NTCOSS Submission to the Inquiry into the Child Protection System in the Northern Territory 2010

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Dear Chair

Thank you for the opportunity to make a submission into the 'Inquiry Into The Child Protection System in the NT 2010'.

The Northern Territory Council of Social Service (NTCOSS) is a peak body for the social and community sector across the NT, and an advocate for low income and disadvantaged Territorians.

Introduction

Child protection systems across the country face complex and overwhelming levels of need, yet they are significantly under-resourced. Working in the care and protection system is difficult and draining for all involved. Staff must have multifaceted risk assessment and decision making capabilities – often in the context of tight time constraints and emotionally-charged family situations. The care and protection system comes into contact with families from all socio-economic and cultural backgrounds in the Northern Territory, however Aboriginal families are over-represented.

The Northern Territory context

The Northern Territory has a relatively small population dispersed across a large geographical area. Apart from the capital city and a handful of regional centres, it is characterized by a population which is largely scattered across isolated remote communities. Many of the Territory's most disadvantaged citizens are residents of remote or urban Indigenous communities which:

- Are geographically dispersed, isolated and subject to seasonal conditions
- Are lacking in basic infrastructure and services and support
- Have limited educational opportunities – especially post primary
- Have high comparative levels of socio-economic disadvantage; (Indigenous incomes are less than half that of non-Indigenous people in Alice Springs and barely a quarter the level of non-Indigenous people in the Central Remote region. Of the estimated $472.4m of personal income from mainstream employment[1] in the Alice Springs region, 5.4% goes to Indigenous employees[2])
- Have limited capacity to engage in social and economic development opportunities;
- Have a critical absence of affordable transport options,
- Experience high prices in relation to everyday goods and services such as groceries and fuel
- Have a youthful age profile[3].

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[1] Combination of the government sector and private

[2] Mitchell, J, Pearce ,R Stevens, M, Taylor, J and W Archivker, I (2005) Indigenous Populations and Resource Flows in Central Australia: A Social and Economic Baseline Profile: A report prepared by the Centre for Remote Health in conjunction with ATSIS and ANU, Centre for Remote Health, Alice Springs

[3] In the Central Australian region, by the year 2021 the projected relative Indigenous and non-Indigenous proportions will 42% and 58%. The overriding demographic characteristic of the Indigenous population in the region is the continuation of relatively high fertility and adult mortality leading to a perpetually youthful age profile with large numbers of children and young adults" ... In the 15-24 year age group, 65% of Indigenous people in Alice Springs are either classified as unemployed or not in the labour force, in Mitchell, J, et al (2005) Indigenous Populations and Resource Flows in Central Australia: A Social and Economic Baseline Profile:

- Experience historical and intergenerational trauma and grief related to loss of land, culture, language, family and rights. These factors contribute to perpetual social and economic disadvantage for many Aboriginal people.

The significant and growing migrant and refugee populations in the Northern Territory, add another layer of complexity to the child protection landscape because they bring different parenting styles, and may also be unaware of Australian laws.

There are massive resourcing and capacity issues facing the care and protection system. While these issues affect all socio-economic and cultural groups, NTCOSS contends that the system's capacity to provide appropriate responses for Indigenous people and for culturally and linguistically diverse (CALD) communities in the NT is further limited by geographic, linguistic and cultural complexities.

In this submission NTCOSS seeks to address a broad range of systemic issues facing the Northern Territory child protection system, which impact on all population groups. However, we may make reference to a number of issues which specifically impact on Aboriginal people, because this demographic is over-represented in the child protection system.

Recent government responses such as the 'Closing the Gap' campaign, the Northern Territory Emergency Response and the Working Future Strategy have acknowledged the chronic lack of infrastructure and support in remote communities, as well as some urban areas. These structural issues have contributed greatly to the ongoing circumstances of poor health and wellbeing experienced by many families and individuals across the NT, and children in particular.

Unfortunately much of the response to date has been to implement laws and policies that have had the effect of undermining the rights and protections of Aboriginal life and culture. There has been a striking absence in the debate of discussion about the strengths and abilities of Aboriginal families. Instead the tendency has been to reinforce stereotypes of dysfunction and inability. As a result strengths are not built upon, ability is undermined, and this diminishment contributes to disadvantage and increases safety risks for children and young people. There has been an historical inability for Western systems of service delivery to understand and respond to the cultural life of Aboriginal people.

The care and protection needs of children and young people in Aboriginal communities is largely related to poverty and disadvantage rather than culture. Exposure to violence and a lack of adequate food and shelter is a common experience for many children and young people. The pervasive nature of poverty, trauma and associated social issues such as alcohol abuse, gambling and violence, means that most Aboriginal communities and families in the Northern Territory are affected in some way. It is likely that there are many children and young people who can be assessed at being at risk of physical abuse or

neglect. It is also the case that there are never going to be enough safe alternative family placements to ensure that all children are free from risk. There are not enough kinship or mainstream placements to achieve this as an immediate response. Rather than focus on individual case needs, the creation 'communities of safety' must become the primary focus of child protection systems. This is the only way to achieve universal child safety in the long term.

ACOSS in their 2008 submission to "*Australia's Children: Safe and Well,* A national framework for protecting Australia's children discussion paper, argued that: there is a need to shift thinking beyond a focus exclusively on 'risk' to embrace both risk and need. In many cases, children will be both 'in need' at 'at risk' and the systems and services must be designed to respond effectively to all short and long term threats to child wellbeing

The Discussion Paper recognises that:
'In an optimally functioning system, the greatest investment would be in primary and secondary responses to help ensure that children and families are in healthy safe homes and are not exposed to the risks of abuse and neglect.' [4]

We must accept that currently there are children in our communities that are living in unsafe situations, and that there is not a system in place that can protect them. How we assess need, and respond to their risk is the critical question for this inquiry.

Against this backdrop, the NT Child Protection system has struggled for many years to cope with the workload pressures of placed on it. The socio-economic context, the geographic and demographic context, poor cultural knowledge, and poor procedures and practices within the NT Child protection system have resulted in the following consequences:

- Failure to adhere to existing policies
- Lack of case planning
- Very high staff turnover, which when combined with lack of case planning, leads to discontinuities in cases and at best ad hoc decision making
- Rushed decision making by case workers without time to consult other parties to the case such as extended families, foster carers, schools etc
- Failure to focus on the needs of the child in the rush to get to the next case
- Breakdown of relations with Indigenous and other NGO's, schools and foster carers.
- At times the Aboriginal child placement principles get blamed for poor placements, when the real culprit is poor decision making
- Removal of children when risk is low due to poor cross cultural work
- Lack of action for children and young people at high risk
- Removal of children who have other safe family care alternatives
- Disconnection from family, community, country and identity for many children
- Lack of action for children at high risk

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[4] ACOSS, "*Australia's Children: Safe and Well,* A national framework for protecting Australia's children, 2008

- Exposing children to risk through inappropriate placements –

- Detention (secure care) of young people as a result of inadequate systems responses. Children, young people and their families experiencing intergenerational system abuse, neglect and risk.

Case Management

Concerns have been highlighted to NTCOSS over many years about NTFC case-management practices, where there is a perception that bureaucratic processes can take precedence over addressing the specific needs of children in care. A 'continuum of care' is crucial if education, child care, respite and accommodation needs of children are to be addressed in an orderly manner. Effective child protection requires building partnerships with local organisations using a strengths-based approach.

Example of an Interagency Response in Alice Springs

In 2001 a range of agencies came together to form the Child Welfare Coalition in response to ongoing difficulties in their working relationship with FACS. The Coalition and FACS formed the FACS/Child Welfare Coalition Reference Group. The group developed the Protocols between NT Family and Children's Services (FACS) and Central Australian Community Organisations. The protocol was developed in 2003. In 2006 the protocol was revisited by all parties due to its lack of use. Following months of workshops involving all stakeholders, the Protocol was revitalised with Guidelines for Protocol Implementation. The protocol provides a platform for engagement between the statutory body, FACS, and a number of agencies working at the front line with children and young people requiring care and protection. The protocol guidelines included a commitment of training and review for all signatories.

While practice improved in the short term, evidence suggests that FACS should have paid more attention to introducing standard training and review procedures internally. Staff turnover within NTFC (FACS) has continued, and there has been a lack of commitment within the system to use the protocol and support its practice in the sector.

The non-Government sector has continued to be frustrated by the lack of Joint Case Management with NTFC.

Remote Out of Home Care

Concerns have long been raised about the limited capacity of out-of-home-care teams to service remote communities. Recurrent funding is needed to employ staff to work with families in a more intensive way to address the lack of support for families with young children in these locations. The lack of access to child care, transport, and respite services is of great concern.

NTCOSS notes that there are now a number of Remote Aboriginal Family and Community Workers based on particular communities who are a culturally appropriate liaison and linkage point between the child-protection system, support services, Indigenous families and communities. NTCOSS encourages expansion of this approach across all areas of the NT

Lack of Support Services
Organsiations have continually highlighted that many families with significant support needs – in remote (especially) and urban areas - have limited access to services. Unless children have met specific criteria for support – i.e. high risk and were therefore not in the child protection system, support needs may not be addressed. More services are needed to build capacity in the sector and provide assistance to all families with identified support needs

In remote communities child health services need to be made available on a daily basis. Often the only support families have on a remote community is a health clinic, which is unable to provide a holistic response to social issues, nor offer family support. National data reveals that Indigenous children are five times more likely than non-Indigenous children to be the subject of a child abuse or neglect substantiation, seven times as likely to be on a care and protection order, and eight times more likely to be in out-of home care.

At the same time, Indigenous children are under-represented in early childhood education and care services. In the NT, while Aboriginal children comprise 41.4% of the population, they represent only 9.8% of children who attend child care services.[5]This lack of services often means that removal of children may be the only viable option. This is a significant issue of equity, and demands better service provision for remote communities. The fostercare system is at bursting point, and has limited capacity to provide out of home care for an increasing number of children. Resources must be put into remote communities, in particular, so that appropriate support mechanisms can be offered to families, so that removal is truly the last option – not the only option.

Conflicts of Interest
There are a range of conflicting interests within the system that require resolution.

The statutory authority of NTFC often undermines the responsibility for care and protection. NTFC workers who are taking measures to 'remove' children from their family homes, also operates as case workers. These two roles come into conflict and can be confusing for children and young people, who are often traumatized by removal even if this is considered in their best interest.

NTFC staff often assume primary case management roles with children and young people. During assessment of risk, making of applications to court and attempting to meet the care interest of children, NTFC workers often exclude NGO staff who have worked

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[5] OECD, *Starting Strong II* at 269.

with these young people for lengthy periods. NTFC staff cite reasons of confidentiality for this exclusion.

NTFC staff are under great pressure to meet their statutory requirements which include legal work, assessment, placement, and care. It is often the 'care' which is forgotten and the ability to act as a responsible and caring 'parent' is not possible.

NTFC staff may find themselves in the situation of working with young people, instituting the legal processes of removal, monitoring behaviour, and 'policing' care conditions, as well as being the case worker for care and need.

The current appointment of private legal firms as child advocates appears to be failing to protect the interests of children. It is often the case that these representatives are taking their advice only from NTFC, and failing to engage with and take instruction adequately from the young person, child or family. On many occasions children and young people are unaware that they have a legal advocate, and may not have met them prior to attending court. Few young people and families understand their legal rights in these matters. It also appears that the court is accepting NTFC applications without adequate consideration from other stakeholders.

NGO workers cite repeated examples of referring a child at risk to NTFC, and then not being included in the assessment process. NGO workers often work from a family based approach have a strong understanding of, and relationship with, children and young people. Their experience is extensive and they can provide sound assessment on situations of risk. They are also able to provide valuable information regarding previous case work, extended family care options, and the needs of the family if a safe environment is to be achieved. The intelligence and experience of NGO workers is too often excluded, meaning that assessment and case work after children are taken into care is limited, and often inadequate. There is unnecessary duplication of work and NTFC workers who are already suffering from too many referrals, are adding a layer of work that can and should be primarily informed by NGOs. The failure to use NGOs as key informants means that information and service delivery is fractured, and children and families suffer from systems abuse with confusion of roles, and lack of coordinated services.

Aboriginal Child Placement Principle
NTCOSS would be concerned about any diminution of the Aboriginal Child Placement Principle.

At no time should a child's safety be placed at risk. The ACPP provides a clear process of assessment that should be followed to ensure that a child is removed from their immediate family and cultural life only as a last resort. The principle acknowledges that in some cases this may lead to a placement with a non-Aboriginal carer, and provides direction regarding the maintenance of cultural life. The principle is fundamental to protecting the best interests of the child. It is nationally and internationally recognised that children have the right to be raised in their own culture. This right is the basis of future well being, identity, place and belonging. The ACPP allows for children, who have no safe cultural placement options to be placed in the care of non-Indigenous peoples. If children in the Northern Territory have been placed in unsafe placements within culture, then this is a result of poor assessment and monitoring by FACS staff. The ACPP should always be exercised in the context of the safety of the child, and any deviation from this should not be blamed on the ACPP, but rather on the systemic problems.

There is also risk to children where they may have been unnecessarily removed to non-Indigenous families when there have been safe kinship placements available.

The Aboriginal Child Placement Principle should be maintained as fundamental best practice. Underlying this is the core system principle, to ensure the care and protection of children and young people.

Child Protection Systems
An approach to child protection and child wellbeing needs to involve all aspects of the child's life including family, housing, education, social activities and so on. When a child protection system takes decision making out of the hands of parents or family, then the system takes to itself the role and responsibilities of parent and family.

Physical safety is not enough. The child protection system needs to be a model "Parent/Family": consistent, caring, nurturing, supportive, patient, gentle and understanding, through all of the trials and traumas of a child in care.

The Child Protection system is a responsibility of government, NGO's and the community. The future service platform must ensure all stakeholders are equally recognized in regard to roles, abilities, limitation and responsibilities.

Over the past 15 years, many government services have been devolved to the NGO sector. The area of children and family services includes a range of government and NGO bodies. The care and protection of children is in practice everyone's professional responsibility. While services have been devolved, levels of funding, resources and authority to act have not been devolved to allow for effective system responses. Bureaucratic obstacles limit the role of NGOs, and the fears that come with being

statutorily responsible often create systemic barriers that result in greater risks to children.

The child protection system must be resourced adequately to ensure it can take a proactive approach to child and family wellbeing, and not just a reactive approach when dangers exist.

There is general consensus that the NT system is chronically under-resourced and struggling with the high demands placed on it across a vast geographical area, and effectively requires a major rebuild. Given this, the NT is has a window of opportunity to choose the best system for the NT, and learn lessons from the evidence base available from other countries and jurisdictions.

The current system is based on the individual, and is a deficit model. A family strength based model is required.

An international perspective
The University of Glasgow Centre for the Child and Society conducted a seminar "International Perspectives for Child Protection" (March 2002) and reported the following contrasts in child protection systems:

Table 1. Contrasts in Welfare State and child protection systems

BROAD TYPE OF SYSTEM	UK-North American-Australian	Continental West European
COUNTRIES COVERED AT THE SEMINAR	Australia, Canada, Scotland, England	Belgium, Sweden, France, Germany
TYPE OF WELFARE STATE	Tendency to residual and selective provision	Tendency to comprehensive and universal provision
TYPE OF CHILD PROTECTION SYSTEM	Separated from family support services	Embedded within and normalized by broad child welfare or public health services
ORIENTATION TO CHILDREN AND FAMALIES	Emphasis on individual children's rights. Professionals' primary responsibility is for the child's welfare	Emphasis on family unity. Professionals usually work with the family as a whole
BASIS OF THE SERVICE	Investigating risk in order to formulate child safety plans	Supportive or therapeutic responses to meeting needs or resolving problems

COVERAGE	Resources are concentrated on families where risks of (re-)abuse are immediate and high	Resources are available to more families at an earlier stage

The differences between the two types of systems are starkly obvious: "Legal, bureaucratic, investigative, and adversarial" in the UK, North America and Australia, but "voluntary, flexible, solution-focused, and collaborative" in continental Western Europe: "child safety" vs. "meeting needs" and "individual children's rights" vs. "family unity".

There was broad support for the view that the most important thing is to be clear about the values and principles that should underpin services in dealing with child abuse and neglect.

Of the two alternative approaches discussed at the seminar, the UK/North American/Australian approach was considered to have more disadvantages than advantages, whereas the Western European approach was reviewed positively.

Family Group Conferencing
Closer to home, New Zealand in 1989 adopted a family based, comprehensive and collaborative approach to child protection. A key element of the New Zealand system is mandatory Family Group Conferencing (FGC).

FGC includes all parties relevant to the case and the family's circumstances, and it is the specific and sole role of a group of public servants to ensure that all parties are represented. This is not limited to family and child protection workers – it might include extended family, friends, foster carers, police, schools, case workers and so on.

The decisions made mutually and collectively by FGC are binding on the courts and government, and must be funded. This is recognition that government representatives participate in the FGC, but that the collective wisdom prevails. It also means that all parties have come to a common view and take ownership and responsibility for their role in the agreed way forward.

Another important aspect of the FGC is that all family issues are included in FGC, not just the safety of the child. This would include health, disability, domestic violence, substance abuse, family breakdown, the circumstances of siblings etc.

FGC has the advantages of having full input to and acceptance of case planning, early consideration of all aspects by the family's situation (as identified by the family and friends, not as gleaned by case workers who might or might not have an understanding of the family dynamic), continuity of strategies unless cleared by subsequent FGC, spreading of the onus of decision making, and adequacy of resources provision.

None of these characteristics are evident in the NT system, and the comparative inefficiencies exacerbate the lack of resources provided to the NT system

New Zealand and the NT both have a high Indigenous population which is over-represented in the child care system. The difference is that New Zealand has proactively involved families in an holistic and integrated system, whereas the NT only has the tokenism of the Aboriginal Placement Principle in an otherwise totally reactive system.

Tangentyere Council – Safe Families Program
Even closer to home, Tangentyere Council in Alice Springs has developed its Safe Families Program which works from a 'family strengths' based model. Safe Families was developed to respond beyond crisis and to ensure long term solutions for children and families.

The three components of service provision are:

1. **Family Support and Outreach**
   Family Support provides culturally informed interventions for children and families identified as being at risk of family breakdown due to violence. The aim is to enhance skills of families to succeed in staying together as a family.

2. **Children's Safe House**
   Provides a safe environment for young people escaping family violence. The Safe House provides short term accommodation and care for six young people aged between seven to fourteen years in collaboration with other agencies where necessary to identify appropriate carers from the child's family and community through culturally informed case management.

3. **Families Safe Houses**
   This provides a safe environment in Alice Springs for families escaping family violence. It caters for a minimum of six families per year who have been made homeless through family violence. The aim is to work with the families to assist them in staying together in safe, stable and independent accommodation.

The model was developed following consultations and workshops with local Indigenous leaders, community groups and service providers. It is characterised by the employment of local Aboriginal people, (i.e. the aunties and uncles of the young people cared for), which enables local cultural authority to be exercised in an appropriate manner through the program.

Existing Indigenous social structures of care underpin the Safe Families model. The need to support families (immediate and extended) to provide adequate care to young people, was a priority. Safe accommodation was only one of the services needed in the short term, with longer term work being undertaken with families.

Safe Families is both crisis and preventative. It is a family-based integrated service response and includes:

- Early intervention via case management with families residing in transitional housing which includes return or transition to safe accommodation
- Family placements – where youth in crisis are placed in a stable environment with extended family where possible
- Crisis accommodation and intensive case management with young people residing in crisis accommodation
- Comprehensive Case Management – with young person and family
- Family mapping assessment
- Family oriented response methods.

The service model was developed to support existing kinship care arrangements within the community without the need to engage the formal child protection system. Identified 'safe houses' were targeted for support (i.e. grandmothers currently supporting children at risk but requiring basic assistance with food and bedding and support). Young people in need of crisis accommodation are catered for in the safe house, with Indigenous carers providing a cultural care context and activities. Family houses are also part of the program, to support families of children at risk of violence and homelessness. This medium term accommodation includes living skills support.

Safe Families was established to work with the formal NT child protection system as an Aboriginal driven alternative, as well as a community care system that people could access without the need to enter the formal system.

Lessons from elsewhere in Australia
The Victorian Department of Human Services report, *An Integrated Strategy for Child Protection and Placement Services* highlighted the ineffectiveness of the current child protection system in responding to the complex and chronic nature of the problems experienced by some families. It noted that too many children, young people and families had repeat involvement with the child protection system, indicating that the system was not addressing underlying issues or preventing further abuse and neglect. Many families are offered only limited interventions through the child protection system, which is crisis and incident driven, with no sustainable positive change resulting from their interaction with the system.[6]

The report concluded that many families needed more sustained and less intrusive support than the current child protection system response was capable of providing. It highlighted the need for strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system. The Report recommended that:

'A longer term case management approach could be more appropriate for many families as a model of assistance rather than an investigative approach aimed at

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[6] Victorian Department of Human Services, Community Care Division, *An Integrated Strategy for Child Protection and Placement Services,* September 2002

brief intervention and closure. A danger with [the latter] approach is that over time, these families may become higher risk due both to the chronic nature of their problems, and to the fact that opportunities are missed early on to provide positive assistance that can prevent further significant problems in the future. In addition to the question of appropriateness and effectiveness of services for these lower risk children and families, there are concerns regarding the long term outcomes for this group of children.[7]

Multicultural issues in Child Protection
In addition, there are particular issues for members of the multicultural community – where there are reports of a culture of fear amongst families that their children will be taken away. There is a need for a counterpart to the Aboriginal Placement Principle for the multicultural community

Under spending of funding

Each year the Commonwealth Grants Commission assesses the financial capacity and needs of each State and Territory, in each of a number of categories of income and expenditure. Its objective is to establish the funds needed for equal service delivery across Australia, assuming an equal starting point, after allowing for respective cost factors. The CGC assessment becomes the actual funds distributed by the Commonwealth under the GST Revenue sharing agreement.

The assessments in recent years and the corresponding expenditure reported by the NT in relation to Child & Family Services have been:

	Assessment (Funds provided By the Commonwealth)	Actual NT Expenditure	
2007/08	$216.840 M	$71.963M	33%
2006/07	$180.628M	$45.649M	25%
2005/06	$160.084M	$43.803M	27%
2004/05	$135.633M	$42.997M	32%
2003/04	$116.294M	$38.006M	33%

This pattern of under spending is also evident in earlier years. It is clear that the primary cause of the breakdown in the NT child Protection System is the massive under provision of necessary funds.

As a comparison, spending on culture and recreation in 2007/08 was $79.294M; the CGC assessment (funds provided) was $46.456M i.e. Sport and recreation spending is 70% more than the CGC assessment, while the Family and Children's Services spending is 67% less than the assessment. This is most concerning.

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[7] Victorian Department of Human Services, Community Care Division, *An Integrated Strategy for Child Protection and Placement Services,* September 2002

If an adequate system is to be re-established in the NT, then significantly increased resources will be required. Given the extent of under-funding in past years, we believe an annual amount at the least equal to the CGC assessment is required.

Notwithstanding that FACS staff have operated in seriously under-resourced circumstances, deficient practices have been allowed to develop and continue for many years. Therefore, significant additional resources will be needed to retrain staff to the new standards adopted.

Government and NGO's – A partnership approach
Child protection is not just the business of the NT Families and Children, but is a whole of community responsibility. Presently there are massive service gaps which impact on the system's ability to respond to child protection concerns and the general wellbeing of children families. In order to ensure an effective collective response to child protection and child wellbeing, there must be complete co-operation between the Government response, the non-Government sector as well as the community at large.

Unfortunately, given the high demands placed on both Government and non-Government organisations in this area, responses often occur independently. Some measures are in place to ensure a more coordinated approach in some regional areas (e.g. the NTFC Interagency Protocols which operate in Alice Springs). However, there needs to be much greater resourcing of the relationship between NTFC and NGO's. This will ensure that all can play a more effective role, particularly in enabling active case management to take place – which must be resourced adequately. In addition there needs to be validation of an equal relationship for all parties, rather than the 'sponsor'/'subservient' role which appears to exist.

There may be new possibilities available through a partnership approach which enable NTFC to more effectively carry out its core business, and have other organsiations/services resourced to take on new roles. For example, significant resources are expended by Placement Support Teams, which might be better placed with NGO's. See also discussion below regarding Children in Out of Home Care maintaining family contact. NTCOSS supports discussions between the NT Government and the NGO sector in relation to what role the NGO sector can play at each stage of the case and protection process.

Children in Out of Home Care
There are a large number of children in out of home care (200 in Central Australia alone establishing an appropriate placement for a child who requires out of home care is a critical part of the role of NTFC. Once successfully placed, often there seems be a sense that the job of NTFC is completed.

However, if we are taking a holistic, child wellbeing approach to the care and protection of children, then a successful placement may be just the beginning. More effort needs to

go into care plans and cultural care plans – with some argument that cultural care planning should be an integral part of any care plan (no matter what culture) rather than a separate plan. It appears that cultural care plans are not put in place for all children who require them, and a new approach is urgently required.

There is also the issue of some children experiencing a high number of placements. However if the 'system' becomes a child's parent, when a child is placed in the care of the Minister, then the 'system' must be more consistent and caring. Otherwise there is a real risk of systems abuse. Early and consistent decisions are required, as well as regular and ongoing case planning. There must also be much greater efforts to use informal networks and local Indigenous organsiations, as early as possible to help identify key family members and other stakeholders, and potential alternative carers for the children under investigation or in need of care. (see reference to the New Zealand model)

Rather than there being a case plan and a separate cultural care plan, we believe there should only be a case plan, which incorporates all aspects of the child's life. Namely, health, safety, housing, disability (if applicable), social development, cultural development, psychological development, education, recreation, reunification, family contact, siblings, other special factors, ongoing processes and the roles and responsibilities of all the parties.

Reunification
Where reunification is expected or desired, planning for this must occur from day one in the child protection process, and not be something which is left until later on, or when family members or organisations advocate for reunification processes to get underway as "research indicates that there is an inverse correlation between the length of time in foster care and the chances of a successful reunification."[8]

Far too many children in the Northern Territory have been in long term foster placements (e.g. of two years or more) where reunification could be possible, but where no plans have been put in place

In addition, strategies and supports must be put in place to address the variables which have been found to significantly differentiate between failed and successful reunifications. This includes factors such as "parental utilisation of substance abuse treatment, child utilisation of special educational services, child utilisation of individual, family, or group therapy, overall parenting skill level, appropriate use of discipline, and quality of neighborhood." [9]

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[8] Intensive Foster Care Reunification Programs, By Ariel Ahart, Ruth Bruer, Carolyn Rutsch, Richard Schmidt, and Susan Zaro., Macro International, Inc.1992

[9] Trouble on the journey home: Reunification failures in foster care, Miller K & co, 2005

It is critical that children in 'out of home care', where safe and appropriate, have ongoing and consistent contact with their parents/caregivers and other family members. This role currently rests with NTFC, but given significant resource constraints is not able to occur for all children in a timely and consistent manner. There are clearly some staff, resourcing and travel, geographic and time constraints – yet ongoing contact with family is extremely important for retention of language and culture and for self identity and a sense of belonging and for creating healthy and whole young people and adults.

The maintenance of family links should be resourced appropriately. It appears that the department currently lacks sufficient personnel to make this happen in an efficient and timely manner. Consideration of a different model is required. This process should be not be ad hoc, dependent on the advocacy skills of a family member, or the persistence of a foster carer. It should be an integral part of all case planning if we are truly concerned about child wellbeing in the broadest sense.

In addition, there needs to be greater attention to providing families with appropriate options for support (such as family support and assistance with substance misuse issues), so that they are supported in attempts to improve their lives and be in a position to resume care of their children where safe and appropriate, or to better maintain contact with their children.

Providing family contact visits can be time consuming and resource intensive, especially if supervised access is required. However to increase the likelihood of children and young people being well adjusted when they exit the NTFC or foster care system, family contact - where safe – is vital.

More thought also needs to go into supporting shared care arrangements where risk issues are addressed, which might allow a child to spend more regular and consistent time (including overnight) with family, where permanent long-term care by family may be not be possible. This may involve a new approach and be challenging for both the department and foster carers and support services – but may ensure the best interests of the child are actually catered to in reality.

In order to ensure appropriate resources are out into the reunification process, NTCOSS supports the development of a specific team in each region, just to work on reunification issues. As part of this, it would seem essential that workers in such teams do not carry day to day care and protection caseloads, so they are free to just focus on reunifications.

Support needs and planning for young people leaving care

Young people exiting care often experience homelessness and problems adjusting to independent living. While additional funding packages have become available in recent years, clear planning processes must be in place and appropriate supports to assist young people in the transition to independent living. Clear mechanisms for identifying and addressing concerns when young people have left care must be in place.

Information Sharing Guidelines
In South Australia information Sharing Guidelines for promoting the safety and well being of children, young people and their families have been adopted recently, These guidelines support
early intervention in situations that threaten the safety or wellbeing of children, young people and their families, but without the need to go through the centralised child protection system. In this way, the guidelines aim to help lessen the incidence of abuse and neglect and, therefore, the need for mandatory reports. Previously the only way could share info was going through the centralized child protection system.

NTCOSS believes that it would be useful for the SA experience of this model to be considered for the NT context.

Fostercare Training/Support
Various reports have highlighted the increased need for support for foster carers. Many foster carers are increasingly asked to take on more and more children. Recruitment strategies for new foster carers must address the gap between available carers and the number of children requiring placement.

In addition the differential way that foster carers are remunerated under different providers (e.g. non-government, v government) must be addressed. There should be equal financial payment based on the type of care provided and the needs of the children – not on who is the provider.

Addressing broader issues:

Services for Remote communities
Multipurpose Hub Services
Over the last several years, NTCOSS, through its Pre-Budget Submission process has identified the need for establishment of 'multipurpose hub' services or community centres in remote areas, as well as on Town Camps. Agencies have again identified hub services as a useful conduit for delivery of crucial programs, particularly where children are at risk in these areas. Hubs could also provide an easy way for families to access other services such as domestic violence support, counselling on alcohol and other drugs issues, and primary health promotion. The Child and Family Welfare Association of Australia has also called for funding for 'multipurpose hub' services in remote communities as well as Aboriginal and Torres Strait Islander Family Support and Parenting Programs, in its paper "Call to Action for Australia's Children"

Children with Disabilities
A lack of support options for families of children with disabilities must be addressed as part of a broader approach to child protection and wellbeing. There are many situations where a child from a remote area has significant disabilities or a chronic medical condition which may require relocation to a major centre for appropriate medical care and treatment. It is a significant concern that at times this means a child has to live away from their family for a significant period of time.

Discussions must take place between NTFC and Disability Services about more appropriate models of support on remote communities as well as the additional development of further accommodation options in regional centres to ensure there are appropriate places available where family can care for their children.

Early Intervention and Support Services
Over many years, NTCOSS has advocated for an increase in early intervention and support services like childcare, and respite for families with children at risk, especially on remote and town camp communities. While we acknowledge the additional funding provided in the last budget, for 'care and case management', a residential care unit, therapeutic services and more child protection workers, the bulk of recent new money is going towards services for children who are already in care. Resources must also be directed into a specific funding allocation to prevent children from actually entering the child protection system in the first place, which is a more cost effective option in the long term.

In recent years there has been significant funding for family-support initiatives like the Targeted Family Support Service (TFSS) for vulnerable families, which targets 'low risk, high needs' families where significant - but not critical - child wellbeing concerns exist. Additional funding has been committed to provide for service expansion which will mean in the near future the TFSS will be able to accept referrals from the community (and not just from NTFC), which will ensure an early intervention approach is possible. In addition there will be a capacity to take on a small number of non-Indigenous families (in the Alice Springs region.
Though still relatively new, the TFSS model has proven to be effective in preventing an escalation in risk to children, and aims to prevent them from (re)entering the Child Protection system,

NTCOSS urges the NT Government to adopt a broad approach which is focused on needs and wellbeing, with the child protection system as one aspect of this response in addition to other Government policies and systems which impact on the level of child abuse and neglect including increasing the stock of affordable housing and improve access to universal services (especially education and health), in particularly for disadvantaged families and communities.

NTCOSS supports the adoption of a therapeutic approach to child protection issues with a focus on the needs of families and children. A broad Government response is required which addresses the causes of child abuse and neglect; invests in prevention and early intervention; develops long-term responses and support; and focused on family and community strengths while engaging with families and communities to build capacity;

In addition there need to be methods developed which ensure that children's perspectives inform the identification of problems and the development of solutions.

Staff Recruitment and Retention

NTCOSS supports consideration of strategies which provide increased incentives to NTFC Child Protection staff to ensure child protection positions are attractive to experienced workers as well as new graduates; and to ensure retention of experienced staff.

We believe that addressing matters like staffing structures, the relationship with NGO's, and the inclusion of a senior Aboriginal Advisory Board on child protection issues would all improve staff retention. In addition, by changing the approach to one that is based on community strength and ability, with a view to universal care and protection, local Aboriginal workers would be more willing and equipped to be recruited. The active support of local Aboriginal people with training and professional development would begin to meet the long term staffing needs and go a long way towards retention.

The current structure of NTFC /NGO work relationship has led to a divisive "us and them" culture. This must change if the best interest of the child is to be met. The devolution of authority and inclusion of NGO case work and assessment must become part of the working system. This will support staff retention and improved working relationships. The placement of NTFC staff in NGO's may also assist in staffing retention and coordinated service delivery

The Way Forward

The NT Council of Social Services believes that the Northern Territory would be best served by a comprehensive, family child protection model such as that used in Western European countries, Japan and New Zealand, and as encapsulated in the Tangentyere Safe Families Program.

The Protocols between NT Family and Children's Services (FACS) and Central Australian Community Organisations, provide for best practice in case management and service delivery in child protection. These protocols should be considered as a key practice standards for the sector.

The characteristics we believe are essential are:

-   A family strength based model

Involvement of all interested parties from the outset (Family Group Conferencing and family based integrated service response models, e.g.Tangentyere Safe Families model);
-   Government/Non Government partnership and practice approach

- Mutually agreed strategies required and to be funded by the Government (as works in New Zealand);
- All family related matters to be considered simultaneously in all child protection and other family related matters;
- Whole of Family Support be standard practice:
- Focus on Child Being
- Indigenous culture seen as a source of resilience
- Comprehensive solutions focused strategies by mutual agreement of all parties.
- Measures to ensure adherence to best practice and policy
- An inclusion of cultural intelligence and practice
- Adequate resourcing
- Employment of local expertise
- A system that understands the strengths, responsibilities and authorities required of NGO's and Government
- Compliance with best practice, UNCROC and UN Declaration on Rights of Indigenous Peoples including recognition of the specific rights of Indigenous children to maintain their cultural connection under the Convention on the Rights of the Child
- Cultural Care Planning to be a component of all Care Plans (where relevant), and not a separate task on top of existing Care Plans
- Re-unification planning as core to immediate care plans and separate reunification teams
- An integrated systems approach that includes
  - Early Childhood Development
  - Strong and available education
  - Parenting support
  - Nutrition
  - Maternal health
  - Education – health and social
  - Culture and identity
  - Health and Well Being practice
  - Systems of care that both use and strengthen extended kinship care structures
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Such a system will require extensive changes to the way in which child protection in the NT is currently practiced.

We propose that a model based on the above characteristics be broadly adopted and melded in the interests of implementing a functional system as rapidly as possible.

An integrated system such as we propose will require multi-disciplinary teams with understanding of a range of family issues – housing, education, mental illness, health, disability, income support and so on.

Adoption of a model which is beneficial to families, children and society in general will lead to best practice in child care and protection.

Partnership approach for Mainstream service providers and Indigenous Service Providers
We refer the Commission to the SNAICC Policy Paper, " SNAICC Service Development, Cultural Respect and Service Access Policy, 2008'
outlining a position on the respective roles of Indigenous and non-Indigenous service providers which includes guidelines for working within a framework of cultural respect. http://www.snaicc.asn.au/_uploads/rsfil/00208.pdf

RECOMMENDATIONS:

1. Implement a new model of care based on the above characteristics– reform existing relationships between the Government and NGO sector to ensure a healthy system of operation. The new model should incorporate the Protocols between NT Family and Children's Services (FACS) and Central Australian Community Organisations; the Family Group Conferencing model based on the New Zealand model; family based integrated service response models such as Tangentyere Safe Families.

2. Universal Safety should be the aim of any new model of care – with a focus on whole of community rather than an individual case approach. The system will never be big enough to address all the safety issues for children at risk in our community. Our approach must have a strong focus on community safety development.

3. Ensure an increased focus on preventing child neglect through strategies to address poverty and disadvantage including appropriate and affordable housing and access to education and health care

4. Increase resources for early intervention and support services such as childcare and respite for families with children at risk, especially on remote communities. This should include an understanding of the extended care system that currently operates in Aboriginal communities and a commitment to support this without undermining or controlling these systems. Aunties and grandmothers who create 'safe homes' for children are easily identified by community members and 'on the ground' NGO staff. The system should create means to support these carers without burdening them with the statutory requirements. An active community support system would achieve this.

5. Increase funding for family support initiatives to ensure broader access to appropriate family support for low risk/high needs families across the NT.

6. Improve foster care support, assessment and information

7. Implementation of Cultural Care Planning, which include Reunification plans as immediate in the process, as part of all Case Plans (where relevant)
8. Development of specific reunification teams in each region
9. Maintenance of the Aboriginal Placement Principle as a core underlying practice approach – offering fundamental cultural safety

10. Reform the relationship between NTFC and the non-Government sector, by implementing the Alice Springs Protocol model and integrating FACs staffing and resources to NGO sector

11. Improve the representation of Aboriginal children in all forms of early childhood services including pre-schools, kindergartens, child care, playgroups and family support programs