



Karabena
Consulting

Capability Review: Bubup Ngay Aboriginal Children's Panel

November – December 2019

Prepared by
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Acronyms

ACCOS	Aboriginal Community Controlled Organisation(s)
AFLDM	Aboriginal family-led decision-making
CCYP	Commission for Children and Young People
CEO	Chief Executive Officer
CSOs	Community Service Organisation(s)
DDAC	Dandenong and District Aborigines Cooperative
DET	Department of Education and Training (Victorian Government)
DHHS	Department of Health and Human Services (Victorian Government)
MoU	Memoranda of Understanding
UNICEF	United Nations International Children's Emergency Fund
VACCA	Victorian Aboriginal Child Care Agency

Terminology

Aboriginal	Refers to both Aboriginal and Torres Strait Islander peoples. Indigenous is retained when it is part of the title of a program, report or quotation, or when it refers to Indigenous peoples more generally. The term Koori refers to Aboriginal people from south-east Australia, with the alternative spelling Koorie also used when it is part of the title of a program, report or quotation.
Case plan	A formal plan endorsed during a statutory case plan meeting, which sets out the general and specific goals to be worked towards for the child. The requirements for case plans are contained in S.166 of the <i>Children, Youth and Families Act 2005</i> . Case planning meetings should usually include the child, the parents, the carer (kinship or foster care), the funded agency worker and the Child Protection worker, with the meeting chaired by a Child Protection case planner.
Children	Refers to children and young people aged 0–18 years of age.
Cultural safety	An environment that is welcoming, safe and respectful of a child’s culture and identity.
Cultural support plan	The <i>Children, Youth and Families Act 2005</i> requires a cultural support plan to be developed and reviewed for all Aboriginal children placed in out-of-home care, whether placed with Aboriginal carers or non-Aboriginal carers, to ensure the maintenance of the child’s connection to their family, community and culture.
Intensive case management services	Designed to meet the needs of young people who fit the criteria of high-risk youth, i.e. young people who are Child Protection clients and have multiple and complex behavioural and emotional difficulties requiring long-term and substantial support.
Out-of-home care	Children who enter out-of-home care in Victoria are placed in one of the following placement types: Kinship care: Kinship care is provided by the child’s relatives or members of a child’s social network (also called ‘kith’ placements) who have been approved to provide accommodation and care. This placement type is targeted at children up to 18 years of age who are subject to intervention by Child Protection services and assessed as requiring out-of-home care. The placement is supervised and supported according to the child’s level of assessed need. Home-based care: Home-based care includes foster care, adolescent community placement, shared family care and therapeutic foster care. Volunteer carers act as foster parents to children. Foster carers provide care in their own home and are usually not known to the child before the placement. This placement type is for children up to 18 years of age who are temporarily or permanently unable to live with their family of origin. ACCOs and CSOs are responsible for recruiting, training and supporting caregivers. Residential care: Up to six children, usually seven years of age and older (children may be younger if they are part of a larger sibling group or in circumstances where a home-based care arrangement is not available), are placed in a residential building and cared for by paid staff. Residential services are the least used option in the out-of-home care service system.
Protection orders	The Children’s Court may make a protection order in respect of a child if it finds that the child is in need of protection, or there is an irreconcilable difference between the person who has parental responsibility for the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted. Upon finding a child is in need of protection, the court may make one of the following protection orders: interim accommodation order; family preservation order; family reunification order; care by Secretary order; or long-term care order. A protection order may continue in force after the child turns 17 years of age but ceases to be in force when the child reaches the age of 18.
Respite care	Respite care is the time-limited, overnight placement of a child away from their primary carer. Foster care agencies arrange respite for foster carers, and the department or funded agencies arrange respite care kinship carers in consultation with the Department. Respite carers are formally assessed and approved carers and are eligible for carer reimbursement.

The Imagination Declaration

In Child Protection we often work with children whose lives have been complicated because of their experience of trauma, vulnerability, poverty and neglect. The Imagination Declaration is a timely reminder that young Aboriginal and Torres Strait Islander people have their own aspirations and ways of identifying that differ from the deficit discourse so often used by those agencies responsible for their care.

Following the 'Uluru Statement From The Heart', in 2019 a group of young Indigenous people gathered in East Arnhem Land for the Youth Forum at the Garma Festival. A forum facilitated by the Australian Indigenous Mentoring Experience or AIME resulted in a Declaration for the Prime Minister and Education Ministers across Australia – The Imagination Declaration.¹

To the Prime Minister and Education Ministers across Australia

In 1967, we asked to be counted. In 2017, we asked for a voice & treaty.

Today, we ask you to imagine what's possible. The future of this country lies in all of our hands.

We do not want to inherit a world that is in pain. We do not want to stare down huge inequality feeling powerless to our fate.

We do not want to be unarmed as we face some of the biggest problems faced by the human race, from rising sea levels, which will lead to huge refugee challenges, to droughts and food shortages, and our own challenges around a cycle of perpetuated disadvantaged. It's time to think differently.

With 60,000 years of genius and imagination in our hearts and minds, we can be one of the groups of people that transform the future of life on earth, for the good of us all. We can design the solutions that lift islands up in the face of rising seas, we can work on creative agricultural solutions that are in sync with our natural habitat, we can re-engineer schooling, we can invent new jobs and technologies, and we can unite around kindness.

We are not the problem, we are the solution.

We don't want to be boxed. We don't want ceilings. We want freedom to be whatever a human mind can dream. When you think of an Aboriginal or Torres Strait Islander kid, or in fact, any kid, imagine what's possible. Don't define us through the lens of disadvantage or label us as limited.

Test us. Expect the best of us. Expect the unexpected.

Expect us to continue carrying the custodianship of imagination, entrepreneurial spirit and genius.

Expect us to be complex. And then let us spread our wings and soar higher than ever before.

We call on you and the Education Ministers across the nation to establish an imagination agenda for our Indigenous kids and, in fact, for all Australian children. We urge you to give us the freedom to write a new story. We want to show the world Aboriginal genius.

We want to show Australia Aboriginal leadership and imagination for the whole nation.

Over the coming months we'll be sharing the declaration with thousands of Indigenous kids across our nation and together we'll stand to say, 'set an imagination agenda for our classrooms, remove the limited thinking around our disadvantage, stop looking at us as a problem to fix, set us free to be the solution and give us the stage to light up the world'.

We want the Imagination agenda in every school in the nation, from early childhood learning through to our most prominent universities. To our Prime Minister and Education Ministers, we call on you to meet with us and to work on an Imagination plan for our country's education system, for all of us.

¹ *The Declaration for the Prime Minister and Education Ministers across Australia – The Imagination Declaration.* Available at: <https://www.sbs.com.au/nity/nity-news/article/2019/08/05/imagination-declaration-youth-forum-read-garma-2019>.

Executive Summary

Established in 2016, the Bubup Ngay Aboriginal Children's Panel (Bubup Ngay or the Panel) was a proactive response to findings from the Victorian Commissioner for Aboriginal Children and Young People's recommendations emanating from 'Taskforce 1000', a landmark review of Aboriginal and Torres Strait Islander children in Child Protection services (CCYP 2016).

The Panel's Terms of Reference defined that its membership was composed of:

- ▶ representatives from the local Aboriginal community in the Dandenong and Southern Metropolitan region of Victoria;
- ▶ staff from the Victorian Department of Education and Training (DET) and Department of Health and Human Services (DHHS);
- ▶ representatives from community service organisations (CSOs); and
- ▶ employees of Aboriginal Community Controlled Organisations (ACCOs).

After three years of operation, the Panel undertook a review of outcomes to establish a forward-looking agenda, cognisant of the Victorian Government's commitment to self-determination and the State-wide application of S.18 in the Children, Youth and Families Act 2005 (Victorian Government 2020). The transfer of Child Protection case management from DHHS to community organisations is underway and is likely to be implemented in the region during 2020–21. A Theory of Change was developed to track the impact of Bubup Ngay's work over time. Its premise is that if Aboriginal children and families feel valued and supported this will lead to increased engagement and participation in the Child Protection process, which in turn will lead to better informed decisions and good outcomes for all families. This approach ensures that Child Protection proceedings are culturally appropriate and effective in preserving, promoting and developing cultural safety and connection for Aboriginal children.

The approach to the task involved two co-design workshops, 20 interviews with Panel members and presenters to the Panel, and a literature review on best practice. A Capability Review Model (see p. XX) supported the development of recommendations for the consideration of Panel members.

The model focuses firstly on leadership: the ability to set direction, to motivate people and to develop people. Secondly, strategic engagement recommendations align to outcomes-focused work, evidence-based choices and the ability of Panel members to collaborate and build common purpose. Finally, delivery issues were considered, including the ability to drive innovation, to plan, resource and prioritise, to share commitment and delivery models, and to manage performance.

Although the Panel can demonstrate good outcomes across these domains in the early establishment phase, the potency of the initial response has reduced over time. The review advocated for a Bubup Ngay Reset Agenda, in which the current functions are split between two regionally engaged processes.

The first is a Bubup Ngay Resourcing Panel, in which individual cases can support access to resources, specialist services and prioritise those who have become known or engaged with the Child Protection system. The second is a Bubup Ngay Community of Practice Panel, which aims to address many of the recent recommendations made by the Commissioner for Aboriginal Children and Young People report (CCYP 2019) supporting the professional development of the Child Protection workforce. This new agenda could be implemented to build local capacity, thereby enhancing outcomes for Aboriginal children and their families, before the regional transfer of powers from the Department to the ACCO sector.

Options to progress

The proposed Community of Practice and the Resourcing Panels could well be sub-categories of, or model themselves upon, the Aboriginal Governance Forum that has been operating in the region for some time. The Community of Practice could present topics and case studies for discussion, and practitioners could hear from cultural leaders about how to progress the development and implementation of cultural plans. This could be established as a metro initiative under the auspice of the Aboriginal Governance Forum. This Community of Practice would help practitioners engage with issues relating to Aboriginal governance, practices, community networks, etc. and how to represent the child's voice in decision making.

The Resourcing Panel could facilitate a systems activation strategy for clients in common focusing on prevention and early intervention for unborn notifications, which provide additional information regarding reports about infants currently in utero. It could be formed with the members of, or as a subcommittee of, the regional divisional committee operational through the Aboriginal Children's Forum. The work in each of these groups will need to be evaluated to ensure synergies remain strong between workers, community representatives, families, children and supporting agency representatives.

Summary of leadership capabilities

Set direction

Decisions need to be at a high level, progress benefits to children and families and match the policy and procedural works underway in reshaping the Child Protection system. Ways forward include the formation of two new Panels.

Establishing a Community of Practice Panel:

- ▶ Consider resetting the Bubup Ngay co-chairing arrangements by appointing a community leader to co-chair the Community of Practice Panel with either a representative from the Department or the CEO of the ACCO likely to take on the responsibilities laid out in S.18 of the Children, Youth and Families Act 2005 (Victorian Government 2020).
- ▶ Chairing of meetings to follow set procedures, with a view to enact the prevention and early intervention aspirations first held by the Panel. This calls for robust leadership with the ability to engage members in frank discussions about what is needed and to provide safety for all members and participants.
- ▶ The proposed **Bubup Ngay Community of Practice Panel** focuses on building capacity across the region and within the ACCO sector to take on Child Protection responsibilities in future.

Establishing a Rapid Response Resource Panel:

- ▶ The proposed **Bubup Ngay Resourcing Panel** members will be managerial or executive members of partner organisations, representative of a wide range of agencies operating in the region. They would meet every two to three months and act on the mandate held by the Department to support prevention and early intervention initiatives with a particular focus on unborn presentations. This Panel would coordinate resource allocations to families experiencing vulnerability as a rapid response, aiming to keep children out of Child Protection.
- ▶ The Terms of Reference should reflect future directions and enable Chairs to activate appropriate responses to situations in which children are at particular risk and require immediate intervention.
- ▶ The Panel needs members who can contribute resources to families and lead change effectively while addressing and overcoming resistance to regional cooperation when it occurs.

Motivate people

The loyalty and commitment of the workforce in protecting Aboriginal children is a significant regional strength.

Overwhelmingly, presenters to the Panel valued the practical cultural advice they received from its Aboriginal members. For while the workforce is technically skilled and experienced, there is a need for different approaches to the provision of cultural advice. Ways forward include:

- ▶ Introducing a new referral form that changes the language from Panel members providing 'recommendations' to giving 'cultural advice'.
- ▶ Developing a regional Bubup Ngay Community of Practice Panel for best practice Child Protection work with a focus on prevention and early intervention. This would enable Panel members to meet and discuss cases in more general terms and refer specific cases for the consideration of the Community of Practice Panel members.
- ▶ Creating a standing agenda item so that Panel members have a chance to state the nature of their relationships to the cases being presented and declare any potential conflict of interest.
- ▶ Sending Expressions of Interest for Panel membership to regional organisations highlighting that the Panel is being reformulated with a greater emphasis on having members working in therapeutic environments or who have cultural and therapeutic knowledge, for example, Aboriginal midwives or Aboriginal businesses. This inclusion will, in turn, assist Departments and CSOs to meet their procurement targets in the region.
- ▶ Involving ACCOs in a review of recommendations, in consultation with the Department, to ascertain available capacity for influencing the region's Child Protection system.
- ▶ Investing in technical and other types of training, including cultural determinants of health and wellbeing, leadership and management capabilities, and the development of key professional competencies pertinent to Aboriginal families living in the region.
- ▶ Taking a sophisticated approach to multi-agency engagement to develop the flexible and adaptive workforce needed in the region.
- ▶ Reviewing the Terms of Reference and the roles, responsibilities and expectations of the Child Protection workforce to enhance early clarification and help build cultural accountability across the sector.

Develop people

Staff dedication and commitment to their role in protecting Aboriginal children is widely regarded as a significant regional strength, a dedication supported by strong loyalty from the workforce. The review team recognises that although the workforce is highly technically skilled and experienced, this might not be sufficient to meet the challenges of working with other services and Aboriginal businesses to produce the benefits needed by Aboriginal children and their families. Ways forward include:

- ▶ Moving from intrinsic to professional leadership skills and practices to engender a strong commitment to the Child Protection workforce by adopting and adapting evidence-based models of care.
- ▶ Facilitating regional discussions about how to implement these approaches and support the uptake of cultural advice through the introduction of cultural mentoring, communities of practice and other professional development supports with a focus on prevention and early intervention.
- ▶ Adopting and adapting ways of promoting cultural safety in all undertakings by the Panel and in the Community of Practice.
- ▶ Creating mechanisms for individual case discussions to have systemic impact.
- ▶ Developing succession plans in the region to ensure continuity of care for Aboriginal children in out-of-home care and statutory care arrangements.

Summary of strategic capabilities

Outcomes focused

The Panel could review and learn from past decisions and experiences to make this approach part of the embedded practice in the region. Ways forward include:

- ▶ Developing an understanding of the Panel's achievements through documentation of past successes and the provision of case studies that successfully resolved issues experienced by Aboriginal children and their families.
- ▶ Resetting the Panel's membership and Terms of Reference with a strong focus on documenting outcomes from deliberations, rather than following up on recommendations.
- ▶ Supporting the development of mechanisms that allow for and encourage individual case recommendations to have systemic influence where and when needed.
- ▶ Working with regional agencies to develop a Bubup Ngay Panel Strategic Plan, inclusive of activity measures to assess effectiveness.
- ▶ Investing in the development of regional mechanisms to support the transition to ACCO control of case management in the region, succession planning and workforce development and sustainability.

Evidence-based choices

The Panel operates in a strategically challenging and demanding policy environment. Although the relationship between key stakeholders is good, some interviewees expressed a desire for a greater level of strategic interaction to explore ways of capturing evidence as to Aboriginal people's success in engagement with families. Ways forward include:

- ▶ Working with Oz Child and other agencies invested in evidence-based Child Protection practices to build a Community of Practice in which these and other strategies can be discussed.
- ▶ Developing templates for Panel members to report against the cultural determinants of health.
- ▶ Establishing processes in which the successes of Aboriginal ways of doing, being and knowing can positively impact on the health and wellbeing of Aboriginal children and their families
- ▶ Referring to and using recommendations from the Commission for Children and Young People's reports (CCYP 2016, 2019) in the development of plans, templates and regional strategies.

Collaborate and build common purpose

The Panel has an extensive range of potential stakeholders, some of whom have become disengaged from its processes. Discussions about reigniting the potential for collaborations and building a shared purpose using Memoranda of Understanding (MoU), for example, can strengthen relationships and clarify accountabilities in the lead up to the transfer of case management authority to the ACCO sector. Ways forward include:

- ▶ Reigniting the Panel membership through strategic invitations, with the Co-Chairs of the 2020 Panel being DHHS and the ACCO most likely to be responsible for the implementation of the transfer strategy.
- ▶ Ensuring the membership is at a level where decisions are made and resources are allocated, and where there is a long-term commitment to the relationship.
- ▶ Developing a MoU that clarify accountabilities and the prioritization of cases to be referred to the Panel.
- ▶ Clarifying referral pathways and expectations of the kind of guidance needed.
- ▶ Developing other professional supports for sharing of information operationally and at the management level.

Summary of delivery capabilities

Innovative delivery

The Panel has been recognised for introducing a number of innovative initiatives to facilitate improved work practices for Child Protection staff caring for Aboriginal children known to and engaged with residential, out-of-home and kinship care. However, the current operating environment and fiscal constraints have created a reactive cycle that affects its opportunities to encourage and nurture innovation. This occurred with a shift in focus from prevention and early intervention to case management-styled decision making. Ways forward include:

- ▶ Building regional capacity through the Panel's membership to encourage and nurture innovation.
- ▶ Investing in the development of a Regional Innovation Plan to adapt and improve policies, systems and structures that pivot around a young person's engagement with the Child Protection system.
- ▶ Identifying and supporting the development of community aspirations, knowledge and relationships.
- ▶ Splitting the functions of the current Bubup Ngay Panel into two – one to focus on the development of a community of practice and the other to make decisions about individual cases.
- ▶ Developing strategies for horizontal resource management in the region, particularly those that benefit Aboriginal children and their families.

Plan, resource and prioritise

The lack of a strategic plan contributes to the rating in this area as there is no strategic plan against which to rank priorities. Prioritisation of cases before the Panel could be less complex with the development of a strategic plan based on a regional risk assessment and a consideration of workforce capabilities. Although the Panel is operationally supported by the DHHS, a constrained fiscal environment sustainability is an increasing concern. There is general recognition that the Panel cannot continue to operate in its current form given the present range of constraints. Ways forward include:

- ▶ Developing a Bubup Ngay Strategic Plan that identifies regional risks both now and into the future and extends beyond the transfer of case management from government to ACCOs.
- ▶ Including a regional Aboriginal Child Protection workforce as part of this Strategic Plan.
- ▶ Instigating a sustainability strategy to underpin future regional actions.

Shared commitment and sustainable delivery models

The Panel's governance arrangements and related structure do not form a suitable framework for effective decision making over the long term. Although the Panel has the appropriate governance frameworks in place, these are not necessarily effective. An integrated model incorporating centralised policymaking and decentralised operational decision making, which empowers leadership and defines where accountability and responsibility rest in the regional Child Protection system should be considered. Ways forward include:

- ▶ Liaising with other government departments that sponsor panels with similar operating models to learn from their experience.
- ▶ Reducing the administrative burden of preparing and presenting cases for consideration by the Panel.
- ▶ Ensuring the new-look Panel does not replicate or overlap with other regional initiatives.
- ▶ Establishing that the 2020 Panel members are committed to participating over the longer term and of contributing to the development of a strategic plan
- ▶ Ensuring the Strategic Plan facilitates local and regional flexibility and operational decision making that empowers local community to take action.

Manage performance

The Panel needs to identify performance targets in its Statement of Intent (Terms of Reference) along with measures of effectiveness and quality. This might mean working with Indigenous businesses rather than services as it becomes necessary to draw in other resources to improve outcomes for Aboriginal children in the region. Ways forward include:

- ▶ Incorporating performance measures with an emphasis on effectiveness and quality in the regional strategic plan.
- ▶ Developing processes that support monitoring.
- ▶ Identifying both regional and future risks to the delivery of effective Child Protection services.
- ▶ Where possible, introducing extended and permanent contracts for the Child Protection workforce to give workers a chance to plan and contribute over time.
- ▶ Identifying the future demand for Child Protection services and advocating for regional resources that are appropriate for the task.

Introduction

The Bubup Ngay Panel was established in 2016 as a proactive response to the recommendations of the Victoria Aboriginal Children Commissioner's Taskforce 1000, a landmark review of Aboriginal children in Child Protection services. Convened by the Child Protection South Division for the Southern Melbourne and Bayside Peninsula Area, the Panel was established to end the placement of Aboriginal children in out-of-home care and to support workers responsible for facilitating family reunification in a safe and timely manner.

The Panel's terms of reference defined members as representatives of the local Aboriginal community, in particular those with in-depth knowledge of families and communities in the region; departmental staff including Koorie Education Support Officers and senior managers of DET and of DHHS; CSO representatives; and employees of ACCOs. The Panel is metro-based and accepts referrals for children who are case managed in the Southern Melbourne and Bayside Peninsula Area. Members discussed individual cases characterised by the complexity and vulnerability of Aboriginal children known to, and engaged with, the Child Protection system to generate whole-of-system responses for these children and their families.

Panel members worked together to initiate stronger, more collaborative service responses to benefit Aboriginal children at their point of entry into the system. Additional work focused on strategies that would reunite children with their families or place them in kinship care arrangements, with a specific focus on prevention and early intervention. Configured as a local and regional network of area services, the Panel's role was to adopt and address findings in the Taskforce 1000 Report, particularly recommendation nine that called for regions to establish regional networks:

- ▶ to meet, at a minimum every quarter to monitor implementation of area action plans;
- ▶ to facilitate co-chairing arrangements by the DHHS Area Director and an ACCO or community representative
- ▶ to devise a scorecard to measure the progress of area targets; and
- ▶ to develop processes that will enable the sharing of information relevant to the wellbeing of an Aboriginal child in out-of-home care arrangements and their family, and the introduction of integrated case management (CCYP 2016:21).

Terms of Reference

Two key documents have shaped Bubup Ngay's functioning and strategic engagement: the draft (as at December 2019) Terms of Reference, and the Aboriginal Children's Placement Consultation form that Child Protection staff need to fill out to bring a case to the attention of the Panel. The purpose of Bubup Ngay has been to provide advice on more effective and appropriate practices for working with Aboriginal families. Additionally, the Panel liaises and consults with Aboriginal Community Controlled Organisations, adheres to legislation and practice advice, and advises on Cultural Support Plans and Aboriginal Family-led Decision-making (AFLDM) referrals.

In partnership, the consulting group aims to 'work together to develop recommendations that improve outcomes for Aboriginal children and their families' by providing early, clear and consistent advice to inform decision making. The intent is to prevent Aboriginal children from entering care and to support enduring care arrangements that promote safety, development, family and cultural connection, and community engagement.

At the Panel consultations the Child Protection case manager and case planner present the information, with the practice leader and area manager welcome to attend on the proviso that their attendance is deemed beneficial for the child and his or her family.

Consultations are held monthly, with each meeting being three hours in duration. A quota of two cases are presented per meeting, with time to consider the outcomes from the previous month's recommendations factored in. Terms of Reference accommodate Koori-only consultation sessions, which occur when the need for one is endorsed by the Elder/Co-Chair and/or there are issues of sensitivity and confidentiality within the local Koori community.

The objective of every meeting is to ensure that all possible supports and interventions are explored and engaged to prevent Aboriginal children from entering into care. If children are already in the system, the Panel provides advice on plans for placement, following the Aboriginal Child's Placement Principle, or discusses other culturally appropriate placement options. Also discussed are prevention strategies that worked to enhance children's placement outcomes and ensure kinship placements did not break down.

Codes of conduct

By following legal requirements, ethical standards and agreed Victorian Public Service and DHHS values, Bubup Ngay members are able to meet the demands of their role and to enact the authorisations issued by DHHS that are granted to individuals and members. Confidentiality remains important. Panel members and presenters have access to information arising from an investigation of a protective intervention, made under S. 206(1) of the Children, Youth and Families Act 2005 (Victorian Government 2020), as reasonably necessary for the purposes and functions of the Aboriginal children's placement consultation. Members are asked to identify any conflicts of interest and abstain from consultations where one exists.

Secretariat records

The role of the Group Secretary (or Secretariat) is to provide for the smooth operation of Panel proceedings, as well as ensuring that members are fully informed and prepared. Over time, the Secretariat has managed the meeting schedule, prepared agendas and compiled supporting papers for meetings, and ensured that confidential documents are password protected. The Secretariat role has also been to record attendance at meetings, circulate the minutes drafted and finalise them in consultation with the Chair of the Consultation Group. What these records were able to show is that:

- ▶ Bubup Ngay's membership has 'dropped off' since 2016 and that the regional partners present at the commencement of the Panel had disengaged;
- ▶ the cases presented to the Panel were incomplete, and members were not able to offer truly constructive advice to some of the case management processes that would have benefitted children; and
- ▶ the intention of developing a prevention and early intervention strategy has not been achieved.

Child Protection workers reported that the supports available through the Panel were not consistent and did not assist Child Protection workers in their understanding of how to implement the recommendations from the Panel. As a result:

- ▶ Panel members were frustrated with the lack of follow-up on the recommendations from discussions;
- ▶ although the frequency of Panel meetings did not change, the length of time for meetings did – moving from three hours to all-day sessions; and
- ▶ the therapeutic interventions nominated by the Panel did not reflect its membership.

Consequently, Panel members feel that the promise of the Panel is yet to be realised, due to a shrinking membership, and Child Protection workers stated they were not feeling supported by the Panel to work with Aboriginal children, families and carers. These two factors have been exacerbated by the State-wide transition of Child Protection services from the Department to ACCHOs. These three factors combined provided the Panel with an opportunity to halt meetings and assess what has been gained, and to identify opportunities for the future. Recognising the need to evaluate the next steps, the Department wanted to understand the local and State context for Child Protection work, and the role of the Bubup Ngay Panel going forward.

Project Scope and Review

In 2019, after three years of operation, DHHS funded this review of the Bubup Ngay Panel to consider its functions and structure, provide a summary of its effectiveness in achieving its objectives and make recommendations for Panel members to strengthen or improve its structure and delivery. This review sets out to determine if the Panel, in line with its stated objectives, is leading to better outcomes for children, and to assess if the desired results in each case are achieved.

Set against the context of transfer of Child Protection case management to ACCOs, the review's role is also to identify if the Panel:

- ▶ has Terms of Reference that align with the self-determination principles as articulated in S.18 of the *Children, Youth and Families Act 2005* (Victorian Government 2020);
- ▶ is preventing Aboriginal children from being placed in out-of-home care or, when placed in kinship care, that there are culturally appropriate supports and services in place for reunification;
- ▶ is functioning in line with its draft Terms of Reference and stated objectives including legislative responsibilities;
- ▶ is building and strengthening the cultural competence of Child Protection staff; and
- ▶ is making relevant and targeted referrals, and reaching the most complex and vulnerable children and families.

The review team focused on the Terms of Reference for members, their workflow and Panel functions, the membership criteria, and recommendations and outcomes for children and their families. Out of scope were any suggestions about legislative and policy reform.

Evaluation methodology used in this review

The methodology we used is underpinned by utilisation focused, theory-based, quasi-experimental and mixed methods approaches, as the evaluation is intended for practical usage to improve program delivery. Informed by a Theory of Change it seeks to understand the experience of Panel members and Child Protection workers who have brought cases to the Panel for consideration. The evaluation was conducted in a manner consistent with the following principles (Flynn:2019).

Self-determination: The evaluator recognises that the right of Aboriginal and Torres Strait Islander peoples to self-determination must inform all aspects of the evaluation, including how data are used and interpreted. While the evaluation methodology was not formally co-designed with community, the review involved two workshops with Panel members that included Aboriginal community members. The purpose of these workshops was to identify questions that were reflective of the community's desire to understand the impact of the Panel and to improve the safety of all people involved in the delivery of Child Protection services.

Cultural capability: The evaluator recognises that best practice evaluation methods prioritise the involvement of the affected communities. This evaluation has been informed by the views of the Koori Child Protection Workers, the Children, Youth and Families Act 2005 (Victorian Government 2020) and the Commissioner for Aboriginal Children and Young People Reports (CCYP 2016, 2019). These data sources highlighted the importance of involving Aboriginal children and their families, community services and the Aboriginal members of the Bubup Ngay Panel in determining cultural capability.

High-quality: The evaluator recognises that high-quality, appropriate and rigorous evaluation methods and approaches are critical to generating evidence and data that accurately captures the experiences, aspirations and priorities of Aboriginal and Torres Strait Islander peoples.

Adaptive learning: The evaluator recognises that for evaluations to have utility, they need to be understood as one component in a broader evidence cycle that incorporates monitoring, measuring, evaluation and management. This evaluation seeks to contribute to the broader evidence base.

Theory of Change

The Theory of Change was developed with input from Bubup Ngay Panel members at the initial workshop held with them. It was refined through the course of this evaluation, and informed both the focus of our enquiry and the recommendations for moving forward. Note that due to data limitations, given that Bubup Ngay has only been operational for a few years, this review has focused more on understanding the extent to which it is achieving short- to medium-term outcomes and opportunity for future focus. Table 2 (see p.8) explains the Theory of Change processes used in this review.

Table 1 Theory of Change processes

Issue	Strategic response of Bubup Ngay	Bubup Ngay activities
<p>Mainstream Child Protection processes are not providing an effective, culturally appropriate response to Aboriginal children and their families who are experiencing vulnerability</p>	<p>Bubup Ngay was established to develop a local and regional whole-of-government, whole-of-community response to support Aboriginal families experiencing vulnerability and who are at risk of becoming engaged with the Child Protection system in Victoria’s Southern Metro Region.</p>	<p>Throughout the program</p> <p>Bring together community people, Elders and employees with knowledge of families in the community to provide context for family situations.</p> <p>Deliver good outcomes and a rapid response from different agencies to alleviate the crises impacting families and children experiencing vulnerability.</p> <p>Coordinate service providers to make informed decisions that will prevent Aboriginal children being placed in out-of-home care.</p> <p>Develop trusting relationships between agencies to build effective and knowledgeable networks that can provide referral pathways for Child Protection workers, mandated to respond to family needs.</p> <p>Education of DHHS staff in ways that clarify issues for families and provide a timely and community-informed response to support Child Protection staff to work with children and families</p>
Participants		
<p>Case Managers of families with complex needs who require cultural information and support from knowledgeable community people and service agencies.</p>		<p>Case Managers are encouraged to come to the Panel and present cases in which solutions need to be discussed.</p>
<p>Other agencies that support kinship and foster carers, and who work with children in residential care presenting cases for the consideration of the Panel.</p>		<p>The environment is one of action – of ensuring that cases presented to the Panel are followed up and supported.</p>
<p>DHHS, DET and other agencies including OzChild, VACCA, Family Services Cultural Support, Ngwala Willumbong, DDAC, DHHS AFLDM program, Placement Coordination, Aboriginal Housing Victoria.</p>		<p>Decision makers with appropriate-level delegations participate in allocating human and other resources to ensure prevention and early intervention activities are available when needed.</p>
Program inputs		
<p>Pilot funding, staffing (Secretariat support) and venue; goodwill from agencies; strategic policy alignment with S.18 of the Children, Youth and Families Act 2005; and Aboriginal staff community knowledge.</p>		<p>The children’s right to effective workers is taken into account and that culturally safe activities, networks and relationships work to the best effect for children.</p>
<p>Case management summaries of files and notes and presentations on complex cases.</p>		<p>The approach</p> <p>Is co-chaired by DHHS and local community Elders.</p>
<p>Preparation for the meeting undertaken by the Secretariat of Bubup Ngay.</p>		<p>Is one of consultation, providing an important role for practitioners to gain access to clear and consistent decision making with the intent of preventing children from coming into care or ‘drifting’ between placements.</p>
Program promotion		
<p>Internal to DHHS and within community.</p>		<p>Supports enduring care arrangements that promote safety, retain (or discover) family and cultural connections, and engage with the community.</p>
		<p>Supports self-determination for Aboriginal people.</p>
		<p>Panel members promote the Panel to networks and the community.</p>
		<p>Support staff development and training.</p>

Table 2 Target outcomes for Bubup Ngay

Short- to medium-term outcomes and impact	
As a result of Bubup Ngay, workers engaged with Aboriginal children and their families/carers feel supported and valued...	<p>For Child Protection workers</p> <ul style="list-style-type: none"> — Feel safe and supported to discuss issues and outcomes for children and families — Are able to bring the child’s voice to the table and have that voice respected and engaged with — Empowered to support children in making decisions about their own lives
Leading to increased engagement and participation in the process...	<p>Families and children</p> <ul style="list-style-type: none"> — Are more active in learning about prevention and early intervention and interested and engaged in proceedings and processes — Are more comfortable with, and prepared for, Child Protection activities — Have their voices valued and respected, especially children and young people, and can tell others about what would work in their best interest — Can influence their case directly — Can engage Elders to provide their views and influence family and other decisions
Leading to better informed decisions and more engagement...	<p>Departmental, CSO and ACCO staff</p> <ul style="list-style-type: none"> — See that families are engaging and participating in activities that will keep their children out of the Child Protection system — Have access to more complete information when making decisions — Are more informed about how to apply cultural knowledge in their work — Can comply with and facilitate the transition to community-controlled Child Protection case management services — Are able to make decisions that better prioritise cultural needs and connections that are in the best interests of children and families
Long-term outcomes and impact	
(Aspirationally) leading to better outcomes for families...	<p>Families and children</p> <ul style="list-style-type: none"> — Stay together by accessing prevention and early intervention services — Are committed to strengthening children’s kinship and cultural connection — Have better connection and access to ACCOs and Elders — Are more able to follow protection orders and engage support services — Can decrease the number of young people transitioning into Child Protection — Are able to lower the number of families and children impacted by family dysfunction
Child Protection proceedings are culturally appropriate, and are effective in preserving, promoting and developing cultural safety and connection for Aboriginal children	<p>Child Protection services</p> <ul style="list-style-type: none"> — Are either managed through ACCOs or ensure they are culturally appropriate in mainstream agencies — Are effective in preserving, promoting and developing cultural safety and connection for Aboriginal children — Ensure that young people are raised in loving homes and are able to practise self-determination — Support parents to have children when they are prepared and resourced to do so — Contribute to a harmonious community relationship and increase positive outcomes for children and families

Data collection

The project methodology was primarily informed by the following:

- ▶ **Two workshops with Panel members at community and Departmental venues** – which provided opportunities to consider the questions that needed to be asked in the interviews and to discuss some of the structural and referral pathways needed to promote good outcomes for Aboriginal children in the Child Protection system.
- ▶ **20 telephone interviews with Bubup Ngay Panel members** – with Aboriginal staff, non-Indigenous managers, and Child Protection workers and managers. A thematic analysis of the interviews have framed the key findings and recommendations from the review.
- ▶ **One-on-one interviews with Child Protection officers** – who have presented cases to the Panel.
- ▶ **Literature review** – of information on programs similar to the Bubup Ngay Panel and relevant literature regarding the features of the Bubup Ngay model, including therapeutic, whole-of-government and regional responses to Child Protection.

Limitations

There are a number of limitations to this review:

- ▶ **Family interviews:** We did not include interviews with families whose cases had been considered by the Panel.
- ▶ **Short-term focus of data:** Given the length of time the program has been running, and the limitations of the Panel's data collection systems, we focused primarily on assessing evidence for the short-term outcomes.
- ▶ **Panel member participants:** At the commencement of Bubup Ngay, a broad range of services, agencies and community members were engaged in deliberating on the outcomes for children and families. Over time, the breadth of services participating in the Panel has diminished.

The next Section provides an overview of the context in which Bubup Ngay operates, including the State-wide transition of Child Protection case management services to Aboriginal Community Controlled Organisations, the interim arrangements put in place and the approaches being adopted to halt and reverse the over-representation of Aboriginal children in Child Protection agencies.



The opportunities for Aboriginal children to have strong, resilient, culturally safe carers have diminished as the rates of removals have increased, placing the Victorian Child Protection system in crisis.



Policy Context

In Victoria... Aboriginal children continue to disproportionately bear the burden of our colonial past. Successive generations have experienced dislocation, severed family and ancestral connections and live in circumstances where their safety and wellbeing is compromised by entrenched social disadvantage and dysfunction borne from a history of dispossession, racism and marginalisation.

(CCYP 2016:2)

Child protection data tell us that Aboriginal children are over-represented in Child Protection and out-of-home care services in Victoria. The report *Always Was, Always Will Be Koori Children: Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria* (CCYP 2016) confirmed that Aboriginal children have, both historically and in contemporary times, shouldered the brunt of our colonial past. The work of Taskforce 1000 identified a number of opportunities to safeguard Aboriginal children's rights, and advocated for an increase in Aboriginal people's involvement and participation in the Child Protection system (CCYP 2016). This and other findings in the report, combined with the State government's commitment to Treaty, has prompted the State to transfer its Child Protection targets and resources to Aboriginal Community Controlled Organisations that demonstrate competence in addressing multiple historical, social, community, family and individual factors (AIHW 2018; Calma 2008; Child Family Community Australia 2019; Fien & Charlesworth 2012; Cripps & McGlade 2008; Funston 2013).

Child placement principles

Of particular concern is the number of Aboriginal children placed with a non-Aboriginal carer. Neither these carers nor Child Protection officers had been provided with essential cultural safety training, and the supports available to kinship carers is lacking (CCYP 2016:11). Previous reports acknowledge that even though Child Protection practices have changed over the past few years, the concerning rate of Aboriginal children being removed from their homes has not. Evidence shows there is a marked increase in the number of children entering out-of-home care arrangements between the release of the 2016 Commission for Children and Young People's report and the follow-up *'In Our Own Words': Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system* three years later (CCYP 2016, 2019).

The opportunities for Aboriginal children to have strong, resilient, culturally safe carers have diminished as the rates of removals have increased, placing the Victorian Child Protection system in crisis.

The inquiry in 2016 found both Victoria's DET and DHHS failed to comply with existing protocols and agreements to safeguard the cultural rights of children in out-of-home care, including children's rights to access Aboriginal-specific education services, to have individual learning plans and access to mainstream schooling. The Commission for Children and Young People heard of many instances where children had been placed in alternative care because the education system was unable to cater for their trauma-related behaviours (CCYP 2016:12). In addition, the Commission was able to illustrate a 'scant lack of regard' for the rights of Aboriginal children to access and practise their culture (CCYP 2016:12), which led to a systems redesign involving a partnership between DHHS and the Aboriginal Children's Forum.

Redesigning the Child Protection system

The Victorian Government has committed to Aboriginal self-determination through a Treaty process. Part of this commitment is the development of a transition strategy and timeline to transfer case management and placement of all children within the Child Protection system to ACCOs (CCYP 2016:12). This transfer is guided by the Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement Strategic Action Plan (Victorian Government 2018a), which details the roles and responsibilities of partners from the Aboriginal community, government and community service organisations in the production of better outcomes for Aboriginal children and young people.

Developed in consultation both with the Aboriginal community and services, and key mainstream children's service organisations, the Wungurilwil Gaggapduir Action Plan addresses the over-representation of Aboriginal children and young people in the Child Protection and care systems. Signatories to it have made commitments to build the self-determining capability of Aboriginal families, children and young people, eliminate the over-representation of Aboriginal children in Child Protection and out-of-home care, and reduce the number of those who progress to the youth justice system. This strategy is being managed through the Aboriginal Children's Forum and advocates for all Aboriginal children in care to be the responsibility of Aboriginal organisations.

In addition, there are resources available:

- ▶ to expand implementation of Aboriginal guardianship across the State;
- ▶ to implement timely family reunification;
- ▶ to ensure Aboriginal children and young people leaving statutory systems are supported to reconnect with family
- ▶ to apply Aboriginal ways of responding to child and family issues, including family violence; and
- ▶ to address systemic racism and individual and institutional bias by building culturally sensitive practice within mainstream services.

Legislative arrangements for transfer of authority

This transfer has a legislative basis in S.18 of the *Children, Youth and Families Act 2005* (Victorian Government 2020). Under this Section of the Act, the Secretary of the DHHS can authorise the principal officer of an Aboriginal agency to undertake specified functions and hold powers in relation to a Children's Court protection order for an Aboriginal child or young person. Once the court makes a protective order for an Aboriginal child or young person, an approved ACCO can be authorised to take on responsibility for the child's case management (Victorian Government 2018b). Authorised ACCOs are resourced to work with the children's family, community and other professionals to develop and implement the child's case plan and achieve their overarching objectives of promoting cultural safety and the best interests of the child. This strategy is being rolled out across the State, one region at a time. Decisions about where the transfer of power occurs is centralised around the readiness of ACCOs to take on this level of responsibility. Currently, the Victorian Aboriginal Child Care Agency (VACCA) and the Bendigo and District Aboriginal Corporation have started the transition to community controlled case management of Aboriginal children in Child Protection, with Ramahyuck Aboriginal Corporation taking on the responsibility in early 2020.

Interim arrangements: New approaches

In the interim, the Commission for Children and Young People advocated for a new approach to Child Protection service delivery for Aboriginal children that was inclusive of local and collaborative approaches. These included early intervention and prevention work, and investing in an Aboriginal workforce, particularly Aboriginal Child Protection practitioners, for Aboriginal children (CCYP 2019:46). To be effective, collaborative efforts needed to draw on the resources and experiences of a wide range of CSOs and ACCOs and prioritise the most vulnerable cohorts, including those with chronic and complex issues and children exposed to cumulative harm. They also needed to ensure that young people were given appropriate opportunities to participate in any key decision-making processes that impacted them. In addition, the Commission recommended significant ongoing training and development for Child Protection staff, including in therapeutic and trauma-informed approaches to children and young people (CCYP 2019:46), and that the Department explore:

- ▶ Strengthening accountability and governance measures at a regional and local level to lift the quality and implementation of legislative processes to support connection to culture for Aboriginal children and young people in care.
- ▶ Putting supports in place to ensure self-determination including an increased investment in community-led early intervention services, and the gradual transfer to ACCOs of the case management and planning of Aboriginal children and young people in care.
- ▶ Consulting with children and young people with a lived experience of care on the design of good practice guidelines and training on how to support them to participate in decision making about contact with parents, siblings, extended family and friends.
- ▶ Providing appropriate supports to staff, kinship and foster carers so they can respond to trauma by embedding evidence-based and community-led approaches to training Child Protection staff in working effectively with children and young people.
- ▶ Creating a suite of therapeutic options that support children and young people in care who have complex trauma and challenging behaviours to transition to more family-like care environments.
- ▶ Working with Child Protection staff to develop the expertise, focus and capacity of Child Protection workers to assist families to achieve reunification, including through case planning.



...the Commission for Children and Young People advocated for a new approach to Child Protection service delivery for Aboriginal children that... included early intervention and prevention work, and investing in an Aboriginal workforce, particularly Aboriginal Child Protection practitioners...



Rights-based approach

The Victorian Government and successive Children's Commissioners have opted for a rights-based approach to redesigning Victoria's Child Protection and out-of-home care system, one which is inclusive of a child's right to family, friends and community, to health, education and to culturally informed workers (CCYP 2019:59–63). Citing United Nations guidelines, such an approach recommends that staff in direct contact with children should undergo appropriate and comprehensive assessment of their suitability to work with children, and be able to 'access training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm' (UN General Assembly 2010:116).

Importantly, the Commission has emphasised the rights of all young people to learn about and enjoy their culture. Article 30 of UNICEF's Convention on the Rights of the Child includes the provision for Indigenous children to profess and practise their own culture and language, and for those children and young people living away from their community to have access, where possible, to an education in their own culture and in their own language in culturally safe spaces (CCYP 2019:61–2).

In a Victorian context, these rights are enshrined in a Charter for Children in Out of Home Care (DHS 2007). Developed in 2007, the charter lists the expectations that children and young people can have of the people who care for them, and is supported by other Victorian legislation, policies and frameworks including:

- ▶ *Children, Youth and Families Act 2005*
- ▶ *Charter for Human Rights and Responsibilities Act 2006*

- ▶ *Child-safe Standards*
- ▶ *Human Service Standards*
- ▶ *Looking after Children Outcomes Framework*
- ▶ *Child Protection Manual*
- ▶ *Program Requirements for Home-based Care in Victoria*
- ▶ *Program Requirements for Residential Care in Victoria*
- ▶ *Program Requirements for Lead Tenant Services in Victoria*
- ▶ *Out-of-home Care Education Commitment (the Partnering Agreement)*
- ▶ *Early Childhood Agreement for Children and Young People in Out-of-home Care.*

Since the commencement of the Bubup Ngay Aboriginal Children's Panel in 2016, the context for the delivery of Child Protection services in Victoria has changed considerably. While still responsible for the delivery of services across the State, DHHS will be transferring considerable human and operational resources to an as yet unnamed Aboriginal agency to deliver Child Protection services to Aboriginal children. In partnership with VACCA, and supported by agencies focusing on prevention and early intervention, there is a large amount of regional preparation work that could support Aboriginal community organisations and members to lead positive outcomes for families through education, training, decision making and support. The next Section articulates the approach to the review and the steps taken in the evaluation process.

About the Review

Evaluations of social programs are rarely straightforward, especially when they are addressing community-wide issues, tackling complex or entrenched problems, or where the relationships between cause and effect, action and outcome is either poorly understood or changes according to circumstance (Humphreys et al. 2009).

Evaluations of Indigenous programs can also be especially complex because of the context in which they take place (Guenther, Arnott & Williams 2009), which has led to the development of a number of well-understood steps in the evaluation process as these apply to Indigenous programs (Haswell et al. 2010). Thus, in this review we start by describing the objectives of Bubup Ngay and then undertake a process involving the local Aboriginal community to formulate the evaluation questions.

This formulation activity was done at a workshop with Panel members at the Doveton Gathering Place. After the workshop, the Secretariat provided support in identifying potential interviewees who could discuss the contribution of the Panel. Twenty interviews, of approximately 30–40 minutes each, were then conducted with Panel members, Child Protection staff, Departmental officers and CSO members.

A second workshop was held at the Department to discuss preliminary findings from the review and to raise the possibility of using a Cultural Determinants Framework in the provision of cultural advice to Child Protection workers. At this workshop, a number of key systemic transformations were highlighted that, if implemented well, could harness the collective wisdom of those involved and set up regional capacity prior to the transition of Child Protections services from the Department to ACCOs in the Southern Metro Region.

Community consultation with, and the participation of, Aboriginal community members was an essential component in the design, data collection and reporting phases of this review. The work was conducted by a community researcher, and Aboriginal community members participated in the design of the evaluation and in the workshops, assisted in the development of the evaluation questions and strategies, and were engaged through the interviews. Aboriginal people were then able to interpret the findings into a redesign of Bubup Ngay.

Outcomes from the workshops

The workshops were conducted in a cultural way that included acknowledging Country, and had each person offering reflections at the commencement and conclusion of the workshop, and developing relationships that facilitated a deeper understanding of the communication needs of all members to participate safely in the Panel.

The first workshop explored issues of inclusion, cultural safety and authority. After preliminary discussions and introductions, people were asked to consider why some Panel members had not continued their engagement with the Bubup Ngay Panel. Attendees then broke into smaller groups to consider the following issues:

Quality of decision-making strategies

- ▶ Is the purpose of the Panel to make decisions?
- ▶ How do we measure whether the recommendations/decisions/guidance are of good quality?
- ▶ How do we determine if the strategies have been successful?
- ▶ How do we tackle unconscious bias in decision making on the Panel?
- ▶ How do we make sure all the Panel members feel safe, supported and respected despite the differences?
- ▶ How do we ensure Bubup Ngay has a respectful learning culture?

The Panel as a ‘ceremony’

- ▶ How do we provide support and debriefing to Panel members?
- ▶ Are the Panels held in culturally safe spaces?
- ▶ How can we have robust discussions while there are divides between individual responsibilities and systemic issues?
- ▶ How do we ensure we do not personalise the content?
- ▶ How can we introduce and monitor culturally safe and appropriate language?

Panel membership

- ▶ How do we select Panel members?
- ▶ Who do we ask this of?
- ▶ Where do we hold the Panel to ensure cultural safety and respect?
- ▶ Should we have more than one Panel, which could include area-specific Chairs, services and organisations?

Authority and focus

- ▶ What is the authority of the group?
- ▶ Is the focus on prevention or tertiary interventions?
- ▶ What does prevention and early intervention look like?
- ▶ Should the Panel have influence or authority?

What is the cultural authority of the Panel in Child Protection matters?

- ▶ What does this mean?
- ▶ How do we think about the role of the Panel to support aspects of cultural parenting?
- ▶ How do we engage families who aren't connected to the community in cultural parenting?
- ▶ How can the Panel influence and educate case managers, Child Protection workers, community members and carers to understand the role of kinship, respected persons, Elders and parents in caring for and educating children?

Inclusion

- ▶ What should the involvement of families be (or not) and why?
- ▶ Does Bubup Ngay operate as a cultural authorising environment for the Department?
- ▶ What determines the need for the Panel to exist?
- ▶ What learnings from the Panel have been translated into care responses for other Aboriginal children?
- ▶ Have Panel recommendations been picked up systemically?
- ▶ Can Bubup Ngay have a role in providing support or resources for Child Protection workers?

As a result of this workshop the following questions were devised to use in the telephone interviews with the 20 people including Child Protection workers, people who present to Bubup Ngay and Aboriginal members of the Panel.

Question 1

Do you understand the role and purpose of Bubup Ngay?

Question 2

Is there a need for Bubup Ngay to exist?

Question 3

Has Bubup Ngay been able to offer practical advice or been able to make good recommendations for families?

Question 4

What have these recommendations been?

Question 5

What cultural advice have Panel members been able to give that supports case managers and Child Protection practitioners, community members and carers?

The resounding feedback from the first workshop was that it was good to take stock of where the Panel was up to and what it could recommend to Panel presenters. The other was that the Panel can only give advice; it has no authority to provide recommendations for case management because its members were not mandated with that responsibility.

The second workshop considered a range of issues arising from the interviews and reiterated the importance of having a broad range of partners around the table with the ability to make effective decisions on behalf of Aboriginal children and their families. This included people with the appropriate level of delegation. In all, participants discussed the need for:

- ▶ Rewriting the Terms of Reference to consider the roll-out of S.18 of the *Children, Youth and Families Act 2005*, and bring together agencies to develop work plans and processes for case managers and the Child Protection workforce, and to ensure individual feedback and advice was able to influence the Child Protection system.
- ▶ Using information to undertake regional strategic planning.
- ▶ Streamlining the panels that deal with Aboriginal children, across different portfolio areas, and invest in good outcomes for families.
- ▶ Redressing some of the understanding held by the Child Protection workforce in relation to cultural activities and cultural advice.
- ▶ Supporting the Child Protection workforce with cultural advice, particularly in the region where this type of work is under-funded and under-resourced.
- ▶ Balancing practical advice with policy and systemic advice that tracks children through the system and ensures good outcomes from the referrals given.
- ▶ Defining the role of the Secretariat and where the Secretariat needs to sit for the next few years while S.18 is being rolled out across the State.
- ▶ Blending evidence-based models with local knowledge and care for children in kinship and out-of-home care arrangements.
- ▶ Addressing the knowledge and implementation gaps that exist in the system.

Recommendations from this workshop included:

- 1 Developing a Community of Practice in which people can learn and share information with a strong cultural determinants focus.
- 2 Establishing a strategic response to the transfer of powers from the Department to the Aboriginal Community Controlled Organisations in the region.
- 3 Forging strong links between the Community of Practice and the Panel.
- 4 Ensuring that Panel members are placed at high enough levels in their respective organisations to make decisions regarding resources that will stop children transitioning into the Child Protection system and/or support reunification.

- 5 Supporting self-determination by ensuring that cultural recommendations are paramount in a Community of Practice, with the focus on building work competency in Aboriginal Child Protection matters in a general rather than a specific way.
- 6 Making collaboration key – this will ensure the advice given can be impactful in a positive way for the children, their families and community, and assist those workers and agencies funded to deliver high-quality services in the region.
- 7 Reviewing how Bubup Ngay aligns with the investments of government in self-determination and in the transfer of powers (S.18 *Children, Youth and Families Act 2005*).

Many of the workshop participants restated their commitment to quality cultural advice, to revitalising the membership, role and function of Bubup Ngay as both a Panel and as a Community of Practice, and to supporting and building a regional referral network for children and their families and the Child Protection workforce in a range of different agencies. This regional cohesion is vital for progressing the outcomes already achieved through Bubup Ngay and details a way forward in the region.

Using a Cultural Determinants Framework

Cultural determinants are premised on extensive and well-established knowledge networks that exist within communities and in the community-controlled sector. Their implementation is consistent with the thematic approach taken by the Articles of the United Nations Declaration on the Rights of Indigenous Peoples (UN 2007) of embedding into every-day practices the ideals of individual and collective rights, and freedom from discrimination, assimilation and destruction of culture. A Cultural Determinants Framework also advocates for protection from removal and relocation off Country, and recommends connection to and utilisation of Country and traditional lands and waters.

Cultural determinants are embedded into cultural parenting and are important considerations for the Child Protection workforce. Based on an extensive longitudinal study involving more than 160,000 Aboriginal and Torres Strait islander peoples, the Mayi Kuwayu Study (ANU 2020) has identified the following six domains that make up a Cultural Determinants Framework.

Table 3 The six domains of a Cultural Determinants Framework

Cultural determinant	Description
Country and caring for Country	Country and connection to land is closely related to identity, attachment with the physical environment, and a sense of belonging. In Indigenous cultures, people have both physical and spiritual relationships and responsibilities to look after and maintain their Country.
Knowledge and beliefs	Knowledge and belief systems include concepts of relational identity, spirituality and cultural traditions. Thoughts and experiences of spirituality stem from the Dreaming (creation) and include how these various mediums (art, songs and ceremony or corroboree). It also incorporates elements of healing, traditional medicines and gendered knowledge systems and practices.
Language	Indigenous verbal, written and body language is communicated as a vehicle for expressing culture, teaching it to others and transmitting cultural knowledge to the next generation.
Self-determination	Self-determination facilitates leading, or at a minimum involvement in, decision making at individual, family, community, organisational and political levels. It is also how Indigenous peoples do business – gaining power and influence through a collective form of decision making.
Kinship	Kinship includes knowing and being part of the community, which may entail various responsibilities and obligations that confirm and reinforce membership and belonging. Membership includes duties to extended family, and being involved and active in numerous community functions, initiatives and political issues.
Cultural expression	Cultural expressions are actions taken to express attitudes, beliefs, customs and norms. They can take the form of artefacts, symbols, dances, songs, art and ceremony, storytelling, use of language, family relations, sharing of food and celebrations, and the representation of values.

A significant recommendation from the second workshop was the implementation of a Child Protection Model that supported case managers to take on the cultural determinants of health and wellbeing, and to advocate for cultural safety for children and families based on local and regional understandings. The other part of the model was to establish a Children’s Panel that could make decisions on behalf of children and families, in tandem with a concerted effort to prepare for Child Protection services to be transitioned from the Department to Aboriginal community controlled organisations.

Outcomes and recommendations of the review

Capability Review Model

This Section provides an assessment framed by the leadership–strategy–delivery structure of the Capability Review Model, which was undertaken through a review of documents and findings from the interviews. Assessments were then made according to the rating descriptions set out in Figure 1.

The review team’s assessment of the Bubup Ngay Panel based on 2018–2019 capability is outlined in Figure 2 (see p.18).

Figure 1 Capability Review Model

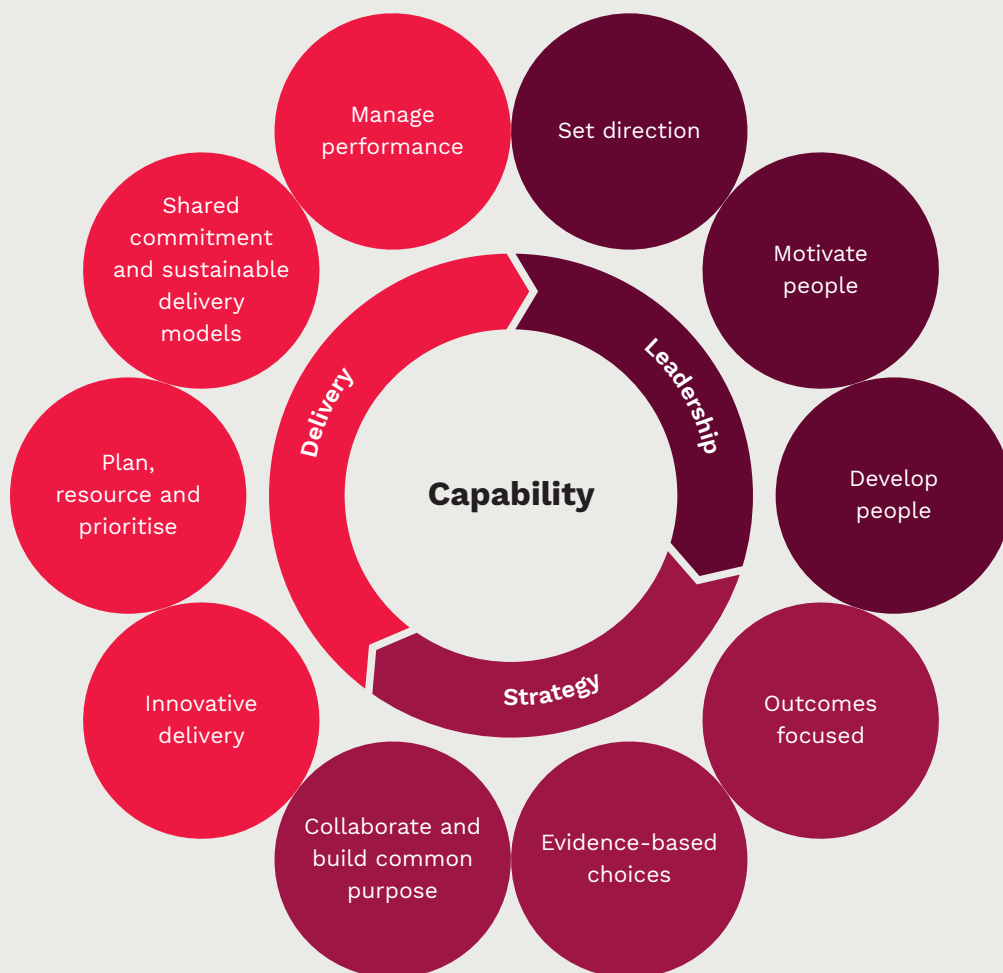


Figure 2 Review team’s assessment of Bubup Ngay Panel



Strong

- Outstanding capability for future delivery in line with the Capability Review Model
- Clear approach to monitoring and sustaining future capability with supporting evidence and metrics
- Evidence of learning and benchmarking against peers and other comparators

Well placed

- Capability gaps are identified and defined
- Is already making improvements in capability for current and future delivery and is well placed to do so
- Is expected to improve further in the short-term through practical actions that are planned or already underway

Development area

- Has weaknesses in capability for current and future delivery and/or has not identified all weaknesses and has no clear mechanism for doing so
- More action is required to close current capability gaps and deliver improvement over the medium-term

Serious concerns

- Significant issues in capability for current and future delivery that require urgent action
- Not well placed to address issues in the short- or medium-term and needs additional action and support to secure effective delivery

Leadership capabilities

The Chair's vision for the Panel involves significant transformation. This is because much of the feedback implies that the Panel has moved from the original Terms of Reference, which were drafted to provide 'upstream' leadership to prevent children from coming into care or reunifying with family as soon as practicable. Communicating this vision needs to be supported by a narrative that is inclusive and relevant to the entire Child Protection workforce in the region.

Set direction

Decisions need to be made at a high level to progress benefits to children and families and match the policy and procedural works underway in reshaping the Child Protection system. While the Panel focuses on delivering individual outcomes for children and families, feedback indicates that collaborative efforts to share resources and make decisions have fallen on the shoulders of a few. In a competitive fiscal environment, agencies remain competitive. As this detracts from whole-of-region collaboration, State-wide considerations need to be factored into the future direction of Bubup Ngay. Recommendations include:

- ▶ Consider resetting the Bubup Ngay co-chairing arrangements by appointing a community leader to co-chair the Community of Practice Panel with either a representative from the Department or the CEO of the ACCO likely to take on the responsibilities laid out in S.18 Children, Youth and Families Act 2005 (Victorian Government 2020).
- ▶ Chairing of meetings to follow set procedures, with a view to enact the prevention and early intervention aspirations first held by the Panel. This calls for robust leadership that is able to engage members in frank discussions about what is needed.
- ▶ The Chairs can activate responses to situations where children are at particular risk and can call Panel members in to consider those cases requiring immediate action.
- ▶ That Panel members be managerial or executive members of partner organisations, and be representative of a wide range of agencies operating in the region. These
- ▶ That meetings be held every two to three months, that they act on the mandate held by the Department and build capacity within the ACCO sector to take on these responsibilities in future.
- ▶ The Panel needs members who can contribute resources to families and lead change effectively while addressing and overcoming resistance to regional cooperation when it occurs.

Motivate people

The loyalty and commitment of the workforce in protecting Aboriginal children is a significant regional strength. Overwhelmingly, presenters to the Panel valued the practical cultural advice they received from its Aboriginal members. However, a number of emerging relationship dynamics were identified that undermined the value of this advice. In part, this was because of the language used in the referral forms, which speaks to recommendations not advice. Also, Panel members expressed frustration when their advice was not followed up, nor reported on at subsequent meetings. Additionally, Child Protection officers shared a genuine reluctance to make referrals to the Panel due to their work effort being critiqued rather than supported, and although the recommendations were clear, advice and direction on how to achieve them was not.

- ▶ The Panel members recognise the need to engage more actively with Child Protection staff to ensure intrinsic motivation is encouraged and sustained in an environment of fiscal restraint and major policy initiatives, such as the transfer of authority for Child Protection case work. They also acknowledge the significant capacity building activities needed in the region, and the importance of creating a regional unified culture. Thus, instilling shared values in participating organisations is crucial to develop a 'one-team' mindset.

Other impacting factors that de-motivated, rather than motivated, people were identified as:

- ▶ membership by organisations too often being represented by proxies not knowing what was required of them;
- ▶ inconsistent orientation for Panel members;
- ▶ the 'unwritten and unknowable' dynamics caused when non-Indigenous people did not understand the relationships between Aboriginal Panel members and between Panel members and carers of children in care;
- ▶ Panel members operating through a 'case management lens' rather than an 'advice giving lens'; and
- ▶ Panel members making therapeutic recommendations without having the requisite expertise.

Even though the workforce is technically skilled and experienced, there is a need for different approaches to the provision of cultural advice. Panel presenters found some of the advice confusing, compounded by the volume of cases being referred and discussed. The interviewees advocated for fewer cases to be presented and, where the learnings could be applied systemically, that there should be a pathway for these findings to influence outcomes for other Aboriginal children and their families. The frequency of the meetings and the times allocated to individual case follow-up also undermined the quality of discussions and reduced opportunities for learning and implementation of the advice given.

Recommendations include:

- ▶ Introducing a new referral form that changes the language from Panel members providing 'recommendations' to giving 'cultural advice'.
- ▶ Developing a regional Bubup Ngay Community of Practice Panel for best practice Child Protection work with a focus on prevention and early intervention. This would enable Panel members to meet and discuss cases in more general terms and refer specific cases for the consideration of the Community of Practice Panel members.
- ▶ Creating a standing agenda item so that Panel members have a chance to state the nature of their relationships to the cases being presented and declare any potential conflict of interest.
- ▶ Sending Expressions of Interest for Panel membership to regional organisations highlighting that the Panel is being reformulated with a greater emphasis on having members working in therapeutic environments or who have cultural and therapeutic knowledge, for example, Aboriginal midwives or Aboriginal businesses. This inclusion will, in turn, assist Departments and CSOs to meet their procurement targets in the region.
- ▶ Involving ACCOs in a review of recommendations, in consultation with the Department, to ascertain available capacity for influencing the region's Child Protection system.
- ▶ Investing in technical and other types of training, including cultural determinants of health and wellbeing, leadership and management capabilities, and the development of key professional competencies pertinent to Aboriginal families living in the region.
- ▶ Taking a sophisticated approach to multi-agency engagement to develop the flexible and adaptive workforce needed in the region.
- ▶ Reviewing the Terms of Reference and the roles, responsibilities and expectations of the Child Protection workforce to enhance early clarification and help build cultural accountability across the sector.

The Panel members are respected for their strategic perspective and drive. Many have held their position since the Panel commenced in 2016 and members demonstrate a clear understanding about what is required in the region to meet future challenges. The Panel has an opportunity to consult with and further develop a Child Protection workforce that is able to modernise its response in line with current and future trends in Child Protection. This includes those contained in the Aboriginal Children Commissioner's report, 'In Our Own Words', in which children and families talk about the decisions impacting on their journey with Child Protection (CCYP 2019). A clear vision has not yet been fully communicated and, with Panel members awaiting the finalisation of inputs from this review, a hiatus has been created.

Gaining buy-in across the regional Child Protection workforce will be a challenge. Communicating a clear vision and narrative for the future that is inclusive and relevant is essential to developing ownership of the transformation from the Department to the ACCO. There are mixed views on the collegiality, self-awareness and culture of teamwork among Panel members. Without an enterprise approach, the focus on delivering individual outcomes and competing for resources is taking priority over whole-of-region collaboration and achievement of strategic outcomes, which has undermined morale and suppressed innovation. Aboriginal children and their families will benefit from an embedded change management approach that involves a comprehensive, transparent and inclusive approach to managing the transformation.

Develop people

Staff dedication and commitment to their role in protecting Aboriginal children is widely regarded as a significant regional strength, a dedication supported by strong loyalty from the workforce. However, the Panel tends to rely on the intrinsic motivation of individuals rather than promoting and encouraging the enthusiasm and professionalism of the workforce as a single team from multiple organisations. As the tight fiscal environment continues, and staff have to do more with less, this reliance on intrinsic motivation presents a growing risk to maintaining a motivated workforce in the Child Protection sector.

Panel members recognised that more needs to be done to promote cultural safety, and to demonstrate sensitivity in some of the comments made during case reviews as they can be triggering for people involved in case management work. In addition, they need to ensure there is a cycle of capacity development both for Aboriginal members of the workforce and for non-Indigenous staff who work with Aboriginal families and clients.

The review team recognises that although the workforce is highly technically skilled and experienced, this might not be sufficient to meet the challenges of working with other services and Aboriginal businesses to produce the benefits needed by Aboriginal children and their families. To develop the adaptive and flexible workforce it needs, the Panel recognises the importance of improving workforce planning and career development, and providing a strong mechanism for the development of regional workforce planning strategies. In terms of competencies, internal and external stakeholders have flagged cultural practices, data analysis, project management, and policy development skills as areas for priority development.

Performance support is also required to reduce the current turnover of staff in agencies in the region. Interviewees noted that particular attention is needed for culturally safe debriefing, staff support and counselling services. A strong motivator for the Child Protection workforce would be increasing the focus on recognition and reward for excellence in individual and team performance in contributing to whole-of-region outcomes.

Recommendations include:

- ▶ Moving from intrinsic to professional leadership skills and practices to engender a strong commitment to the Child Protection workforce by adopting and adapting evidence-based models of care.
- ▶ Facilitating regional discussions about how to implement these approaches and support the uptake of cultural advice through the introduction of cultural mentoring, communities of practice and other professional development supports with a focus on prevention and early intervention.
- ▶ Adopting and adapting ways of promoting cultural safety in all undertakings by the Panel and in the Community of Practice.
- ▶ Creating mechanisms for individual case discussions to have systemic impact.
- ▶ Developing succession plans in the region to ensure continuity of care for Aboriginal children in out-of-home care and statutory care arrangements.

The next Section relates to strategic engagement within and between members of the Panel, both as individuals and as representatives of agencies and the community.

Strategic capabilities

The Panel has produced a range of recommendations over the past three years but lacks the 'golden thread' needed to link strategy, plans and resources that would make these recommendations more relevant and actionable. Developing a strategic plan could assist regional stakeholders to understand the Panel's role and direction, and address any concerns about the impact the Panel might have in their deliberations.

Outcomes focused

The Panel could review and learn from past decisions and experiences to make this approach part of the embedded practice in the region. With an extensive range of potential stakeholders, the Panel is well positioned to support collaboration and common purpose in working with Aboriginal children in Child Protection, particularly in the upstream area. The Panel's recognised history of collaborative practices has been valuable in identifying and treating risk while also promoting cultural safety and prioritising the needs of Aboriginal children and families. With the proposed development of a strategic plan, the focus on activity measures could provide a strong sense of effectiveness (i.e. how good Child Protection outcomes are being achieved). It should also reflect the complexity of the issues impacting Aboriginal families in the region, which is evident from the expectations of stakeholders. Recommendations include:

- ▶ Developing an understanding of the Panel's achievements through documentation of past successes and the provision of case studies that successfully resolved issues experienced by Aboriginal children and their families.
- ▶ Resetting the Panel's membership and Terms of Reference with a strong focus on documenting outcomes from deliberations, rather than following up on recommendations.

- ▶ Supporting the development of mechanisms that allow for and encourage individual case recommendations to have systemic influence where and when needed.
- ▶ Working with regional agencies to develop a Bubup Ngay Panel Strategic Plan, inclusive of activity measures to assess effectiveness.
- ▶ Investing in the development of regional mechanisms to support the transition to ACCO control of case management in the region, succession planning and workforce development and sustainability.

Evidence-based choices

It is clear that the Panel operates in a strategically challenging and demanding policy environment. Although the relationship between key stakeholders is good, some interviewees expressed a desire for a greater level of strategic interaction to explore ways of capturing evidence as to Aboriginal people's success in engagement with families. To date, strategic policy options to address identified future challenges for Aboriginal children and their families in the region have yet to be developed. The evidence generated by Aboriginal people's approaches to the over-representation of Aboriginal children in out-of-home care arrangements is yet to be realised, but progress is being made under the Wungurilwil Gagapduir Action Plan (Victorian Government 2018a). Evidence that is critical to the implementation of advice from the Panel is also contained in the 2019 Aboriginal Children Commissioner's report (CCYP 2019), which focuses on critical importance of inclusivity and of having children's voice in decision making about issues that impact their lives.

What is required are mechanisms that allow agencies to pool information to build a holistic picture across the region. This is not so much for case management but for the purposes of risk identification and response and professional development. Having these mechanisms in place will shift the focus from reactive to proactive approaches that align with the Panel's strength of responding quickly. However, it does point to a lack of planning and development to prevent foreseeable incidents from occurring. Recommendations include:

- ▶ Working with Oz Child and other agencies invested in evidence-based Child Protection practices to build a Community of Practice in which these and other strategies can be discussed.
- ▶ Developing templates for Panel members to report against the cultural determinants of health.
- ▶ Establishing processes in which the successes of Aboriginal ways of doing, being and knowing can positively impact on the health and wellbeing of Aboriginal children and their families
- ▶ Referring to and using recommendations from the Aboriginal Children Commissioner's reports in the development of plans, templates and regional strategies.

Collaborate and build common purpose

The Panel has an extensive range of potential stakeholders, some of whom have become disengaged from its processes. Discussions about reigniting the potential for collaborations and building a shared purpose using MoUs, for example, can strengthen relationships and clarify accountabilities in the lead up to the transfer of case management authority to the ACCO sector.

The Panel aims to provide a consistent and transparent process for prioritising complex cases of children experiencing vulnerability, which includes early engagement, changes to established operational practices and more transparent communication of how agencies in the region prioritise the health and wellbeing of Aboriginal families. Stakeholders also report a desire for deeper engagement and greater sharing of information. Recommendations include:

- ▶ Reigniting the Panel membership through strategic invitations, with the Co-Chairs of the 2020 Panel being DHHS and the ACCO most likely to be responsible for the implementation of the transfer strategy.
- ▶ Ensuring the membership is at a level where decisions are made and resources are allocated, and where there is a long-term commitment to the relationship.
- ▶ Developing a MoU that clarify accountabilities and the prioritisation of cases to be referred to the Panel.
- ▶ Clarifying referral pathways and expectations of the kind of guidance needed.
- ▶ Developing other professional supports for sharing of information operationally and at the management level.

The next Section details the gaps between the delivery aspirations and the consistency of outcomes delivered over time.

Delivery capabilities

The Panel had aspirations of being innovative but was not able to realise these aspirations over time. In the broadest sense, innovation in Child Protection could include adapting and improving processes, systems and structures, which may lead to increased efficiencies, cultural strengthening and positive outcomes for families through a focus on prevention and early intervention. Ultimately, the Panel did have some early successes with preventing the long-term engagement by some children and young people with the Child Protection system.

Innovative delivery

The Panel has been recognised for introducing a number of innovative initiatives to facilitate improved work practices for Child Protection staff caring for Aboriginal children known to and engaged with residential, out-of-home and kinship care. However, the current operating environment and fiscal constraints have drawn the Department into a reactive cycle that affects its opportunities to encourage and nurture innovation. This occurred with a shift in focus from prevention and early intervention to case management-styled decision making.

The Panel would benefit from a broader, more systemic framework for innovation that includes engaging peers (inside and outside of government) to adapt and improve policies, systems and structures. Innovations of this nature, which can help improve efficiencies and mitigate risk, are not generally constrained by the need for a large financial investment. Panel members need to be encouraged to produce innovative outcomes that are inclusive of local community aspirations, knowledge and relationships.

Some Panel members identified that although its planning processes have improved, they are not mature and could benefit from a regional, integrated approach to effective delivery across divisions against clear strategic outcomes. There also needs to be greater understanding and flexibility of horizontal resource management across agencies for the benefit of Aboriginal children and families in the area. Recommendations include:

- ▶ Building regional capacity through the Panel's membership to encourage and nurture innovation.
- ▶ Investing in the development of a Regional Innovation Plan to adapt and improve policies, systems and structures that pivot around a young person's engagement with the Child Protection system.
- ▶ Identifying and supporting the development of community aspirations, knowledge and relationships.
- ▶ Splitting the functions of the current Bubup Ngay Panel into two – one to focus on the development of a community of practice and the other to make decisions about individual cases.
- ▶ Developing strategies for horizontal resource management in the region, particularly those that benefit Aboriginal children and their families.

Plan, resource and prioritise

The lack of a strategic plan contributes to the rating in this area as there is no strategic plan against which to rank priorities. Prioritisation of cases before the Panel could be less complex with the development of a strategic plan based on a regional risk assessment and a consideration of workforce capabilities. Although the Panel is operationally supported by the DHHS, a constrained fiscal environment sustainability is an increasing concern. There is general recognition that the Panel cannot continue to operate in its current form given the present range of constraints. Recommendations include:

- ▶ Developing a Bubup Ngay Strategic Plan that identifies regional risks both now and into the future and extends beyond the transfer of case management from government to ACCOs.
- ▶ Including a regional Aboriginal Child Protection workforce as part of this Strategic Plan.
- ▶ Instigating a sustainability strategy to underpin future regional actions.

Shared commitment and sustainable delivery models

The Panel's governance arrangements and related structure do not form a suitable framework for effective decision making over the long term. Although the Panel has the appropriate governance frameworks in place, these are not necessarily effective with processes seen as overly complicated and administratively time consuming. A complex structure further adds to inefficiency. The volume of cases for consideration is excessive, with little distillation of the multifaceted issues that consume Panel members in process.

A new approach is needed to support the networked inter-agency approach that is vital to conducting effective Child Protection. A greater requirement for flexibility in resource deployment and communication across operational areas will in turn require enhanced local decision making. An integrated model incorporating centralised policy making and decentralised operational decision making, which clearly empowers leadership and defines where accountability and responsibility rest in the regional Child Protection system, should be considered. Recommendations include:

- ▶ Liaising with other government departments that sponsor panels with similar operating models to learn from their experience.
- ▶ Reducing the administrative burden of preparing and presenting cases for consideration by the Panel.
- ▶ Ensuring the new-look Panel does not replicate or overlap with other regional initiatives.
- ▶ Establishing that the 2020 Panel members are committed to participating over the longer term and of contributing to the development of a strategic plan.
- ▶ Ensuring the Strategic Plan facilitates local and regional flexibility and operational decision making that empowers local community to take action.

Manage performance

The Panel needs to identify performance targets in its Terms of Reference, along with measures of effectiveness and quality. This will shift the focus from meeting statistical targets of work completed to driving a culture of measuring the effectiveness of outcomes. Currently, although the Panel can say it meets its targets, it cannot evaluate the success of its deliberations or consider where improvements may be necessary. It would benefit from exploring revised key performance indicators with a focus on measuring effectiveness rather than on outputs.

There is general agreement that the Panel has a way to go in developing its approach, prioritising its risks and establishing an effective process to monitor and prioritise issues as required. Although its financial management is sound, many interviewees commented there should be more consideration given to the increasing delivery risks facing Child Protection workers and the need to plan, resource and prioritise accordingly. Additionally, some agency assets have no longevity in their contracts: for example, a number of key Aboriginal Child Protection workers are only funded for short-term positions with no ongoing operational funding. The Panel will need to work together with partner agencies to ensure regional sustainability, maintain the expected level of Child Protection and grow to meet future demand. This might mean working with Aboriginal businesses rather than services as it becomes necessary to draw in other resources to improve outcomes for Aboriginal children in the region. Recommendations include:

- ▶ Incorporating performance measures with an emphasis on effectiveness and quality in the regional strategic plan.
- ▶ Developing processes that support monitoring and prioritisation in the region and a rapid response approach that is regionally specific.
- ▶ Identifying both regional and future risks to the delivery of effective Child Protection services.
- ▶ Where possible, introducing extended and permanent contracts for the Child Protection workforce to give workers a chance to plan and contribute over time.
- ▶ Identifying the future demand for Child Protection services and advocating for regional resources that are appropriate for the task.

The Way Forward

At the second workshop a new model was proposed for Bubup Ngay, one in which the current functions of the Panel would be split across two portfolio areas.

A Bubup Ngay reset agenda

The two portfolio areas proposed are a Bubup Ngay Resourcing Panel and a Bubup Ngay Community of Practice. Bubup Ngay can develop new partnership arrangements in the region to streamline regional referral systems and to assist the Child Protection workforce to be proactive in the face of the transfer of powers from the Department to the community controlled sector. In this reset, the membership of the current Panel should be sent letters thanking them for their participation along with an explanation of the new look and approach of Bubup Ngay going forward.

Bubup Ngay system's activation

An Expression of Interest for membership should be circulated among potential members. This process will require a rethink of current governance arrangements to include the following:

- ▶ Co-chairing arrangements between the Department and the ACCO sector will support the implementation of community controlled case management work under S.18.

- ▶ Terms of Reference to be drafted that include the scope and potential of these new arrangements.
- ▶ Scheduled timeframes for people with decision-making capacities to meet and consider individual cases with the proviso that the allocation of resources and/or access to specialist services will be expected.
- ▶ Referral pathways will need to be well developed and can include ad hoc meetings where immediate action is required.
- ▶ Criteria for the Bubup Ngay Resourcing Panel membership should be made between the Co-Chairs of this Panel, with an expectation of timely resources being made available.

Establishing an area-based Community of Practice

A Bubup Ngay Community of Practice includes participants who have an ongoing interaction around a shared concern in their region. It provides an environment in which professionals can share their practice experiences, develop and discuss areas of interest and build a regional sense of community. A sample schedule for the Community of Practice is reproduced in Table 4.

Table 4 Sample schedule for Bubup Ngay Community of Practice

Month	Topic
January	Working with Aboriginal people from Tasmania in Victoria – how to facilitate safe 'home to Country' visits
February	A case study from the region – discuss the cultural determinants approach to implementing cultural plans
March	Aboriginal businesses – the role of, and potential for contribution by, Aboriginal businesses in Child Protection
April	Prevention and early intervention – site visits to local agencies to understand what programs are on offer and how to access them
May	Cultural mentors – how to work effectively with cultural mentors to enhance Child Protection outcomes

Appendix 1: S.18, Children, Youth and Families Act 2005

S. 18(1) substituted by No. 30/2019 s. 4(1).

- 1** The Secretary may in writing authorise the principal officer of an Aboriginal agency to perform specified functions and exercise specified powers conferred on the Secretary by or under this Act in relation to a protection order in respect of—
 - a** an Aboriginal child; or
 - b** a non-Aboriginal child who is a sibling of an Aboriginal child subject to an authorisation under this subsection.
- 2** An authorisation under this section may only be made with the agreement of the Aboriginal agency and the principal officer.

S. 18(2A) inserted by No. 57/2015 s. 6(1).

- 2A** Before giving an authorisation, the Secretary must provide the Aboriginal agency and the principal officer with all information that is known to the Secretary and that is reasonably necessary to assist the Aboriginal agency and the principal officer to make an informed decision as to whether or not to agree to the authorisation.
- 3** The principal officer may only be authorised if he or she is an Aboriginal person.
- 4** Before giving an authorisation, the Secretary must have regard to any view expressed by the child and the parent of the child if those views can be reasonably obtained.
- 5** On an authorisation being given, this Act applies in relation to the performance of the specified function or the exercise of the specified power as if the principal officer were the Secretary.
- 6** The Secretary may at any time in writing revoke an authorisation under this section and on that revocation the Secretary may continue and complete any action commenced under the authorisation by the principal officer.

S. 18(7) inserted by No. 57/2015 s. 6(2).

- 7** On the revocation of an authorisation under this section, the principal officer must provide the Secretary with all of the records that have been created by or on behalf of the Aboriginal agency, or provided to the Aboriginal agency, in respect of the child as a result of the authorisation.

S. 18(8) inserted by No. 30/2019 s. 4(2).

- 8** Despite the revocation of an authorisation in respect of an Aboriginal child or if a protection order in respect of the Aboriginal child is no longer in force, an authorisation under this section in respect of a non-Aboriginal child who is a sibling of that Aboriginal child continues to have effect until revoked or until a protection order in respect of the non-Aboriginal child is no longer in force.

S. 18A inserted by No. 57/2015 s. 7.

NB: Section 18 of the *Children, Youth and Families Act 2005* (Victorian Government 2020) enables the Secretary of the Victorian DHHS to authorise the principal officer of an Aboriginal agency to undertake specified functions and powers in relation to a Children's Court protection order for an Aboriginal child or young person. This means that once a protection order for an Aboriginal child or young person has been made by the Children's Court, an approved ACCO may be authorised to take on responsibility for the child's case management and case plan.

Under the Aboriginal Children in Aboriginal Care Program (Victorian Government 2018b), authorised ACCOs will have the opportunity to work actively with the child's family, community and other professionals to develop and implement the child's case plan and achieve their permanency objective in a way that is culturally safe and in the best interests of the child.

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