



# The role of decision making in the over-representation of Aboriginal and Torres Strait Islander children in the Australian child protection system



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## ABSTRACT

The over-representation of Aboriginal and Torres Strait Islander children in the child protection is a serious concern in Australia. A proportion of this group of children may have been removed from families who are providing an adequately safe and nurturing environment, reflecting false positive errors in decision making. Assuming this to be true, we draw on the decision-making ecology model of judgement and decision making in child protection to speculate on possible causes of such errors. This model suggests that false positive errors would occur if the level of risk children face is estimated to be higher than is actually the case or if the decision threshold applied in making decisions to remove children from their family are too low. We present a discussion of factors that could potentially influence judgements and decision thresholds, which has implications for practice. It is argued that false positive errors are most likely to be avoided through more thorough and accurate assessments families. When assessing Aboriginal and Torres Strait Islander families, we argue that this requires a theoretically grounded, culturally informed framework to improve assessments and decrease the likelihood of false positive errors in decisions involving Aboriginal and Torres Strait Islander children in Australia.

## 1. Introduction

In colonised countries across the world First Nation children are over-represented in child welfare systems. This includes the US (U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2020), Canada (Fallon et al., 2015), New Zealand (Cram, Gulliver, Ota, & Wilson, 2015) and Australia (Tilbury, 2009). In Australia, the focus of the present paper, the Australian Institute of Health and Welfare (Australian Institute of Health and Welfare, 2019) reported that Aboriginal and Torres Strait Islander children in 2017–18 were eight times more likely to have received child protection services than non-Aboriginal and Torres Strait Islander children. Notifications of suspected child maltreatment of Aboriginal and Torres Strait Islander children were substantiated<sup>1</sup> at a rate seven times higher than non-Aboriginal and Torres Strait Islander children and the rate at which Aboriginal and Torres Strait Islander children were placed on care and protection orders was 10 times higher for Aboriginal and Torres Strait Islander than non-Aboriginal and Torres Strait Islander children. Aboriginal and Torres Strait Islander children were placed in out-of-

home care at a rate 11 times higher than non-Aboriginal and Torres Strait Islander children and a third (35%) of these children in out of home care were placed with non-Aboriginal and Torres Strait Islander caregivers or in non-Aboriginal and Torres Strait Islander residential care (Australian Institute of Health and Welfare, 2019).

In this paper we entertain the possibility that Aboriginal and Torres Strait Islander children may be inappropriately placed in out of home care as a consequence of how decisions are made in the context of child protection. Specifically, we argue that it is plausible that at least a proportion of the decisions made are false positive errors—the removal of Aboriginal and Torres Strait Islander children from families who are providing an adequately safe and nurturing environment. While difficult to establish, reflecting on the *possibility* that false positive errors are made when assessing Aboriginal and Torres Strait Islander families has the potential to highlight areas of potential concern that could be subjected to empirical research and has implications for practice. In the first section of the paper we draw on the Decision Making Ecology framework (Baumann, Dalgleish, Fluke, & Kern, 2011) to guide thinking around a range of factors that could lead to false positive errors. In the second section we discuss the implications for practice.

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<sup>1</sup> A substantiation is the conclusion following an investigation that there is reasonable cause to believe that a child had been, was being, or was likely to be, abused, neglected, or otherwise harmed, or where children have been abandoned by their parents or the parents are deceased (AIHW, 2019).

## 2. Decision making in child protection

The Decision Making Ecology (Baumann et al., 2011) provides a framework for understanding child protection decision making. This framework distinguishes two stages of the decision making process. In the first stage, a judgement is made on the likelihood a child will be harmed by their family. This may include a judgement of the level of risk in relation to the immediate safety or the level of concern regarding the capacity of the family to meet the longer term needs of the child (Baumann et al., 2011). In the second stage a decision threshold is applied in order to make a decision on a specific course of action. A decision threshold is the line in the sand over which the child is perceived to be at unacceptable risk of harm justifying a specific course of action, and below which the risk to the child is perceived to be low enough that the course of action is not warranted. A positive decision (e.g., a child be removed from their family) will be made when the perceived level of risk exceeds the decision threshold. The distinction between the estimation of risk and the application of a decision threshold is important as it suggests two broad causes of false positive errors. Specifically, false positive errors can occur if (1) the level of risk<sup>2</sup> is inaccurately judged to be higher than is actually is, or (2) the decision threshold applied is too low (a relatively low level of risk is deemed sufficient to decide the child should be removed from their family).

The Decision Making Ecology makes clear that a judgment is an assessment of the current functioning of a family based on the information that is currently available (Baumann et al., 2011; Dettlaff et al., 2011). On the other hand, decision thresholds are influenced by factors unrelated to the functioning of the family under investigation. Factors that can act to raise or lower decision thresholds include attitudes and opinions of decision makers (individual practitioners or teams), organisational policies and procedures and wider societal influences such as government policy and media attention on the child protection system (Munro, 2005).

Below we consider factors that could potentially influence judgements of risk and decision thresholds in the context of child protection decisions involving Aboriginal and Torres Strait Islander families. First, we consider factors that could lead decision makers to have concerns about Aboriginal and Torres Strait Islander families that are greater than they need to be (i.e., inappropriately high judgements of risk or inflated concerns about the family in the first step of the decision making process). We then consider factors that may lead decision makers to apply a decision threshold that is lower than it needs to be when making decisions in relation to Aboriginal and Torres Strait Islander families.

### 3. Judgements of risk

In this section we consider factors that might elevate the perceived level of risk in Aboriginal and Torres Strait Islander families who are providing an adequately safe and nurturing family environment. These factors include problems with standardised risk assessment procedures, failure to appreciate cultural differences in child-rearing and applying non-Aboriginal and Torres Strait Islander standards of child rearing when assessing parenting capacity.

#### 3.1. Initial risk assessments

An initial assessment of risk focuses on the immediate safety of the child. Many jurisdictions around the world including Australia have adopted Structured Decision Making (SDM) tools to assist in assessing a child's immediate safety (Barlow, Fisher, & Jones, 2012). SDM tools

<sup>2</sup> We use the term 'level of risk' for the sake of argument. The same argument applies to judgements in relation to the 'level of concern' or 'extent of problems in the family' and so on.

were developed to help practitioners prioritise services to children on the grounds that specific risk factors are statistically associated with a greater risk of child maltreatment. Importantly, the tools are heavily loaded with items measuring historical risk factors which by definition, can never change. Items include a history of substance misuse, prior child protection involvement, and past incarceration of a parent.

When the presence of an historical risk factor is present, but not a current problem, SDM tools will over-estimate risk and increase the possibility of a false positive error. For example, a history of substance misuse will increase the risk score even if the parent has not misused substances for 10 years and is assessed to be low risk for relapse. Similarly, prior involvement with the child protection system elevates the estimate of risk regardless of how the family is currently functioning. This is a particular disadvantage for Aboriginal and Torres Strait Islander families who have a higher rate of involvement in the child protection system (Australian Institute of Health and Welfare, 2019). A further SDM risk factor that is biased against Aboriginal and Torres Strait Islander families is a history of incarceration. Aboriginal and Torres Strait Islander people are arrested and incarcerated at a higher rate than non-Aboriginal and Torres Strait Islander people (Australian Law Reform Commission, 2017). However, this involvement with the justice system can be a socially determined consequence of systemic discrimination (e.g., incarceration resulting from non-payment of fines as a result of living under the poverty line; see Dowell, Preen, & Segal, 2017). In this situation, the 'risk factor' as measured by the SDM system will have little or nothing to do with parenting capacity (Allen & Abresch, 2018; Joy & Beddoe, 2019).

In recognition that algorithms used in SDM systems can lead to erroneous estimates of risk (Camasso & Jagannathan, 2013), practitioners are able to apply professional judgement to 'over-ride' the estimates of risk calculated by the SDM algorithms (Barlow et al., 2012). In Queensland, the SDM system has been modified in an attempt to ensure cultural influences specifically related to Aboriginal and Torres Strait Islander families are taken into account using professional judgment. These modifications include acknowledgement of cultural differences in attitudes towards child independence, earlier age at which children take responsibility, cultural authority within kinship/clan groups, cultural responsibilities and the passing on of knowledge or skills (Queensland Government Department of Child Safety Youth and Women, 2019c). Taking these cultural factors into consideration is important but there are many other important cultural differences in Aboriginal and Torres Strait Islander child rearing that require a high level of cultural capability on the part of non-Aboriginal and Torres Strait Islander practitioners to appreciate (Featherstone, 2017). Further, there is little information on the extent to which these cultural nuances are actually taken into account in the context of child protection decision making involving Aboriginal and Torres Strait Islander families. Research involving qualitative analysis of rationales provided for over-rides would help determine whether over-rides lead to an increase or decrease in classifications of risk, whether the rate of over-rides vary between Aboriginal and Torres Strait Islander and non-Indigenous families, and whether cultural factors are indeed appropriately considered in making an over-ride.

Two final points on SDM tools are worth noting. First, the predictive validity of SDM tools are evaluated according to their success in predicting whether there is a recurrence of maltreatment (Coohey, Johnson, Renner, & Easton, 2013). To be considered culturally equitable, risk ratings based on SDM tools should predict subsequent recurrence similarly for Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander families. It is notable that Jenkins, Tilbury, Hayes, and Mazerolle (2018) found Aboriginal and Torres Strait Islander status was a stronger predictor of recurrence than a rating of 'high risk' on the SDM tool, raising concerns on the cultural appropriateness of SDM tools in Australia. Second, while SDM tools are most suited to assessing immediate risk of harm rather than the longer term needs of the family, the classification of risk can influence

subsequent thinking about a family. It is well documented that practitioners faced with the stress of high work load and pressure of time to make a decision may overlook relevant information about a family and search for information that confirms a prior judgement (Bartelink, van Yperen, ten Berge, de Kwaadsteniet, & Witteman, 2014; Munro, 1999; Roets & Van Hiel, 2007). Thus, when a SDM tool classifies a family as high risk based on historical risk factors a negative perception of the family can be created potentially influencing how professional judgement is applied in any subsequent assessment of the family, such as an assessment of parenting capacity.

### 3.2. Assessment of parenting capacity

Assessments of parenting capacity focus on the longer-term needs of children and the capacity of parents and family to meet those needs. An assessment of parenting capacity may be hindered by an inability to engage with Aboriginal and Torres Strait Islander families and failure to appreciate cultural differences in child rearing (see Byers, Kulitja, Lowell, & Kruske, 2012). Indeed, concerns have been raised that non-Aboriginal and Torres Strait Islander child protection workers can hold stereotyped views of Aboriginal and Torres Strait Islander families and lack cultural knowledge making them ill-equipped to conduct culturally informed assessments of Aboriginal and Torres Strait Islander families (Bessarab & Crawford, 2010; Ryan, 2011).

The key point to be made in this section that we discuss in more detail below, is that accurate judgements of risk and assessment of the needs of families should be based on thorough assessments that are guided by a theoretically sound and culturally informed framework of child development and family functioning.

## 4. Decision thresholds

As explained above, the second step of the decision-making process that can lead to false positive errors is applying a decision threshold that is too low. Below we consider factors that could lead to inappropriately low thresholds being applied in decisioning relating to Aboriginal and Torres Strait Islander children and their families.

Decision thresholds are influenced by many factors at the individual practitioner, organisational and governmental level (Munro, 2005), but these are generally fuelled by two competing motivations that have been conceptualised as two ends of a continuum (see Fluke, Corwin, Hollinshead, & Maher, 2016). One end of the continuum represents a motivation to keep children safe through removal from their family to ensure children do not remain in unsafe environments. This child safety orientation (or bias) is associated with a low decision threshold (less evidence that the child is at risk is needed to justify removal). The other end of the continuum represents a motivation to keep the child in the family. This family preservation orientation is driven by the belief that separation of children from their families, however brief, is traumatic and damaging and should be avoided whenever possible (see Morton, 2016). A family preservation orientation is associated with a high decision threshold (more evidence that the child is at risk is needed to justify removal).

Since the early days of colonisation, government policies in Australia have resulted in a high rate of removal of Aboriginal and Torres Strait Islander children from their families. In the language of the Decision Making Ecology a decision to remove children in the early stages of colonisation was driven by decision thresholds and had nothing to do with judgements of risk. During the era of assimilation Government policies were aimed at absorbing Aboriginal and Torres Strait Islander children with 'mixed-blood' into non-Aboriginal and Torres Strait Islander society and eliminate their Aboriginal and Torres Strait Islander identity. There was no requirement that evidence of maltreatment be established to justify removal (Human Rights and Equal Opportunity Commission, 1997). It was only in the 1940's that child welfare law was applied to Aboriginal and Torres Strait Islander

children, at which point, to justify removal, it was necessary to establish Aboriginal and Torres Strait Islander children were 'neglected', 'destitute' or 'uncontrollable'. This was not hard as Aboriginal and Torres Strait Islander families were not provided with financial support from the government at the time, and poverty was seen to be synonymous with neglect (Human Rights and Equal Opportunity Commission, 1997). Stereotyped views of Aboriginal and Torres Strait Islander families being unable to meet the needs of their children were prevalent resulting in an extreme child protection orientation. The actual level of risk children faced was irrelevant given the basic assumption that removal was in the best interests of Aboriginal and Torres Strait Islander children (Human Rights and Equal Opportunity Commission, 1997). Such extreme views take time to change and once engrained can linger, even if not explicitly expressed. The extent to which stereotyped views of Aboriginal and Torres Strait Islander families continue to influence decisions is unknown and an important topic for empirical research.

In recent times, concerns at the organisational level regarding the over-representation of Aboriginal and Torres Strait Islander children in the child protection system have put pressure on child protection systems in Australia to shift towards a family preservation orientation. For example, in the preamble of a 2013 report into the child protection system in Queensland (Queensland Child Protection Commission of Inquiry, 2013) the commissioner wrote "The risk-averse 'better safe than sorry' culture that has sprung up over the last 10 years has been only too evident during this inquiry. To children, a loved parent is much more than the worst thing the parent has ever done them: most children are better off being cared for haphazardly by a loved parent than in someone else's family or a state-run facility" (page xiii). While not specifically referring to Aboriginal and Torres Strait Islander families, it is an explicit statement recommending an organizational shift towards a family preservation orientation that would be expected to decrease the rate of removal of children of in Queensland.

If the change in policy was to shift decision thresholds, the result should have been a reduction in the rate of substantiated notifications and removal of children. Interestingly, since the publication of the report there has been a decrease in the rate of substantiations and little change in the rate of removal of non-Aboriginal and Torres Strait Islander children in Queensland. However, there has been a slight increase in the rate of both substantiations and removal of Aboriginal and Torres Strait Islander children (Queensland Government Department of Child Safety Youth and Women, 2019b, 2019a). One explanation for this disparity is that the change in government policy and practices resulted in the desired shift in decision thresholds towards family preservation for decisions involving non-Aboriginal and Torres Strait Islander families, but not for decisions involving Aboriginal and Torres Strait Islander families. Prior research suggests different thresholds have been applied to decisions based on ethnicity. In a study of decision making within the Department of Family and Protective Services in Texas, Rivaux et al. (2008) found that risk assessment scores were lower for Black children compared to White children. This was true for cases that were closed, referred for family support and cases in which the children were removed. Regression analyses found that race predicted decisions to provide services or remove children even when controlling for level of assessed risk and poverty. Specifically, families of White children were more likely to be referred to family support services while children of Black families were more likely to be removed. The authors drawing on the Decision Making Ecology model argued that it was not a cultural bias in assessing risk that led to the higher rate of Black children being removed, but rather a difference in the decision thresholds being applied in the decision making process. The authors speculated that removal was seen to be the only choice as family support services were not available in Black communities. It seems likely that perceiving removal to be the only option, which had the effect of lowering the decision threshold for Black families, may well have resulted in false positive errors. Whether there are similar factors operating in Australia that drive decision makers to adopt a lower decision

threshold when making decisions involving Aboriginal and Torres Strait Islander families compared to decisions involving non-Aboriginal and Torres Strait Islander families is an important focus for future research.

## 5. Decision making and uncertainty

The distinction between the two steps of the decision making process (judgements of risk and applying a decision threshold) has been highlighted so far to make the point that each is influenced by a different set of factors. Understanding this leads to the suggestion that research would be helpful in better understanding how these various factors operate to influence judgements and decision thresholds. However, the distinction is important in making another important point. Specifically, that the distinction is of greatest importance when there is a high level of uncertainty in the judgement used to make a decision. When there is complete certainty in a judgement, decision thresholds have little influence. To explain, consider that judgements are based on the information that is available about a family. In practice there may be insufficient information available to feel confident a decision can be made with a reasonable level of certainty. It is not unusual to perceive a level of risk but also observe strengths in the family. Under these conditions the estimated level of risk will not be clearly high or low. The Decision Making Ecology informs us that under these conditions of uncertainty (moderate risk), it is quite possible a judgement will not exceed the high decision threshold of a decision maker who has a family preservation orientation, or the low decision threshold associated with a child preservation orientation. Thus, for a moderate level of risk, the decision threshold held by the decision maker will determine the decided course of action rather than the judgement of risk. On the other hand, when risk is clearly very high or very low, the level of risk is likely to fall above or below any decision threshold. To illustrate, consider a situation in which there was clear evidence a child was at high risk of harm. Further, that any improvement in family functioning was assessed to be extremely unlikely. The judgement that the level of risk is very high would likely exceed even the decision threshold of a decision maker with a strong family preservation bias, leading to agreement that removal is the most appropriate course of action.

The implication for practice is that assessments should be sufficiently thorough to ensure a high level of certainty that the *judgement* is correct. Unfortunately, it is well documented that child protection practitioners vary greatly in how they make sense of information that is available and can be overly confident that their appraisal of a family's situation is correct (Benbenishty et al., 2015; Spratt, Devaney, & Hayes, 2015). Research has also found that cognitive heuristics can be used to fill in gaps in knowledge, artificially raising confidence that a correct decision is being made when insufficient information is available (Enosh & Bayer-Topilsky, 2015; Munro, 1999). This can be compounded if a group of decisions makers (incorrectly) agree on the level of risk, the consensus creating an apparent, but false sense of certainty (Aspinall & Cooke, 2013). In the case of Aboriginal and Torres Strait Islander families, a lack of cultural knowledge may also lead to inappropriate interpretation of information. Thus, there a need for a framework to guide how the information obtained during the course of an assessment can lead to accurate, unbiased and culturally informed decisions.

## 6. Culturally informed judgements and decisions in child protection

A recommendation of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, Bringing Them Home Report (Human Rights and Equal Opportunity Commission, 1997) was that all levels of child protection decision-making in relation to Aboriginal and Torres Strait Islander children be transferred to Aboriginal and Torres Strait Islander communities. This

recommendation was to ensure assessments were culturally informed and culturally safe. While the recommendation has not been adopted in Australia, state Governments have made attempts to involve the Aboriginal and Torres Strait Islander community in decision making. For example, in Queensland Section 5C of the Child Protection Reform Amendment Act 2017 include the principles that Aboriginal and Torres Strait Islander people have the right to self-determination and that the long-term effect of a decision on the child's identity and connection with the child's family and community must be taken into account. Further that five 'child placement principles' are applied in relation to Aboriginal and Torres Strait Islander children. The goal of these principles is to ensure the enhancement and preservation of Aboriginal and Torres Strait Islander children's connection to family and community and sense of identity and culture. The Act also includes the principle that an independent Aboriginal or Torres Strait Islander entity should facilitate the participation of the child and the child's family through the decision-making process. In 2017 The Queensland Government introduced the Our Way strategy to address the overrepresentation of Indigenous Australian children in the child protection system (Department of Communities, 2017) and is trialling community lead initiatives as part of this. One example, the HALT collective aims to ensure decisions are culturally appropriate and that Aboriginal and Torres Strait Islander children stay connected with community and culture (Queensland Government Department of Child Safety Youth and Women, 2020). An early evaluation of the scheme found that 98% of 60 families referred were living with family members (Queensland Government Department of Child Safety Youth and Women, 2020).

While the ideal would be that Aboriginal and Torres Strait Islander community controlled services take the lead in all child protection matters involving Aboriginal and Torres Strait Islander families, in practice the majority of professionals involved in child protection decision making in Australia are non-Indigenous (see Bennett, 2015). There is a clear need that this workforce has a high level of cultural capability to work effectively with Aboriginal and Torres Strait Islander families. Unfortunately, research has found non-Indigenous social workers feel ill-equipped and lack confidence in their ability to work with Aboriginal and Torres Strait Islander families (Bennett, Redfern, & Zubrzycki, 2018; Gair, 2017). Duthie et al. (2014) raised the concern that social work practice focuses on individualistic values, pathology, and solutions as opposed to a collective perspective. They suggest that if Aboriginal and Torres Strait Islander issues and knowledge is marginalised in social work education, there is the possibility Aboriginal and Torres Strait Islander issues would also be marginalised in practice. These arguments are true for other related disciplines. It was only in 2019 that the Australian Psychology Accreditation Council endorsed guidelines to ensure Aboriginal and Torres Strait Islander knowledges are embedded within undergraduate and postgraduate level psychology education (Dudgeon et al., 2016). It will take some years for these guidelines to be implemented and research is needed to evaluate the impact of the guidelines on student learning (Mills, Creedy, & West, 2018). In the meantime, non-Indigenous practitioners working in the child protection field require professional development opportunities to acquire cultural capability. A recent review of the literature on cultural competency training programs concluded that there was strong evidence programs could improve knowledge, attitudes, confidence and skills among health professionals, but there was little evidence available to determine whether these improvements translate into clinical practice (Jongen, McCalman, Bainbridge, & Clifford, 2018).

We suggest a further problem with 'cultural capability' training is that it is often offered as a special supplement with little attempt to show how the cultural training sits in relation to Western approaches. One solution would be to offer bi-cultural training.



## 7. A bi-cultural approach for working with Aboriginal and Torres Strait Islander families

In this section we suggest that an understanding Aboriginal and Torres Strait Islander models of SEWB and cultural differences in child rearing combined with a comprehensive framework for assessing families has the potential to improve judgements of risk, and therefore the potential to lower the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.

In Australia, a National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing was published with the aim of improving the mental health and social and emotional wellbeing (SEWB) outcomes for Aboriginal and Torres Strait Islander individuals, families and communities (Commonwealth of Australia, 2017). While acknowledging that Aboriginal and Torres Strait Islander people's understanding of SEWB varies between different cultural groups, the National Strategic Framework provides a model of social and emotional wellbeing that is generally applicable (Gee, Dudgeon, Schultz, Hart, & Kelly, 2014). The term 'social and emotional wellbeing' used in the model refers to the Aboriginal and Torres Strait Islander holistic concept of physical and mental health. SEWB is considered to be strengthened by a sense of connection to each of seven domains (body; mind and emotions; family and kin; community; culture; country; and spirituality and ancestors). SEWB is diminished when cultural connections are weak. Importantly, Gee et al. (2014) framework of SEWB recognises that historical and contemporary social determinants impact SEWB. Many of these determinants are the consequences of colonisation. Past and present government policies had the effect of disrupting connection to country, community and culture placing many Aboriginal and Torres Strait Islander people at a disadvantage in Australian society and lead to intergenerational trauma (Atkinson, 2002). A recent review of the out-of-home care system in New South Wales found that 'intergenerational trauma' was a key concept that permeated the report (Davis, 2019). Manifestations of intergenerational trauma include issues such as mental health problems, domestic violence and substance misuse. A key recommendation of the report was that intergenerational trauma should not be interpreted as abuse or neglect to justify removal of children, but as something that should be addressed with appropriate therapeutic support (Davis, 2019).

In addition to understanding the enduring impact of colonisation, it is essential that all parties involved in the assessment and decision making process involving Aboriginal and Torres Strait Islander families are aware of and take in account cultural differences in child rearing practices (Featherstone, 2017; Kruske, Belton, Wardaguga, & Narjic, 2012; Lohar, Butera, & Kennedy, 2014; Smith, Christie, Tari-Keresztes, Gupta, Stephens, Wallace, & Caton-Graham, 2020; SNAICC, 2011). A third (34%) of substantiated notifications for Indigenous children in Queensland were for neglect, compared to 20% for non-Indigenous children (Australian Institute of Health and Welfare, 2019). Whether the higher rate is related to failure to appreciate cultural differences in child rearing practices is unknown but has been suggested as possible contributing factor (Davis, 2019). SNAICC (2011) pointed out that Aboriginal families provide children with space and encouragement to explore and take risks as part of the process of developing responsibility, independent learning and life skills. However, this could be misconstrued as a failure to protect children from harm through a non-Indigenous lens. This was illustrated in an ethnographic study of well-functioning Indigenous families in which Featherstone (2017) observed in a home visit how the front yard of a family's house looked disorderly, with broken toys strewn around the yard. On the surface this might have looked potentially dangerous and indicate a lack of concern about what the children were playing with. When questioned, one parent said "there's still a use for broken toys; the yard may look like chaos and yet they are all still useable in some form.... let them have fun, be creative in how they make use of the toys'. For the parents the toys were a means

of promoting 'outside of the box' thinking, important for the development of creativity. The same family expressed joy and pride in seeing their two-year-old "flying down that hill with no back wheels on his scooter"—what they saw as an important part of developing the courage to confront challenges. The child had never suffered a serious injury. Similarly, Indigenous children are respected as members of a community who are encouraged to express their independent views and take on caring roles for siblings and other community members. Through a non-Indigenous lens that might be misconstrued as a failure to adequately discipline children because they don't appear to respond to the authority of adults, or that the children are neglected by parents because they are cared for by siblings (SNAICC, 2016).

In addition to acknowledging Aboriginal and Torres Strait Islander perspectives on SEWB, the impact of colonisation and cultural differences in child rearing, we suggest that it is important to examine how Aboriginal and Torres Strait Islander perspectives are different from, but overlap with the Western models of child development and family functioning taught as part of professional training. While we acknowledge assessments of Aboriginal and Torres Strait Islander children and families run the risk of over-estimating risk if not culturally informed, Western models of child and family functioning are not incompatible with the Aboriginal and Torres Strait Islander perspective. We discuss this below with reference to the Integrated Theoretical Framework, a framework for working with families that draws on attachment theory (Bowlby, 1982), the concept of emotional availability (Biringen, 2004), neurobiological models of stress and trauma (McEwen & Gianaros, 2010; Porges, 2011; Repetti, Robles, & Reynolds, 2011) and the ecological model of child development (Bronfenbrenner, 1979).

The Integrated Theoretical Framework (ITF) draws on empirical research demonstrating the quality of the parent-child relationship (Biringen, Derscheid, Vliegen, Closson, & Easterbrooks, 2014), parental expectations of the child (Young et al., 2018), providing a stimulating environment (Ronfani et al., 2015), routines (Fiese et al., 2002) and monitoring the child's safety, all have an important and direct influence on a child's development. From an ecological perspective, indirect influences are seen to have a significant impact on a family's functioning (financial stress, housing problems, the availability of childcare, opportunities for work and safety of the neighbourhood etc). If particularly stressful, these indirect influences can potentially erode the capacity of parents to be consistently sensitive and responsive to their children's needs, adhere to routines and monitor their children's safety. A comprehensive assessment of family functioning requires consideration both the direct parenting influences and the wider social ecological influences. However, it is also important to acknowledge that the negative influence of external adversity can be mitigated by the resourcefulness of the parents (e.g., capacity to regulate their emotional state, problem solve and engage with practical and emotional support). This is important to recognise as parent's living in adverse circumstances (e.g., low SES, deprived neighbourhood) may well be sufficiently resourceful to ensure a high quality parenting despite the adversity. A framework for assessing families that does not entertain the possibility that successful child outcomes are possible despite adversity runs the risk of equating poverty and other 'risk factors' with neglect.

What is common to the Aboriginal and Torres Strait Islander model of social and emotional wellbeing and the ITF is that wellbeing and parental functioning are seen to be influenced by historical and contemporary social determinants. Whereas the Aboriginal and Torres Strait Islander model of SEWB is concerned with how social determinants are detrimental to the mental and physical health of individuals, the ITF is concerned with their influence on parenting capacity. Further, both the Aboriginal and Torres Strait Islander model of SEWB and the ITF acknowledge the importance of an individual or parent's resourcefulness to cope with adversity. Resourcefulness as defined by the ITF (the parent's ability to manage their own emotional state, problem solving skills and availability of social support is common to all parents. The resourcefulness that comes from strong connections to

family, community, culture and country is unique to Aboriginal and Torres Strait Islander families.

## 8. Conclusion

Policies and procedures in child protection do not align well with Aboriginal and Torres Strait Islander approaches to child rearing and models of SEWB. In the assessment of parenting capacity cultural differences in child rearing practices can be ignored or misconstrued as 'risk factors'. Protective factors, such as connection to culture and community are not sufficiently appreciated. If non-Aboriginal and Torres Strait Islander practitioners are not sufficiently trained in cultural differences in child-rearing, Western models of parenting will be used, at least implicitly, to guide investigations when assessing Aboriginal and Torres Strait Islander families. This is particularly troubling if practitioners hold stereotyped views of Aboriginal and Torres Strait Islander families. The Decision-making Ecology model informs us that decisions made under conditions of uncertainty are prone to bias and that the only way to eliminate bias is to increase certainty through accurate assessments. We argue that a culturally informed framework to guide assessments of families is one strategy that has the potential to decrease the over-representation of Aboriginal and Torres Strait Islander families in the child protection system in Australia.

## Declaration of Competing Interest

PH is the co-developer of the Parents under Pressure (PuP) program. The PuP program is owned and disseminated by Griffith University. Proceeds from dissemination are distributed in accordance with Griffith University policy. Surplus funds from training contracts are used to support research activities associated with the PuP program. GF has no conflicts of interest to disclose.

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