KEEPING KIDS SAFE AT HOME IS KEY TO PREVENTING INSTITUTIONAL ABUSE

by Natalie Lewis and John Burton from the Secretariat of National Aboriginal and Torres Strait Islander Child Care

INTRODUCTION

The Secretariat of National Aboriginal and Torres Strait Islander Child Care ('SNAICC') is the National Peak Body representing the interests of Aboriginal and Torres Strait Islander children and their families. As an organisation that advocated strongly for the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their Families, SNAICC appreciates the importance of opportunities, like the Royal Commission into Institutional Responses to Child Sexual Abuse, for stories of past injustice and harm to be told and recognised in an effort to support healing, lay the ground for reparations, and drive action to ensure that the wrongs of the past are not repeated.

SNAICC, however, also strongly recognises that not enough action has been taken as a result of past inquiries. Of the 54 recommendations that emerged from the *Bringing Them Home* report in 1997, the majority remain unimplemented and since the report was released, the number of Aboriginal and Torres Strait Islander children in out-of-home care has increased by four hundred per cent.[1] Despite representing only 4.67 per cent of all children in Australia, Aboriginal and Torres Strait Islander children make up 34.41 per cent of all children in out-of-home care. This is over ten times the rate of non-Indigenous children and an over-representation that is increasing annually.[2] In Queensland, the most recent Child Protection Commission of Inquiry reported that a staggering 1 in 1.6 Aboriginal and Torres Strait Islander children across the state are known to the Department of Child Safety.[3]

In our engagement with the Royal Commission, SNAICC, together with leading Aboriginal and Torres Strait Islander organisations working to support children and families subjected to child protection intervention, is focussing on keeping our children out of institutional care and safely cared for in their own families and communities.

The information presented in this article provides a summary of SNAICC's submission to the Royal Commission's *Issues Paper 4: Preventing sexual abuse of children in out-of-home care*.

HISTORICAL CONTEXT

The current situation presents as a repetition of the past, contributed to by gross inaction. While the motivations driving removal of children from their families may often be different to those that caused the Stolen Generations, the ongoing failure to heal and strengthen our communities by addressing inter-generational trauma and poverty means that the outcome is much the same. We also know from numerous child protection inquiries and reviews across Australia over the last ten years, that systems are heavily over-burdened, and risk for our children in out-of-home care is further compounded by a failure of these systems to respond appropriately and ensure adequate care.

The trauma of separation from family and community is too often exacerbated by unsafe and unstable placements, contributing to poorer social, economic and health outcomes upon leaving care.[4] This creates a trajectory of disadvantage for this substantial cohort of Aboriginal and Torres Strait Islander children, widening the gap across their life-spans and passing on to the next generation.

CULTURE AS A STRONG PROTECTIVE FACTOR

Connections for Aboriginal and Torres Strait Islander children to their family, community and culture are vital to ensure children who cannot live with their parents are protected from abuse. Conversely, children who become isolated from cultural and community networks when in out-of-home care are more vulnerable to being abused, and less able to seek help.

Positive self-identity for Indigenous children is reinforced by cultural and community connections.[5] Canadian studies have linked cultural continuity at the community level to positive self-identity, reflected in reduced rates of youth suicide.[6] Review of data emerging from the Longitudinal Study of Indigenous Children in Australia suggests that the development of resilience and 'emotional strength' for Aboriginal and Torres Strait Islander children is grounded in cultural identity and connection.[7] The role of culture in reinforcing positive self-identity connects with the literature that identifies links between identity, resilience and

self-protective behaviours. High self-esteem and strong social networks are recognised as significant protective factors against child maltreatment.[8] Children who are part of a broader community with an interest in their well-being are more likely to be noticed when they are in danger and have networks of support to draw upon when they feel unsafe.

> **The trauma of separation from family and community is too often exacerbated by unsafe and unstable placements, contributing to poorer social, economic and health outcomes upon leaving care.**

The strengths of Aboriginal and Torres Strait Islander cultures in creating protective environments for children are evident and strongly recognised, but commonly undervalued in policy design and implementation. Protective factors common to Aboriginal and Torres Strait Islander cultures have been identified to include:

- kin and community caring systems where many people are caring, looking out for and supporting children[9]
- strong kin and community networks through which Aboriginal and Torres Strait Islander parents and carers are more likely to have support for parenting and less likely to be isolated[10]
- autonomy and community socialisation for young children supporting development of independence, self-confidence and self-protective behaviours.[11]

This understanding of cultural strengths in caring must be contrasted with the pervading myth, fuelled by the rhetoric that surrounded the Northern Territory Emergency Response, that Aboriginal and Torres Strait Islander people are more likely to sexually abuse children. There is no evidence to suggest that sexual abuse of children is in any way a part of Aboriginal or Torres Strait Islander cultures. In fact, statistics show that substantiated harm for Indigenous children is less likely to be as a result of sexual abuse than for non-Indigenous children (9 per cent as compared to 14.9 per cent), and that the most common cause of harm is neglect (40 per cent)[12]; which is strongly linked to the poverty that many Aboriginal and Torres Strait Islander communities are experiencing. As was described in the *Little Children are Sacred* report by the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse:

Sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor

to just the Northern Territory. The phenomenon knows no racial, age or gender borders. It is a national and international problem.[13]

What is true is that risk factors for sexual abuse occur more commonly in communities that experience social disadvantage, and that Aboriginal and Torres Strait Islander people are, as a result of historical and continuing discrimination, more often exposed to those risk factors. Violence and sexual abuse in Aboriginal and Torres Strait Islander communities is commonly linked to inter-generational trauma, loss of social networks and loss of social capital for those communities.[14] Healing, reconnecting and strengthening Aboriginal and Torres Strait Islander families and communities must, therefore, be at the core of a response to preventing sexual abuse and addressing the broader social issues confronting Aboriginal and Torres Strait Islander people.

PARTICIPATION FOR QUALITY SERVICES AND DECISION-MAKING

Quality decision-making that ensures children are cared for in safe and supportive environments must be informed by Aboriginal and Torres Strait Islander people with knowledge of each child's community and culture. This is critical to ensure that the identification of care options and ongoing placement support draws on knowledge of culture, caring strengths and risks in the local community.[15] This was a key finding of the *Bringing them Home* report which recommended that in child protection matters:

> …the appropriate accredited Indigenous organisation is consulted thoroughly and in good faith. In care and protection matters that organisation must be involved in all decision making from the point of notification and at each stage of decision making thereafter including whether and if so on what grounds to seek a court order.[16]

The United Nations Committee on the Rights of the Child highlights that respecting Indigenous children's rights and making decisions in the best interests of Indigenous children requires an Indigenous perspective in decision-making.[17] This is recognised as important for ensuring a culturally informed understanding of what a child's best interests are; as well as the impact of decision-making on a child's enjoyment of cultural rights in community with members of her/his cultural group.[18]

Recent research by SNAICC has found that the critical recommendation of the *Bringing them Home* report to involve Indigenous agencies in all decision-making remains largely unimplemented.[19] This conclusion is evident in very limited systems supporting the effective participation of Aboriginal and Torres Strait Islander communities in decision-making for their children. Those systems that do exist are significantly undermined by a lack of detailed implementation standards; accountability;

genuine independence for our communities and adequate resourcing.[20] Independent Aboriginal and Torres Strait Islander agencies have only advisory roles, and commonly cite limited capacity to influence decisions.[21] While child protection legislation across Australia proclaims the paramount importance of the best interests of the child, there is a failure in practice to acknowledge that cultural identity and connectedness is integral to the best interests of Aboriginal and Torres Strait Islander children. Cultural input cannot be an optional add-on to decision-making. Failure to respect and nurture a child's cultural identity exacerbates risk and perpetuates trauma—undermining efforts to address the issues facing our children, families and communities.

International models have suggested possibilities for reform through the delegation of statutory child protection functions to Indigenous agencies. Delegation models employed in Canada have been recognised for their strengths in contributing to culturally competent practice, community capacity building and community caring models of service delivery.[22] Weaknesses in this model have been linked to the failure to provide delegated authorities with appropriate resources for preventative family support functions, which provide Indigenous communities with the means to strengthen family and community caring capacity.[23]

EARLY INTERVENTION AND PREVENTION IS THE KEY

The overwhelming weight of evidence suggests that preventative supports for families, particularly those provided during the early years of children's lives, are most effective to improve outcomes for children; and have significant long-term well-being, productivity and cost benefits for society.[24] Despite the recognised priority for re-investment in early intervention, the investment gap remains enormous. The Productivity Commission reports, in its annual review of government services, that the annual expenditure on statutory child protection services for 2012-13 is around $3.2 billion.[25] This compares with $304.1 million invested in intensive family support services connected to the statutory system, and only $360.1 million spent on the broader suite of earlier intervention family support services.[26]

The large proportion of Aboriginal and Torres Strait Islander children removed from their parents for reasons of neglect indicates that many Aboriginal and Torres Strait Islander families do not have the resources and supports needed to grow their kids up strong. The cost benefits of preventative interventions and family supports are higher for disadvantaged groups, and provide greater social and economic benefits the earlier they occur in the life cycle.[27]

Recommendations of recent child protection systems inquiries have consistently recognised the need to build a greater role for Aboriginal and Torres Strait Islander agencies in early intervention and family support service delivery.[28] The South Australian Commission of Inquiry into the sexual abuse of children on Anangu Pitjantjatjara Yankunytjatjara ('APY Lands') reported that child protection services for Aboriginal children and families based on principles of self-determination and employment of Aboriginal staff were critical to achieving better outcomes.[29] Similarly, the recent report of the New South Wales Ombudsman on responding to child sexual abuse in Aboriginal communities concluded that community development approaches within a framework of self-determination are more likely to be effective.[30] Despite this broad recognition there is a concerning trend for governments to prioritise building cultural capacity in mainstream service providers above capacity-building that harnesses the cultural strengths of our community organisations. A recent SNAICC survey of the out-of-home care sector in three states found that for Aboriginal and Torres Strait Islander agencies to support all placements for Aboriginal and Torres Strait Islander children would require an approximate six-fold increase on current capacity.[31]

> **Despite the recognised priority for re-investment in early intervention, the investment gap remains enormous.**

CONCLUSION

Many risks that currently exist for children living in out-of-home care are due to inadequately managed and over-burdened out-of-home care systems. The key to dealing with these risks is preventing children from entering out-of-home care by empowering our communities to address the factors that cause removal.

Strengthening Aboriginal and Torres Strait Islander family and community capacity to care for children will also increase the availability of safe caring options for children who need to live out-of-home. The strengths of Aboriginal and Torres Strait Islander community-controlled early years services and their importance for supporting children and families have long been recognised.[32] However, numerous reports over many years have found that persistent under-funding has limited the capacity of these services to provide integrated support to families, restricting their operation to a more exclusive child care focus.[33]

Strengthening these and other community-led integrated service supports for families must be a key platform of efforts to reduce the current over-representation of Aboriginal and Torres Strait Islander children in Australia's child protection systems.

The full submission by SNAICC is available on the Royal Commission's website at: www.childabuseroyalcommission.gov.au/research/issues-papers-submissions.

Natalie Lewis of the Kamilaroi Nation in New South Wales serves on the SNAICC National Executive and is the Chief Executive Officer of the Queensland Aboriginal and Torres Strait Islander Child Protection Peak. Natalie has been providing youth justice and child protection direct service and program and policy development in Queensland and the USA over the last 17 years.

John Burton is the SNAICC Senior Policy Officer and has been working in child and family welfare, youth development, and refugee areas of service delivery, advocacy and policy development over the last 11 years. John holds a Master of Laws in Human Rights and Social Justice from the University of New South Wales.

1   Steering Committee for the Review of Government Service Provision (SCRGSP) (2014). *Report on Government Services 2014*, Canberra: Productivity Commission, Table 15A.18; Australian Institute of Health and Welfare (AIHW). (1999). Child Protection Australia 1997-98, (Child Welfare Series Cat. No. CWS 8), Canberra: Author.

2   Australian Institute of Health and Welfare (AIHW). (2014). *Child Protection Australia 2012-13*, (Child Welfare Series No. 58), Canberra: Author.

3   Carmody, T. (2013) *Taking Responsibility: A Roadmap for Queensland Child Protection*, Brisbane: Queensland Child Protection Commission of Inquiry, p.xiii.

4   Mendes, P (2009), Young people transitioning from state out-of-home care: Jumping hoops to access employment, *Australian Institute of Family Studies Journal, no. 83*, 32-38., p33.

5   Armstrong, S, Buckley, S., Lonsdale, M., Milgate, G., Kneebone, L., Cook, L., and Skelton, F. (2012). *Starting school: a strengths-based approach towards Aboriginal and Torres Strait Islander children*, retrieved 25 October 2013 from: http://research.acer.edu.au/indigenous_education/27, p10.

6   Chandler, M., and Lalonde, C. (1998). *Cultural Continuity as a Hedge Against Suicide in Canada's First Nations*, retrieved 15 April 2013 from: http://web.uvic.ca/~lalonde/manuscripts/1998TransCultural.pdf.

7   Colquhoun, S., and Dockeray, M. (2012). *The link between Indigenous culture and wellbeing: Qualitative evidence for Australian Aboriginal peoples.* Retrieved 25 October, 2013, from: http://business.curtin.edu.au/files/2012.01_LSIC_qualitative_CLMR1.pdf, pp.23, 26.

8   Australian Institute of Family Studies (2013) *Risk and protective factors for child abuse and neglect*, retrieved on 23 October, 2013 from http://www.aifs.gov.au/cfca/pubs/factsheets/a143921/index.html; NSW Department of Community Services (2007) *Risk, protection and resilience in children and families*. Retrieved on 23 October 2013 from: http://www.community.nsw.gov.au/docswr/_assets/main/documents/researchnotes_resilience.pdf.

9   Yeo, S. (2003). Bonding and attachment of Australian Aboriginal children. *Child Abuse Review*, 12, 299.

10 Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) (2009). *Footprints in Time: The Longitudinal Study of Indigenous Children—Key Summary Report from Wave 1*, Canberra: Author, p42; SNAICC (2004). *Indigenous Parenting Project*: *Final Report*, Melbourne: Author, p.40.

11 Taylor, J. (2011). Coming, ready or not: Aboriginal children's transition to school in urban Australia and the policy push. *International Journal of Early Years Education*, 19(2), 145, p.148; Armstrong et al (2012), op. cit., pp.11-12.

12 AIHW (2014), op. cit., p.79.

13 Wild, R., and Anderson, P. (2007). *Little Children are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, Darwin: Northern Territory Government, p.5.

14 Stanley, J., Tomison, A. and Pocock, J. (2003). Child abuse and neglect in Indigenous Australian communities, *Child Abuse Prevention Issues*, (19), Spring, retrieved 13 May 2013 from: http://www.aifs.gov.au/nch/pubs/issues/issues19/issues19.html.

15 SNAICC (2013), *Whose voice counts: Aboriginal and Torres Strait Islander participation in child protection decision-making*, Melbourne: Author, pp. 27-30.

16 Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Canberra: Commonwealth of Australia. 515.

17 Committee on the Rights of the Child, General Comment No. 11: *Indigenous Children and their Rights under the Convention*, 2009, CRC/C/GC/11, 12 February 2009, para. 31.

18 Ibid, para. 30.

19 SNAICC (2013), op. cit.

20 SNAICC (2013), op. cit., p.57.

21 Ibid.

22 McKenzie, B. & Shangreaux, C. (2011) From Child Protection to Community Caring in First Nations Child and Family Services, ch22 in Kufeldt, E. & McKenzie, B. (eds.) (2011). *Child Welfare: Connecting Research, Policy and Practice,* 2nd ed, Waterloo: Wilfrid Laurier University Press.

23 Ibid.

24 Heckman, J. (2008) *The Case for Investing in Disadvantaged Young Children*, retrieved 24 October, 2013 from: http://www.heckmanequation.org/content/resource/case-investing-disadvantaged-young-children; Allen, K. (2013). *Value for Everyone: Understanding the social and economic benefits of family support services*. Canberra: Family Relationships Services Australia.

25 SCRGSP (2014), op. cit., p.15.16.

26   SCRGSP (2014), op. cit., p.15.16.

27 Heckman (2008), op. cit., p.50.

28 See for example: Cummins, P., Scott, D., and Scales, B. (2012) *Report of the Protecting Victoria's Vulnerable Children Inquiry*, Melbourne: State of Victoria, p.310; Carmody, T. (2013) *Taking Responsibility: A Roadmap for Queensland Child Protection*, Brisbane: Queensland Child Protection Commission of Inquiry, p.376.

29 Ibid, p.130.

30 Barbour, B. (2012), *Responding to Child Sexual Assault in Aboriginal Communities*, Sydney: Ombudsman NSW, pp.46-48.

31 SNAICC et al (2013), op. cit., p.12.

32 Brennan, D. (2013). *Joining the Dots: Program and Funding Options for Integrated Aboriginal and Torres Strait Islander Children's Services*. Options paper prepared for SNAICC; Bond, D (2000) Multifunctional Aboriginal Children's Services National Report. Melbourne: SNAICC; Mason-White, H. (2012). *Learning from Good Practice: Implementing the Early Years Learning Framework for Aboriginal and Torres Strait Islander Children*. Melbourne: SNAICC.

33 Productivity Commission (2011) *Early Childhood Development Workforce Report*. Canberra: Australian Government, p.352; Bond (2000), op. cit.