

|  |
| --- |
| Statement of Recognition Act 2023 – Recognition principles |
| Information for DFFH staff and funded agencies |
| OFFICIALContents |

[Purpose of the principles 1](#_Toc165991383)

[Recognition principles – guidance 2](#_Toc165991384)

[Service delivery 2](#_Toc165991385)

[Planning and programs 2](#_Toc165991386)

[Notes on the below principles 2](#_Toc165991387)

[Recognition principles (under section 7E of the Act) 3](#_Toc165991388)

[Principle 1 3](#_Toc165991389)

[Principle 2 3](#_Toc165991390)

[Principle 3 4](#_Toc165991391)

[Principle 4 5](#_Toc165991392)

[Principle 5 6](#_Toc165991393)

[Principle 6 7](#_Toc165991394)

[Principle 7 8](#_Toc165991395)

[Principle 8 9](#_Toc165991396)

[Principle 9 9](#_Toc165991397)

[Principle 10 10](#_Toc165991398)

# Purpose of the principles

This document sets out the 11 recognition principles listed in s 7E *Children, Youth and Families Act 2005* (CYFA). The Secretary must give regard, and give effect, to these principles (where relevant) when making decisions or taking action when working in the planning and provision of services for Aboriginal children and families.

The recognition principles should be considered subject to the best interests principles (*Children, Youth and Families Act 2005*, s 10).

The guidance set out below defines an approach that promotes an Aboriginal lens in decision making. Staff working with Aboriginal children and families should use this approach when applying the recognition principles to their work. The list of actions is to be used as a guide. There are other practices that may support a child and family’s connection to culture.

It is important to allow Aboriginal people opportunity to tell their story. We must listen to what they tell us to better understand how to best meet their needs when working with, and walking alongside, Aboriginal people.

# Recognition principles – Guidance

## Service delivery

it is important to listen when staff members work directly with Aboriginal children and families . Prioritising listening to the family will help you understand their story. Work with the child, family and community to build and maintain the child’s connection to culture. By partnering with Aboriginal-led community services we can build and maintain the child’s connection to culture.

## Planning and programs

It is important that the Aboriginal child, family and community voice stays present throughout the planning and delivery of services. Seek ongoing feedback from Aboriginal children and families to make sure processes are culturally safe.

Planning and delivering services for Aboriginal children and families should ensure Aboriginal voice remains present. This applies to all stages of service planning, service delivery and service withdrawal.. It is important to embed culturally safe processes for feedback from Aboriginal children and families for continuous improvement.

## Notes on the below principles

In this section, ‘Aboriginal-led community service’ means a community service that:

* is managed by Aboriginal people
* provides services for the benefit of Aboriginal people.

These considerations and actions should be adapted to the specific context of the Children’s Court in Victoria. They may require ongoing collaboration with Aboriginal communities, Aboriginal organisations, legal experts and relevant stakeholders.

The departmental Secretary plays a pivotal role in shaping the department’s culture, policies and practices. These considerations and actions are aimed at developing a child welfare system that is inclusive, culturally safe and dedicated to the wellbeing of Aboriginal children.

# Recognition principles (under section 7E of the Act)

## Principle 1

The right of Aboriginal children, families and communities in Victoria to self-determination must be recognised, respected and supported.

### Principle 1 – service delivery

* Ensure Aboriginal children and families are aware of their rights. These include their right for self-determination. Under the Children, Youth and Families Act, child protection must recognise and respect this right.
* Talk with Aboriginal children, families and communities about their rights. In particular, discuss self-determination using culturally safe language, preferences and practices. It is important to use practices that are appropriate for their age, circumstances and culture.
* Promote the right to Aboriginal self-determination when engaging with community services.
* Consult with the Aboriginal Child Specialist Advice and Support Service (ACSASS) to promote self-determination. This can be achieved by discussing ways the family's rights can be supported and upheld.
* Recognise that Aboriginal self-determination will be different for every Aboriginal person. This should be respected and valued.
* The right to self-determination must be documented when making a risk assessment. Consider what could be done in the future to support the child. This includes the right to self-determination. Recommend actions accordingly.
* Advocate for the child and family’s right to self-determination at all phases of involvement. Try to understand what this may look like for the family and the barriers they may face.
* Promote the opportunity for Aboriginal-led community services to be involved in decision making.
* Collaborate with Aboriginal children, families and communities to understand their unique needs and preferences. Empower them to take an active part in decision-making processes.

### Principle 1 – planning and programs

* Commit to Aboriginal self-determination in all service planning and implementation.
* Ensure Aboriginal voices are heard in planning and delivering services.
* Recognise the diversity of Aboriginal voices and perspectives in communities when delivering services.
* Prioritise services developed and delivered by Aboriginal people and Aboriginal-led community services.
* Work with Aboriginal-led community services. Support them to promote Aboriginal self-determination in the community.
* Prioritise planning of services that support Aboriginal-led community services to deliver programs for Aboriginal children and families.

## Principle 2

When considering the views of Aboriginal children, decision-makers must uphold their cultural rights and sustain their connections to family, community, culture and Country.

### Principle 2 – service delivery

* Incorporate language that respects the cultural rights of Aboriginal children. This can be done in the planning stage and in decision-making processes.
* Actively seek to engage the child, family and community to learn about the child’s culture. Empower the child to connect with their identity through support services and meetings.
* Consult with ACSASS for Aboriginal perspectives and knowledge. Include this in support planning for the child and family’s cultural rights.
* Use Aboriginal Family-Led Decision Making (AFLDM) and family meetings. Explore how the child and family connect with their culture and community. Understand what is important to them to build and maintain this connection.
* Where appropriate, share information with other professionals and services working with the child. Information sharing can include the family’s community, culture and connection to Country. Promote other professionals also supporting the child and family’s cultural rights.
* Ensure all case planning and decision making for the child considers goals that support the child’s cultural rights.
* Continue to talk with the family and learn about their community, culture and Country. Recognise that their knowledge may develop and show you are listening.
* Record on CRIS/CRISSP information about the child’s community, culture, family and Country.

### Principle 2 – planning and programs

* Work with Aboriginal-led community services to plan for Aboriginal children. Put in place services that respect Aboriginal cultural rights.
* Think of ways services could better hear the Aboriginal voice. Listen to views shared by Aboriginal people about their culture.
* Encourage contributions from Aboriginal-led services when planning services for Aboriginal children.

## Principle 3

Understanding of, and respect and support for, Aboriginal culture, cultural diversity, customary lore, knowledge, perspectives and expertise is to be demonstrated in decision-making.

### Principle 3 – service delivery

* Try to understand the cultural needs of the child and family. If applicable, consider how to include the cultural group they identify with.
* Develop connections to the child’s cultural group. Involve Aboriginal people from that cultural group in planning and actions.
* Ask the family about customs and matters of significance to their cultural group. Ensure you are respectful of these customs. Record this on CRIS/CRISSP for the information of other practitioners and services.
* Ask about preferred methods of making decisions in the family’s cultural group. Where possible, give children and families time to consider decisions. Consult with Elders and respected members of their cultural group if required.
* Share information with ACSASS about the child and family’s cultural group. If able, note who the family identify as significant within their cultural group.
* Consulting with ACSASS is an important step. It allows an opportunity for Aboriginal knowledge to be included. Ensure records are made on Aboriginal culture and knowledge.
* Record on CRIS/CRISSP information about the child. This can include their cultural group, customs and knowledge and preferred styles of engagement.
* Use AFLDM meetings to involve family, Elders and key members of the cultural group. Learn about the child and family’s cultural group and their perspective. Include it in decision making.
* Recognise that the family and cultural group may not be able to share some details on the group’s lore and customs with child protection staff. Show respect for the cultural group’s privacy and customs.
* Be sensitive to Aboriginal people who may not be aware of or have connection with their cultural group. Aboriginal people may experience shame or judgement about this. It is important to not reinforce this bias.

### Principle 3 – planning and programs

* Incorporate Aboriginal knowledge and perspectives in planning and delivering services.
* Consider how children and families have contributed to service planning. Create avenues for genuine engagement that is culturally safe.
* Work with local Aboriginal-led community services. Build capacity and support Aboriginal children and families in the local community.
* Recognise the diversity of Aboriginal voices and perspectives in communities. Keep this in mind when delivering services for Aboriginal people.
* Prioritise programs that aim to build local communities’ knowledge of Aboriginal customs. This can include programs that enhance culture and connection to Country.
* Ensure all planning, decisions and actions recognise Aboriginal knowledge. Include perspectives and promote opportunities for these conversations.

## Principle 4

Strong connections with culture, family, Elders, communities and Country are to be recognised as the foundations needed for Aboriginal children to develop and thrive and to be protected from harm.

### Principle 4 – service delivery

* Acknowledge and reinforce the importance of strong connections. This includes with culture, family, Elders, communities and Country. Integrate strategies into case plans that strengthen and support these foundational connections. Cultural plans are an example of a strategy.
* Recognise a child’s connection to their family, culture, community and Country as a strength. Work with the family to understand how to preserve these to prevent harm. Discuss how to better involve families. Identify the opportunities to better involve families through Aboriginal-led services. These include ACSASS, AFLDM, case planning and referrals for ongoing support.
* Give the child and family a safe, genuine and early opportunity to share their story. Check your own understanding of their story by reflecting on their experiences with them. Be empathetic, respectful and give time when engaging with Aboriginal families.
* Show gratitude and respect when a child and family share their story about their culture with you. Show them you have listened by including it in case planning and decision making.
* Involve the child, family, Elders and Aboriginal-led community services in cultural and case planning. Ensure goals align with the cultural needs of the child. Support and maintain connection to their culture, community and Country.
* There may be barriers children and families have in building connections with their culture. Seek out information and try to understand these barriers. Barriers may be due to limited knowledge among the family, personal history, financial issues, geographical distance or something else. Support the family to overcome these barriers. Promote connection to culture as a strength and positive opportunity for the child and family.
* Try to understand and celebrate the child’s kinship systems, family relationships and social networks. Encourage their unique strengths, parenting approaches and connections to culture and Country.
* Frequently consult with ACSASS to consider the culture needs of the child and family. Consider how these are being recognised as a strength and implemented to address the risk of harm.
* Engage with Elders, the child’s community and Aboriginal organisations at early points to build partnerships and connections.

### Principle 4 – planning and programs

* Prioritise program planning and services that consider a holistic approach. Support Aboriginal children and families by promoting involvement from family, community and Elders.
* Recognise strong connection to culture as a key feature of service delivery. These protect Aboriginal children from harm and is led by Aboriginal people.
* Engage with local Aboriginal-led community services in planning and delivering services. Understand and promote connection to culture for Aboriginal children and families. Try to understand what the barriers are to achieving this.

## Principle 5

Historic and ongoing biases and structural and everyday racisms create barriers to the best interests of the Aboriginal child and are to be recognised and overcome.

### Principle 5 – service delivery

* Listen to the child and family on experiences of racism and structural biases in everyday life and when involved with the children and families’ system. Actively listen to a family’s story. Consider how you can influence change to support the family and remove barriers.
* Recognise that the child protection system has caused dispossession and intergenerational trauma for Aboriginal people. This causes a distrust of child protection and government services.
* Consult with ACSASS to ensure Aboriginal perspectives are included in decision making. Seek advice on how structural biases and racism can be addressed for the child and family.
* Use supervision to critically reflect on decisions and actions taken. Understand how everyday racisms or structural barriers experienced by Aboriginal people can influence decisions. Create plans to address any barriers or biases identified. Share these with Aboriginal children, families and Aboriginal-led services as part of the planning.
* Acknowledge barriers to involvement in decision making and planning for Aboriginal children, families and communities. Work with all parties to consider other approaches.
* Identify and record on CRIS/CRISSP when biases and structural racism for a family occurs. Record how this may impact on the assessment of harm for the child and the capacity of the family to prevent risk of harm to the child.
* Notice your own emotional reactions to people, interactions and environments. Understand how they affect your performance and practice. Acknowledge and take responsibility for these emotions. Ensure you continue your own learning journey in relation to racism, unconscious bias and the impact of colonisation. Seek support when needed.
* Consciously address your own knowledge gaps by using curiosity with the child, family and community. Seek advice and strengthen appreciation of their unique culture.

### Principle 5 – planning and programs

* Promote strategies to recognise, address and overcome biases and structural racism in all aspects of service delivery.
* Create a culturally safe space for Aboriginal children and families to provide feedback on service delivery. Actively implement this feedback. Ensure Aboriginal children and families are made aware of any changes implemented.
* Recognise and consider the structural racism, experiences of discrimination, historical practices, intergenerational trauma and imbalance of power that may bring about apprehension and fear of department involvement and intervention.
* Regularly assess personal biases. Actively work towards addressing them. Implement strategies to recognise and counteract biases and structural racism in all aspects of service delivery.
* Challenge views and ways of working that reinforce biases and racism. Include those that do not promote Aboriginal self-determination.
* Escalate concerns when you require support.

## Principle 6

The planning and provision of child and family services for Aboriginal children and Aboriginal families under this Act is to be based on commitment, accountability and responsibility to Aboriginal people in Victoria, with proper consideration to be given to the views of Aboriginal-led community services.

### Principle 6 – service delivery

* Clearly outline the roles and responsibilities of all stakeholders. Ensure a commitment to accountability in planning and delivering services.
* Consult with ACSASS at all decision-making points and when new information is obtained. Recognise the expertise and knowledge of ACSASS in supporting Aboriginal children and families and promoting the child’s connection to culture, family and community.
* Involve Aboriginal-led community services as early as possible. Ensure detailed information is shared in a timely manner with Aboriginal-led community services, where appropriate.
* Clearly document the views and perspectives of Aboriginal-led community services (including all ACSASS consultations) on CRIS/CRISSP. This includes when there are differing views on assessments and decisions across all phases of involvement.
* Ensure Aboriginal-led community services are provided an ongoing opportunity be involved in service planning and delivery. This includes information on key decisions, minutes from meetings and opportunity to review decisions and assessments, where appropriate. Get the family’s consent to do this.
* Discuss with the child and family how they can be supported by Aboriginal-led community services. Provide opportunities for Aboriginal-led community services to lead service delivery.

### Principle 6 – planning and programs

* Clearly communicate roles and responsibilities to all stakeholders involved. Demonstrate a commitment to accountability by consistently aligning actions with the well-being and interests of Aboriginal children.
* Prioritise partnership with Aboriginal-led community in the planning and provision of services at all points of engagement with children and families.
* Ensure mechanisms in planning and provision which demonstrate accountability through accurate recording, quality reporting, and seek feedback from Aboriginal led-community services
* Consider how Aboriginal voice has been included in the planning and provision of services and how it can be strengthened if absent.
* Recognise the diversity of Aboriginal knowledge and expertise in program evaluation and consider measures of effectiveness which have been designed and had input from Aboriginal people and Aboriginal-led community services.

## Principle 7

An Aboriginal child's Aboriginal family, Elders and any Aboriginal-led community service that is responsible under this Act for the provision of services to the Aboriginal child each have a right to participate in the making of decisions under this Act that relate to the child, and must be given an opportunity to participate in the making of those decisions.

### Principle 7 – service delivery

* Where possible, ‘partnership’ should be prioritised over ‘participation’ when working with Aboriginal families and Aboriginal-led community services.
* Actively use AFLDM to engage families and Aboriginal-led community services. Promote stronger connections, opportunity for reflection and consideration of decision making.
* Recognise barriers that may prevent families, Aboriginal-led services and Elders from taking part in planning and decision making. Consider other strategies to ensure involvement from all appropriate parties. This may include completing meetings online, supporting written submissions or letters, or providing more time for a meeting to be convened.
* Ensure children and families are aware of the recognition principles (s 7E). These include their right to have family, Aboriginal-led services and Elders taking part in meetings.
* Develop ways to ensure the meaningful participation of Aboriginal families, Elders and community services in case planning. Ensure opportunities for input and feedback throughout all stages of decision making and planning.
* Actively provide feedback to Aboriginal families, Elders and community services. Feed back how their input and knowledge has been implemented to influence decision making and planning with the child and family.

### Principle 7 – planning and programs

* Prioritise the involvement of Aboriginal children, families and Aboriginal-led community services in decision making, planning and service delivery.
* Ensure service planning considers any barriers to involving Aboriginal people. Consider how these can be addressed through service delivery and engagement with Aboriginal people.
* Recognise there are multiple types of participation for Aboriginal people and cultural groups. Prioritise service delivery that considers opportunities for inclusion in planning and delivery.

## Principle 8

Partnerships between the Secretary and Aboriginal-led community services in relation to the planning and provision of child and family services are to be equitable and support self-determination.

### Principle 8 – service delivery

* Define the principles of equitable partnerships. Outline the expectations, responsibilities and benefits for all parties involved.
* Acknowledge the expertise and specialist knowledge of ACSASS services. Share all information about the child’s culture and risks of harm to the child. Get advice on case planning for the child.
* When making referrals to services, include all information on the child’s culture. If details about the child’s connection to culture are not known, document this on CRIS/CRISSP. Any future referral should include a recommendation to seek more information from the family.
* Work to establish positive connections between the child and family with their local Aboriginal-led community service. Consider how you are making positive associations between the family and the Aboriginal-led services. This means not just seeking the support of the Aboriginal-led community service to address issues for the child and family when there are significant concerns.
* Recognise that Aboriginal-led community services are limited in their resources. Do not assume they will be able to immediately respond to referrals and requests for assistance. Ensure adequate planning and conversation with the Aboriginal-led community service about the family’s needs. Allow the service time to prepare.
* Policies should guide the development of partnerships between the Secretary and Aboriginal-led community services that are equitable and support self-determination.
* Build relationships with local Aboriginal-led community services. Learn from them about issues facing Aboriginal people in their community.
* Ensure local Aboriginal-led community services have access to responsive advice and transparent information. Support them in their right to provide reflections and feedback.

### Principle 8 – planning and programs

* Spend time engaging and listening to Aboriginal-led community services in the area. Seek to understand issues affecting local Aboriginal children and families.
* Work with Aboriginal-led community services to understand what they need to build their capacity to lead service delivery for Aboriginal children and families in the community. Do not assume to know the needs and priorities of Aboriginal-led community services without listening to them.
* Provide enough time and resources to develop partnerships with Aboriginal-led community services. This will help ensure they are given the best chance to succeed. Work to define the timelines and deliverables in partnership with Aboriginal-led community services.
* Be genuine in your approach when working with Aboriginal-led community services. Be honest and transparent about what can be delivered together and when this may not be possible. Do not commit to a partnership if this is not possible due to policy, financial or service delivery requirements.

## Principle 9

Any transfer of decision-making to an Aboriginal-led community service under this Act is to be with the free, prior and informed consent of the Aboriginal-led community service. Develop clear guidelines and procedures for obtaining consent, respecting the autonomy of Aboriginal-led community services.

### Principle 9 – service delivery

* Communicate with the family about their rights under the Children, Youth and Families Act. This includes providing information on functions that can be delegated by the Secretary to Aboriginal-led community services. Make families aware if they will be receiving a service delivery by an Aboriginal-led community service. Share with the Aboriginal-led community services any issues raised by the child and family.
* Plan early with Aboriginal-led community services if they will make decisions with or on behalf of a child and family. Ensure the Aboriginal-led community service has all information regarding the child and family, including their views and wishes. Identify any significant risks or concerns for the child and family.
* Support the Aboriginal-led community service through additional resources and assistance if required to ensure they can make decisions with or on behalf of the child and family.
* Clearly document on CRIS/CRISSP when an Aboriginal-led community service has assumed a decision-making function on behalf of the Secretary.

### Principle 9 – planning and programs

* Share information, planning and decision making with ACCOs at the earliest point of involvement with Aboriginal children. Inform the child and family of what information is shared and why.
* Consciously communicate information and rationales for decisions made. Hold space for cultural expertise and involvement. This ensures collaborative practice and promotes the safety and wellbeing of the child and family.

## Principle 10

Funding provided under this Act to Aboriginal-led community services (separately or in partnership with other community services) to provide child and family services is to be transparent, equitable, flexible and sustainable and support self-determination.

### Principle 10 – service delivery

* Ensure accurate and detailed case planning with children and families to understand their cultural needs and actions to protect children from harm. This should consider the resources and funding required to support the child and family. Consider all phases of intervention, including placement and reunification of a child.
* Accurately record on CRIS/CRISSP funding decisions made in agreement with Aboriginal-led community services. Note how this has been agreed.

### Principle 10 – planning and programs

* Recognise that funding for Aboriginal-led community services should be flexible. Strong engagement with Aboriginal-led community services should consider what Aboriginal-led community services identify as needs for children and families in the community.
* Work with Aboriginal-led community services to understand and agree on outcome measures. This includes program evaluation that considers the intent and application of funding for future allocations.
* Funding should consider all aspects of service delivery for Aboriginal children and families. This includes:
	+ developing governance, policy and program implementation
	+ direct service delivery of Aboriginal-led community services.

|  |
| --- |
| To receive this document in another format, email Aboriginal Initiatives Unit aboriginalinitiatives@dffh.vic.gov.auAuthorised and published by the Victorian Government, 1 Treasury Place, Melbourne.© State of Victoria, Australia, Department of Families, Fairness and Housing, May 2024.In this document, ‘Aboriginal’ refers to both Aboriginal and Torres Strait Islander people. **ISBN** 978-1-76130-514-6 (online/PDF/Word)Available at <https://fac.dffh.vic.gov.au/statement-recognition-principles-guidance>(2404057) |