, speaks to the experiences of Aboriginal children and young people, their families, and their communities. Their stories are confronting and highlight the importance of having a culturally capable service system focussed on walking alongside Aboriginal families and communities to keep children safe and connected to culture.

DCJ would like to acknowledge the significant advocacy pursued by Grandmothers Against Removal (GMAR) and GMAR NSW, Stolen Generations survivors, the Secretariat of National Aboriginal and Islander Child Care (SNAICC), and AbSec in particular. Their advocacy and the input of Aboriginal families, parents, and young people at the forum 'Our Kids, Our Way' held in 2016 has been powerful, and led to the Family is Culture Review.

We acknowledge Aboriginal families, communities and organisations who continue to generously share their time, stories and lived experience to improve the way we work with Aboriginal children and families.

Our commitment to Aboriginal communities in NSW

We continue to engage with a broad range of stakeholders to progress Family is Culture recommendations and achieve better outcomes for Aboriginal children and families.

You can send your comments to FamilyIsCulture@dcj.nsw.gov.au.

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1 Minister's Foreword



In 2019 the Family is Culture – Independent Review of Aboriginal Children and Young People in OOHC in NSW, made 126 recommendations to reform the NSW child protection system so that it is more responsive to the needs of Aboriginal children, families and communities.

Since the release of the report, progress has been slow, highlighting the urgent need for more action. This report outlines some of the progress made to implement these important reforms, including changes to the *Children and Young Persons (Care and Protection) Act 1998* and other laws in November 2022.

As the new Minister, I see the Family is Culture Review as an important roadmap that we must continue to build on.

The NSW Government and Aboriginal stakeholders agree that major changes are needed to address the overrepresentation of Aboriginal children and young people in statutory out-of-home care. These changes include increasing the role families and communities have in making decisions about their own children.

In August 2023, I hosted the Aboriginal Child Safety and Wellbeing Reform Forum with Aboriginal stakeholders, leaders and community representatives to hear what is required to build a more responsive, culturally safe and accountable system, that keeps children and young people safe and supports families to stay together.

One of the outcomes of the forum that I have committed to is the establishment of the Ministerial Aboriginal Partnership (MAP) Group to help design significant structural reform and oversee its implementation. The selection process for membership on the MAP Group has been led by Aboriginal peak organisations, AbSec and SNAICC, to ensure Aboriginal membership represents the needs and priorities of Aboriginal people and communities across NSW.

I reiterate my commitment to working with Aboriginal families, communities and representatives to change the trajectory of outcomes for Aboriginal children and families.

Kate Washington MP
Minister for Families and Communities
Minister for Disability Inclusion

2 Overview

Summary

The Family Is Culture Review (2019) examined the reasons for the disproportionate and increasing number of Aboriginal children in out-of-home care in NSW. As part of the review 126 recommendations were made to help reduce the number of Aboriginal children in OOHC.

This report details the progress that has been made against those recommendations since the last published progress report¹ was released in April 2021.

DCJ is focussed on prioritising implementation of those recommendations which will have the greatest impact on improving outcomes for Aboriginal children and families. This work aligns with NSW Government commitments to improve outcomes for Aboriginal families under *The National Agreement on Closing the Gap*² and *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031*³.

Under these national agreements, the NSW Government committed to reducing the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent and to progressing systems transformation that has Aboriginal and Torres Strait Islander self-determination at its centre.

Introduction

The NSW Government commissioned the independent Family is Culture Review following repeated calls by Aboriginal leaders and communities to address the continued over-representation of Aboriginal children and young people in out-of-home care in NSW.

The Family is Culture Review examined casework practice and decision-making by DCJ in relation to 1,144 Aboriginal children and young people who entered out-of-home care in NSW during 2015-16. More broadly, it reviewed the impact that case management systems, policies and practices have on Aboriginal children, young people, families, communities, and culture, and made 126⁴ systemic recommendations for legislative, policy and practice changes.

DCJ acknowledges that progress against some of the recommendations has been slower than anticipated. We remain steadfast in our commitment to implement these important changes which

¹ NSW Government, Department of Communities and Justice, *Family is Culture Progress Report*, August 2021, available at: <<https://www.familyisculture.nsw.gov.au/download?file=823720>>.

² Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Agreement on Closing the Gap*, July 2022, available at <<https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>>. Commonwealth of Australia, Department of the Prime Minister and Cabinet, *National Agreement on Closing the Gap*, July 2022, available at <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>

³ Australian Government, Department of Social Services, *The National Framework for Protecting Australia's Children 2021-2031*, available at: <https://www.dss.gov.au/the-national-framework-for-protecting-australias-children-2021-2031>

⁴ Previous reporting did not reflect the counting error contained in the body of the Family Is Culture Review report where two different recommendation 93 are recorded.

are designed to reduce the overrepresentation of Aboriginal children and young people in the statutory child protection system. Aboriginal children and families deserve better.

Since the last report we have worked with AbSec and the Aboriginal Legal Service (NSW/ACT) and other stakeholders to fast-track some of the key recommendations that require legislative change. The Family is Culture Bill⁵ was drafted and introduced into the NSW Parliament in mid-October 2022 and became law on 25 November 2022.

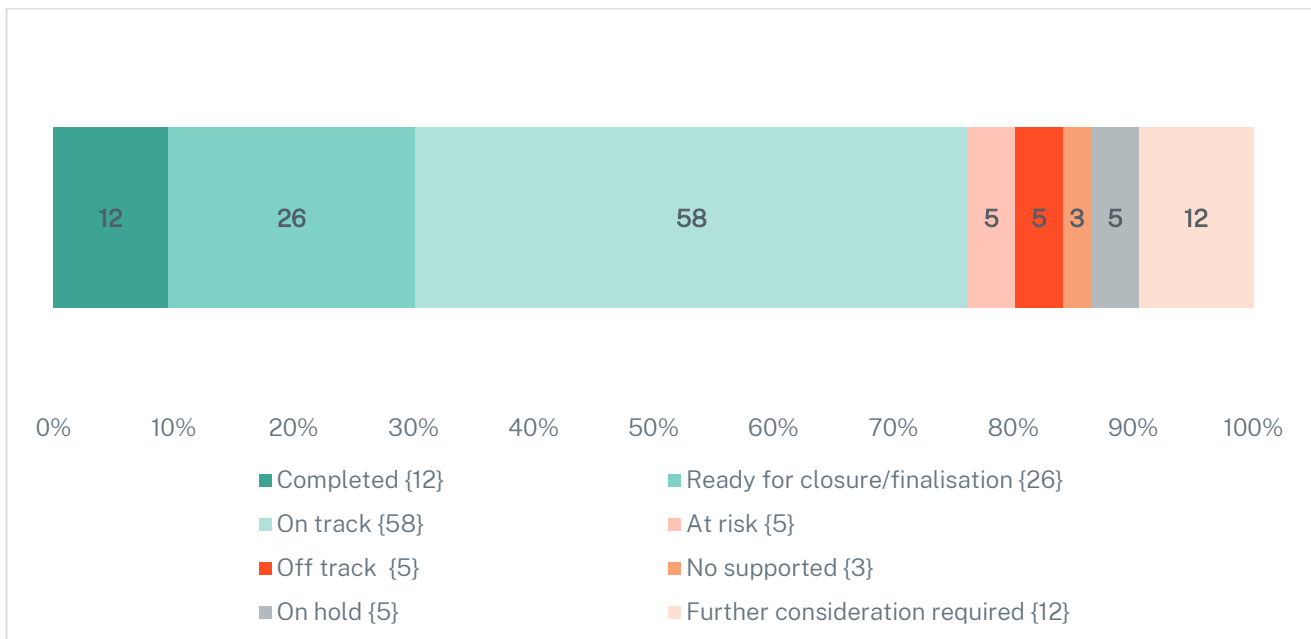
Amendments embed the SNAICC Aboriginal Child Placement Principle and impose new obligations for practitioners to take ‘active efforts’ to prevent all children entering out-of-home care and restore children to their parents. They also require DCJ to consider alternative options to out-of-home care and ensure families and communities have a voice in decision making about Aboriginal children.

DCJ has also implemented process improvements to support oversight and drive delivery since the last report, including more robust internal reporting and governance. We have also worked, and continue to work, to strengthen our partnerships with Aboriginal peaks and stakeholders. We are increasing our accountability to Aboriginal communities by committing to regular public reporting on our progress in implementing the Family is Culture Review recommendations.

Status of Family is Culture recommendations

The following diagrams present a high-level overview of the status of Family is Culture recommendations, including a status description.

Recommendation Progress



⁵ Children and Young Persons (Care and Protection) Amendment (Family is Culture) Bill 2022. Information about its progress through the NSW Parliament can be found here: <https://www.parliament.nsw.gov.au/bills/Pages/Profiles/children-and-young-persons-care-and-protection-amendment-family-is-culture-bill-2022.aspx>

Legend

Status	Description
● Completed	The recommendation has been endorsed as completed or the Government has endorsed a position and that is final
● Ready for closure / finalisation	The recommendation is completed and is awaiting formal sign off
● On-track	The recommendation is on track
● At-risk	The recommendation is at risk of going off track
● Off-track	The recommendation is off track
● On-hold	The recommendation is on hold and requires a formal decision to be made by the Family is Culture governing body to proceed forward
● Further consideration required	The recommendation requires further consideration to determine the path forward
● Not supported	The recommendation was not supported by the previous NSW Government

2.1 Implementation Priorities

DCJ's implementation focus is guided by the Office of the Children's Guardian *Special Report under section 139(2) of the Children's Guardian Act 2019: Family is Culture Review*⁶ (Special Report) published in April 2022.

The Special Report provided constructive recommendations to monitor the response to the Family is Culture Review, noting there is more work to do to ensure progress meets the expectations of stakeholders. The Special Report included findings to increase focus and resolve to improve outcomes for Aboriginal children and young people. The Office of the Children's Guardian noted that the DCJ needed to do better to prioritise projects, recommending that it take a more strategic approach by identifying priority or short-term projects that are critical, and directing resources towards those initiatives. Further information on recommendations contained in the Special Report can be found in the sections which follow.

DCJ has worked with AbSec and the Aboriginal Legal Services (NSW/ACT) (ALS NSW/ACT) and agreed to progress the work program by focusing on implementation of the Family Is Culture Review recommendations on key priority areas.

The five implementation priority areas are set out in AbSec and ALS NSW/ACT's *Honouring Family is Culture NSW Aboriginal community monitoring and reporting framework* (November 2021)⁷. This report assesses progress against these priority areas:

1. Strengthening system accountability and oversight, including an independent commission with at least one Aboriginal commissioner and an Aboriginal Advisory Board appointed in consultation with community.
2. Expediting legislative reforms to strengthen safeguards.
3. Significantly greater investment in early support and keeping families together, at least equal to the proportion of Aboriginal children in the child protection system and directed through an Aboriginal commissioning framework.
4. Embedding the Aboriginal Case Management Policy and Practice Guidance, including the establishment of Aboriginal Community Controlled Mechanisms (ACCMs), community facilitators and Aboriginal family led decision making.
5. Embedding Indigenous data sovereignty – establishing the systems, structures, and processes to enable communities to collect, own and use their data.

Remaining recommendations related to changes to legislation and oversight mechanisms are being further considered by the NSW Government.

Section 2 provides an overview of progress against each of the implementation priority areas, and key next steps. We have also provided an overview of the important work being undertaken to increase the restoration of Aboriginal children with their families (see section 2.3).

⁶ NSW Government, Office of the Children's Guardian, *Special Report under section 139(2) of the Children's Guardian Act 2019: Family is Culture Review*, March 2022, available at <https://ocg.nsw.gov.au/sites/default/files/2022-04/R_00HC_FamilyIsCultureReview.pdf>.

⁷ NSW Child and Family and Peak Aboriginal Corporation (AbSec), *Honouring Family is Culture* (2021), available at <https://absec.org.au/2021/11/08/aboriginal-peaks-condemn-nsw-governments-failure-to-deliver-crucial-child-protection-reforms/>

3 Progress on Implementation Priority Areas

3.1 Implementation Priority Area 1

Strengthening system accountability and oversight, including an independent commission with at least one Aboriginal commissioner and an Aboriginal advisory board appointed in consultation with community

Recommendations in this priority area

4, 5, 9, 10, 11, 12, 13, 14, 16, 18, 62, 68, 75, 79, 83, 88, 89, 90, 91, 92, 100, 102

Key Activities

Activity type	Complaint system independent review and audit
Who is responsible	DCJ
Description	The NSW Ombudsman is continuing its review of DCJ's system for handling complaints from Aboriginal people in the child protection and Out-Of-Home-Care system, including DCJ's implementation of recommendations made by PricewaterhouseCoopers (PwC) following its review of DCJ's general complaint handling process.
Progress update	<p>PwC's review has been published in its entirety on DCJ's public website.</p> <p>DCJ has implemented all 15 managerial actions recommended, with three being ongoing projects (updating brochures, annual customer experience surveys, and complaint handling training).⁸</p> <p>The NSW Ombudsman commenced a review⁹ in September 2022 to focus on complaints made by, or about, Aboriginal children and young people and their families and carers in relation to child protection and out-of-home care. This will consider:</p> <ul style="list-style-type: none"> • DCJ complaints handling policies, procedures, and practices, • the experience of complainants • how DCJ monitors and supports out-of-home care agencies to handle complaints

⁸ NSW Government, Communities & Justice, PricewaterhouseCoopers, *Internal Audit of Complaints Handling* November 2021, available at <https://www.facs.nsw.gov.au/download?file=822748>

⁹ The review is being conducted under section 14 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS CRAMA).

	<ul style="list-style-type: none"> • progress and delivery against key Family is Culture Review recommendations relating to complaints processes¹⁰ • workforce capabilities in complaints handling, including cultural competency, and trauma awareness, and analysing data to identify and address service and complaint handling issues. <p>A draft report is being developed by the NSW Ombudsman. In the interim, DCJ commenced 13 internal projects to further improve the functions, accessibility, transparency, and reporting of complaints across child protection services. 6 of the projects have been completed and the remaining 7 are on schedule.</p>
Next steps	<p>While the actions taken to date have improved the system for all complainants, further review is taking place to ensure all aspects of recommendation 10 are fulfilled.</p> <p>The NSW Ombudsman initially appointed a dedicated Aboriginal Assistant Ombudsman, George Blacklaws, to lead this work. However, since he has vacated the role, the review is now being completed by an external consultant.¹¹</p> <p>DCJ has supplied internal documents and complaints made to DCJ to the NSW Ombudsman for review. The Ombudsman's Office advised it had completed community consultation with Aboriginal clients and stakeholders.</p>

Activity type	Remaining Family is Culture Review recommendations relating to changes to laws and oversight mechanisms.
Who is responsible	DCJ
Description	Recommendation 9 proposes that a new independent Child Protection Commission assume some of the functions held by the NSW Ombudsman and the Office of the Children's Guardian.
Progress update	See Implementation Priority Area 2: Changes to the law to strengthen safeguards.
Next steps	This recommendation is under consideration by the NSW Government. It is anticipated Recommendations 9 and 102 will be considered by the Minister Aboriginal Partnership Group. Recommendation 102 is dependent on the acceptance and completion of Recommendation 9.

Activity type	OCG Independent Review
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¹⁰ Specifically, recommendation 10 which relates to the independent review of the DCJ complaints handling process, and recommendation 62 which relates to implementing a system where children are empowered to report safety concerns and harm in OOHC placements.

¹¹ Ombudsman NSW, *NSW Ombudsman Annual Report 2021-2022*, October 2022, available at <[NSW Ombudsman Annual Report 2021-22 - NSW Ombudsman](#)>.

Who is responsible	Office of the Children’s Guardian (OCG)
Description	Independent review of the previous NSW Government’s progress in implementing the recommendations arising from the Family is Culture Review, focusing on recommendations 88, 89, and 92, which concern placements in out-of-home care.
Progress update	<p>Recommendation 18:</p> <p>In November 2021, the OCG reviewed its accreditation and monitoring functions in consultation with the statutory out-of-home care and adoption sector. On 1 September 2022, OCG’s accreditation and monitoring functions commenced in the <i>Children’s Guardian Act 2019</i> and regulations.</p> <p>The outcome of this consultation is available on the OCG website.</p> <p>In response to sector feedback, legislative amendments were made to strengthen requirements where the Children’s Guardian defers a decision on an agency’s application for accreditation where further evidence of compliance is required. This includes a new requirement for the agency to prepare an action plan setting out how it will become compliant with accreditation criteria and a maximum deferral period of 24 months. A new provision was also introduced prohibiting an agency that has had its accreditation cancelled, from re-applying for accreditation for 2 years.</p> <p>Information about agencies’ accreditation status, including where a decision has been deferred or an accreditation has been shortened or cancelled, is published on the OCG website.</p> <p>The 2021 review also considered options to bring the statutory out-of-home care and adoption sector into the NSW Child Safe Scheme. The Child Safe Standards, with supporting codes of practice, will be built into the mandatory accreditation criteria for designated agencies and adoption service providers. The OCG is currently consulting on the proposed code of practice for Statutory Out of Home Care. The code of practice for Specialised Substitute Residential Care is in place.</p> <p>In 2023, to support the new criteria, the OCG has reviewed information available to the public about the new accreditation criteria and the operation of the accreditation scheme. This includes publication of documents setting out the mandatory accreditation requirements, how the OCG assesses compliance with these requirements, and the regulatory options available to the Children’s Guardian to address non-compliance. The OCG will review its compliance reports and develop sector performance reports against the new accreditation requirements.</p> <p>The OCG undertakes periodic sector-wide reviews of particular areas of practice, and in 2021 published a report about sector practices to support young people leaving care (available here). Sector-wide performance reports will continue to be published on the OCG website.</p> <p>Recommendation 89:</p> <p>The most recent available data (July – September 2023) shows 291 WWCC applications were received by the OCG from people identifying as Aboriginal, Torres Strait Islander or both and nominated ‘Authorised Carer’ on the form. Of the applications received, 92% were finalised by the OCG within 4 weeks of lodgement</p>

(with 47% finalised within 5 days) and received WWCC clearances. 97% of applications were finalised within 6 weeks of lodgement and received WWCC clearances. 3% were referred to risk assessment and remain in progress while further information gathering occurs. None of the applications received by the OCG from First Nations people during this time period were refused.

Recommendation 90:

The OCG has been working to improve engagement with Aboriginal applicants. It has:

- Implemented a targeted approach to engagement. The most recent data (November 2022 to September 2023) shows 378 Aboriginal applicants were referred to a dedicated culturally sensitive project. Of these applicants, fewer than 1% were refused a WWCC clearance.
- Worked closely with relevant legal services to develop appropriate resources and referral pathways for community requiring information or support with WWCC queries.
- Developed a culturally appropriate fact sheet about the WWCC application and risk assessment process.
- Commissioned and implemented the Your Story Guide, a holistic tool to assist WWCC staff to use culturally tailored and sensitive approaches when working with Aboriginal and Torres Strait Islander applicants that was developed in collaboration with Yamurrah.
- Developed a WWCC First Nations applicants policy statement that upholds the paramountcy of the *Child Protection (Working with Children) Act (NSW)* whilst balancing cultural considerations.
- Resumed engagement activities to both community and government sectors so that applicants and stakeholders are aware of the various contact points available to them for the purpose of making enquiries and seeking updates on the progress of applications. This includes visits to regionally based Aboriginal community groups and events and ongoing participation in DCJ led initiatives.
- Reached a Collaboration Agreement between the OCG and Maranguka Community Hub. Maranguka works in partnership with relevant government and non-government agencies and acts as a local 'hub' for both individuals and service providers as well as the operational arm of the Bourke Tribal Council. In entering into this Collaboration Agreement, Maranguka and the OCG seek to achieve their shared joint objective of enhancing child safety and improving outcomes for Aboriginal people in the Bourke community.
- Supported Aboriginal and Torres Strait Islander applicants to meet new proof of identity requirements imposed by the Australian Criminal Intelligence Commission. The OCG Customer Service team have supported Aboriginal and Torres Strait Islander people to successfully complete proof of identity requirements for the WWCC application where appropriate.

Recommendation 91:

A Memorandum of Understanding (MOU) has been made between the OCG, DCJ and the Children's Court of NSW. The MOU is intended to provide a framework to ensure an open and effective working relationship exists between the parties to facilitate timely exchanges of information.

The MOU assists the OCG in its functions, so that the processing of applications for WWCC clearances made by Aboriginal applicants wishing to become

	<p>authorised carers for Aboriginal children continue to be prioritised and can be finalised within agreed timeframes.</p> <p>Officers from the OCG and DCJ have met to review the general operation of the MOU and possible enhancements to information exchanges. These meetings identified opportunities to streamline information exchange, such as DCJ ensuring a copy of the Carer Assessment is provided to the OCG at the time of referral. The OCG considers that the MOU has been effective in achieving its purpose.</p>
Next steps	<p>Recommendation 18:</p> <ul style="list-style-type: none"> The OCG anticipates that new accreditation criteria, with new sector compliance and monitoring reports, will be finalised in 2024. <p>Recommendations 89-91:</p> <ul style="list-style-type: none"> The OCG will continue its focus on community engagement and educational activities to promote the work of the WWCC scheme and increase its reach to Aboriginal applicants, both directly and via government and non-government agencies who work with Aboriginal people and communities. The Collaboration Agreement will be operationalised, supporting Aboriginal community members from Bourke at key stages of the WWCC process. The OCG, DCJ and Children’s Court will continue to work in accordance with the existing MOU. Matters referred under the MOU between DCJ and the OCG continue to be prioritised and outcome information is routinely shared with DCJ in compliance with the legislation.

Activity type	Office of the Children's Guardian (OCG) Independent Review
Who is responsible	DCJ
Description	The OCG conducted an independent review ¹² of progress in implementing the recommendations arising from the Family is Culture Review, focusing on recommendations 88, 89, and 92, which concern placements in out-of-home care.
Progress update	<p>The OCG Special Report (April 2022) highlighted that more intensive family finding work needed to be undertaken by DCJ and Aboriginal assessors who undertake carer assessments.</p> <p>The OCG is considering releasing additional information when an agency’s accreditation is deferred / suspended / cancelled, noting that release of such information is subject to any order of the NSW Civil and Administrative Tribunal (see sections 64 (1) (a), (b) and (c) of the <i>Civil and Administrative Tribunal Act 2013</i>). The types of information that the OCG could consider releasing include:</p> <ul style="list-style-type: none"> an overview of reasons for deferral, suspension, or cancellation

¹² Office of the Children’s Guardian, NSW *Special Report under section 139(2) of the Children’s Guardian Act 2019: Family is Culture Review*. March 2022. Available at: <https://ocg.nsw.gov.au/organisations/statutory-out-home-care-and-adoption/family-culture-review>

	<ul style="list-style-type: none"> • actions the OCG has taken to support compliance or address non-compliance, and updates about the agency's progress to improve compliance, and • actions taken to ensure the safety and wellbeing of children in the care of agencies whose application or renewal of accreditation has been suspended or cancelled. <p>In its report, the OCG recognised the critical need to assure the public of the OCG's role in ensuring that agencies meet the required standards of care, and the need to strike a balance between its regulatory approach and increasing access to information about the performance of out-of-home care agencies.</p> <p>A specific review of the impact of the WWCC scheme on Aboriginal applicants has not taken place, however, the OCG states that it will continue to review its procedures to ensure that Aboriginal applicants can engage in WWCC processes and acknowledges the potential for Aboriginal carers to experience delays in the processing WWCC applications. It has identified that a major barrier for Aboriginal carers is meeting proof of identity requirements, and this remains an ongoing issue despite changes to Proof of Identity requirements to make a WWCC application made by the Australian Criminal Intelligence Commission.</p> <p>Where it is possible and safe to do so, DCJ will not change children or young people's placement until there is an outcome on a carer or household members WWCC.</p>
Next steps	<ul style="list-style-type: none"> • Active work and consultation are occurring to explore ways to reduce any unnecessary administrative burden around probity checks for Aboriginal carer applicants. • Recommendation 102 is being further considered in line with Recommendation 9.

3.2 Implementation Priority Area 2:

Expediting legislative reforms to strengthen safeguards

This Implementation Priority Area has a focus on the reforms to legislation recommended in the Family is Culture Review.

Recommendations in this priority area

8, 9, 11, 12, 15, 17, 19, 20, 25, 26, 28, 48, 54, 64, 65, 71, 76, 94, 102, 112, 113, 117, 121, 122, 123

Key Activities

Activity type	Legislative reform.
Who is responsible	DCJ
Description	There is an extensive program of work to address the recommendations requiring legislative changes or changes to court processes.
Progress update	<p>The NSW Government has made significant progress in implementing the Family is Culture recommendations, with 13 of the 25 legislative recommendations now completed.</p> <p>Key achievements:</p> <ul style="list-style-type: none"> • Public consultations: Throughout April and May 2022, DCJ staff ran 11 public consultation sessions in locations across NSW with more than 130 attendees. A discussion paper was also released to support the consultations and written submissions were invited, with 31 submissions received. AbSec and ALS NSW/ACT were involved in the development of the presentation and spoke at length at each session they attended about their concerns with the discussion paper, and their position on some of the recommendations, including preventing adoption of Aboriginal children. • Two-stage implementation process: A two-stage process was put forward, where the previous NSW Government agreed to progress legislative recommendations that were relatively straightforward to implement in 2022, and progress those that were more complex or required a longer timeframe to consider at a later point. The more complex recommendations include recommendation 8 (Self-Determination), recommendation 9 (A New Child Protection Commission), recommendation 12 (Publishing Final Judgments), recommendation 28 (Notification Service), recommendation 76 (Identifying Aboriginality), and recommendation 122 (New Agency to Run Litigation). • Consultation findings report: DCJ released a consultation findings report in September 2022, which included a summary of the feedback received and an overview of action to be taken on each recommendation. • Draft Bill: The <i>Children and Young Persons (Care and Protection) Amendment (Family is Culture) Act 2022</i> (the Bill) was developed to implement 13 of the

	<p>25 legislative recommendations through amendments to laws. The Bill was developed based on the Family is Culture review report, the submissions received, what was said at public consultations, and feedback from a range of organisations directly impacted by the proposed changes.</p> <ul style="list-style-type: none"> • Enactment of the Bill: This Bill was introduced into the NSW Parliament on 20 October 2022 and was assented on 25 November 2022. The Bill resulted in recommendations 17, 19, 26, 48, 54, 65, 71, 76, 94, 112, 113, 117, and 123 being completed.
Next steps	<p>The NSW Government is considering the remaining Family is Culture recommendations relating to changes to laws and oversight mechanisms, including options to progress self-determination in the out-of-home care system. Advice on a consultation process for the remaining legislative reform recommendations will be sought from the new Ministerial Aboriginal Partnership Group.</p> <p>AbSec and ALS NSW/ACT concerns</p> <p>AbSec, ALS NSW/ACT and other Aboriginal community-controlled organisations remain concerned about the pace of implementation of the Family is Culture recommendations. They are also calling for the NSW Government to do more to address the concerns raised by Aboriginal community-controlled organisations and advocates about the process for implementing the recommendations.</p> <p>Ongoing commitment</p> <p>The NSW Government remains committed to implementing the Family is Culture recommendations and is working to address the concerns raised by Aboriginal community-controlled organisations and others. The NSW Government acknowledges that there is still more work to be done and is committed to working with Aboriginal stakeholders to achieve the best outcomes for Aboriginal children and families.</p>

3.3 Implementation Priority Area 3:

Significantly greater investment in early support and keeping families together, at least equal to the proportion of Aboriginal children in the child protection system and directed through an Aboriginal commissioning framework

This Priority Implementation Area focuses on investing in earlier supports to prevent Aboriginal children entering out-of-home care.

Recommendations in this priority area

21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 42, 43, 44, 45, 46, 47, 50, 51, 52, 53, 55, 56, 57, 58, 105, 107, 108, 109, 110, 111

Key Activities

Activity type	Opportunities to increase investment in Aboriginal early intervention services.
Who is responsible	DCJ
Description	Increasing investment in Aboriginal early intervention services.
Progress update	<p>Recommendations 21 & 22</p> <p>Investment in Aboriginal early intervention services has increased to 11.13% from 9.27% since the June 2022 reporting period. DCJ continues to prioritise investment in Aboriginal early intervention services when funding becomes available.</p> <p>Recommendation 29</p> <p>The Care Partners Program which was formerly delivered by Community Legal Centres ceased operating in 2019.</p> <p><i>Aboriginal Child and Family Advocacy Support</i></p> <p>The NSW Government has provided \$9.8 million over four years to ALS NSW/ACT to pilot an Aboriginal Child and Family Advocacy Service to provide legal and non-legal advocacy to families at risk of having their children removed through holistic early assistance. This will be trialled in a small number of regional locations in Western NSW and includes a state-wide telephone advice service. This progresses recommendation 29.</p> <p>Aboriginal-led commissioning</p> <p>AbSec has been funded \$3.9 million over four years to design and trial an approach to Aboriginal-led commissioning. The objective of Aboriginal-led commissioning is to drive an approach to commissioning that gives Aboriginal communities decision making power when it comes to the design, delivery and monitoring of programs and services, and ensures that they build on the strengths of communities, are culturally embedded, and are responsive to opportunities and needs that communities identify themselves.</p>
Next steps	<i>Aboriginal Child and Family Centre (ACFC) expansion:</i>

	<ul style="list-style-type: none"> • Preparation of a business case to construct six new ACFCs from 2024 to 2027. • Prepare documentation to go to tender for the detail design and construction of new ACFCs and the upgrade of current centres. <p><i>Pregnancy Family Conferencing:</i></p> <ul style="list-style-type: none"> • Further stakeholder consultation on model elements. • Recruitment of staff in DCJ and NSW Health. • Finalisation of Pregnancy Family Conferencing framework, based on analysis of best practice and feedback from local districts on early implementation. • Pregnancy Family Conferencing to commence operating in all districts across NSW following recruitment. <p><i>Aboriginal Child and Family Advocacy Support:</i></p> <p>In October 2023, ALS Aboriginal Child and Family Advocacy Services was established and commenced operation in Moree and Dubbo. The services have begun to receive referrals from the District Community Services Centre.</p> <p>The Targeted Earlier Intervention program continues to re-direct funds, where available, to Aboriginal Community Controlled Organisations. See response to recommendation 24 below in relation to building the evidence base for Aboriginal led services and activities that improve outcomes for Aboriginal children and families.</p>
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Activity type	Evidence base for Aboriginal led services and activities
Who is responsible	DCJ
Description	Building the evidence base for Aboriginal led services and activities that improve outcomes for Aboriginal children and families.
Progress update	<p><i>Family Connect and Support and Targeted Early Intervention Evaluations</i></p> <p>The Family Connect and Support program and Targeted Early Intervention program are being evaluated to build the early intervention evidence base and deliver a cost benefit analysis.</p> <p>The Targeted Early Intervention program evaluation will provide opportunities for community and stakeholder engagement including through consultation with service providers (including Aboriginal Community Controlled Organisations), peak bodies and semi-structured client interviews. Gamarada Universal Indigenous Resource is part of the evaluation team.</p> <p>The two-year Family Connect and Support evaluation includes a process, outcomes and economic evaluation and is being delivered by the University of Sydney’s Research Centre for Children and Families in partnership with Curijo Pty Ltd. The evaluation methodology has research questions specific to Aboriginal</p>

	<p>communities. It is intended that the evidence from this evaluation will be used to inform early intervention recommissioning in 2025.</p> <p><i>Aboriginal Evidence Scan</i></p> <p>Gamarada Universal Indigenous Resources has been engaged to conduct and lead an Aboriginal Evidence Scan to support development of the Aboriginal early intervention evidence base across DCJ's early intervention programs. This will help to demonstrate the positive impact of early support for Aboriginal families and inform greater investment in early intervention services that are designed and delivered by Aboriginal communities.</p>
<p>Next steps</p>	<p>The <u>Family Connect and Support Evaluation Interim Report</u> was published in July 2023. The Targeted Early Intervention interim report is expected to be published in February 2024. Both evaluations will be published on the DCJ Evidence Portal when finalised. Ongoing consultation with the sector will occur to support and inform the evaluations.</p> <p>The report on the Aboriginal Evidence Scan, being undertaken by Gamarada Universal Indigenous Resources, is due to be published in February 2024.</p>

<p>Activity type</p>	<p>Creating streamlined pathways to support families</p>
<p>Who is responsible</p>	<p>DCJ</p>
<p>Description</p>	<p>Development of a Common Assessment tool for Family Connect and Support to assess the needs and strengths of families more effectively in a culturally appropriate way.</p>
<p>Progress update</p>	<p>Family Connect and Support was implemented in 2021, and is a free early intervention, case coordination and referral program. Participation is voluntary and the only eligibility criteria is having a child or young person under 18 in the family or household. It assists people who access Family Connect and Support providers with understanding and managing their children's behaviour, budgeting and money matters, alcohol, drug or gambling problems, access to housing, health care or other community and government services, building strong family relationships, and keeping everyone safe at home.</p> <p>DCJ engaged Curijo Pty Ltd, a majority owned Aboriginal organisation to lead and facilitate the development and design of a Common Assessment Tool to further strengthen the program. A key part of this has been Curijo consulting with families, and key stakeholders such as AbSec. This work will help inform and develop a better understanding of how to best assess families' needs and strengths once they access Family Connect and Support in a consistent, comprehensive, and strengths-based way.</p> <p>Curijo consulted broadly with service providers, families, and subject matter experts to inform the development of the Family Connect and Support Common Assessment Tool.</p>

	Aboriginal families and children are a priority population for Family Connect and Support. The Family Connect and Support service provider that covers the Illawarra/Shoalhaven area is South Coast Aboriginal Medical Corporation.
Next steps	The tool, which aligns with the DCJ Aboriginal Case Management principles, is now complete and will be implemented by Family Connect and Support providers.

3.4 Implementation Priority Area 4:

Embedding the Aboriginal Case Management Policy and Practice Guidance, including the establishment of Aboriginal Community Controlled Mechanisms (ACCMs), community facilitators and Aboriginal family led decision making

The Aboriginal Case Management Policy (ACMP) is central to improving work with Aboriginal families. The Office of the Children’s Guardian’s Special Report noted that there was limited evidence of the four core elements of the Policy being broadly implemented and stated that further support is needed to ensure the policy is implemented effectively across all Districts. DCJ has renewed its focus on the full implementation of the ACMP.

Recommendations in this priority area

6, 7, 27, 39, 72, 73, 77, 81, 85, 86, 93, 97, 98, 99, 100, 101, 103, 104, 106, 107

Key Activities

Activity type	Statewide implementation of the Aboriginal Case Management Policy (ACMP)
Who is responsible	DCJ
Description	<p>To embed the ACMP across the entire support continuum from targeted early intervention, child protection and out-of-home care. The policy will apply to the delivery of programs and services by a range of stakeholders including DCJ case workers, Aboriginal Community Controlled Organisations, and other NGO service providers.</p> <p>The ACMP recognises the rights of Aboriginal families and Aboriginal communities in caring for their children, and the Aboriginal Case Management Rules and Practice Guidance sets out how to involve Aboriginal children and families in decision-making, assessment, and case planning processes.</p>
Progress update	<p>Stage 1 of the ACMP implementation plan was developed in partnership with Absec and district operations via the ACMP Statewide Implementation Steering Committee. The ACMP Implementation Plan was signed off by this committee and DCJ in June 2023. The Steering Committee meets monthly to monitor progress of the four core enabler work streams:</p> <ol style="list-style-type: none"> 1. Active efforts – new legislative provisions in the Care Act commenced on 15 November 2023. 2. Aboriginal family led assessment is being progressed under the Better Decisions for Children Project led by the Office of the Senior Practitioner within DCJ. 3. Aboriginal family led decision making is being implemented in the Hunter Central Coast District to inform state-wide implementation.

4. Aboriginal Community Controlled Mechanisms (ACCM) are being implemented through funding to AbSec. The first community led Aboriginal Community Controlled Mechanism was established in Shellharbour on 4 August 2023.

Applying the ACMP in practice requires districts to partner with local Aboriginal communities and AbSec and ACCMs to ensure community oversight of implementation.

Information sessions have been held in every District for Commissioning and Planning staff to prepare Early Intervention service providers to apply ACMP core principles in their service delivery. The ACMP Rules and Guidance resources have been published on the DCJ casework practice intranet site and are updated to reflect latest learnings and provide practical advice on applying the ACMP and its key enablers to support practitioners.

Contracts for Permanency Support Providers, which commenced 1 October 2022, provide strengthened expectations for working with Aboriginal children. This includes requirements to develop policies and processes in line with the ACMP and a focus on culturally sensitive and family led casework.

All funded service providers are encouraged to have their staff complete the free ACMP training e-modules available online.

Progress on implementation of the four core elements of the ACMP includes:

Aboriginal Family-Led Decision Making

Hunter Central Coast District (HCC) identified key child protection decision making points to apply Aboriginal Family-Led Decision Making.

Clear practice guidance and casework quality assurance processes are in place to support districts leaders to apply Aboriginal Family-Led Decision Making into local practice.

Nous group completed a scoping study to identify the structure and elements of the casework quality assurance framework to support implementation of Aboriginal Family-Led Decision Making. The study was commissioned by DCJ and completed in July 2023.

Aboriginal Family-Led Assessment Implementation

Assessment tools used with families at risk of statutory intervention are being revised, and core ACMP enablers are being embedded in the development and implementation of assessment tools.

A cultural lens is being applied to current assessment tools and practice, which will improve how caseworkers assess safety, risk, needs and strengths for Aboriginal families in line with the ACMP and the NSW Practice Framework.

DCJ is considering the use of redesigned assessment tools, as well as the systems and context in which they will be implemented. This is being supported by development of an overarching policy to support, guide, and govern child protection decision-making. DCJ's focus is on ensuring that powers and responsibilities are exercised in a way that promotes the safety and wellbeing of a child who is at risk of significant harm.

DCJ has enhanced the functionality of the ChildStory case management system to record Aboriginal consultations. A record is created in the source system when a

caseworker requests cultural consultation at key points in the casework process, including assessment, enabling systems level monitoring and reporting.

The implementation of the Safeguarding Decision Making for Aboriginal Children Panels across NSW to support Aboriginal oversight of decision-making processes commenced in September 2023.

A panel will be convened when an Aboriginal child may no longer be considered safe to stay at home. The purpose of panels is to ensure that decisions about safety, removal and placement of all children are informed by diverse perspectives, sensitivity, and independent consultation with senior practice leaders. The panels include Aboriginal community representatives, and provide an opportunity to ensure that decisions about Aboriginal children meet statutory requirements, are culturally informed and support Aboriginal children staying at home when it is safe to do so.

The first panel convened in the Illawarra in October 2023. Panels were rolled out in all Districts by November 2023.

Aboriginal Community Controlled Mechanisms

AbSec has been funded to establish and support the operation of Aboriginal Community Controlled Mechanisms (ACCM) or their equivalent across each of the DCJ Districts. AbSec were funded \$8.7 million in 2022-23 across four years to deliver the *Strong Families, Our Way: NSW Aboriginal Child and Family Self-Determination Project* initiative to strengthen sustainable, community-led structures and self-determination within the child protection system. This will progress key projects within Closing the Gap Priority Areas 3 and 4.

On Aboriginal and Torres Strait Islander Children's Day, 4 August 2023, leaders from DCJ, AbSec and Shoalhaven community attended the launch of the first community driven ACCM in the Shoalhaven. AbSec and DCJ will use this as an operating model for other ACCMs in NSW.

AbSec and DCJ have jointly approved a new set of Fact Sheets and updated Rules and Guidance that align the language used in the policy regarding Active Efforts with the Family is Culture legislative changes. A fact sheet has been finalised that outlines the role of an ACCM under the current policy.

Active efforts supporting ACMP implementation

The Active effort provisions uphold the core elements of the Aboriginal Case Management Policy and promote Aboriginal Family Led Decision Making at key points on the support continuum to guide assessments, planning and care and restoration decisions.

Recommendations 6 and 7 regarding Aboriginal self-determination require further consultation with Aboriginal stakeholders.

Next steps

- Develop Hunter Central Coast District ACMP Steering Committee as an operating model for DCJ Districts.
- Apply the operating procedures of the ACCM demonstration model in DCJ Districts.
- Monitor and report on progress against the ACMP state-wide implementation plan.

- Progress the Restoration Practice Mandate for caseworkers.

3.5 Implementation Priority Area 5:

Embedding Indigenous data sovereignty – establishing the systems, structures, and processes to enable communities to collect, own and use their data

This implementation priority area is to embed Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG), establishing systems, structures, and processes to enable communities to collect, own and use their data.

DCJ's progress on actioning IDS and IDG is related to the work that Aboriginal Affairs NSW is progressing under the *NSW Closing the Gap Implementation Plan 2022 – 2024*¹³. This involves actions that will support Aboriginal communities to have access to government data and insights in formats that enable local decision-making and shared decision-making with government. There is also a focus on developing a shared understanding of IDS and the design of a model to support the implementation of Data Sovereignty and Governance Principles.

Recommendations in this priority area

1, 2, 3, 23, 35, 41, 49, 63, 69, 70, 74, 75, 79, 83, 84, 96, 106

Key Activities

Who is responsible	DCJ
Activity type	Indigenous Data Sovereignty Roundtable
Description	Conduct a roundtable with community to discuss IDS and IDG.
Progress update	<p>The roundtable, hosted by DCJ's Ngaramanala team, was held in Parramatta on the 15 November 2023, and attended both online and in person. Online attendance allowed for greater choice and flexibility for Aboriginal people to attend and remain on Country. The roundtable was professionally recorded and shared as a secondary viewing option. This recording will also be utilised as an asset for recommendation 2.</p> <p>Ngaramanala worked closely with Aboriginal Data Active Communities, Ngiyang Wayama, Maranguka, Just Reinvest Kempsey, and Kinchela Boys Home to refine the design of the roundtable and the structure of the day. The roundtable was facilitated by Natalie Walker from Inside Policy. Terri Janke was the keynote speaker.</p> <p>Three resources will be derived from this event to inform recommendation 2:</p> <ol style="list-style-type: none"> 1) An instruction of intent – delivered by the Elders Panel 2) A Policy framework issues paper, responding to the roundtable (Natalie Walker – Inside Policy)

¹³ <https://www.aboriginalaffairs.nsw.gov.au/closingthegap/nsw-implementation-plan/2022-24-implementation-plan/>

	3) An Issues Paper, for recommendation 2 (Terri Janke and Co.).
Next steps	Continue participating in the whole-of-government approach to IDS and IDG as part of Aboriginal Affairs NSW and the Coalition of Aboriginal Peak Organisations work program to deliver on Closing the Gap Priority Reform 4: Shared Access to Data and Information.

Activity type	Policy Development for Improved Partnerships in the Design, Collection, and Interpretation of Aboriginal Data
Who is responsible	DCJ
Description	Develop and implement policies to strengthen partnerships and promote IDS and IDG.
Progress update	<p>This project has been dependent on the completion of Recommendation 1, which was held on 15 November 2023. The roundtable generated assets to commence recommendation 2. Recommendation 1 attendees were requested to register their interest in holding a community-led policy discussion in their community.</p> <p>Community engagements will commence quickly after the implementation of recommendation 1 and will be guided by advice gained at the roundtable.</p>
Next steps	<ul style="list-style-type: none"> • Conduct discovery workshops • Draft policy and socialise it with stakeholders • Conduct consultations on the draft policy across all layers of Aboriginal community representation including peaks, Aboriginal Community Controlled Organisations, Land Councils, academics, and representative grassroots community organisations, and • Seek approval and mandate from DCJ Executive Board to implement.

Activity type	Roundtable to discuss how POCLS methodology and data can better support Aboriginal community and stakeholders' priorities for Aboriginal children in out-of-home care
Who is responsible	DCJ
Description	Plan and conduct roundtables to discuss POCLS governance and how POCLS data may be used to support community priorities
Progress update	A POCLS-specific Aboriginal Governance Working Group led by AbSec has been established to strengthen Aboriginal governance in the POCLS and meet the requirements of AH&MRC ethics committee. This group will convene a roundtable with Aboriginal community and stakeholders to discuss the POCLS methodology and how this data project may be used to support the priorities of Aboriginal

	<p>communities and stakeholders in improving outcomes for Aboriginal children in out-of-home care.</p> <p>The Family is Culture Review found that data from the POCLS¹⁴ highlights that Aboriginal caregivers require additional support to care for children in out-of-home care and that DCJ needed to engage urgently with community on how Aboriginal caregivers can be supported. The Aboriginal Governance Panel will strengthen existing POCLS governance structures and processes and enable Aboriginal community members and stakeholders to be better engaged as equal research partners in all aspects of the POCLS.</p> <p>This broader scope also means that the POCLS can be used to pilot interim IDS and IDG principles and processes¹⁵ while the whole-of-government approach to IDS and IDG is developed.</p> <p>Five roundtables were convened in 2022 that brought together 16 POCLS analysts from Australian and overseas universities to share the findings with the POCLS governance groups which included internal and external Aboriginal stakeholders.</p>
Next steps	<ul style="list-style-type: none"> • Progress the establishment of the Aboriginal Governance Panel. • Strengthen the relationship with AbSec and the Aboriginal Governance Working Group membership. • Develop POCLS dashboards which will allow stakeholders and community to access the aggregated longitudinal data. The first tranche is available on the POCLS webpage while the second tranche will be available early this year.

Feedback on this report

We want to hear from you about our progress on achieving better outcomes for Aboriginal children and families and this report.

You can send your comments to FamilyIsCulture@dcj.nsw.gov.au

¹⁴ <https://www.facs.nsw.gov.au/resources/research/pathways-of-care>

¹⁵ This action will help to support Recommendation 2 of the Family is Culture Review, which directs DCJ to, in partnership with Aboriginal stakeholders and community, develop a policy which will result in improved partnership in the design, collection and interpretation of data relevant to Aboriginal children and families.

3.6 Appendix

Priority Area 1

Recommendation	Status
4. DCJ should track, monitor, and publicly report on the implementation of the recommendations of both the Family is Culture case file review process, and the Family is Culture report, within 12 months of the final report being delivered, with a view to further public reporting on implementation if necessary.	On Track
5. DCJ should establish an Aboriginal Quality Assurance Unit to address issues discussed in this report. This unit should: a. track, monitor and publicly report on the implementation of the recommendations made in the Review's case file review process and in this report; b. ensure that recommendations made by Aboriginal staff or community members in consultative processes are tracked and implemented, and that data about the implementation of these recommendations is made publicly available; c. provide ongoing training and practice support to child protection staff about issues relating to Aboriginal children and families in the child protection system; and d. collect and analyse data from multiple sources in order to identify systemic issues requiring reform.	At risk
9. The NSW Government should establish a new, independent Child Protection Commission. The Commission, which should be required by legislation to operate openly and transparently, should have {range of functions set out in 9(a) through 9(k)}.	Further consideration required
10. DCJ should conduct an independent review of its internal complaints handling system, with a view to developing a complaints system that is: a. transparent and accessible; b. child friendly; c. empowered to resolve complaints adequately; d. developed in consultation with Aboriginal communities; e. supported by a Charter of Rights and Responsibilities for Aboriginal Families. This system should also employ Aboriginal staff in key roles.	On Track
11. The NSW Government should amend clause 45 of the <i>Children and Young Persons (Care and Protection) Regulation 2012</i> and all other related clauses to ensure that only a charitable or non-profit organisation may apply to the Office of the Children's Guardian for accreditation as a designated agency.	Not supported
12. The Children's Court of NSW should be appropriately resourced to enable it to publish all its final judgments online in a de-identified and searchable form.	Further consideration required
13. The Children's Court of NSW should prepare and publish annual statistics regarding its operations in the care and protection jurisdiction.	On Track
14. The Children's Court of NSW should prepare and publish an Annual Review.	On Track
16. The NSW Government should, in partnership with Aboriginal communities and stakeholders, introduce a system of qualitative file reviews modelled on the	At risk

Recommendation	Status
Quality Case Review and Quality Service Review systems that have been implemented in some states of the United States of America, with the introduction of the additional component of a Family Group Conference.	
18. The Office of the Children’s Guardian should be required to: (i) publish its compliance inspection reports; (ii) provide these reports to the NSW Parliament; and (iii) publish annual summaries of its inspections, as well as its findings from any research and consultation.	On Track
62. DCJ should, in partnership with young Aboriginal people and Aboriginal community organisations, develop and implement a child-friendly system to encourage children in OOHC to report safety concerns and harm occasioned in OOHC placements.	On hold
68. The new recommended NSW Child Protection Commission should monitor the implementation of the Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System. This should include monitoring of the provision of training about the Joint Protocol, as well as the number and nature of calls by OOHC staff to the NSW Police Force that relate to the behaviour of children in OOHC.	On Track
75. DCJ should publish data on its compliance with all elements of the Aboriginal Child Placement Principle on an annual basis.	On Track
79. DCJ should collect and publish information about the number of children who are ‘de-identified’ as Aboriginal and the reasons for the de-identification on an annual basis.	On Track
83. DCJ should ensure that recommendations made by Aboriginal staff or community members in all consultation processes relating to Aboriginal children are tracked and implemented and that data about the content and implementation of these recommendations is recorded in ChildStory and made publicly available.	On Track
88. DCJ should review the formal probity checks required of carers, and the process for obtaining these checks, to ensure that they are not unduly limiting the ability of potential Aboriginal carers to safely care for Aboriginal children in OOHC. The review should include consideration of the introduction of a discretion to enable a person to care for a child in OOHC despite not satisfying or completing the formal probity checks, when to do so would be in the best interests of the child.	On Track
89. The Office of the Children’s Guardian and DCJ should work together to ensure that data are collected and reported about the number of potential Aboriginal carers who lodge applications for working with children check clearances, the length of time taken to determine the applications, and the outcome of those applications.	On Track

Recommendation	Status
90. The Office of the Children's Guardian should undertake a review of the impact of the Working with Children Check scheme on Aboriginal applicants.	On Track
91. The Office of the Children's Guardian should prioritise the processing of applications for working with children check clearances made by Aboriginal applicants wishing to become authorised carers for Aboriginal children. The NSW Civil and Administrative Tribunal should prioritise applications for review of decisions made by the Office of the Children's Guardian that relate to the working with children check clearance of potential or current carers for Aboriginal children and young people in OOHC.	On Track
92. DCJ should revise its policy on the provisional authorisation of carers to ensure that provisionally authorised carers do not have children in their care removed solely because of delays in the processing of their application for a working with children check clearance.	Ready for closure/ finalisation
100. DCJ should publish information about how family group conferencing will be monitored and assessed over time.	On Track
102. The new recommended NSW Child Protection Commission should oversee, monitor, and report on the operation of the new mandatory Alternative Dispute Resolution system introduced by the <i>Children and Young Persons (Care and Protection) Amendment Act 2018</i> (NSW).	Further consideration required

Priority Area 2

Recommendation	Status
8. The NSW Government, in partnership with Aboriginal stakeholders and communities, review the Aboriginal and Torres Strait Islander Principles of the <i>Children and Young Person (Care and Protection) Act 1998</i> (currently sections 11-14), with the view to strengthening the provisions consistent with the right to self-determination.	On Track
9. The NSW Government should establish a new, independent Child Protection Commission. The Commission, which should be required by legislation to operate openly and transparently, should have {range of functions set out in 9(a) through 9(k)}.	Further consideration required
11. The NSW Government should amend clause 45 of the <i>Children and Young Persons (Care and Protection) Regulation 2012</i> and all other related clauses to ensure that only a charitable or non-profit organisation may apply to the Office of the Children's Guardian for accreditation as a designated agency.	Not supported
12. The Children's Court of NSW should be appropriately resourced to enable it to publish all its final judgments online in a de-identified and searchable form.	Not supported

Recommendation	Status
15. The NSW Government should amend s 105 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to include a public interest defence to an offence under s 105(1AA).	Further consideration required
17. The NSW Government should amend the <i>Ombudsman Act 1974</i> to enable the NSW Ombudsman to handle complaints in matters that are (or could be) before a court, in circumstances where doing so would not interfere with the administration of justice.	Completed
19. The NSW Government should amend the <i>Advocate for Children and Young People Act 2014</i> or otherwise legislate to ensure that a parliamentary committee monitors and oversees the OOHC functions of the Office of the Children's Guardian.	Completed
20. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Regulation 2012</i> to ensure that the Office of the Children's Guardian does not have the power to accredit agencies that have not demonstrated compliance with the accreditation criteria.	Not supported
25. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) to mandate the provision of support services to Aboriginal families to prevent the entry of Aboriginal children into OOHC.	Further consideration required
26. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) to require DCJ to take active efforts to prevent Aboriginal children from entering OOHC.	Completed
28. DCJ establish a notification service, similar to the NSW Custody Notification Service, to notify a relevant Aboriginal community body about the removal of an Aboriginal child or young person from their family, providing a timely opportunity for review, oversight, and advocacy on behalf of Aboriginal families and communities in the best interests of Aboriginal children and young people.	Further consideration required
48. The NSW Government should repeal s 106A (1) (a) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	Completed
54. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to mandate the consideration by DCJ of specific alternatives prior to removal. Such specific alternatives could include Parent Responsibility Contracts, Parent Capacity Orders, and Temporary Care Arrangements.	Completed
64. The NSW Government amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to require judicial officers to consider the known risks of harm to an Aboriginal child of being removed from the child's parents or carer in child protection matters involving Aboriginal children.	Further consideration required

Recommendation	Status
65. The NSW Government should amend s 7 of the <i>Children (Protection and Parental Responsibility) Act 1997</i> to enable a court exercising criminal jurisdiction, with respect to a child, to require the attendance of a delegate of the Secretary of DCJ in circumstances where the Secretary has parental responsibility of the child.	Completed
71. The New South Wales Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> to ensure that its provisions adequately reflect the five different elements of the Aboriginal Child Placement Principle, namely, prevention, partnership, participation, placement, and connection.	Completed
76. The New South Wales Government should, in partnership with relevant Aboriginal community groups and members, develop regulations about identifying and ‘de-identifying’ children in contact with the child protection system as Aboriginal for inclusion in the <i>Children and Young Persons (Care and Protection) Regulation 2012</i> .	On Track
94. The NSW Government should ensure that the NSW Civil and Administrative Tribunal has jurisdiction to review a decision not to authorise a carer.	Completed
102. The new recommended NSW Child Protection Commission should oversee, monitor, and report on the operation of the new mandatory Alternative Dispute Resolution system introduced by the <i>Children and Young Persons (Care and Protection) Amendment Act 2018</i> (NSW).	Further consideration required
112. The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to allow the Children’s Court of NSW a more active role in ensuring restoration is a preferred placement.	Completed
113. The NSW Government should amend s 83 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to expressly require the Children’s Court of NSW to consider the placement of an Aboriginal child with a relative, member of kin or community, or other suitable person, if it determines that there is no realistic possibility of restoration within a reasonable period.	Completed
117. The NSW Government should amend s 79(10) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to ensure that it is linked to service provision that would support Aboriginal parents to have their children restored to their care.	Completed
121. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> and the <i>Adoption Act 2000</i> to ensure that adoption is not an option for Aboriginal children in OOHC.	Not supported

Recommendation	Status
122. The NSW Government should establish an independent statutory agency to make decisions about the commencement of child protection proceedings (including decisions about what orders are to be sought in the proceedings), and to conduct litigation on behalf of the Secretary of DCJ in the Children's Court of NSW care and protection jurisdiction.	Further consideration required
123. The NSW Government should amend the <i>Children and Young Persons (Care and Protection) Act 1998</i> so that, as in s 4(2) of the Uniform Evidence Acts, the rules of evidence do not apply unless: (i) a party to the proceeding requests that they apply in relation to the proof of a fact and the court is of the view that proof of that fact is or will be significant to the determination of the proceedings; or (ii) the court is of the view that it is in the interests of justice to direct that the laws of evidence apply to the proceedings.	Completed

Priority Area 3

Recommendation	Status
21. The NSW Government should increase financial investment in early intervention support as a long-term investment to prevent more Aboriginal children entering the OOHC system.	Off Track
22. The NSW Government should ensure that financial investment in early intervention support is commensurate with the proportion of Aboriginal children in OOHC, with a preference for delivery of early intervention and prevention services by Aboriginal Community Controlled Organisations.	Off Track
24. DCJ should, in partnership with Aboriginal stakeholders and community members, evaluate existing early intervention and prevention focused programs used by the Department and their effectiveness with Aboriginal families based on measures designed in partnership with Aboriginal stakeholders and community.	On Track
28. DCJ establish a notification service, similar to the NSW Custody Notification Service, to notify a relevant Aboriginal community body about the removal of an Aboriginal child or young person from their family, providing a timely opportunity for review, oversight, and advocacy on behalf of Aboriginal families and communities in the best interests of Aboriginal children and young people.	Further consideration required
29. The NSW Government should provide further sustained funding to the Care Partner Program to ensure that more Aboriginal families have access to legal advice to promote early intervention support.	Ready for closure/ finalisation

Recommendation	Status
<p>30. DCJ should mandate the use of the Domestic Violence Safety Assessment Tool by caseworkers where parents are present, or screen-in, in relation to domestic and family violence related issues. This tool should be used to coordinate parents' involvement in the Safer Pathway system. Roll-out of this approach needs to be accompanied by further training and education for caseworkers and casework managers around identifying domestic and family violence, including coercive and controlling behaviours. Consideration should be given to involving caseworkers in Safety Action Meetings where parents are assessed as being at serious threat and become involved in these meetings.</p>	Ready for closure/ finalisation
<p>31. DCJ should provide targeted and ongoing education about the Dignity Driven Practice approach to staff at all levels of the agency, including caseworkers and senior managers. Education should require all staff to complete training developed by and delivered in partnership with Aboriginal domestic and family violence specialists regarding the issues facing Aboriginal women who experience domestic and family violence.</p>	Ready for closure/ finalisation
<p>32. The NSW Government should roll out and resource Staying Home Leaving Violence across the whole of NSW.</p>	Ready for closure/ finalisation
<p>33. DCJ should ensure that caseworkers can connect families with the Staying Home Leave Violence service if they present with domestic and family violence issues and housing difficulties.</p>	Ready for closure/ finalisation
<p>34. The NSW Government should increase the availability of short-term refuges suitable to the needs of Aboriginal women escaping violence. Increases in the availability of short-term refuges (for temporary housing issues) should be accompanied by a longer-term investment in social housing stock in NSW, with a view to increasing the availability of housing for vulnerable Aboriginal women.</p>	On Track
<p>36. DCJ should work with the First Peoples Disability Network Australia, People with Disability Australia, the National Disability Insurance Scheme (NDIS) and Aboriginal community and stakeholders to develop a plan of action to improve disability identification, practice competence, and pathways to specialist disability service involvement within DCJ for children and families at all stages of the child protection system – from early intervention support through to entry into care, restoration and post entry into care casework.</p>	At risk
<p>37. DCJ should, in partnership with the First Peoples Disability Network Australia, People with Disability Australia, Aboriginal community and stakeholders, implement a strategy for early intervention and prevention work specifically targeted towards early identification and responses to the needs of Aboriginal parents and children with disability who come into contact with the child protection system.</p>	At risk

Recommendation	Status
38. DCJ should work closely with relevant agencies and service providers, including Aboriginal Community Controlled Organisations, specialist housing, health, perinatal, alcohol and other drug use, mental health, and domestic and family violence services, to develop a plan to coordinate integrated service provision in early intervention support efforts for Aboriginal families and children. This plan should focus on providing targeted support for families from an early stage of engagement in the system, focusing on initial contact.	On Track
40. DCJ should provide culturally competent, trauma-informed training and materials for child protection staff, with reference to the excellent resources already prepared by the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Secretariat of National Aboriginal and Islander Child Care (SNAICC), around working with Aboriginal community and families. This training should focus on how to appropriately engage Aboriginal families in early intervention and prevention work. This training should also have a component of Aboriginal history in New South Wales to provide child protection staff with some nuanced understanding of the Aboriginal population it works with.	On Track
42. DCJ should devise, in partnership with Aboriginal community groups and representatives, a comprehensive Prenatal Reporting and Newborn Removal Policy for Aboriginal children that includes, among other things, case studies of good practice intervention with expectant Aboriginal parents and a link to an external, up-to-date list of relevant services and supports for pregnant Aboriginal mothers.	On Track
43. DCJ should publish case studies of good-practice intervention with expectant Aboriginal parents on its website, as well as distributing these case studies to relevant stakeholders, including Aboriginal families in contact with the child protection system, Aboriginal community representatives and organisations, and relevant service providers.	Ready for closure/ finalisation
44. DCJ should expand the Pregnancy Family Conferencing program and monitor and report on its effectiveness in reducing entries into OOHC.	On Track
45. DCJ should significantly expand the number of specialised prenatal caseworkers to ensure that expectant Aboriginal parents have access to early, targeted and coordinated intervention services and support.	On Track
46. DCJ should develop, trial, and publicly report on a 'triage' system for prenatal reports that ensures that the parents of the most frequently report unborn babies are given priority access to early casework support and early intervention services.	On Track
47. DCJ should design and implement, in partnership with Aboriginal community groups and representatives, a system of post-removal support for Aboriginal mothers and fathers who have had newborn or infant children removed from their care. The system should include the mandatory provision of information to parents about their ability to seek post-removal support from the Secretary of DCJ under s 21 of the Children and Young Persons (Care and Protection) Act 1998.	On hold

Recommendation	Status
50. DCJ should revise its mandate on Temporary Care Arrangements to ensure that the ability of a parent to terminate a Temporary Care Arrangement is not used to deter its use.	On hold
51. DCJ should ensure that caseworkers receive training on the use of Temporary Care Arrangements in child protection casework. This should include the use of examples of the use of Temporary Care Arrangements with Aboriginal families in practice.	On Track
52. DCJ should ensure that Family Violence Prevention Legal Services and Community Legal Centres are adequately funded to provide legal advice to Aboriginal families to support their engagement with DCJ and encourage the use of alternatives to removal.	Further consideration required
53. DCJ should update its policies and procedures to ensure that all Aboriginal families receive 'warm' referrals to legal advisors, with a preference for Aboriginal services, before child protection involvement escalates to the point where entry into care is considered a possibility.	On Track
55. The Children's Court of NSW should update its internal judicial guidance to ensure Magistrates require DCJ to provide information to the Court about what prior alternative actions were considered and taken before children entered care.	Ready for closure/ finalisation
56. DCJ should commission an independent review of its screening and assessment tools and processes to identify how they can be improved to enhance objectivity within child protection assessments. This review should be undertaken in partnership with Aboriginal community and stakeholders to ensure that it examines the cultural adequacy of current risk and safety paradigms and tools.	Off Track
57. DCJ should implement internal improvements to chain of command decision-making and safety plan review, to ensure that all Safety Plans prepared for families respond comprehensively to all identified dangers and include relevant casework responding to all identified risk and safety issues.	Off Track
58. DCJ should ensure all staff receive commencement and regular refresher training in how to use the safety and risk assessment tools. The training should be delivered by Aboriginal educators and should incorporate training in cognitive bias and how to undertake safety and risk assessments with Aboriginal families and children.	On Track
105. DCJ and NSW Corrective Services should consider providing targeted supports and services to parents of Aboriginal children in OOHC that are directly related to the Department's case plan (for example, a case plan with a goal of restoration).	On Track

Recommendation	Status
108. To increase restoration rates, DCJ should, in partnership with Aboriginal stakeholders and community, review its existing policies, guidance and practice relating to restoration to ensure that these all promote best practice in increasing restoration rates. This review should focus on providing sustained and suitable support services for Aboriginal families experiencing complex issues that cannot be solved simply through individual behavioural change.	Ready for closure/ finalisation
109. DCJ should fund an Aboriginal Community Controlled Organisation to design and pilot an Intensive Restoration Program designed specifically for Aboriginal families in NSW. Pilot funding must also include funding for evaluation based on measures designed in partnership with Aboriginal stakeholders and community.	Ready for closure/ finalisation
110. The NSW Government should review funding allocations to ensure that these reflect the NSW Government legislative and policy position to prioritise restoration and family preservation. This funding should prioritise the restoration programs that are successfully delivered by Aboriginal Community Controlled Organisations and funding should be commensurate with the over-representation of Aboriginal children in the OOHC system.	On hold
111. DCJ should develop a memorandum of understanding (MOU) between Housing and Community Services that allows for the sharing of information held by Community Services when it is required by Housing before parents can access Housing services. This should include information needed to satisfy housing eligibility requirements, to be given 'priority status', or to access programs such as Staying Home, Leaving Violence.	Ready for closure/ finalisation

Priority Area 4

Recommendation	Status
6. DCJ should engage Aboriginal stakeholders in the child protection sector, including AbSec and other relevant peak bodies, to develop an agreed understanding on the right to "self-determination" for Aboriginal peoples in the NSW statutory child protection system, including any legislative and policy change.	On Track
7. The Department of Communities and Justice, in partnership with Aboriginal stakeholders and communities, undertake a systemic review of all policies that refer to self-determination, to consider how they might be revised to be consistent with the right to self-determination.	On Track
27. The NSW Government should establish a Child Protection Advocacy Program to train and support a state-wide network of specialist child protection advocates to give advice to, and advocate for, families who are involved in the child protection system. This program should be akin to the Tenant's Advice and Advocacy Program currently resourced by Fair Trading NSW. This program should be informed also by the advocacy method that GMAR NSW have been performing unofficially.	Further consideration required

Recommendation	Status
39. DCJ should commission an independent review of all current child protection policies relating to casework services to ensure the policies (including casework and restoration policies) are in line with current best practice standards in relation to domestic and family violence, alcohol and other drug use, mental health, health issues, disability, and intergenerational trauma.	Ready for closure/ finalisation
72. DCJ should develop guidance for caseworkers on the purpose of the Aboriginal Child Placement Principle (ACPP), the elements of the ACPP, and how to apply these elements during casework. This guide should be developed in partnership with Aboriginal community organisations and after consideration of the existing resources on the ACPP, such as those already developed by the Secretariat of National Aboriginal and Islander Child Care, which the Review regards as best practice.	On Track
73. DCJ should implement an ongoing program of training to test and enhance staff knowledge of the Aboriginal Child Placement Principle. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).	On Track
77. DCJ should develop a policy to assist in the implementation of the new regulation about the identification and 'de-identification' of children in contact with the child protection system as Aboriginal.	On Track
81. DCJ should actively fund and support the implementation of the Aboriginal Case Management Policy and the Aboriginal Case Management Rules and Practice Guidance and report publicly on its activity in this domain.	On Track
85. DCJ should develop a policy and guidelines that incorporate information about good-practice casework regarding the placement of a child immediately post removal and include guidance on parallel planning at the pre-entry into care stage of the child protection system.	On Track
86. DCJ should revise the Information Guide Assessment and Full Authorisation of Relative and Kinship Carers to ensure that it reflects evidence-based knowledge about the protective benefits of a child's placement with family and kin.	Ready for closure/ finalisation
93. DCJ should partner with Aboriginal community organisations and representatives to develop and implement a culturally appropriate carer assessment tool to be used in all carer assessments involving Aboriginal carers.	On Track
97. DCJ should develop and provide caseworkers with further training about how to organise and effectively conduct family meetings with Aboriginal families in contact with the child protection system.	On Track

Recommendation	Status
98. DCJ should support the development and implementation of a family group conferencing model that is designed, led, and delivered by Aboriginal Community Controlled Organisations.	Ready for closure/ finalisation
99. Until Recommendation 98 is implemented, DCJ should work with relevant Aboriginal organisations to develop guidance as to how to conduct culturally safe and appropriate family group conferences with Aboriginal participants.	Ready for closure/ finalisation
100. DCJ should publish information about how family group conferencing will be monitored and assessed over time.	On Track
101. DCJ should ensure that support persons (such as Aboriginal Community Facilitators) are permitted to be participants in all family group conferences involving Aboriginal families.	Ready for closure/ finalisation
103. DCJ should develop policy guidance for caseworkers that addresses the desirability of promoting regular contact between Aboriginal children and their family, kin, and community; how to promote this contact in practice; and when supervision is necessary in contact arrangements.	On hold
104. DCJ should develop policy guidance for caseworkers about the issue of contact with parents in custody. This guidance should include a discussion of the types of contact that can be facilitated between children and incarcerated parents, how to arrange the contact in practice, advice about methods of liaison with correctional services and information about facilities to enable contact in individual correctional centres.	Ready for closure/ finalisation
106. DCJ should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data about restoration goals and casework provided to support parents of children who enter OOHC, including what casework is provided to support parents to achieve restoration goals.	On Track
107. DCJ should, in partnership with Aboriginal stakeholders and community, develop and implement a specific strategy to promote the restoration of Aboriginal children to their parents. This strategy should take into account findings in this report.	Ready for closure/ finalisation

Priority Area 5

Recommendation	Status
1. DCJ should convene a roundtable with the Aboriginal community and stakeholders, to discuss the meaning of data sovereignty and the designing, collecting, and interpreting of FACS administrative data relevant to Aboriginal children and young people.	On Track

Recommendation	Status
2. After the implementation of Recommendation 1, DCJ should, in partnership with Aboriginal stakeholders and community, develop a policy which will result in improved partnership being affected in the Department's design, collection and interpretation of data relevant to Aboriginal children and families in the future.	On Track
3. DCJ should convene a roundtable with Aboriginal community and stakeholders to discuss the Pathways of Care Longitudinal Study (POCLS) methodology and how this data project may be used to better support Aboriginal community and stakeholders' priorities in respect of supporting Aboriginal children in OOHC.	On Track
23. DCJ should ensure that its administrative data captures information about referrals made to all relevant early intervention programs, and whether these referrals were accepted or not (and reasons for non-referral and non-acceptance). DCJ should work with Aboriginal stakeholders and community to design a system for the collection, analysis and reporting of these data.	Ready for closure/ finalisation
35. DCJ should design, in partnership with Aboriginal stakeholders and community, a new approach to collecting and reporting data around disability prevalence among Aboriginal children in the child protection system, and disability prevalence among their parents.	At risk
41. DCJ should work with Aboriginal stakeholders and community to design a comprehensive system for the collection and reporting of data around assumption into care or removal of Aboriginal children at or shortly after birth, as well as data about the characteristics of parents who are the subject of pre-natal ROSH notifications, numbers and reasons for high risk birth alerts, and pre entry into care casework completed with Aboriginal mothers in the prenatal period.	On Track
49. DCJ should record, collect, and report data around the consideration of the use of less intrusive options prior to entry-into-care. These data should include whether or not these measures were considered and if they were not used, reasons should be recorded and reported on against each possible measure. This data collection should be designed and interpreted in partnership with Aboriginal stakeholders and community.	On Track
63. DCJ should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data around abuse of Aboriginal children in OOHC, including to disaggregate by the care placement type, who perpetrated the abuse, and what the Department's response to the abuse was, including whether this was subject to further investigation or action.	On Track
69. DCJ should design and implement a system for the collection, analysis and reporting of data to ensure that information about children in OOHC who are also in contact with the criminal justice system is recorded and is readily available to inform strategic planning and monitor outcomes for this group of children. This system should identify which children are Aboriginal and which are non-Aboriginal.	Ready for closure/ finalisation

Recommendation	Status
70. DCJ should conduct or commission further research regarding the involvement of Aboriginal children and young people in OOHC in the juvenile justice system to determine, among other things, the: number of Aboriginal children in OOHC involved in the juvenile justice system; nature of offences committed by Aboriginal children in OOHC (and whether these are influenced by their OOHC status); nature and level of assistance provided by DCJ to Aboriginal children involved in the juvenile justice system; and outcomes for Aboriginal children involved in the juvenile justice system (and whether these are influenced by OOHC status).	On Track
74. DCJ should engage with Aboriginal stakeholders and community members to design and implement a system of data collection and reporting around all elements of the Aboriginal Child Placement Principle (ACPP). In particular, the data should address: a. Aboriginal children’s contact with their Aboriginal birth parents, siblings (including half- siblings) and extended family, kin, and community. b. Aboriginal children’s placement with siblings (including half-siblings). c. Cultural planning for Aboriginal children in care, including information about who participated to develop a child’s cultural plan, and what these cultural plans contain in relation to the five domains of the ACPP.	On Track
75. DCJ should publish data on its compliance with all elements of the Aboriginal Child Placement Principle on an annual basis.	On Track
79. DCJ should collect and publish information about the number of children who are ‘de-identified’ as Aboriginal and the reasons for the de-identification on an annual basis.	On Track
83. DCJ should ensure that recommendations made by Aboriginal staff or community members in all consultation processes relating to Aboriginal children are tracked and implemented and that data about the content and implementation of these recommendations is recorded in ChildStory and made publicly available.	On Track
84. DCJ should work with Aboriginal stakeholders and community to design a system for the collection and reporting of data about the placement stability of Aboriginal children in OOHC.	On Track
96. DCJ should urgently engage with Aboriginal stakeholders and community to interpret findings from Wave 4 Pathways of Care Longitudinal Study (POCLS) in relation to the support needs of Aboriginal carers and translate these findings into policy and practice.	On Track

Recommendation	Status
106. DCJ should, in partnership with Aboriginal stakeholders and community, design and implement a system for the collection, analysis and reporting of data about restoration goals and casework provided to support parents of children who enter OOHC, including what casework is provided to support parents to achieve restoration goals.	On Track

Other recommendations

Recommendation	Status
59. DCJ should ensure that all caseworkers receive further training in harm minimisation strategies for assumption or removal and in the appropriate use of police assisting assumption or removal. This training should be designed to improve cultural knowledge and the knowledge of child protection history, including child removal policies in the protection and assimilation era, with particular focus on the NSW chapter of the Royal Commission into Aboriginal Deaths in Custody.	On Track
60. Except for in an unforeseen emergency, caseworkers from DCJ should be required to seek the authorisation of a team leader before engaging police to assist them to undertake an assumption. In circumstances where caseworkers employ the assistance of police without prior authorisation, caseworkers must be required to justify why they engaged police to their team leader at the earliest opportunity following the assumption. These reasons must be recorded on the child's file and presented to the Children's Court of NSW.	On Track
61. Caseworkers from DCJ should be required to set out a detailed justification for the timing, location and basis for all assumptions and removals that are not conducted on an emergency basis prior to the assumption or removal occurring, and to demonstrate that their proposed method of assumption or removal is the least intrusive method that could be employed.	On Track
66. The Judicial Commission of NSW should consider preparing and publishing information to further guide and inform judicial decision-making involving children in OOHC in the criminal jurisdiction.	Ready for closure/ finalisation
67. DCJ and the NSW Police Force should establish and fund an ongoing program of training to ensure that all residential OOHC staff, and all NSW police officers, receive training on the Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System, in order to reduce the contact of young Aboriginal people in OOHC with the criminal justice system.	On Track
78. DCJ should ensure that it is mandatory for caseworkers to complete the Aboriginal or Torres Strait Islander status field on ChildStory.	On Track

Recommendation	Status
80. The Judicial Commission of New South Wales should develop educational materials for all judicial officers about the identification and de-identification of Aboriginal children in judicial proceedings.	On Track
82. The Judicial Commission of NSW should, in consultation with the Children's Court of NSW and the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), design and implement an ongoing program of judicial education for Magistrates regarding the intent and elements of the Aboriginal Child Placement Principle, as well as how judicial decision making may help to support their implementation.	On Track
87. DCJ should, in partnership with Aboriginal stakeholders and community members, develop and implement a policy whereby family or kin who are nominated or nominate themselves as a potential carer for an Aboriginal child entering OOHC are subject to formal carer assessment using a culturally appropriate tool. This carer assessment is to occur expediently, before, or shortly after the children enter care. If formal carer assessment of a family or kin member is not progressed, the Department should record clear reasons for failure to progress this assessment on ChildStory and provide these reasons in writing to the family or kin member being informally assessed, along with information about ways that family or kin member may challenge this informal assessment.	Ready for closure/ finalisation
95. The NSW Civil and Administrative Tribunal should include training about the Aboriginal Child Placement Principle in its induction and ongoing training program for Tribunal Members. This program should be delivered in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec).	Further consideration required
114. The NSW Judicial Commission should, in partnership with Aboriginal educators, provide opportunities for further education to Children's Court of NSW Magistrates and staff regarding the research on intergenerational trauma, the effects of colonisation, domestic violence, poverty, substance abuse and mental health issues that may affect Aboriginal parents' interactions with the Court.	On Track
115. The Children's Court of NSW should develop a practice directive for Magistrates to utilise powers under s 85 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to direct service provision in restoration cases. DCJ to collect and report data around the use of this section in care and protection proceedings.	Ready for closure/ finalisation
116. DCJ should provide further support to Aboriginal families who seek to progress a s 90 application after final orders have been made. This should be done by way of FACS developing a support strategy in partnership with Aboriginal stakeholders and community, designed specifically for this purpose.	On Track
118. DCJ should review and update the restoration information that is publicly available on its website in line with issues raised in this report. The Department should also provide online information to improve guidance for parents in relation	Off Track

Recommendation	Status
to restoration practices and processes and further information about what parents can do when restoration is not deemed to be a 'realistic possibility'.	
119. The NSW Government should provide funding to enable a restoration hotline to be established by an Aboriginal organisation in order to provide parents and families of Aboriginal children in OOHC more detailed information about the restoration process and what is required to successfully achieve restoration.	Further consideration required
120. DCJ should conduct an internal review examining caseworkers' non-compliance with existing restoration policy and guidance and use the findings of this review to improve restoration casework practice and policy in the department.	Ready for closure/ finalisation
124. The NSW Government should appoint a sufficient number of new Magistrates to ensure that all proceedings under the <i>Children and Young Persons (Care and Protection) Act 1998</i> are dealt with by specialist Children's Magistrates.	On Track
125. The NSW Government should, in consultation with the Children's Court of NSW and other relevant stakeholders, such as the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Aboriginal Legal Service, design and implement a pilot project establishing a dedicated court list for proceedings under the <i>Children and Young Persons (Care and Protection) Act 1998</i> involving Aboriginal children.	Ready for closure/ finalisation
126. The NSW Civil and Administrative Tribunal should prioritise applications for review of decisions made by the Office of the Children's Guardian that relate to the Working with Children Check Clearance of potential or current careers for Aboriginal children and young people in out of home care	Ready for closure/ finalisation

