



Communities  
& Justice

# Family is Culture

Progress Report

25 November 2020

COVER ARTWORK

Charmaine Mumbulla, Mumbulla Creative.

*The term Aboriginal in this document refers to both Aboriginal and Torres Strait Islander peoples. It is used to refer to the numerous nations, language groups and clans in NSW. Indigenous is retained when it is part of the title of the program, report or quotation, or when the context requires it.*

*The Family is Culture Review speaks to the experiences of Aboriginal children and young people, their families and their communities. Their stories are confronting, and highlight the importance of having a culturally capable service system focussed on walking alongside Aboriginal families and communities to keep their children safe and connected to culture.*

*DCJ would like to acknowledge the significant advocacy pursued by GMAR and GMAR NSW, Stolen Generations survivors, SNAICC and AbSec. Their advocacy and the input of Aboriginal families, parents and young people at the forum 'Our Kids, Our Way' held in 2016 has been powerful, and led to the Family is Culture Review.*

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

## Purpose of this document

The purpose of this document is to provide an update to Aboriginal communities and the public on our progress to date in responding to the 125 systemic recommendations of the Family is Culture report.

We have broadly categorised recommendations and our response into five main themes:

1. Stronger oversight and accountability
2. Improving data collection and reporting
3. Better casework policy and practice
4. Enhanced services and supports
5. Changing care and protection legislation



## Background

The Family is Culture: Independent Review of Aboriginal children and young people in out-of-home care (OOHC) was commissioned by the NSW Government in 2016 to examine the reasons for the disproportionate and increasing number of Aboriginal children and young people in OOHC in NSW.

The NSW Government acknowledges the extensive work of Professor Megan Davis and the Independent Review Team, in completing the review of 1,144 Aboriginal children and young people who entered OOHC during 2015-16. The Family is Culture Review Report 2019 (the Report) speaks to the experiences of those children and young people, their families and their communities, as they navigated the NSW child protection system.

The NSW Government has carefully considered the recommendations made in the Report. This includes 125 recommendations to the way we deliver services and over 3,000 recommendations referring to specific children and young people.

## Our community engagement and consultation approach

The safety and wellbeing of Aboriginal children and young people is a priority for everyone. We acknowledge that we don't always engage Aboriginal people the way we should. We recognise we need to improve our engagement practice and work in partnership with Aboriginal communities to ensure less Aboriginal children come into care and stay safe within their family community, culture and country.

Planning of these engagement activities will be done in partnership with Aboriginal stakeholders and community groups and DCJ will be proactively seeking support from Aboriginal stakeholders including AbSec to help facilitate and coordinate engagement and consultation. Implementation of Family is Culture recommendations will require ongoing engagement.

Where possible engagement will take place face to face in a COVID safe way, however some engagement may still take place via virtual platforms where appropriate.

We welcome your thoughts and ideas on how we can best implement the Family is Culture recommendations. We can be contacted via email:

Feedback: [Feedback.FamilyisCulture.response@facs.nsw.gov.au](mailto:Feedback.FamilyisCulture.response@facs.nsw.gov.au)

## Our aspiration for working with communities

The engagement objectives are to:

- Identify which Family is Culture recommendations and/or themes are a priority for Aboriginal people.
- Provide an opportunity for the Aboriginal communities and key stakeholders to inform the Family is Culture implementation development and design.
- Create an opportunity for those in the Aboriginal community who don't have regular engagement with government to have their voices heard and influence implementation.
- Provide an opportunity for Aboriginal communities and key stakeholders to share their ideas and solutions about the best way to improve outcomes for Aboriginal children and families.

Implementation of the Family is Culture recommendations will be led through a partnership approach with stakeholders and Aboriginal communities to ensure Aboriginal voices inform development and design.

The following figure provides a high-level overview of key stakeholders and cross-Government leads who will work together for the implementation of the Family is Culture response.



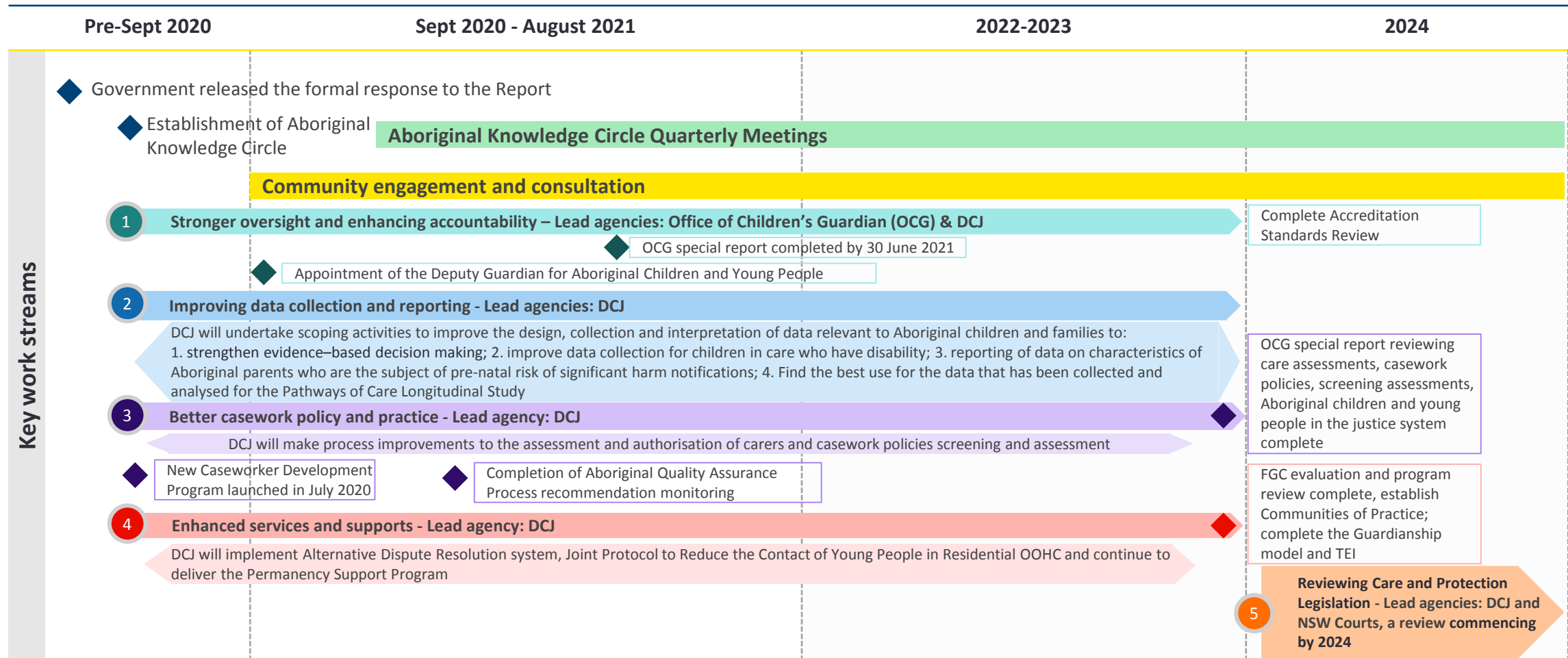
The following principles will guide the consultation and engagement process in implementing recommendations from the Family is Culture Review:

1. Child centric focus
2. privileging the voice and inclusion of Aboriginal children and young people with lived experience
3. recognising that child safety and wellbeing are complex public health issues and therefore require interdisciplinary and cross-portfolio responses
4. supporting ‘what works’ in early intervention and Aboriginal case management practices
5. supporting and promoting evidence-based practice
6. Aboriginal Peoples’ inherent right of self-determination, and
  - a. building the capability, resilience and wellbeing of Aboriginal communities
  - b. facilitating the empowerment of Families and motivating for change
7. Aboriginal Data Sovereignty; the right of Aboriginal People to exercise authority over the collection, access, analysis and use of data that pertains to them.

NSW Government commits to being more transparent and accountable to Aboriginal families and communities. Measurement and evaluation will be used to track how changes improve the system.

# Our journey ahead

The figure below provides an overview for the proposed timeframes to implement Family is Culture responses. The proposed phasing of work is indicative and intended to provide flexibility for us to engage and consult appropriately with key stakeholders. DCJ and lead agencies reviewed and considered responses from the Family is Culture report and thematically identified 5 key work streams as outlined below.



**Key**


- ◆ Key event
- Key workstreams



## Our progress to date


On 7 July 2020, the NSW Government provided a formal response to the Family is Culture Report. Setting the foundation for successful implementation and planning for the required streams of work have been key priorities for DCJ. We are pleased to highlight the completion (green tick) and/or commencement (orange tick) of the following key initiatives and enablers:

### Strengthening oversight and enhancing accountability for Aboriginal children in care

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**Creation of Deputy Guardian for Aboriginal Children and Young People**

Created to elevate the wellbeing of Aboriginal children and young people in care and strengthen oversight in accrediting care providers. The role has now been advertised.

**Jul 2020**
- 

**Establishment of an Aboriginal Knowledge Circle**

Established to provide independent advice on strategies to reduce the number of Aboriginal children and young people in care. The group is expected to meet quarterly.


**Aug 2020**
- 

**Commencement of the Children's Guardian Act 2019**

The NSW Government consolidated the powers and functions of the OCG and transferred the Reportable Conduct and Official Community Visitor Schemes to the OCG.


**Mar 2020**

### Better casework policy and practice

- 


**Establishment of an Aboriginal Care Review and Quality Assurance team**

Established to track the implementation of case file review recommendations from the Family is Culture review. As at 14 October 2020, 57% of case file recommendations have been implemented.

**Dec 2019**
- 

**Commenced development of an agreed understanding on the right to "self-determination"**

AbSec has developed the Aboriginal Case Management Policy (ACMP) in partnership with DCJ which provides an agreed understanding on the right to self-determination.

**Jan 2019**
- 

**Commencement of Permanency Support Program**

Provides tailored services to vulnerable Aboriginal Children and Young People enabling them to grow up in culturally-connected support environments with their family

**Dec 2017**

**Enablers: Family is Culture project board, the Aboriginal Outcomes Taskforce**

DCJ has established a specific Family is Culture Project Board, to provide strategic oversights, effective governance for the project, and a direct line of reporting to the Minister and DCJ Executive Board. The Aboriginal Outcomes Taskforce has been set up to plan, coordinate and enable all internal and cross-governmental efforts relating to the implementation of Family is Culture responses.



In partnership with Aboriginal communities, the NSW Government will be addressing 101 of the systemic recommendations outlined in the Family is Culture report.

The remaining 24 recommendations will be considered as part of a focussed statutory review of the Children and Young Persons (Care and Protection) Act 1998, which is due to commence in 2024. This review will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments.



The remaining pages include the NSW Government's position and proposed actions on all 125 recommendations of the Review Report.

This is intended to be a preliminary position, to serve as a foundation for discussion and consultation with the stakeholders and communities between March 2021 and May 2021. This is likely to evolve according to stakeholder input and feedback.

The recommendations listed in the following pages are categorised in the following themes:


1. Stronger oversight and accountability
2. Improving data collection and reporting
3. Better casework policy and practice
4. Enhanced services and supports
5. Changing care and protection legislation







# 1. Stronger oversight and accountability

TABLE OF ACRONYMS							
<b>ABSEC</b> - NSW Child, Family and Community Peak Aboriginal Corp. <b>ACWA</b> – Association of Children’s Welfare Agencies <b>ADR</b> – Alternate Dispute Resolution <b>AEBP</b> – Aboriginal Evidence Building Partnership <b>ALS</b> – Aboriginal Legal Services		<b>AO</b> – Aboriginal Outcomes <b>CLC</b> – Community Legal Centre <b>DCJ</b> – Department of Communities & Justice <b>FGC</b> – Family Group Conference <b>FICRT</b> – Family is Culture Response Team		<b>LRLS</b> – DCJ Legal <b>NCAT</b> – NSW Civil and Administrative Tribunal <b>OCG</b> – Office of the Children’s Guardian <b>OOHC</b> – Out-of-home Care <b>OSP</b> – Office of the Senior Practitioner		<b>PSP</b> – Permanency Support Program <b>SHLV</b> – Staying Home Leaving Violence <b>SOPP</b> – Summary Of Proposed Plan <b>TEI</b> – Targeted Earlier Intervention	
Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations		
9 (a, d, f) (Chapter 8)	Office of the Children’s Guardian (OCG)	Creation of a new Deputy Guardian for Aboriginal Children and Young People within the OCG.	Dec 2020	The new Deputy Guardian for Aboriginal Children and Young People will work to: <ul style="list-style-type: none"> <li>Elevate the rights and wellbeing of Aboriginal children and young people in care.</li> <li>Strengthen the OCG’s oversight and enforcement powers in accrediting out-of-home care (OOHC) providers and ensure a high standard of practice is met for Aboriginal children.</li> <li>Provide leadership within the sector and work directly with Aboriginal people and communities to drive a better and more culturally appropriate standard of care.</li> </ul>	10, 18, 88-92, 102		
	OCG	OCG will prepare a special report into a number of matters identified by Professor Davis as requiring independent review.	Jul 2021	The review will involve direct engagement with Aboriginal people and communities and will address: <ul style="list-style-type: none"> <li>Implementation of the Aboriginal Case Management Policy which aims to support Aboriginal people and communities to make decisions about the safety, welfare and wellbeing of their children, families and communities.</li> <li>Improvements to casework policies including screening and assessment processes.</li> <li>Process improvements to make carer assessments and authorisations more efficient and timely, including better use of online and digital technology.</li> <li>Operation of the new mandatory Alternative Dispute Resolution (ADR) system including Family Group Conferences for Aboriginal families.</li> <li>Implementation of the Joint Protocol to Reduce the Contact of Young People in Residential OOHC with the Criminal Justice System.</li> <li>Effectiveness of the internal complaint handling system within the DCJ for people involved in the child protection system.</li> <li>Improvements to public reporting by the Office of the Children’s Guardian on the accreditation of statutory out-of-home care agencies.</li> </ul>			

# 1. Stronger oversight and accountability

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
10 (Chapter 8)	OCG	OCG to review the effectiveness of the internal complaint handling system within DCJ for people involved in the child protection system.	Jul 2021	The review will involve direct engagement with Aboriginal people and communities as well as consultation with the NSW Ombudsman, Advocate for Children and Young People and non-government out-of-home care providers. The review will make recommendations to improve the transparency and accessibility of the internal complaints system so that it is child-friendly.	9
17 (Chapter 8)	NSW Ombudsman	The NSW Ombudsman advice on this matter was sought from the Parliamentary Counsel's Office in 2019. The NSW Ombudsman already has the jurisdiction to investigate child protection matters (relating to the conduct of public authorities and community service providers) whether or not such matters were, are, or may in future become the subject of Children's Court proceedings. Schedule 1 item 8 of the Ombudsman Act only excludes the investigation of complaints relating to the conduct of court proceedings. As such, an amendment of Schedule 1 is not required.	Completed 		10
18, 89 (Chapter 8, 18)	OCG	OCG to consider options for improved public reporting as part of the five-year review of the NSW Child Safe Standards for Permanent Care in 2020.	Dec 2021	This will be addressed in the special report by the OCG.	9
92 (Chapter 18)	DCJ	We and our sector partners will update its carer authorisation practice mandate to guide staff to complete the formal, full authorisation process expeditiously in order to support Aboriginal placement principles and permanency outcomes.	Dec 2020	Full authorisation process would usually be completed within three to six months. DCJ will review this practice to ensure timeframes are adhered to.	

# 1. Stronger oversight and accountability

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations	
88, 90, 91 (Chapter 18)	OCG	OCG conducted internal reviews of working with children check risk assessment decisions in relation to Aboriginal applicants	Completed 	It is acknowledged that there is an overrepresentation of Aboriginal people in the criminal justice system. There is the potential for some Aboriginal applicants to disengage from the risk assessment process, even where they may be granted a clearance. Further promotion of the working with children check process and building of trust with Aboriginal applicants is being undertaken to address the disengagement of some applicants.	9	
	OCG	OCG reviewed its correspondence and fact sheets to ensure they contain less bureaucratic language.	Completed 			
	OCG	OCG made some adjustments to the working with children check risk assessment notice to provide increased access to telephone discussions with applicants in addition to any written information provided.	Completed 			
	OCG	OCG's Records Review Process has been reviewed regarding the assessment of criminal history checks, which may overestimate the risk an individual poses to children and young people.	Completed 	During the Records Review process, Records Review Officers will review the available material to identify if the applicant is Aboriginal. As a result, where an applicant is identified as Aboriginal, the applicant is provided with an opportunity to engage at an earlier stage in the assessment process and in a less intrusive manner.		
	OCG	OCG to develop a collaboration agreement with representatives from Maranguka (the operational arm of the Bourke Tribal Council) specifically aimed at facilitating increased access to and engagement with working with children check process from the Bourke Aboriginal Community.	OCG to apply key learnings from this work to support all Aboriginal applicants.	Dec 2021		This is currently underway. The collaboration agreement aims to promote self-determination and community governance by encouraging community participation and responsibility in decision making. The OCG, Maranguka and the Bourke Tribal Council are continuing to work collaboratively to support Aboriginal applicants to increase engagement in working with children check processes.
		OCG to improve working with children check risk assessment processes for Aboriginal applicants through customer journey mapping.				

## 2. Improving data collection and reporting

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
1, 2 (Chapter 2)	DCJ	We and our sector partners will conduct a workshop with Aboriginal stakeholders on how data sovereignty is relevant to data collected by DCJ.	Jul 2021	Ngaramanala is an internal working group within DCJ that has been established to consider how DCJ research, evaluation and data analysis is safe, ethical, respectful, responsible, high quality and of benefit to Aboriginal children, families and communities.	3, 96
	DCJ	We and our sector partners will develop a data improvement plan for how it collects and interprets data relevant to Aboriginal children and families based on findings from this workshop.	Dec 2021	In July 2019, Ngaramanala held a workshop to understand and investigate the concepts of Indigenous Data Sovereignty and Governance. Ngaramanala are further exploring how data is collected and governed within DCJ in light of these principles. Once this is complete, Ngaramanala will convene a roundtable with Aboriginal communities to further explore the meaning of Indigenous Data Sovereignty.	
3, 96 (Chapter 3, 18)	DCJ	We and our sector partners will conduct a workshop with Aboriginal stakeholders on how the Pathways of Care Longitudinal Study (POCLS) methodology and data can be used to better support Aboriginal children in out-of-home care.	Jul 2021	POCLS has previously held two roundtables with Aboriginal colleagues to discuss analysis of the Aboriginal cohort. Opportunities have also been extended to those attending the roundtables to provide additional feedback.  DCJ is currently undertaking a review of the study's processes to ensure Aboriginal stakeholders are involved in all stages of analytical projects, as the POCLS moves into the next phase of opening up the data asset to approved researchers for longitudinal analysis. Once this review is complete, a roundtable on the study methodology, and how the POCLS can better support Aboriginal communities and stakeholders' priorities, will be convened in collaboration with the Ngaramanala Aboriginal Knowledge Program.	1, 2
14 (Chapter 8)	DCJ and NSW Children's Court	We and our sector partners will work with the NSW Children's Court to investigate current data availability, actions required to address gaps, and options for reporting.	Dec 2021	This recommendation is supported by the NSW Children's Court. It is noted that there are limitations in the availability of data in some areas.	114, 115
23 (Chapter 9)	DCJ	We and our sector partners will ensure that administrative data captures information about whether referrals made to early intervention programs were accepted.	Jul 2021	From 1 July 2020 all Targeted Early Intervention funded services will be recommissioned under the NSW Government Human Services Agreement. The new TEI program will include a focus on collecting outcomes data on individual service delivery and the TEI program as a whole, in order to improve DCJ's capacity to respond to shifting local client and communities' needs. Through consultation with key groups, including Aboriginal stakeholders, it has been agreed that TEI service providers will be required to record service activity in the Department of the Social Services' Data Exchange (DEX). The administrative data obtained by DEX will capture information about which services are working with Aboriginal families, children and young people, including where referrals for services came from, or whether or not they were accepted.	24




## 2. Improving data collection and reporting

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
35, 36, 37 (Chapter 39)	DCJ	We and our sector partners will scope implementation of a new approach for collecting and reporting data around disability prevalence among Aboriginal children and young people in the child protection system and disability prevalence among their parents.	July 2021	DCJ has established a quarterly out-of-home care (OOHC)/National Disability Insurance Scheme (NDIS) data match with the intention of including data on whether the child or young person in the care of the Minister for Families, Communities and Disability Services is a participant in the NDIS, and then recording this in the ChildStory client data system.  A National Disability Data Asset, currently in pilot phase, aims to improve reporting outcomes for people with disability, their families and carers by sharing de-identified data to better understand the life experiences and outcomes for people with disability across Australia. First Peoples Disability Network is involved in the development of the National Disability Data Asset.	39
	DCJ	We and our sector partners will consider how a new strategy for early intervention and prevention work would interact with existing policies and support the intersection between disability and the child protection system.	Dec 2021	DCJ is building the capacity of caseworkers through the development of information and training resources to upskill caseworkers who are not familiar with the processes involved in engaging with the NDIS or supporting Aboriginal people who may not identify as having a disability.  DCJ has also initiated a number of other key projects to better support children and young people with disability including:	
	DCJ	We and our sector partners will explore opportunities for further integration of services for Aboriginal families and children from the earliest stages of engagement with support systems.	Dec 2021	<ul style="list-style-type: none"> <li>• greater coordination of planning at the key OOHC transition points;</li> <li>• more effective utilisation of support coordination funding;</li> <li>• implementation of agreed responsibilities for funding respite for children in family based placements;</li> <li>• developing a referral process for families of children and young people with disability who have made a report to the Helpline because they are struggling to cope with supporting their child at home due to the impact of the disability;</li> <li>• assess the situation of children and young people with complex support needs in residential OOHC.</li> </ul>	
39 (Chapter 9)	DCJ	DCJ has recently developed practice kits to guide casework relating to mental health, domestic violence, and alcohol and other drug use. These kits were designed in line with best practice standards.	Dec 2021	We and our sector partners will continue to review and revise child protection policies and practice guidelines in line with best practice. This will also be addressed in the OCG's special report.	35-37


## 2. Improving data collection and reporting

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
41, 43, 49, 63, 106 (Chapter 9, 11, 14, 21)	DCJ	<p>We and our sector partners will scope the collection and reporting of additional administrative data related to:</p> <ul style="list-style-type: none"> <li>• Entries to care or removal of Aboriginal children at or shortly after birth, as well as data about the characteristics of parents who are the subject of pre-natal risk of significant harm notifications, numbers and reasons for high risk birth alerts, and pre-entry into care casework completed with Aboriginal mothers in the prenatal period.</li> <li>• The use of less intrusive options prior to entry to care, including whether or not these measures were considered and if they were not used and the reasons why.</li> <li>• Abuse of Aboriginal children in care by care placement type and action taken by DCJ.</li> <li>• Restoration goals and casework provided to support parents of children who enter care, including what casework is provided to support parents to achieve restoration goals.</li> </ul>	Jul 2021	<p>In scoping criteria for data collection, all societal, socioeconomic, health and educational factors, including disability, are being considered.</p> <p>DCJ currently collects administrative data in relation to the elements outlined in this recommendation. We and our sector partners will scope this data for reporting, taking into account privacy considerations.</p>	42, 44-48, 107-120
74, 75, 84 (Chapter 16, 17)	DCJ	<p>We and our sector partners will scope data collection and reporting around all elements of the Aboriginal Child Placement Principle including:</p> <ul style="list-style-type: none"> <li>• Aboriginal children’s contact with their Aboriginal birth parents, siblings (including half- siblings) and extended family, kin and community.</li> <li>• Aboriginal children’s placement with siblings (including half-siblings) Cultural planning for Aboriginal children in care, including information about who participated to develop a child’s cultural plan, and what these cultural plans contain in relation to the five domains of the ACPP.</li> <li>• Placement stability of Aboriginal children in care.</li> </ul>	Jul 2021	NSW is working collaboratively with other jurisdictions and the Secretariat of National Aboriginal and Islander Child Care through the Children and Families Secretaries group in the development of a national set of indicators to support implementation of the ACPP.	71-73, 76-82
	DCJ	<p>We and our sector partners will work together with service providers to improve the quality of data for analysis and reporting, including data relating to case plans, leaving care plans and cultural support plans.</p>	Jul 2021	We and our sector partners will also consider enhancements to ChildStory that can be scheduled to capture this data from service providers rather than relying on manual collections.	

## 2. Improving data collection and reporting

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
69, 70 (Chapter 15)	DCJ	We and our sector partners will develop a database linking administrative records from across DCJ for research, reporting and strategic analysis purposes (not operational).	Dec 2020	The database will allow visibility of client intersections across service areas of DCJ including between out-of-home care and the criminal justice system.	65-68
	DCJ	We and our sector partners will consider the need for further analysis and research regarding the involvement of Aboriginal children and young people involved in the child protection and youth justice system.	Jul 2021	DCJ will further improve data collection and sharing processes in client databases to enable joined up data to be more readily available for analysis and strategic planning.	
77, 78, 79, 80 (Chapter 16)	DCJ	We and our sector partners will develop a tool to assist in the identification and 'de-identification' of children in contact with the child protection system as Aboriginal.	Dec 2021	DCJ has commenced design of a self-assessment tool and once complete a roadshow will be planned for 2021 to engage stakeholders.	76
	Judicial Commission of NSW	The Judicial Commission, will in conjunction with the President of the Children's Court, review relevant materials and consider additional measures to raise judicial awareness about the identification and non-identification of Aboriginal children.	2024		
	DCJ	We and our sector partners will scope the collection of and reporting of data around 'de-identification', in line with the principles of Indigenous Data Sovereignty principles and taking into account privacy considerations.	Jul 2021	DCJ will consider collection of information in relation to who is consulted as part of the decision-making process, whether there was agreement as to the outcome and at what stage the decision was made (e.g. pre-removal, post-removal, post-proceedings).	
	DCJ	DCJ has made changes to ChildStory system to ensure that caseworkers complete the Aboriginal or Torres Strait Islander status field on ChildStory.	Completed 	<p>Since early 2019, it has been mandatory for the Indigenous Status field to be completed in ChildStory.</p> <p>A system enhancement implemented in July 2019, introduced a reminder message for caseworkers when they request approval of a record, where the subject's Indigenous Status is blank or not stated.</p> <p>In December 2019, a further enhancement was made to the ChildStory system preventing users from removing the subject's Indigenous Status after creating the person record.</p>	

### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
4, 5 (Chapter 4)	DCJ	We and our sector partners will identify further support for the implementation and reporting of case file review recommendations.	Dec 2021	DCJ has established a team to track the implementation of case file recommendations from the Family is Culture review.  DCJ is piloting Aboriginal Hub models across Western NSW, Western Sydney, Nepean Blue Mountains, Hunter New England and South Western Sydney, which aim to improve outcomes for Aboriginal children through localised Aboriginal-led support.	16, 119, 120
		We and our sector partners will develop local Aboriginal Hub models.	Dec 2021	These Aboriginal Hub models have been designed in response to the introduction of the Aboriginal Case Management Policy and the Family is Culture Review.	
6, 7, 72, 81 (Chapter 7, 8, 16)	DCJ	We and our sector partners will fully implement the Aboriginal Case Management Policy and an agreed understanding on the right to self-determination in partnership with AbSec and Aboriginal communities.	In progress 	The Aboriginal Case Management Policy will provide guidance to caseworkers on the right to self-determination for Aboriginal peoples and how to promote self-determination for families, such as through Aboriginal Community Controlled Mechanisms, Aboriginal Family-led Decision Making and using Aboriginal advocates and facilitators.	16, 27, 73, 81, 97, 106
	DCJ	We and our sector partners will monitor Aboriginal Case Management Policy and review policies to ensure they align to the Aboriginal Case Management Policy, including policies relating to self-determination.	Review report by Jul 2021	DCJ is working with AbSec to implement the Aboriginal Case Management Policy and associated rules and practice guidance. Implementation at District level will be based on local needs and conditions and will move at different times depending on capacity of the sector. DCJ's planned implementation of the Aboriginal Case Management Policy will be addressed in the special report by the OCG and new Deputy Guardian for Aboriginal Children and Young People.	
16 (Chapter 8)	DCJ	We and our sector partners will extract data on key outcomes, which will provide greater insight into policy compliance and casework practice standards and will be utilised to inform the development of targeted caseworker training and support, in locations of most need.	Dec 2021	DCJ has established an Aboriginal Outcomes Taskforce to oversee implementation of case file recommendations.	4, 5, 6, 7, 9(f), 72, 81, 97, 106, 119, 120

### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
27 (Chapter 9)	DCJ	We and our sector partners will consider advocacy functions of Aboriginal Community Controlled Mechanisms as part of the implementation of the Aboriginal Case Management Policy.	Dec 2021	The Aboriginal Case Management Policy outlines intent for Aboriginal Community Controlled Mechanisms (ACCMs) to provide advocacy for families and communities, while also promoting self-determination and active participation throughout child protection intervention. It is further proposed that ACCMs will provide a level of accountability and oversight over individual cases.	5-7, 9(f), 28, 42, 72, 73, 81, 97, 106, 119, 120
30 (Chapter 9)	DCJ	We and our sector partners will explore the need for additional support materials, tools and training for caseworkers in relation to domestic and family violence.	Dec 2021	DCJ has a comprehensive practice kit available to caseworkers which provides guidance in working with families to address domestic and family violence issues. We and our sector partners will explore the need for additional support material, including a domestic violence safety assessment tool, as well as a program of training for casework staff. This work will consider the interaction with the Safer Pathways system and how caseworkers can best support families to live free from violence.	31, 34, 39
31 (Chapter 9)	DCJ	We and our sector partners will roll out Dignity Driven Practice training and practice kits to caseworkers.	Dec 2021	Introductory training on Dignity Driven Practice and re-write of the Caseworker Development Program. All new casework staff will receive this training following its launch in the second half of 2020. A practice kit on Dignity Driven Practice, including instructional role play videos, is also available to caseworkers.	30, 34, 39, 40
		We and our sector partners will consider the development and roll out of advanced Dignity Drive Practice training modules, which focus on working with men who use violence and working with Aboriginal families.	Dec 2021		
40 (Chapter 9)	DCJ	We and our sector partners will strengthen casework policies, practice guidelines, and training, including culturally capable, trauma-informed training and materials for all child protection staff.	Scoping by July 2021	In improving the cultural knowledge of its staff, we and our sector partners will continue to roll out of its Connecting with Aboriginal Communities training. The training, which is delivered in partnership with the Aboriginal Education Consultative Group, aims to empower staff by equipping them with the skills and capability to become more effective in working with Aboriginal clients, and to make better informed and culturally appropriate decisions. The program also aims to enhance staff understanding of the myriad of social, cultural, historical, economic and political issues that continue to affect outcomes for Aboriginal people and communities.	31, 73, 59
		DCJ has undertaken a redesign of the Caseworker Development Program, to ensure modules are in line with contemporary practice frameworks, including a workshop on 'Working with Aboriginal families', which was developed in partnership with a range of stakeholders including AbSec, the Stolen Generation organisations and DCJ Aboriginal Outcomes. We and our sector partners will continue to review and revise child protection policies and practice guidelines in line with best practice.			

### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
42, 44, 45, 46 (Chapter 10)	DCJ	We and our sector partners will develop new policy and practice guidelines to support expectant parents where there are child protection concerns with content specifically relating to working with Aboriginal parents.	Scoping from 2020-2021	The Pregnancy Family Conferencing program is an initiative being piloted by DCJ through local partnerships with NSW Health in the Sydney/Greater Sydney areas. In line with this recommendation, we and our sector partners will explore the potential benefits of expanding the program across more NSW Local Health Districts, in consultation with NSW Health. This will include consideration of the needs of rural and remote areas, and the need for identified prenatal caseworker positions.	41, 43, 47
		We and our sector partners will review and evaluate the local Pregnancy Family Conferencing initiatives and explore the potential benefits of expanding the program across more NSW Local Health Districts.			
50, 51 (Chapter 11)	DCJ	We and our sector partners will strengthen the language in the Temporary Care Arrangement (TCA) practice mandate and provide training on its use.	Dec 2021	DCJ has undertaken a review of Temporary Care Arrangements (TCAs). In line with the findings of this review, we and our sector partners will strengthen the language in the TCA mandate and practice advice for staff.	54
		We and our sector partners will communicate the findings of the review into TCA's, in order to improve casework practice and the application of practice guidance.	Jul 2021		
53 (Chapter 11)	DCJ	We and our sector partners will continue to monitor that Aboriginal families have access to legal services as early as possible.	Scoping from 2020-2021	Its implementation in practice would be subject to the availability of appropriate legal services such as an Aboriginal Legal Service, local Community Legal Service or Legal Aid. It is acknowledged that it is often helpful for families to obtain legal advice as early as possible as this can help address issues of power imbalance, fear and mistrust and can help resolve issues early.	52
56, 57 (Chapter 12)	DCJ	DCJ is currently scoping a possible review of its Structured Decision Making tools in consultation with Aboriginal stakeholders. We and our sector partners will identify other opportunities to improve practice through revising relevant casework mandates and additional training. DCJ will explore opportunities to improve practice through revising relevant casework mandates and additional training.	Scoping by Jul 2021	DCJ is designing a system that will better allow us to track the client journey and the capturing of client experience data, ensuring objectivity and how services can be improved.	30, 58, 120





### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
58 (Chapter 12)	DCJ	We and our sector partners will implement further training for staff in safety and risk assessment tools, taking into account the possible review of Structured Decision-Making tools.	Scoping by Jul 2021	As a component of action taken by DCJ to achieve the Premier's Priority to decrease the percentage of children and young people re-reported at risk of significant harm by 15 per cent by 2020, refresher training for staff in the safety and risk assessment tools was completed in 2019. This training included a refresher on the key practice, policy and case management guidelines, as well as the roll out of new practice tools, offering clearer guidance to caseworkers. Further refresher training for staff is still planned but on hold due to COVID-19 restrictions.	30, 56, 57, 120
59 (Chapter 13)	DCJ	DCJ has undertaken a redesign of the Caseworker Development Program, to ensure modules are in line with contemporary practice frameworks, including workshops that address harm minimisation and appropriate use of police/authority and power.	Scoping by Jul 2021	We and our sector partners will continue to review and revise child protection policies and practice guidelines in line with best practice.	40, 60, 61
60, 61 (Chapter 13)	DCJ	We and our sector partners will examine requirements to: <ul style="list-style-type: none"> <li>• Justify the timing, location and basis for all assumptions and removals that are not conducted on an emergency basis prior to the assumption or removal occurring.</li> <li>• Demonstrate that the least intrusive method was employed.</li> <li>• Seek the authorisation of a team leader before engaging police to assist them to undertake an assumption.</li> </ul>	Scoping by Jul 2021	DCJ has also introduced a mandate that lifts the delegation for approval for an Aboriginal child or young person to enter care to the Director level, with a justification for the timing, location and reason for the assumption or removal to be provided.	59
73 (Chapter 16)	DCJ	We and our sector partners are undertaking a redesign of the Caseworker Development Program to ensure modules are aligned with contemporary practice frameworks, including the Aboriginal Case Management Policy.	Dec 2021	This will be addressed in the further implementation of the Aboriginal Case Management Policy and associated Rules and Practice Guidance and identifying what additional training will be required for casework practice.	4-7, 9(f), 16, 72, 81, 97, 106, 119, 120
83 (Chapter 17)	DCJ	We and our sector partners will review and update the Aboriginal Consultation Guide to provide further guidance to staff on the recording and monitoring of advice provided during Aboriginal consultation.	Dec 2021		



### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
85 (Chapter 18)	DCJ	We and our sector partners will develop practice guidance around the placement of a child immediately post removal and include guidance on parallel planning pre-entry into care, and consider the need for additional training.	Dec 2021	This will be addressed in the further implementation of the Aboriginal Case Management Policy and associated Rules and Practice Guidance and identifying what additional training will be required for casework practice.	92, 97, 99
86, 87, 93 (Chapter 18)	DCJ	We and our sector partners will review and update the document 'Information Guide - Assessment and Full Authorisation of Relative and Kinship Carers', to reflect evidence-based knowledge about the protective benefits of a child's placement with family and kin and evidence-based risks.	Dec 2021		9, 92
	DCJ	To support the identification and prioritisation of potential relative and kinship carers for Aboriginal children, and ensure procedural fairness, we and our sector partners will review relevant practice mandates ('Placing a child in OOHC and supporting them through their transition'; 'Carer authorisation (provisional to full)' and ('Carer authorisation (planned full)').	Dec 2021		
	DCJ	We and our sector partners will explore options and develop costings for the roll out of the Winangay assessment tool and resources state-wide.	Jul 2021	DCJ has engaged Winangay Resources, a small not-for-profit Aboriginal controlled organisation, to train caseworker staff in the Winangay Kinship Assessment Tool and resources. The Winangay Aboriginal Kinship Assessment Tool and resources provides a culturally embedded approach to assess Aboriginal relative and kinship carers for children and young people in care. DCJ has rolled this training out across South Western Sydney, Western Sydney, Nepean Blue Mountains, New England, Central Coast, Hunter, Sydney, South Eastern Sydney and Northern Sydney Districts. DCJ and Winangay Resources are currently exploring how the tool and resources could be rolled out to the remaining DCJ districts, including options to embed them within the NSW Practice Framework modules. We and our sector partners will continue to explore options and develop costings for the roll out of the Winangay assessment tool and resources state-wide.	


### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations	
97 (Chapter 19)	DCJ	We and our sector partners to consider the development of training around organising and effectively conducting family meetings with Aboriginal families in contact with the child protection system, as part of their rollout of the Aboriginal Case Management Policy.	Dec 2021	The Aboriginal Case Management Policy and associated Rules and Practice Guidance provide clear guidance for caseworkers on the facilitation of Aboriginal family-led decision making and the value of community involvement, including participation in decision making and advocating on behalf of their children and families.	16, 98-101	
98, 99, 100, 101 (Chapter 19)	DCJ	We and our sector partners will continue work to increase the pool of Aboriginal FGC facilitators and to develop additional guidance and support for work with Aboriginal families.	Dec 2021	We and our sector partners will continue to promote the importance of Aboriginal FGC facilitators and the growth that is required in the sector to meet the demand in all Districts.	16, 97	
	DCJ	We and our sector partners are developing guidance as to how to conduct culturally safe and appropriate family group conferences with Aboriginal participants.	In progress 	DCJ has engaged with Aboriginal organisations, caseworkers, peak bodies and Family Group Conferencing facilitators to develop this guidance for staff.		
		We and our sector partners are continuing implementation and evaluation of the new mandatory Alternative Dispute Resolution system including Family Group Conferences for Aboriginal families.	In progress 	DCJ established an interagency implementation monitoring group to monitor the progress and impact of the Care Act amendments including operation of Alternative Dispute Resolution.		
	DCJ	We and our sector partners will evaluate the Family Group Conference model.	Interim report by Dec 2020  Final report by Oct 2021	DCJ has recently engaged the University of Sydney to conduct a two-year study of the processes, outcomes and economic evaluation of the FGC model. Early findings will be delivered via ongoing progress reports and an interim report at the end of 2020. A final report and associated presentation of key findings will be handed down, and made publicly available, after the end of the evaluation period in May 2021.		
	DCJ	We and our sector partners will develop a Family Group Conference cultural assurance tool to be utilised by casework staff to monitor and assess their practice.	In instances where Family Group Conferences are facilitated by a non-Aboriginal person, DCJ encourages families to invite a Cultural support person to participate in the conference.	Dec 2021		DCJ has formed the Family is Culture Response team who will work on developing a FGC cultural assurance tool in consultation with Aboriginal communities, ACCO's and peak agencies.
						Support persons are already welcomed as participants in FGCs with family consent and this recommendation will form part of the FGC cultural assurance tool.


### 3. Better casework policy and practice

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
103, 104 (Chapter 20)	DCJ	DCJ has developed the practice kit 'Connections and Contact for Children in Care' and the Safe Contact tool, which aim to support caseworkers to establish regular, safe and meaningful contact between children and those most significant to them.	The timeframe and position needs to be reviewed	This practice kit also provides guidance on monitoring the suitability of contact arrangements, including whether supervision is necessary. This will also be reviewed in OCG report due mid-2021.	74, 75
105 (Chapter 20)	DCJ	We and our sector partners will explore opportunities for additional targeted supports and services for Aboriginal families directly related to the Department's case plan (for example, a case plan with a goal of restoration).	In progress 	We and our sector partners will continue to explore opportunities for additional targeted supports and services for Aboriginal families.	107, 110, 116, 118
107, 116 (Chapter 21)	DCJ	We and our sector partners will continue to explore opportunities to support the restoration of Aboriginal children through the Permanency Support Program and associate practice guidance and training.	In progress 	The Permanency Support Program has also introduced additional permanency goal reviews at regular intervals to monitor progress towards achievement of the goal and determine whether the goal remains the most appropriate permanency option. DCJ has created 52 Permanency Coordinator roles, approximately 40% of which are targeted Aboriginal positions. Permanency Coordinators are specialists with expertise across the child protection and OOHC systems. They provide advice and support to practitioners in both DCJ and service providers to help drive a focus on finding permanency for children and young people in care. DCJ will continue to explore opportunities to support the restoration of Aboriginal children through the Permanency Support Program and associate practice guidance and training.	105, 110, 118
118 (Chapter 21)	DCJ	We and our sector partners will review and update the restoration information that is publicly available on the DCJ website and improve guidance for parents in relation to restoration practices and processes.	Dec 2021	This will include information around what parents can do when restoration is not deemed to be a 'realistic possibility'.	105, 107, 110, 116
120 (Chapter 21)	DCJ	We and our sector partners will develop a Restoration Guide for caseworkers which aims to strengthen guidance and improve restoration casework practice.	Dec 2021	Following the implementation of the Structure Decision Making Restoration Assessment Tool in 2018, DCJ examined caseworker compliance with Restoration practice guidance. In response to the findings of this work, the findings of the Family is Culture Review and implementation of the Aboriginal Case Management Policy, a Restoration Guide for caseworkers will be developed.	105, 107, 110, 116, 118

## 4. Enhanced services and supports



Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
21, 22, 38 (Chapter 9)	DCJ	We and our sector partners will work with Aboriginal Knowledge Circle and sector partners to identify opportunities to increase investment in Aboriginal community controlled early intervention services.	In progress 	Outcomes of the Targeted Early Intervention recommissioning process will be considered in identifying additional opportunities to increase investment in Aboriginal early intervention services.	23, 24, 27, 29, 37
		Aboriginal Knowledge Circle to meet quarterly and advise NSW Government on strategies to increase investment in early intervention services.	Ongoing	The Aboriginal Knowledge Circle has been appointed by the Minister and is regularly meeting with DCJ's Family is Culture Response Team, OCG and the Ombudsman.	
24, 108, 109, 110 (Chapter 9)	DCJ	We and our sector partners will consolidate and increase the evidence base for services that improve outcomes for Aboriginal children and families.	Jan 2021	Ngaramanala is an internal working group within DCJ that has been established to consider how DCJ research, evaluation and data analysis is safe, ethical, respectful, responsible, high quality and of benefit to Aboriginal children, families and communities.  Through Targeted Early Intervention DCJ is partnering with Aboriginal early intervention services to continue to building an evidence-base for what works for Aboriginal families and communities.  DCJ also funds Waminda South Coast Women's Health and Welfare Aboriginal Corporation to provide the Nabu (Grandmother) family preservation and restoration demonstration pilot in the Illawarra Shoalhaven District. This is a demonstration pilot of an Aboriginal community designed approach to family preservation and restoration service design. It is also intended to contribute to the evidence base for Aboriginal led solutions. A formative evaluation of Nabu will be completed in early 2021 and a full evaluation in 2022-23.	21, 22, 27, 29, 37, 38
		We and our sector partners will undertake an Aboriginal staff led review of the Aboriginal Child and Family Centre program.	Jul 2021	This review will establish an evidence base on the efficacy of the program and the outcomes achieved for Aboriginal children and families via the Aboriginal Child and Family Centre community hub model.	

## 4. Enhance services and supports

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
29 (Chapter 9)	Legal Aid NSW	Legal Aid NSW will deliver the current Care Partner Program services in house through its family law division.	Completed 	Legal Aid NSW has continuously monitored the Care Partner Program since its inception in 2015. The program was originally funded for 18 months. Legal Aid NSW decided to fund the program to a reduced number of community legal centres in 2016/2017. The decision to reduce the number of community legal centres funded was based on lower than anticipated demand for services that fell within the programs scope of work between 2015 and 2016. The funding was continued in 2017/2018 and 2018/2019. In 2019 Legal Aid NSW decided to deliver the current Care Partner Program services in house through its family law division due to a continued decline in demand for services. Legal Aid NSW provides specialist legal advice, minor assistance, extended legal assistance, duty services and case work services to Aboriginal families to support their engagement with DCJ. Legal Aid NSW provides extensive early intervention legal advice and assistance to Aboriginal children and young people and their families, both through its litigation service and through the Early Intervention Unit.	52
32, 33, 34 (Chapter 9)	DCJ	We and our sector partners will explore opportunities to increase awareness of Staying Home Leaving Violence across Aboriginal communities and for greater linkages to Aboriginal services, particularly in areas with high rates of domestic violence and in regional and remote locations.	Dec 2021	Through Staying Home Leaving Violence (SHLV), DCJ is focussing on providing specialised, integrated services for women, children and young people experiencing domestic and family violence in NSW, so that they can remain safely in their home or a home of their choice, without the perpetrator. We and our sector partners will explore opportunities to increase awareness of SHLV across Aboriginal communities and for greater linkages to Aboriginal services, particularly in areas with high rates of domestic violence and in regional and remote locations. Caseworkers are able to connect families with service providers in areas in NSW where SHLV is delivered. For areas where SHLV is currently not available, caseworkers are able to contact Specialist Homelessness Services across NSW, and/or seek emergency support for clients through Link2home. We and our sector partners will explore opportunities to increase general awareness of staff, and to roll training out to all Housing staff.	111
		We and our sector partners will identify further opportunities to increase the availability of crisis accommodation for Aboriginal women and children escaping family and domestic violence.	Dec 2021		
47 (Chapter 10)	DCJ	We and our sector partners will scope guidelines and supports for Aboriginal families following removal of a child under the Permanency Support Program.	Scoping by mid-2021	Under the Permanency Support Program (PSP), we and our sector partners are currently designing a model for service providers to be funded to provide support following removal of a child. Of the 380 family preservation packages available at present, 209 are allocated to Aboriginal organisations.	41-43, 45, 85
		We and our sector partners will review and strengthen the casework mandate on the provision of information to parents on post-removal support.	Jul 2021	The PSP Family Preservation Program will also explore opportunities to trial post removal-support for families receiving a family preservation package, in line with the findings of the literature reviews undertaken by the Parenting Research Centre in 2017.	



## 4. Enhance services and supports

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
52 (Chapter 11)	Legal Aid NSW	We and our sector partners will continue to monitor the availability and access of legal services for Aboriginal families to ensure that families have timely access to the services.	Ongoing	Legal Aid NSW provides specialist legal advice, minor assistance, extended legal assistance, duty services and case work services to Aboriginal families to support their engagement with DCJ.	29
62 (Chapter 14)	DCJ	We and our sector partners will design a culturally responsive system that recognises and supports the advantages of an Aboriginal and youth designed system and campaign.	Scoping from 2020-2021	We and our sector partners are currently designing a system that will better support Aboriginal children and families by creating a stronger culturally responsive system.	9
67, 68 (Chapter 15)	DCJ	We and our sector partners will identify and implement further strategies to reduce the contact of young Aboriginal people in OOHHC with the criminal justice system.	In progress 	In 2019, online mandatory training for service providers, 'Introduction to the Joint Protocol', was launched.  Developed by the Association of Children's Welfare Agencies, together with DCJ, Legal Aid NSW and the Lighthouse Institute, this training package includes video content about trauma, its impacts, and working with young people who have experienced trauma.	N/A
	DCJ	We and our sector partners will facilitate a series of localised workshops involving local Aboriginal services, Intensive Therapeutic Care (residential) service providers, Police Area Commands, Legal Aid and other relevant stakeholders to provide the opportunity for the service sector to network and collectively implement the Joint Protocol.	In progress 	NSW Police have also established ongoing training for Police Officers, delivered within Local Area Commands. These have been postponed due to COVID. DCJ is working with partners, including Legal Aid NSW, to develop online training modules as an interim measure.  In addition to this, service providers are expected to have the principles of the Joint Protocol embedded within the organisation's policy, practice and procedures.	
111 (Chapter 21)	DCJ	We and our sector partners will work together to identify further opportunities to improve coordination across services for Aboriginal families, including the possibility of a Memorandum of Understanding between Housing and Community Services.	Dec 2021	In April 2018, DCJ introduced new priority housing categories for situations where housing is needed to support the restoration of a child, or to help prevent children from entering OOHHC. These new categories have enabled greater information sharing between housing and community services operational areas to ensure common clients are prioritised correctly, and to allow greater visibility and coordination of service delivery, including access to support services.	32-34

## 4. Enhance services and supports

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
119 (Chapter 21)	DCJ	We and our sector partners will continue to ensure that appropriate information is available to Aboriginal families in a timely and accessible manner, in relation to the restoration process and what is required to successfully achieve restoration.	Ongoing	DCJ funds several Aboriginal Community Controlled organisations to undertake restoration casework. These organisations provide information to Aboriginal families and support parents working towards restoration, as well as support them to engage with legal advice and support. NSW legislation requires families to be offered Alternate Dispute Resolution before a matter goes to court, unless there are exceptional circumstances.	105, 107, 110, 116, 118, 120

# 5. Changing Care and Protection Legislation

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
8, 9 (b, c, e, g, h, i, j, k), 11, 12, 15, 19, 20, 25, 26, 28, 48, 54, 64, 65, 71, 76, 94, 102, 112, 113, 117, 121, 122, 123 (Chapters 7, 8, 9, 10, 11, 14, 15, 16, 21, 22, 23)	DCJ	A focussed review of the Children and Young Persons (Care and Protection) Act 1998, to commence in 2024, will consider the need for additional change to legislation and court processes that build on recent changes introduced through the Permanency Support Program, the Aboriginal Case Management Policy and recent child protection legislative amendments	2024	Key proposals in the Report to change legislation will be considered in this review which is due in 2024.	N/A
55 (Chapter 11)	Judicial Commission	The Judicial Commission will review the Local Court Bench Book and Children’s Court Handbook to include, if appropriate, further guidance for judicial officers on the consideration of prior alternative action when dealing with children entering OOHC.	Dec 2021	The Care Act mandates that in commencing proceedings in the Children’s Court, DCJ must outline to the Court the ‘prior alternate action’ taken before removing children from the care of their parents.	66, 82
95 (Chapter 18)	NSW Civil and Administrative Tribunal (NCAT)	NCAT conducted Aboriginal kinship training for all members in 2014-15. NCAT to source further training of the members who hear these matters as part of its 2020-21 professional development planning.	2021-2022	Further training has been delayed due to the impact of COVID-19 restrictions – more likely to occur 2021-2022.	72-75, 82
124 (Chapter 23)	DCJ	NSW Government will explore future opportunities to appoint additional Specialist Magistrates, taking account of resourcing requirements.	Dec 2021	Significant additional resources and costings would be required to implement this recommendation in full, including judicial and administrative support staffing costs. This would have particular benefit in regional areas such Tamworth, Armidale, and Moree.	N/A
125 (Chapter 23)	NSW Children’s Court and DCJ	The NSW Children’s Court will, in conjunction with Courts, Tribunals and Services Delivery NSW, undertake further scoping and costing of a proposal for a dedicated court listing for Aboriginal children.	Dec 2021	The Children’s Court is also in the process of re-establishing its Care Circles program in specific sites across NSW, which is aimed at providing Aboriginal families with culturally appropriate Alternative Dispute Resolution processes.	N/A

# 5. Changing Care and Protection Legislation

Recommendations and Family is Culture Report chapter	Lead agency and area	Implementation and action	Timeframe	Notes	Related recommendations
13 (Chapter 8)	Children's Court	We and our sector partners will work with the NSW Children's Court to investigate current data availability, actions required to address gaps, and options for reporting.	Scoping from 2020-21	It is noted that there are limitations in the availability of data in some areas.	115
114, 115 (Chapter 21)	Judicial Commission of NSW and relevant Heads of Jurisdiction	The Judicial Commission will explore additional opportunities for education and training in relation to the impacts of intergenerational trauma.	Scoping from 2020-2021	Section 85 of the Care Act (NSW) requires agencies to apply best endeavours to provide services to facilitate restoration, but does not direct service provision. As per recommendations 13 and 14, Care and Protection jurisdiction data is available within JusticeLink. In line with this recommendation, we and our sector partners will work with the Children's Court to investigate current data availability and action required to address any gaps in the system.	109-111
	DCJ	We and our sector partners will work with the NSW Children's Court to investigate current data availability, actions required to address gaps, and options for reporting.			
66 (Chapter 15)	Judicial Commission of NSW	The Judicial Commission will, in conjunction with the President of the Children's Court, review and revise resources available to judicial officers to inform judicial decision making involving children in out of home care in the criminal jurisdiction.	Dec 2021	The Judicial Commission publishes a range of bench books, journals and bulletins all of which are intended to inform and educate judicial officers. Both the Local Court Bench Book and Children's Court Handbook are resources that could be reviewed with a view to including further information, including matters that judicial officers should bear in mind when dealing with children in OOHC. The Judicial Commission's Equality Before the Law Bench Book contains extensive information concerning Aboriginal people and provides guidance as to the approach to be taken with respect to different aspects of the justice process.	55, 82
82 (Chapter 16)	Judicial Commission of NSW	The Judicial Commission will work with the Children's Court to include information on the Aboriginal Child Placement Principle in the Children's Court Resource Handbook and in addition, recommend inclusion of an educational session for Children's Court Magistrates at s 16 seminars.	Dec 2021		55, 66

