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| Transitioning Aboriginal children to Aboriginal community-controlled organisationsTransition guidelines |
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Department of Health

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| To receive this publication in an accessible format, email the Transitioning Aboriginal Children team <transitioningaboriginalchildrensteam@dhhs.vic.gov.au>.Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Department of Health and Human Services, Version 1, March 2018. Version 2, October 2018.Where the term ‘Aboriginal’ is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.ISBN 978-1-76069-674-0 (pdf/online/MS word) Available at [Aboriginal children in care](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care> |
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Contents

[1. Purpose 4](#_Toc528656049)

[1.1 Background 4](#_Toc528656050)

[2. Guiding principles 6](#_Toc528656053)

[2.1 Overarching principles 6](#_Toc528656054)

[2.2 Principles and enablers to guide for good decision making regarding transition process 6](#_Toc528656055)

[3. Legislative context and key policies 8](#_Toc528656056)

[3.1 Children, Youth and Families Act 2005 8](#_Toc528656057)

[3.2 Child Protection manual 8](#_Toc528656058)

[3.3 Contracted case management 8](#_Toc528656059)

[3.4 Interstate liaison 9](#_Toc528656060)

[3.5 Aboriginal children in Aboriginal care (ACAC) 9](#_Toc528656061)

[3.6 Aboriginal self-determination 9](#_Toc528656062)

[4. Target and funding transfer process 11](#_Toc528656064)

[4.1 Calculation of recommended targets for transfer 11](#_Toc528656065)

[4.2 Target reallocation and negotiation 11](#_Toc528656066)

[4.3 Target transfer 12](#_Toc528656067)

[5. Communications and engagement 15](#_Toc528656068)

[5.1 Transitioning Aboriginal Children to ACCOs 15](#_Toc528656069)

[5.2 Carer engagement strategy 15](#_Toc528656070)

[6. Workforce development 16](#_Toc528656071)

[6.1 Related state-wide strategies 16](#_Toc528656072)

[7. Client and carer identification, preparation and transfer 17](#_Toc528656074)

[7.1 Kinship care (Child Protection case managed) 17](#_Toc528656075)

[7.2 Kinship care targets (CSO managed) 17](#_Toc528656076)

[7.3 Foster care (CSO case contracted) 18](#_Toc528656077)

[7.4 Transitioning Aboriginal Children subject to Family Reunification Orders to ACCOs 20](#_Toc528656078)

[8. Reporting 23](#_Toc528656079)

# Purpose

The Transition Guidelines (the guidelines) provide an overview of policies and procedures required to support the gradual transfer of Aboriginal children involved with Child Protection to the care and case management of Aboriginal community-controlled organisations (ACCOs) from community service organisations (CSOs) and the Department of Health and Human Services (the department).

The guidelines focus on stage one, the transition of kinship care and foster care subject to **all** parties agreeing to the transition. The guidelines will continue to be updated as other programs are included.

The guidelines are designed to be used by the department, ACCOs and CSOs.

## Background

The Victorian government is committed to self-determination and self-management for Aboriginal people. This commitment includes enabling Aboriginal children and young people subject to protection orders and placed in the out-of-home care service system to be case managed, wherever possible, by an ACCO.

The commitment to self-determination and self-management for Aboriginal people is enshrined in legislation and outlined or recommended in the following key documents:

* ***Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement (The Agreement):***The Agreement is a landmark partnership between the Aboriginal community, Victorian Government and CSOs that commits to better outcomes for Aboriginal children and young people. *Wungurilwil Gapgapduir* outlines a strategic direction to reduce the number of Aboriginal children in care by building their connection to culture, Country and community. [The Agreement](http://dhhs.vic.gov.au/publications/wungurilwil-gapgapduir-aboriginal-children-and-families-agreement) is available on the department’s website <https://dhhs.vic.gov.au/publications/wungurilwil-gapgapduir-aboriginal-children-and families-agreement>
* ***Koori kids: growing strong in their culture***: Available on the [Aboriginal communities page](https://ccyp.vic.gov.au/upholding-childrens-rights/aboriginal-communities/) of the Commission for Children and Young People (CCYP) website <https://ccyp.vic.gov.au/upholding-childrens-rights/aboriginal-communities>
* ***Always was, always will be Koori children***: The report of an investigation into the circumstances of 980 Aboriginal children and young people in out-of-home-care in Victoria. See in particular finding 5 and recommendation 5.3. The report is available on the [Always was, always will be Koori children page](https://ccyp.vic.gov.au/upholding-childrens-rights/systemic-inquiries/always-was-always-will-be-koori-children/) of the CCYP website <https://ccyp.vic.gov.au/upholding-childrens-rights/systemic-inquiries/always-was-always-will-be-koori-children>.
* ***Roadmap for Reform: strong families, safe children***: The Roadmap for Reform focuses on prevention, early intervention and creating services that are coordinated and work together to meet the needs of vulnerable families and children. More information is available on the [Roadmap for Reform website](http://www.strongfamiliessafechildren.vic.gov.au/) <http://www.strongfamiliessafechildren.vic.gov.au>
* ***Beyond good intentions***: Creating a fair, just and restorative Victorian child and family welfare service system for Aboriginal and Torres Strait Islander children The *Beyond good intentions statement* was developed in 2013, led by Berry Street, The Victorian Aboriginal Child Care Agency (VACCA), MacKillop Family Services and the Centre for Excellence in Child and Family Welfare. The statement aims to address how best to support self-determination for Aboriginal families and communities in Victoria and ‘to move beyond good intentions to better outcomes’. Read more about the [Beyond good intentions statement](https://www.cfecfw.asn.au/beyond-good-intentions) on the Centre for Excellence in Child and Family Welfare website <https://www.cfecfw.asn.au/beyond-good-intentions>

### 1.1.1 Aboriginal Children’s Forum

The [Aboriginal Children’s Forum (ACF)](https://www.vic.gov.au/familyviolence/committees-for-change/aboriginal-children-s-forum.html) <https://www.vic.gov.au/familyviolence/committees-for-change/aboriginal-children-s-forum.html> was established in June 2015 by the Victorian Government in response to the significant over-representation of Aboriginal children in Victoria’s Child Protection system. The ACF’s intention is to build the capacity of Aboriginal organisations to shape practices and policies in order to promote stronger Aboriginal families so children can thrive’[[1]](#footnote-1).

The Transitioning Aboriginal Children to ACCOs project (the project) and the Transitioning Aboriginal Children’s Team supports priorities four and five of the Aboriginal Children’s Forum (ACF):

* **Priority four**: with the commitment across and within departments and the community sector, build the capacity of Aboriginal families, communities, ACCOs and the sector to care for children and young people to reduce the number of Aboriginal children in out-of-home care.
	+ **Priority five**: place all Aboriginal children and young people in out-of-home care under the authority, care and case management of an ACCO.

The ACF has set key performance indicator concerning the contracting of case management of children in out-of-home care as follows:

* 14 per cent in 2016
* 30 per cent in 2017
* 80 per cent in 2018[[2]](#footnote-2)
	+ 100 per cent in 2021.

The project is one part of a larger reform agenda that includes Child Protection, out-of-home care and family services.

The initial focus for transitioning Aboriginal children will be the:

* identification, preparation and transfer of children in kinship care on contractible orders to ACCOs
	+ identification, preparation and transfer of children in foster care on contractible orders to ACCOs, subject to the agreement of **all** **parties** involved.

# Guiding principles

## Overarching principles

* **Best interests principles** (*Children Youth and Families Act 2005 (Vic)* Sections 10, 11 and 12): children’s best interests are paramount and this needs to be evident in each decision to transfer care and case management from the department and CSOs to ACCOs.
* **The Aboriginal child placement principle** (Children Youth and Families Act 2005 Section 13): planning for the transfer of each placement should specifically consider opportunities to strengthen family (including sibling) and cultural connections
	+ **Child centred:** the process is centred on the rights and needs of Aboriginal children and resources related to the care or placement and case management for each child, that is, targets and resources follow the child.
	+ **Self Determination:** the project will be led and guided by the views, capacity and direction provided by the ACCOs and the Victorian Aboriginal Community in line with the government’s commitment to Self Determination for Aboriginal and Torres Strait Islander People.

## Principles and enablers to guide for good decision making regarding transition process

* **Transitioning is the starting presumption**: transitioning is presumed to be in the best interests of all Aboriginal children in care unless there are particular circumstances which make transitioning detrimental to a child’s best interests or highly impractical.
* **Planning is to be timely and individually focused**: planning needs to consider the needs of the carer and the child, and be undertaken in partnership between ACCO, CSO, the department at both divisional and central levels. Planning must assess and plan for the proportional transition of targets and funding that can be reasonably delivered by ACCOs and thereafter must consider the needs of each child and carer that may be transferred.
* **Collective responsibility is critical to success**: successful transitions will require all stakeholders to work collaboratively, be child and family centred and take collective responsibility for outcomes; this will be evidenced by seeing significant numbers of carers and placement support functions and case management transfer from the department to ACCOs and from CSOs to ACCOs in all departmental areas.
* **Decision making is to be participatory and inclusive**: all stakeholders, including children and young people, families, ACCOs, carers, providers and the department, have opportunities to be heard and contribute to successful transitioning.
* **Quality information and data**: decisions are informed by up to date information regarding targets and funding and the population of children involved with Child Protection by division, area or agency. Decisions to transition children and carers must contain all relevant information including the status of each placement, placement history and stability, case plan objectives and current activity in the Children’s Court (if any). Leverage and utilise existing processes – care teams, cultural support planning and other existing processes and forums should be utilised to the fullest extent to oversee the transfer of each placement rather than developing parallel processes.
* **Agency capacity building and program viability**: building the infrastructure and program management capacity of ACCOs requires dedicated resources; and programs (foster care, kinship care and so on) require sufficient scale to manage transferred placements and take new referrals.
* **System re-orientation**: carer recruitment strategies and out-of-home care placement and support processes should prioritise placement of Aboriginal children with carers attached to Aboriginal agencies and minimise the need for subsequent transfers from CSOs to ACCOs.
* **Tailored service delivery partnerships**: CSOs, ACCOs and the department should explore partnerships for service delivery or consider service delivery through other ACCOs, which enable ACCOs to scale-up and CSOs or the department to scale-back within agreed timeframes.
	+ **Transforming programs and services**: transition process must allow Aboriginal agencies to re-design interventions and programs to embed cultural knowledge and understanding and better meet the needs of Aboriginal children within existing legislative parameters.

# Legislative context and key policies

## Children, Youth and Families Act 2005

The *Children, Youth and Families Act 2005 (Vic)* supports an integrated system of effective and accessible children and family services with a focus on prevention and early intervention to improve outcomes for children and young people in the Child Protection and out-of-home care system. This is supported by the best interest case planning framework which promotes the child’s best interests including development, cultural identity, and stability and maintaining Aboriginal children within their community.

The Victorian Legislation and Parliamentary Documents website has the [latest version of the Children Youth and Families Act](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/a12f6f60fbd56800ca256de500201e54/6a365124a3540687ca25814f00174d53%21OpenDocument) <http://www.legislation.vic.gov.au/Domino/Web\_Notes/LDMS/PubLawToday.nsf/a12f6f60fbd56800ca256de500201e54/6a365124a3540687ca25814f00174d53!OpenDocument>.

## Child Protection manual

The [Child Protection manual](http://www.cpmanual.vic.gov.au/) <http://www.cpmanual.vic.gov.au> contains the requirements for statutory Child Protection practice in Victoria. The manual provides essential guidance for Child Protection practitioners and managers, and contracted case managers. The manual brings together current research and knowledge. It separates procedural requirements from practice guidance, information resources, tools, protocols and service descriptions.

## Contracted case management

The focus of this project in stage 1 is to increase the number of Aboriginal children subject to protection orders in out-of-home care whose care and case management is contracted to an ACCO.

A case contract is a formal arrangement in the form of a written agreement, between Child Protection and another agency for the provision of case management for a child subject to a protection order. Contracting arrangements are designed to enable the most appropriate agency to support implementation of the case plan.

Child Protection may contract a CSO or ACCO to undertake care and case management or to undertake specified functions. Case management includes direct work with the child and family to implement case planning objectives and tasks. Typically, such tasks will include:

* Direct case work with the child, their family and carer to implement the case plan.
* Engaging other specialist agencies and services when required and consistent with the case plan and authorised by Child Protection.
* Providing court reports and participating in court processes and proceedings when required.
* Maintaining regular contact with Child Protection and providing quarterly progress reports
* Participating in case plan processes and care teams.
	+ Updating CRIS including records of activity, consultations with the department, decisions and rationales.

Case planning remains a responsibility of Child Protection where a child is subject to contracted case management.

The Child Protection manual has more information on [case contracting](http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting) <http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting>

## Interstate liaison

There is no barrier to contracting a case to a Victorian ACCO where a child subject to a Victorian Children Court Order resides interstate.

Where children reside interstate and the intention is for them to reside interstate all efforts should be made to transfer the case to the relevant state. Such requests are to be made by Child Protection in accordance with the Interstate Liaison Officer (ILO) process.

However, there are some practical considerations ACCOs should bear in mind when accepting case contracting of children who reside interstate:

* managing contact between the child and their parents
* the ability to maintain regular contact with the child to implement the case plan
* timeframes, for example, if kinship carers are located interstate and a number of visits are required to build a stable placement
	+ ACCO capacity.

Interstate advice including protocol, requests and transfer policy and can be found in the Child Protection manual at:

* [Case transfers policy](http://www.cpmanual.vic.gov.au/policies-and-procedures/case-transfers/case-transfers-policy) <http://www.cpmanual.vic.gov.au/policies-and-procedures/case-transfers/case-transfers-policy>
	+ [Interstate requests](http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/intake/interstate-requests) <http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/intake/interstate-requests>

The following relevant legislation can be found on the [Victorian legislation and parliamentary documents website](http://www.legislation.vic.gov.au/) <http://www.legislation.vic.gov.au>

* Information Privacy Act 2000 (Vic)
* Children Youth and Families Act: Schedule 1 Clause 26(1)(2) Disclosure of Information

## Aboriginal children in Aboriginal care (ACAC)

Section 18 of the *Children Youth and Families ACT 2005* (Children Youth and Families Act 2005) provides for ACCOs to be authorised by the Secretary of the department to undertake specified functions and powers for Aboriginal children and young people subject to a Children’s Court protection order. In the case of children involved in the Aboriginal Children in Aboriginal Care, case planning resides with the authorized Aboriginal Agency.

More information on the ACAC program is available on the department’s [Aboriginal children in Aboriginal care program page](https://dhhs.vic.gov.au/publications/aboriginal-children-aboriginal-care-program) <https://dhhs.vic.gov.au/publications/aboriginal-children-aboriginal-care-program>.

## Aboriginal self-determination

The Victorian Government, in partnership with the Aboriginal community, is committed to increasing and advancing Aboriginal self-management and self-determination for Aboriginal people in Victoria.

For Aboriginal children to understand and remain connected to their community and culture, it is integral that all Aboriginal children and young people are cared for in a culturally safe and connected environment.

These partnerships between ACCOs, CSOs and government lay the foundations for ensuring Aboriginal children and young people are provided with every opportunity to be safely cared for by their own communities.

*Roadmap for reform: strong families, safe children* outlines the Victorian Government’s once in a generation reform of the Child Protection and family services system. The Roadmap includes a commitment to Aboriginal self-determination around decision-making and care for vulnerable Aboriginal children and young people.

For more information see [Self-determination](https://www.vic.gov.au/aboriginalvictoria/policy/self-determination.html) on the Vic.gov.au website <https://www.vic.gov.au/aboriginalvictoria/policy/self-determination.html>.

# Target and funding transfer process

## Calculation of recommended targets for transfer

A key element of the project requires the transfer of resources, targets, and funding from CSOs and the department to ACCOs. The proportion of existing targets and funding to transfer will be based where possible on the proportion of Aboriginal children living in a particular area. For example, if 20 per cent of children in out-of-home care in an area or division are Aboriginal, then 20 per cent of the available funding for the activity should be transferred to ACCOs.

It is acknowledged this target allocation is based on a point in time and the proportion of Aboriginal children living in a location may increase or decrease over time.

This approach recognises that there may be insufficient funding for all activities to contract all children. The approach does not preclude additional funding being sought and allocated to meet ACF targets.

As part of the initial planning for the project, the following steps were completed to develop baseline data for stage 1 which included:

1. Confirmation of placement data for non-Aboriginal and Aboriginal children in out-of-home care analysed at the area level to confirm the proportion of Aboriginal children living in out-of-home by placement type in an area or a percentage of the total number of children in out-of-home care in that area.
2. Targets and funding for kinship care and foster care confirmed for CSOs and ACCOs and multiplied by proportional percentage from step 1.
3. Difference between current ACCO targets and proposed proportional target allocation confirmed to provide a recommended number of targets required to be transferred from CSOs to ACCOs to ensure a fair distribution of available funding.

## Target reallocation and negotiation

### Kinship care

As the contract managers for the funding and services agreement with CSOs and ACCOs, the North, South, East and West divisions (the divisions) will be responsible for the negotiation and transfer of kinship care targets from Child Protection and CSOs to ACCOs.

Divisions are to identify the proportional distribution of kinship targets between CSOs and ACCOs compared with the proportion of Aboriginal children in kinship care.

As part of the negotiation process, it is recommended divisions consider:

* CSOs with vacant targets that may be identified for priority transfer where appropriate.
* Proportional target transfer across all funded CSOs so no one CSO is disadvantaged if targets are reduced. Therefore the transfer will not be solely based on the CSO’s who currently case manage Aboriginal children.
	+ Aspiration and related workforce requirements of ACCO to receive target allocation.

### Foster care

If there is agreement from all parties to transfer foster care targets with or without children in placement the process outlined for kinship care (see [**4.2.1**](#_Kinship_care)) can also be completed for foster care CSO targets.

As the contract managers for the funding and services agreement with CSOs and ACCOs, the divisions will be responsible for the negotiation and transfer of foster care targets from CSOs to ACCOs.

As part of the negotiation process, it is recommended divisions consider:

* CSOs with vacant targets that may be identified for priority transfer where appropriate
* Proportional target transfer across all funded CSOs so no one CSO is disadvantaged if targets are reduced. For instance, the number of Aboriginal children currently managed by the CSO should not be the only consideration when considering how many targets to transfer.
* Willingness of CSO to transfer target with or without existing carer or placement.
	+ Aspiration and related workforce requirements of ACCO to receive target allocation.

## Target transfer

Once the target allocation for transfer is agreed, the following policies and procedures should be used to reduce, increase and monitor the funding.

### Funding and service agreement

ACCOs are funded under the department’s funding and service agreement and will be required to meet the standard service agreement terms and conditions. For ACCOs new to the provision of foster care and/or kinship care services assessment against the funding service agreement and program requirements for home-based care in Victoria is required prior to the allocation of targets for the first time. Organisations are required to comply with the specific departmental policies contained in the *Service Agreement Information Kit* and legislative requirements outlined in the terms and conditions of the service agreement. The [service agreement information kit](http://fac.dhhs.vic.gov.au/service-agreement-information-kit) <http://fac.dhhs.vic.gov.au/service-agreement-information-kit> provides contact details and links to broader government policies online.

#### Written notice

Clause 13.1A of the service agreement terms and conditions states:

‘If at any time during the Term the Department does not receive sufficient funds from either the Victorian Parliament or Commonwealth Government to finance the program or part of the Services or there is a change in Victorian Government policy which affects the program or part of the Services, the Department may, in the Department's absolute discretion, request the Organisation to permanently cease delivery of part of the Services by giving three (3) months' written notice’.

### Policy and funding guidelines

For each individual program, for example kinship care, organisations are funded to deliver services as outlined in the Department of Health and Human Service’s policy and funding guidelines (volume 3), which provides organisations with information about the department’s policy framework, objectives, budget, service deliverables, desired outcomes and reporting requirements, program guidelines and funding initiatives. Chapter 4 provides activity descriptions for each funded activity.

The [policy and funding guidelines](https://dhhs.vic.gov.au/policy-and-funding-guidelines) are available on the department’s website <https://dhhs.vic.gov.au/policy-and-funding-guidelines>.

The Child Protection manual has more relevant information on:

* [principles, roles and responsibilities for placement – advice](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/out-home-care/principles-roles-responsibilities-for-placement) <http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/out-home-care/principles-roles-responsibilities-for-placement>
* [kinship care](http://www.cpmanual.vic.gov.au/policies-and-procedures/out-home-care/kinship-care) <http://www.cpmanual.vic.gov.au/policies-and-procedures/out-home-care/kinship-care>
	+ [placing a child in out-of-home care](http://www.cpmanual.vic.gov.au/policies-and-procedures/out-home-care/placing-child-out-home-care) <http://www.cpmanual.vic.gov.au/policies-and-procedures/out-home-care/placing-child-out-home-care>

### Funded organisation performance monitoring framework (FOPMF)

The [*Funded organisation performance monitoring framework* (FOPMF)](https://intranet.dhhs.vic.gov.au/funded-organisation-performance-monitoring-framework-fopmf) provides a transparent, consistent approach to monitoring the performance of all funded organisations. The FOPMF is available on the [service agreement information kit](http://fac.dhhs.vic.gov.au/service-agreement-information-kit) page of the Funded Agency Channel website <https//fac.dhhs.vic.gov.au/service-agreement-information-kit>.

### Home-based care (HBC) performance and reporting requirements policy

The *Home-based care performance and reporting requirements policy* requires providers of the following activities (who deliver 20 or more targets) to meet the performance threshold of 85 per cent as the minimum requirement of:

* home-based care: general (31214)
* home-based care: intensive (31418)
* home-based care: therapeutic foster care (31413)
	+ home-based care: adolescent community placement (31205)

There is a 90 per cent performance threshold minimum requirement for:

* home-based care: complex (31216)

The transition of targets will not impact performance of community service organisations and targets will be re-set.

Application of this policy will continue in the context of this project with divisions considering the use of the ‘exceptional circumstances’ option as required. For instance, the department cannot permit an organisation to retain funding if the minimum required performance threshold is not met for two consecutive quarters unless ‘exceptional circumstances’ apply. This is defined as:

‘short-term, unforeseen circumstances that are beyond a home-based care provider’s reasonable control and have affected the provider’s capacity to deliver a funded service and where the strict application of the home-based care policy would be unfair or unreasonable’.

For example:

* reduction in the pool of available carers and homes due to a natural disaster including a flood or fire in a divisional area, or
	+ issues within the HBC organisation, for example, the sudden loss of multiple key personnel.

In circumstances where targets have been reduced due to performance it is expected that targets and funding proportional to the number of available targets will be transferred to ACCOs once they are meeting performance requirements.

The policy is available on the [Funded Agency Channel’s Data collection page](https://fac.dhhs.vic.gov.au/data-collection) <https://fac.dhhs.vic.gov.au/data-collection>.

### Service delivery tracking

Service delivery tracking is an online process which requires organisations to account for monthly service delivery against their service agreement targets. This ensures that both the organisation and the department have a shared view of service delivery in a timely and regular manner.

The following activities are in scope for this project:

* home-based care: kinship care (31202)
* home-based care: general (31214)
* home-based care: intensive (31418)
* home-based care: complex (31216)
* home-based care: therapeutic foster care (31413)
	+ home-based care: adolescent community placement (31205).

More information is on the [Funded Agency Channel’s Data collection page](https://fac.dhhs.vic.gov.au/data-collection) <https://fac.dhhs.vic.gov.au/data-collection>

# Communications and engagement

## Transitioning Aboriginal Children to ACCOs

A state-wide transitioning Aboriginal child to ACCOs communications and engagement strategy has been developed to provide consistent messaging to all impacted stakeholders.

Factsheets for service providers, carers and children and families have also been developed.

Communications materials will be available on the department’s Service providers website’s [Aboriginal children in care page](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care>.

These will be revised over time as the transition evolves.

Divisional and local area communications and engagement plans may be developed however must align with the state-wide approach and materials.

## Carer engagement strategy

As part of this project, specific strategies are being developed, aligned with existing carer engagement strategies outlined as follows.

The department has developed carer advisory groups in each of the four departmental divisions to improve communication between kinship and foster carers and the department and service providers. More information on [divisional carer advisory groups](https://www.fcav.org.au/divisional-carer-advisory-groups) is available on the Foster Care Association of Victoria (FCAV) website <https://www.fcav.org.au/divisional-carer-advisory-groups>.

### Funding to support recruitment and training of foster carers

Various funding has been provided for foster carer recruitment (for example, the [Fostering Connections](http://www.fosteringconnections.com.au) campaign <www.fosteringconnections.com.au>).

In September 2016 the Victorian Government announced $2.12 million funding over two years towards a kinship and foster care learning and development strategy. This new project is managed by FCAV and a six-party governance group. [Carer Kafé](https://www.carerkafe.org.au/) <https://www.carerkafe.org.au> is a new program designed to improve and expand kinship and foster carer training Victoria-wide. Carer Kafé will work with agencies and training providers to develop and implement face to face training sessions and online training.

Specific funding was also provided as part of the 2016-17 State budget, which included $5.3 million for ‘Supporting Aboriginal children and families’. Within this allocation, $2.2 million over two years was allocated to 11 Aboriginal organisations to recruit and build the capacity of foster and kinship care programs.

**Note: Communication regarding transition will be factored into recruitment process and training programs.**

# Workforce development

## Related state-wide strategies

A workforce plan will be developed to support ACCOs to build and strengthen their capacity to expand existing programs or deliver new programs in accordance with their aspirations. This will be aligned with [*Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan 2017–2027*](https://www2.health.vic.gov.au/about/health-strategies/aboriginal-health/korin-korin-balit-djak) <https://www2.health.vic.gov.au/about/health-strategies/aboriginal-health/korin-korin-balit-djak>

A workforce development action plan template will be developed to assist ACCOs to identify, plan for and implement individual workforce development strategies based on their aspirations.

# Client and carer identification, preparation and transfer

Any decision to transfer a carer or the case management of a child from a CSO to an ACCO must be based on meeting the best interests of the child as well as the [Guiding Principles](#_Guiding_Principles), readiness of carer, child, family, CSO and ACCO outlined under ‘Service model and approach - decision making processes’. [Aboriginal children in care](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care>

The purpose of the decision making process is to:

* clarify the key decision making procedures available to facilitate the transfer of care and case management for Aboriginal children
	+ Describe appropriate contingency or interim responses that ensure continuing best interests planning for children or young people.

## Kinship care (Child Protection case managed)

Additional funding for kinship care targets has been identified to increase the number of children placed in kinship care case managed by ACCOs. While the process for preparing and contracting children will continue as per the existing case contracting guidelines, divisions may consider the following steps to coordinate the process:

1. Identify children in kinship care on contractible orders as well as estimated contracting timeline based on preparation work required. Client File Review Tool available on [Aboriginal children in care](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care>
2. Complete de-identified consultation and input to ACCO regarding the child.
3. Provisional acceptance of children in kinship care by ACCO and agreement of numbers to contract and timing of transfer.
4. Prepare cases and contract as per case contracting guidelines – see [Case contracting](http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting) in the Child Protection manual for more information <http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting>.

## Kinship care targets (CSO managed)

Once proportional reallocation of funded targets has been agreed, one of the following two options will apply.

### Transfer of vacant CSO target to ACCO

If targets are vacant, transfer should occur as outlined in [4.3 Target transfer](#_Target_transfer).

### Transfer of carer and contracting of child or children from CSO to ACCO

To coordinate the transfer of kinship carers and children, divisions should consider the following steps:

1. CSO or Child Protection to identify children at local level who meet the criteria.
2. CSO or Child Protection to complete initial review to consider contracting child’s case management.
3. CSO agree to the transfer of the target or divisions decide transfer is required due to performance.
4. CSO to coordinate de-identified consultation with ACCO and Child Protection to provide overview of cohort of children to be considered for transfer.
5. Provisional acceptance of children in kinship care by ACCO as well as agreement of transfer timeline.
6. CSO engage with carer to confirm agreement to consider transfer.
7. Case planning meeting with the CSO, ACCO and Child Protection to review and approve the contracting of case management.
8. Identify individual child support needs as part of preparation of contract.
9. CSO complete carer transfer checklist for kinship carers including identification of carer support requirements.

For more information, see [Case contracting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting) in the Child Protection manual <http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting>

## Foster care (CSO case contracted)

While the focus of the stage one plan is the transfer of kinship care targets, the transfer of carers and children in foster care can also be considered subject to the agreement of all parties.

Once proportional reallocation of targets has been agreed, one of the following two options will apply.

### Transfer of vacant CSO target to ACCO

If targets are vacant, transfer should occur as outlined in [4.3 Target transfer](#_Target_transfer).

### Transfer of carer and child or children from CSO to ACCO

The following items should be considered when assessing the appropriateness of the transfer of a child’s case management or carer from a CSO to an ACCO:

* [**Guiding principles**](#_Guiding_Principles): outlined on pages 4 and 5.
* **Carer position paper**: this paper provides a state-wide policy position that articulates how foster carers of Aboriginal children will transfer from a non-Aboriginal agency to an ACCO where ACCOs are funded to provide foster care. [Aboriginal children in care](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care>.
* **Criminal history checks (police checks)**: checks of foster carers can be transferred from one agency to a new agency if the date of the last check is less than three years ago subject to the carer’s consent. Disclosable matters must be noted as part of transfer procedure. (HBC program requirement 3.5.5 and 3.5.6) [Program requirements for out-of-home care services page](https://providers.dhhs.vic.gov.au/program-requirements-out-home-care-services) <https://providers.dhhs.vic.gov.au/program-requirements-out-home-care-services>.
* **Quality of care concerns and reportable conduct**: all information **must** be provided by the transferring agency to the receiving agency. This includes where claims have been malicious or vexatious and the matter has been resolved.
	+ **Accredited carers** will not be required to undergo a new assessment at point of transfer: foster carers will only be required to undergo a panel review if there is significant change in the foster carer’s circumstances. (HBC program requirement 3.5.9)

The program requirements for home-based care in Victoria are available on the [Program requirements for out-of-home care services page](https://providers.dhhs.vic.gov.au/program-requirements-out-home-care-services) of the department’s Service Providers website <https://providers.dhhs.vic.gov.au/program-requirements-out-home-care-services>.

### Coordinating the transfer of children

To coordinate the contracting of case management of child or children (and carer where agreed) divisions should consider the following steps:

1. CSO or Child Protection to identify children at local level who meet the criteria.
2. CSO or Child Protection to complete initial review to consider children for transfer.
3. CSO to coordinate de-identified consultation with ACCO and Child Protection to provide overview of cohort of children to be considered for transfer.
4. Provisional acceptance of children in foster care by ACCO as well as agreement of transfer timeline.
5. CSO engage with carer to confirm agreement to consider transfer.
6. Case planning meeting with the CSO, ACCO and Child Protection to review the case contract.
7. Identify individual child support needs as part of preparation of contract.
8. CSO complete carer transfer checklist [Aboriginal children in care](http://providers.dhhs.vic.gov.au/aboriginal-children-care) <http://providers.dhhs.vic.gov.au/aboriginal-children-care> for foster carers including identification of carer support requirements.
9. Complete transfer of children according to agreed schedule and in line with the ACF planned transfer timelines.

See [Case contracting](http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting) in the Child Protection manual for more information <http://www.cpmanual.vic.gov.au/policies-and-procedures/phases/protection-order/case-contracting>.

### Key policy positions regarding the transfer of foster carers to ACCOs

#### What if foster carers do not want to transfer to an ACCO?

Foster carers are volunteers and reserve the right to select the CSO they wish to volunteer for and will not be obligated to transfer to an ACCO. It is expected that over time all home based carers of Aboriginal children **will** be supported and managed by an ACCO. Existing carers that care for an Aboriginal child will be encouraged and supported to transfer to a registered ACCO.

Government, CSOs and ACCOs are all highly committed to making the transfer of carers of Aboriginal children to an ACCO a positive experience. Carers of Aboriginal children will be given every opportunity to discuss any concerns regarding the transfer with their CSO, Child Protection Practitioner or ACCO. The Foster Care Association of Victoria and Kinship Carers Victoria are also available to support carers with any concerns they may have.

The ACCO will provide further cultural training to the carer to enhance the carer’s knowledge of Aboriginal history and culture; to better foster and strengthen the carer’s relationship with the child, family, community and ACCO.

If a carer of an Aboriginal child in their care has declined opportunities to be supported and managed by an ACCO, the department is unlikely to place further Aboriginal children with that carer into the future. As with all children in out-of-home care, the department has a duty to make decisions, which are in a child’s long term best interests.

#### Will changes be made to the accreditation of a foster carer?

The accreditation of an existing foster carer will not be affected by their transfer to an ACCO. Foster carers will not be required to undergo a new assessment of their ability to provide care to Aboriginal children and young people. Carers that provide consecutive or periodic care to both Aboriginal and non-Aboriginal children, can transfer between Aboriginal and non-Aboriginal agency as required. When caring for an Aboriginal child supervision will be provided by the ACCO. This includes circumstances where the carer is caring for children who are non-Aboriginal such as siblings or non-related children.

 A carer can only be supported only by one agency at any time, as being supported by multiple agencies may potentially lead to conflicting advice and place the carer in a difficult situation. Carers are provided with the opportunity to either remain with an ACCO or transfer to an agency of their choice when they are no longer providing care to Aboriginal children and young people.

#### Are all carers required to undertake cultural training?

In the best interest of the child, cultural training is mandatory for all kinship and foster carers caring for an Aboriginal child. Carers will also be supported and encouraged by ACCOs to undertake continual training as part of their ongoing development as a carer. Cultural competency is fundamental in promoting and strengthening resilience and healing in a child and their families through connection to culture.

The added benefit to this is that carers are able to understand their responsibilities in caring for an Aboriginal child or young person which in turn strengthens their personal knowledge and empathy of Aboriginal culture.

## Transitioning Aboriginal Children subject to Family Reunification Orders to ACCOs

As part of the Transitioning Aboriginal Children to ACCOs project, some ACCOs have reported that the intensity of work required to achieve reunification of children in kinship care subject to family reunification orders (FROs) is not supported by the current price for contracted kinship care.

In April 2018, the Child protection Executive Group (CPEG) endorsed the coupling of Aboriginal kinship case management targets and Intensive Family Services 200 hours (IFS 200 hours) targets for children subject to FROs, in order to enhance the allocation of resources for this work.

### Family reunification orders

A family reunification order be made by the Children's Court when it has found that a child is in need of protection and cannot safely remain in their parents’ care. Its purpose is to promote the reunification of the child with a parent.

A family reunification order will generally be made where:

* the child has been in out-of-home care for less than a total of 12 months, and
* reunification is considered to be in the child’s best interests, and
	+ safe reunification is likely to be achieved within 12 months.

This order will be particularly appropriate where the parents are motivated to change and to accept support and assistance from relevant services to address the protective concerns.

Initial FROs can only made for a period that has the effect of the child being in care for 12 months. family reunification orders must be reviewed at the time the child has been in care for 12 months and can only be extended if the court finds evidence that the child is likely to successfully re unified within a further 12 months. family reunification orders cannot be extended beyond two years of the child being in care.

### Kinship targets and Intensive Family Services targets guidelines

Legislation and policy allows for the contracting of final protection orders including family reunification orders. The program guidelines for Kinship Care state that ‘ongoing support and monitoring, under individually case contracted arrangements, for the most vulnerable Aboriginal children in long term kinship placements where it has been assessed by Child Protection is necessary to ensure that the child’s safety, stability, cultural and developmental needs are met’. Family Services targets are specifically designed to allow for intensive responses to achieve family reunification orders goals. The Family Services response is provided to families whose children are subject to a family preservation or a family reunification order. Within this cohort, Aboriginal children and families are to be prioritised.

Neither guideline for these activities precludes drawing on multiple funding sources. [Program guidelines for Kinship targets and Family Services](https://providers.dhhs.vic.gov.au/kinship-care) can be found on the department’s Providers website <https://providers.dhhs.vic.gov.au/kinship-care>.

### Contracting of family reunification orders

Organisations with vacant kinship care targets can decide to accept the transfer of case management for a child subject to a family reunification order, and access either general family services or Intensive Family Services target in order to undertake reunification work.

ACCOs are encouraged to consider the amount of work required to achieve reunification in each case as not all family reunification order cases require substantial work and this will vary subject to the range of services involved. Where it is considered additional hours are required to work with the birth family ACCOs can access either general Family Services or where an intensive response is required the IFS 200 hours either from their own service or another agency. Any decisions must be informed by the child’s case plan and used to address specific goals, tasks and timelines which result from the plan.

To access the IFS 200 hours the case plan must reflect the need for intensive family services to build family capacity and family services intervention to support preservation or reunification of the child in the family home. Distribution of the 200 hour Intensive Family Services’ response is flexible and can be used to support the family based on their needs and in line with case plan goals.

Coupling kinship and family services targets is designed to give agencies the extra support they require to undertake reunification work. The coupling is not intended to set a new unit price, but rather draw on two existing support options for maximum benefit, for both children and their families In taking on a family reunification order, organisations should consider the following steps:

1. CSO or Child Protection to complete initial review to consider contracting child’s case management. Within this review, CSO/Child Protection to consider the level of reunification work required.
2. CSO or Child Protection to coordinate de-identified consultation with ACCO to provide overview of child or children to be considered for transfer.
3. ACCO to consider whether level of reunification work required is manageable with just a kinship care target, or if additional resourcing is required. If additional resourcing required, the allocated case manager may investigate the availability of Family Services, or Intensive Family Services targets to support the case.
4. Provisional acceptance of child or children on family reunification orders in kinship care by ACCO as well as agreement of transfer timeline.
5. Allocated case manager engages with carer to confirm agreement to consider transfer.
6. Case planning meeting to review and approve the contracting of case management, and note use of Family Services or Intensive Family Services target.
7. Allocated case manager to complete carer transfer checklist for kinship carers where required including identification of carer support requirements and reunification requirements.

For more information, see [Case contracting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting) in the Child Protection manual <http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/protection-order/case-contracting>

Child protection contracting teams will support and monitor the contracting of family reunification orders through quarterly reports and liaison, noting this is new activity for many ACCOs. Transitioning Aboriginal Children Team (TACT) will monitor this data through existing governance mechanisms.

### Additional considerations relating to contracting of Kinship and Intensive Family Services targets for children on family reunification orders

#### What if the child returns home during the course of the contracted case management?

If the child returns home and the order may be deemed to be a family preservation order. Where this is the case, it is preferable the order remains contracted to the ACCO to continue continuity of case management until the order expires. Contracting will take place using the same kinship care target. It is also acknowledged that where reunification work has successfully taken place, the ACCO is likely to have a strong relationship with the family and the child, and this should be maintained and encouraged to minimise the chances of the child returning to care in the future. As always, the child’s best interests should remain at the forefront of any contracting and case planning decisions and the ACCO may request cessation of the contract if at any time if they become concerned about their ability to manage the requirements of the contract.

#### What if ACCOs have identified a case, kinship and IFS target but do not have the understanding and capabilities to work with family reunification orders?

Working with family reunification orders requires a different focus from those cases where a decision has been made to not reunify the child. An understanding of the Court system and experience working with birth families to address and monitor protective concerns is required. It is acknowledged that some ACCOs may not have experience or expertise in this area. Where this is the case, ACCOs may wish to consider partnering with either a local CSO or Child Protection to develop the necessary capabilities in this area. ACCOs are encouraged to raise this option through the Transitioning Aboriginal Children to ACCOs governance mechanisms.

# Reporting

The purpose of this reporting template is to measure the progress of the transition work against the agreed ACF target for the progressive increase in the proportion of Aboriginal children subject to contractible orders in out-of-home care to be case contracted to an ACCO by 2021.The measures are based on calendar year (end of December).

Progress measures

| Measures | Source | Format |
| --- | --- | --- |
| Number and percentage of Aboriginal children in kinship care on contractible orders | CRIS | Monthly report from Performance and Reporting Branch  |
| Number and percentage of Aboriginal children in kinship care on contractible orders case managed by an ACCO | CRIS | Monthly report from Performance and Reporting Branch based on who is case managing Aboriginal children divisionally  |
| Number and percentage of non-Aboriginal children on contractible orders in kinship care case managed by an ACCO | CRIS | Monthly report from Performance and Reporting Branch based on who is case managing Aboriginal children divisionally |
| Number and percentage of Aboriginal children in foster care on contractible orders | CRIS | Monthly report from Performance and Reporting Branch |
| Number and percentage of Aboriginal children in foster care on contractible orders case managed by an ACCO | CRIS | Monthly report from Performance and Reporting Branch based on who is case managing Aboriginal children divisionally  |
| Number and percentage of non-Aboriginal children in foster care on contractible order case managed by an ACCO | CRIS | Monthly report from Performance and Reporting Branch based on who is case managing Aboriginal children divisionally  |

1. Always Was, Always Will Be Koori Children 2016 [↑](#footnote-ref-1)
2. At the September 2018 ACF, the key performance indicator of 80 per cent of Aboriginal children to be case-managed by ACCOs was extended to December 2019 [↑](#footnote-ref-2)