

Growing them strong, together

Promoting the Safety and Wellbeing of
the Northern Territory's Children

Summary Report

Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010



This Report is a summary of *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children*, Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010, M. Bamblett, H. Bath and R. Roseby, Northern Territory Government, Darwin.

Title

A remote community witness to the Inquiry was concerned that too many children in the Northern Territory were 'growing themselves up'. The title chosen for the report reflects the central message that all of us together, parents, community members, government workers and NGO service providers, are responsible not only for 'growing them up' but for 'growing them strong'. In Aboriginal society, the word 'strong' connotes a sense of wellbeing that includes physical, emotional and spiritual health, strength and safety.

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The full Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010 and this Summary Report are available in PDF format from the Child Protection Inquiry website at www.childprotectioninquiry.nt.gov.au.

Suggested citation

Northern Territory Government 2010, *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children*, Summary Report of the Board of Inquiry into the Child Protection System in the Northern Territory 2010, M. Bamblett, H. Bath and R. Roseby, Northern Territory Government, Darwin.

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ISBN: 978-0-9808599-2-8

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Introduction

The Board of Inquiry was appointed by the Chief Minister in December 2009 in the wake of adverse publicity arising from a number of tragedies and public complaints about the inadequate responses of child protection services. The Inquiry was conducted during 2010 amidst the turmoil of people and systems struggling under heavy workloads while experiencing extreme pressure as they attempted to respond to constant ongoing needs and manage crises at the same time as rectifying problems and addressing recommendations identified in earlier inquiries. Nevertheless, the Northern Territory community engaged strongly with this Inquiry, with a significant number of people thoughtfully, openly, willingly and with great hope providing input to the Inquiry about a plethora of concerns they had about the Northern Territory child protection system along with suggestions about how the system could be reformed to improve outcomes for children.

The Board of Inquiry is very appreciative of all the people who individually or collectively provided evidence at the hearings or prepared submissions for the Inquiry. Many of these people are committed employees and dedicated carers from a range of settings who, often heroically, continue to work with severely limited resources in situations characterised by extreme need and public criticism. Many witnesses are concerned about the personal and organisational implications of providing their views but gave them anyway because they strongly believe in the need for change. It was very important to the Inquiry that we listened carefully to their often troubling experiences in order to understand what has led to the crisis in the child protection system and to help map out future directions. Their courage and commitment are acknowledged and, in listening to them and honouring their stories and ideas, we have prepared a template for change that respects their trust and may help realise their hopes for a system that can keep children safer and assist them to grow within more robust families and communities.

The Inquiry paid careful attention to all of the complaints and allegations. It has assessed these and, where appropriate, has ascertained that the matters are or have been investigated or has referred the matters to be investigated by an appropriate authority. However, the Inquiry's primary role is to understand and map the concerns with an emphasis on discerning how things can be improved rather than on dissecting what has gone wrong and apportioning blame. A naive perception that exists in many parts of the community is the view that a child protection system is comprised of only the statutory department – in this case, the Northern Territory Families and Children (NTFC) division of the Department of Health and Families (DHF or the Department). The corollary to this belief is that only this particular part of the wider system is at fault and needs to be fixed in order to secure the safety and wellbeing of children. This is not the case.

Any system aimed at protecting children must also have regard for the broader wellbeing and developmental needs of children in the context of the families and communities in which these children live, grow, are nurtured and educated. Alongside NTFC, the system for protecting children in the Northern Territory includes government and non government agencies working separately or collaboratively across the spectrum of hospital and health services, family support services, education and training, housing, police, and corrective services. These agencies and organisations are spread across a

huge land mass and they attempt to provide universal, preventive, as well as targeted and tertiary, services to support children, families and communities, as well as assisting children who have been harmed or neglected.

One of the major contemporary challenges facing the Northern Territory Government – and all Australian jurisdictions - is to establish and resource the range of services that is desperately required to assist children, families and communities before crises develop and children experience harm. This means that, when clear risks to the safety and wellbeing of children are identified, strong and immediate action can be taken by a range of services to prevent further harm and assist children to remain with families if at all possible. To do this requires the resourcing of local community development programs and early intervention services in rural and remote, as well as urban, communities. It means that populations, as well as professionals in the workplace, have to acknowledge that everyone has a responsibility for the safety and wellbeing of children. Most importantly, it means that when children are harmed and their families assessed as unable to keep them safe, a comprehensive range of services needs to be in place to accommodate and grow those children into healthy adulthood and to continue to support their families, neighbourhoods and communities. This requires public commitment, stronger community capacity, and a workforce that is highly trained to work at multiple levels and supported to develop skills to confront the enormous challenge.

The foremost finding of the Inquiry is that there needs to be organisational reform in child protection in the Northern Territory which includes a re-orientation towards a more collaborative approach to the task, as well as an immediate investment in more staffing resources for statutory child protection and out of home care (OOHC) services. This said, unless there is a robust concomitant commitment to developing culturally-appropriate, early intervention and preventive services, the statutory service will never be able to keep up with demand. If change is to occur, we need to invest as much, if not more, into preventing the need for vulnerable children to be placed into care as we do to investigating and monitoring families and placing their children elsewhere.

Finally, the Report strongly emphasises our shared responsibility to ensure the safety and wellbeing of children. This reflects a growing understanding across the country that, in isolation, statutory child protection systems cannot hope to address the needs of so many vulnerable children and families. We therefore focus on the child safety and wellbeing roles of all government agencies, the non government service sector, community members, families and members of the public to emphasise the understanding that protecting children is truly ‘everyone’s business’. The child protection system in the Northern Territory must provide for the safety and wellbeing of all children regardless of ethnicity or location and the Report endeavours to describe how this can be done. However, because of the demographics of the Northern Territory and the particular vulnerabilities of Aboriginal children, there is a strong emphasis throughout the Report on responses to the needs of Aboriginal children, their families and their communities.

Terminology

In the Report we use the term 'Aboriginal' to refer to people of Aboriginal or Torres Strait Islander descent.

Given that the key piece of legislation relating to the child protection system in the Northern Territory is the *Care and Protection of Children Act 2007*, the definition provided in that Act (Part 1.4, Section 13) is the one used in this Report:

'Aboriginal' means:

- (a) a descendant of the Aboriginal people of Australia; or
- (b) a descendant of the indigenous inhabitants of the Torres Strait Islands'

Where reference is made in the Report to published material in which the term 'Indigenous' is used, the same terminology will be adopted.

CHAPTER 1

Introduction

The Report commences with an outline of the Terms of Reference, a description of the processes utilised by the Inquiry to conduct its business to obtain information and a comprehensive summary of core principles.

Terms of Reference

The Inquiry was provided with Terms of Reference that are reproduced here:

The purpose of the Inquiry is to review the child protection system and make recommendations which will substantially strengthen and improve the system to ensure it meets the needs of Northern Territory children. Specifically, the Inquiry is to report and make recommendations on:

the functioning of the current child protection system including the roles and responsibilities of Northern Territory Families and Children and other service providers involved in child protection

- specific approaches to address the needs of Territory children in the child protection system, including the delivery of child protection services in regional and remote areas as part of the development of *A Working Future*
- support systems and operational procedures for all workers engaged in child protection, in particular staff retention and training
- quality, sustainability and strategic directions of out of home care programs including support systems for foster parents, carers and families
- the interaction between government departments and agencies involved in child protection, care and safety and non-Government organisations and other groups involved in the protection, care and safety of children.

The Inquiry will consider and, where appropriate, incorporate:

- findings and recommendations arising from recent coronials and other recent investigations, reviews and inquiries into the functioning of the child protection system, and
- child protection issues and developments at the local, national and international level, and its implications for the Northern Territory.

In addition to the formal terms, the following two specifications were attached:

- The Inquiry is encouraged to draw on the advice and expertise of existing Northern Territory Government advisory councils, as well as other subject matter experts within the broader community
- The Inquiry's consultation processes should be conducted publicly, unless people or organisations contributing to the Inquiry request that their contributions remain confidential.

Approach and methodology

The scope of the Terms of Reference was broad and the Inquiry therefore approached the task by gathering information from multiple sources using a range of methodologies and mechanisms. The key components of this approach were as follows:

- Public forums across the Northern Territory. There were open forums for members of the public and others specifically for child protection workers, health workers, education staff and the police
- Written submissions and hearings which were held in the major urban centres. The Inquiry received a total of 156 written and 80 oral submissions
- Specific requests for information and data from both government and non-government organisations. The largest number of requests was to the Department and the division of NTFC
- An expert Reference Group provided advice and information to the Inquiry. This Group was made up of local service providers as well as experts and academics from across the country
- A number of policy, research and investigation specialists who assisted with the particular subjects and/or the shaping of the analysis and documentation
- Reviews of numerous recent inquiries and investigations that covered similar content areas
- Numerous visits to urban, regional and remote areas and communities to hear from individuals and organisations and to see both the local conditions and the work that was being undertaken
- Many consultations with people engaged in various facets of child safety and wellbeing and related fields. These included those involved in initiatives such as 'Working Future' and Commonwealth funded programs
- Assessments of some matters and referral of other matters to various statutory authorities (due to there being a number of specific complaints and allegations that required urgent attention)
- Dedicated forums for foster carers and legal practitioners (because of the large number of issues raised in early forums and submissions).

Principles

Some of the principles informing the work and recommendations of the Inquiry are implicit in the comments already made. Central to these is the foundational premise that the safety and wellbeing of the children of the Northern Territory is a collective responsibility that includes whole of government, the non government sector, individuals, families and communities. In identifying the principles that guide this work, and responding to concerns of the community, the Inquiry accepts the core ethical principles of respect, justice and beneficence and generates a series of additional principles that are essential elements of a system that provides for the safety and wellbeing of children in any jurisdiction.

A driving concern for the Inquiry is the significance and sensitivity of matters to do with Aboriginal communities in the Northern Territory. In particular, the Inquiry is mindful of the often very negative public attention focused disproportionately on Aboriginal communities and families in recent times and the critical nature of the contemporary vulnerabilities of Aboriginal children and young people. Simultaneously, the Inquiry is aware of the strength, energy and effort that it could capitalise on in relation to Aboriginal cultural practice principles that have been articulated in national and international publications in recent years.¹ These are incorporated in the procedural work of the Inquiry and formed the foundations for thinking through the requirements for developing a system that cares for and protects children, including the mechanisms for implementation.

The Inquiry lists the following important universal premises – most of them with a strong research and value base:²

- Every child deserves the opportunity to reach her/his potential, to be safe and to lead a fulfilling life
- Family and community are pivotal for the care, nurturing, development and protection of children
- A safe and permanent home for children with family and in community provides the best place for children's growth and development
- Most parents (men and women) and families care deeply about their children however they cannot do the work of child rearing alone and need community assistance to grow children well
- Family efforts to care for and nurture their children are profoundly affected by the social and economic environment and health of the place in which they live
- Some, possibly many, families and communities do not have the wherewithal or the capacity to provide the care that children need: none can do it on their own
- Some children cannot remain in the care of their families and if so, the state, on behalf of the people, has a moral duty to provide the best possible alternative care environment for them – one that enables them to stay connected with family and culture.

1 See Secretariat of National Aboriginal and Islander Child Care (SNAICC) publications http://www.snaicc.asn.au/publications/default_news_resources.cfm?loadref=7.

2 There are a large number of publications that identify general principles for child welfare services. See, for instance, Chapter 1 in P Pecora et al., 2007, *The Child Welfare Challenge: Policy, Practice and Research*, Aldine Transaction, London.

The Inquiry specifically notes the following principles that it believes must underpin a range of services that care for and protect children.

Services must:

1. Recognise the principles central to the United Nations Convention on the Rights of the Child (UNCROC) including:
 - Children’s right to safety (including cultural safety), security and wellbeing
 - Families are best placed to care for children
 - Government’s obligation is to provide the widest possible assistance to support families in their child rearing role
 - Children’s right to be free from abuse and neglect and that where parents can’t or won’t protect and care for children (even with widest possible assistance) the State needs to intervene and care for the child. Statutory child protection is one part of a broad and robust system for protecting children and ensuring their wellbeing.
2. Acknowledge the particular United Nations considerations that are particularly relevant for Aboriginal children:³
 - the interconnectedness between children, communities, culture and context
 - their present situation cannot be understood without reference to the historical context and a large history of rights violations
 - obstacles to the rights of Aboriginal self-determination remain a real barrier to the realisation of the safety and wellbeing of children
 - the significance of land and its loss and violation to Aboriginal people is in part about its centrality in the future lives of the children.
3. Be child-centred in the context of family and community — protection of children must occur within a framework of valuing children
4. Be based on the understanding that child protection is everyone’s responsibility – whole of government and whole of community
5. Recognise the need to build capacity in families and communities which requires family sensitive, culturally competent resources and systems for families that they and their communities can influence and grow
6. Be culturally literate and competent enabling access and availability to all cultural groups and able to acknowledge cultural differences and meet unique cultural needs

³ United Nations Sub-Group on Indigenous Children and Young People (ISG) 2006, *Indigenous Children: Rights and Reality, A Report on Indigenous Children and the U.N. Convention on the Rights of the Child*, <http://www.fncfcs.com/docs/ISGReport.pdf>.

7. Use local, place-based approaches and models as opposed to importing ideas without adapting them to Northern Territory and local ways. Service models need to be tailored to the local context – recognising that a system for protecting children in remote communities, town camps, regional communities and urban centres will be different
8. Be non-stigmatising and equitable and fair appreciating that all children have the same rights to safety, security and wellbeing
9. Acknowledge that whilst procedures are important, the work involved in caring for children, families and communities and keeping children safe is deeply relationship-based
10. Establish a clear mission, philosophy and objectives; have a practice-informed management that can engage with front-line staff; and resource and support a workforce that is enabled to do its work and have measurable performance criteria
11. Use evidence-informed approaches and where this is not possible, at least use theoretically informed approaches with a commitment to immediate evaluation
12. Be accountable to specific performance standards that demonstrate defined outcomes for children, families and communities.

These principles are expanded and explored throughout the two volumes of this Report.

In considering how the Report might be implemented, the Inquiry identifies the following principles and imperatives that are essential for the changes process:

1. Change must be planned as well as responsive
2. An action research approach is crucial, whereby reflective practice, monitoring of inputs, processes, outcomes and impacts are embedded within the system, not optional extras
3. The new system must involve real collaboration at all levels
4. There is a need for some pilot programs but some things need to be done immediately
5. Implementation needs to be strategic and staged
6. The process of change must engage Aboriginal people
7. The voices of children and young people must be heard in policy development.

CHAPTER 2

Context of service delivery in the Northern Territory

This chapter highlights the evidence of significant disadvantage prevalent in the Northern Territory, especially that of Aboriginal children and outlines the implications of this for the delivery of services for the safety and wellbeing of children. The demographic, geographic, economic and historic characteristics of the Northern Territory differ extensively from other Australian jurisdictions. As a consequence, the Northern Territory presents a unique and challenging environment in which to deliver services. Some of the Northern Territory's unique characteristics that are presented in this chapter to define the context for the analyses which follow, whilst further historical issues are further explored in Chapter 4.

In 2009, the population of Australia was estimated by the Australian Bureau of Statistics to be 22 million people. At the same time, the population of the Northern Territory totalled 227,000. New South Wales (NSW) had the largest number of Aboriginal people of all states and mainland territories. However, the Northern Territory had the highest proportion of Aboriginal people with 67,441 people comprising 30.2 percent of the Northern Territory population and 43.3 percent of the child (0-17 years) population.⁴ In all other states and territories, fewer than four percent of people identified as Aboriginal (or Indigenous). In the Northern Territory a large proportion of the population live in rural and remote areas (43.5 percent) compared to the Australian average (2.3 percent). Just over 27 percent of children in the Northern Territory live in very remote areas compared to the Australian average of just 0.7 percent of children.

The data indicate that:

- Fewer people in the Northern Territory are aged 70 years or more
- The equivalised gross weekly income is higher on average for people in the Northern Territory than those in other parts of Australia⁵
- People working in the Northern Territory are more likely to be in full time employment than those in other parts of Australia
- Aboriginal people in the Northern Territory are:
 - Much younger than non-Aboriginal people – 34 percent are younger than 15 years of age compared to 21.5 percent of non- Aboriginal people
 - More likely to live in an improvised home, tent or sleep out
 - More likely to have multi-family households, and are more likely to have households of six or more people
 - More likely to have a lower equivalised gross weekly income

4 Australian Bureau of Statistics 2009, *Australian demographic statistics, 3101.0*, Australian Bureau of Statistics, Canberra.

5 Possibly due to non-Aboriginal workers in the mining industry.

- Much more likely to speak an Aboriginal language as their main language in the home compared to other Aboriginal communities across Australia, and are more likely to not speak English well
- Less likely to have completed Year 12 at school – 29.5 percent report completing Year 8 or below.

Most powerfully, these data point to the fact that there is a significant wealth divide within the Northern Territory and, in particular, a high degree of concentrated disadvantage experienced by Aboriginal Territorians.

The following data highlight particular concerns for service planning for NTFC:

- rates of teenage births in the Northern Territory are significantly higher than the Australian average
- the rates of infants born with low birth weight in the Northern Territory are higher than in the rest of the country
- infant mortality rates in the Northern Territory, especially for Aboriginal children, are far higher than in the rest of Australia
- death by injury across all age groups is significantly more common in the Northern Territory compared to the national average
- children, particularly Aboriginal children in the Northern Territory, are less likely to reach minimum standards in literacy and numeracy in year 5 than their counterparts in the rest of the country
- there is a significantly higher percentage of Northern Territory children who are considered developmentally vulnerable on one or more domains of the Australian Early Development Index, compared to other Australian states and territories
- alcohol consumption in the Northern Territory has been between 50-100 percent higher than Australia as a whole for nearly 30 years and also appears to be higher than most other nations.

These data highlight not only the absolute level of disadvantage experienced by the Aboriginal population, but the disparity between their life experiences and those of their non-Aboriginal counterparts. They draw attention to the particular challenges facing policy makers and service providers.

CHAPTER 3

An integrated framework for child safety and wellbeing in the Northern Territory

Chapter 3 develops a rationale for and outlines the broad framework for the reforms that are proposed throughout the Report. It is informed by the understanding that universally, and in the Northern Territory, child protection systems have become overwhelmed because their role has expanded without a simultaneous expansion of efforts focused on prevention across the whole of the government and non government sector. The Inquiry recognises that in the Northern Territory, in the absence of a strong family support sector, child protection services have been expected to respond to concerns about parenting difficulties and child wellbeing, not just to act in response to child maltreatment, which is their core function. This chapter describes an integrated model for more proactively responding to the needs of children and their families to prevent and respond to harm to children and to promote their safety and wellbeing. This approach requires an understanding of the causes and consequences of significant harm to children by way of abuse and neglect, and of effective strategies to address them.

Contemporary child protection systems have their origins in the models initially implemented by governments in response to Kempe and colleagues' seminal identification of the battered child syndrome.⁶ They were originally established to respond to physical abuse and the detection of signs of physical assault, such as bone fractures. These systems were incident driven, forensically focused, reactive processes to respond to concerns about the wellbeing of children.⁷ The systems later expanded their focus to include child sexual abuse, neglect, emotional abuse and family violence. Over time, there has been significant criticism of western child protection systems, accompanied by multiple reviews and inquiries. The consequences of these inquiries tend to be multiple disparate recommendations all aimed at overcoming the limitations of the current system's approach. These reviews and the resulting reforms often do not have frameworks for change and this means that efforts to reform tend to focus on different elements of child protection systems as if they were separately functioning entities.⁸ The lack of a cohesive story about a broader framework for system reforms means that organisational or structural change is generally not coordinated and individual recommendations are often implemented on a piecemeal basis rather than the implementation of an overarching change agenda.⁹

6 C Kempe et al 1962, 'The Battered-Child Syndrome', *JAMA*, vol. 181, no. 1, pp.17-24.

7 PeakCare Queensland Inc 2007, 'Rethinking Child Protection: A New Paradigm? A Discussion Paper', *Discussion Paper Series Paper #5*, http://www.cafwaa.org.au/Rethinking_Child_Protection_2007.pdf.

8 J Cullin 2010, 'A systems science analysis of the context/s of child protection reform in Queensland, Australia. Unpublished manuscript'; K Lewig et al in press, 'The role of research in child protection policy reform: A case study of South Australia', *Evidence and Policy*; B Lonne et al 2009, *Reforming child protection*, Routledge, Abingdon, Oxford.

9 Cullin, 'A systems science analysis of the context/s of child protection reform in Queensland, Australia. Unpublished manuscript'.

In the Northern Territory, every adult is mandated to make a report when they have ‘a belief on reasonable grounds’ that ‘a child has suffered or is likely to suffer harm or exploitation; ... has been or is likely to be a victim of a sexual offence...’¹⁰ This has resulted in a flood of reports which do not relate to acts of abuse or neglect. Figures provided in this chapter suggest that the proportion of cases which required an alternative to a child protection response is approximately 77 percent. The disjuncture this shows between the scope of mandatory reporting demands and the capacity of systems to respond has overwhelmed the system and is failing to protect the very children it has been designed to serve. In overwhelmed systems with predominantly a tertiary response to children and families in need, the approach to protecting children becomes one of risk management, trying to locate and protect the ‘damaged’ child amongst a sea of notifications for children in need, rather than a targeted comprehensive response for those at high risk. It is like trying to locate the proverbial needle in the haystack.

The chapter provides an overview of and then combines an ecological, developmental public health approach and responsive regulation model to suggest that we can identify families with different levels of need and risk, who might respond differently to approaches to support them and their children. Specifically it names five categories of families, arguing that these need different types and levels of services:

1. Families who are meeting their children’s needs. They will benefit from formal and informal supports available to all families
2. Families that are meeting their children’s needs but are vulnerable to future problems. They will benefit if they are supported with targeted assistance to prevent problems from occurring
3. Families that are not able to meet all of their children’s needs but are open to receiving support and can meet their children’s needs if they are provided with assistance
4. Families who are not meeting all of their children’s needs, but may be able to meet those needs with assistance. They are not open to receiving support, but will comply with statutory involvement
5. Families who cannot or will not meet their children’s needs, or cannot make the changes to meet those needs in the child’s developmental timeframe. The state is in loco parentis and is required to facilitate children’s needs being met.

In providing what it calls a broad logic model for an integrated system for protecting the Northern Territory’s children, the Inquiry identifies outcomes, supports and services for the five groups of children, families and communities. These outcomes and supports become progressively more targeted as the needs of children, families and communities increase. For example, the model moves from universal services and support with the aim that all families and communities are supported to provide a safe and nurturing environment for children, through to OOHC services and supports with the aim of making children safe, healthy and helping them to meet developmental milestones. It emphasises that any system for protecting children has prerequisites that include: having a skilled and knowledgeable workforce with the capacity to meet demand; having a coordinated

10 *Care and Protection of Children Act 2007 (NT) ('the Act')*.

system in which practitioners work collaboratively; meeting the needs of all children in the Northern Territory and taking a life course approach; being suitable for the Northern Territory context and being accessible to all families; meeting the essential life needs of children and their families; being evidence-informed; taking a systemic approach that recognises no one agency can be responsible for protecting children; and making the system internally and externally accountable.

These prerequisites are foundational and underlie all of the services and supports which might be provided to different families. The foundations, services and supports included in an effective system for protecting children will be discussed in subsequent chapters throughout the Report and are not covered in detail here. Major recommendations regarding the need for service coordination, significant funding for early intervention and family support, and planning and monitoring systems are also included in later chapters.

The chapter highlights the unmistakable need that became apparent to the Inquiry: the need for an approach that recognises the failures of the past arrangements and that is also designed for remote models of service delivery – one that is culturally sensitive to the needs of Aboriginal children, their families and their communities. The Inquiry is unequivocal about its view that addressing child abuse and neglect through effective prevention and treatment efforts is one of the single most effective commitments that a government could make to the health, wellbeing and productivity of society. Efforts in this area need to be sustained with a bipartisan commitment to long term change. The use of child abuse and neglect for media ratings or political point scoring is damaging to children and their families and to those who work to promote child wellbeing. All children and young people have a right to basic services. Vulnerable children should expect that their right to these services is met and governments have a responsibility to ensure that this happens.

In this chapter the Inquiry provides an opportunity for the Northern Territory to take a new approach to protecting children. It provides an outcomes driven strategy focusing on child safety and wellbeing rather than on systems activities (notifications, substantiations and child placement in OOHC). It comes from a strong theoretical and evidence base, and is supported by ongoing monitoring and continuous quality improvement. Rather than being susceptible to the pendulum swings which can typically characterise child protection systems, this integrated strategy suggests that the course of action shouldn't be altered unless the evidence suggests it. This should be seen as a long term child safety and wellbeing strategy for the Northern Territory, with a focus on implementation with quality and forethought. Implementation science tells us that if things are done well, it will take time to see any improvements; but even if we have the most effective strategies, if they are implemented poorly, we will never see positive changes.

CHAPTER 4

Responding to the particular needs of Aboriginal children

The Northern Territory is one of the nation's most culturally complex settings with more cultural dispersal than in most other jurisdictions¹¹. Apart from the capital city and a handful of regional centres, the Northern Territory is characterised by a population which is largely scattered across isolated remote communities. Given this complexity, this chapter focuses on the importance of adopting approaches and solutions that can address the needs of children and families in these circumstances and which are flexible and based on an understanding of local issues. Solutions developed in other jurisdictions will not necessarily transplant successfully in the many different service contexts of the Northern Territory. More than 75 percent of the cohort of children and young people currently in the child protection system in Northern Territory are Aboriginal and their issues are embedded throughout the entire Report. However, we focus more specifically on them, and on their particular needs, in this chapter.

Given the impact of welfare intervention in the lives of Aboriginal people over the past century and a half, it is not surprising that many Aboriginal people see current child protection systems in Australia as an ongoing process of removal. This must change. The chapter provides a context for changing this and addressing the specific needs of at risk and vulnerable Aboriginal children and young people in the Northern Territory. In order to understand the ethical, moral and social imperatives regarding child protection legislation, policy and practice, the chapter briefly explores the history of child welfare for Aboriginal children in the Northern Territory. It also highlights the relevant recent inquiries in Australia regarding child protection and their findings as they relate to Aboriginal people. The inquiries that are summarised are: the Gordon Inquiry 2002 (Western Australia); Aboriginal Child Sexual Assault Taskforce 2006 (New South Wales); The Children on APY Lands Commission of Inquiry (South Australia) 2008; Wood Inquiry NSW 2008 (and the Keep them Safe Response); State of Denial, SNAICC 2003; Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007 (also known as the 'Little Children are Sacred' Report); and, the Report of the Northern Territory Emergency Response (NTER) Review Board.

With regards to Aboriginal child safety and wellbeing, these reviews found:

- Family violence and child abuse occur in Aboriginal communities at a rate that is much higher than that of non Aboriginal communities but that Aboriginal people are not the only victims and not the only perpetrators of abuse
- The socio-economic factors which give rise to child abuse and neglect are more prevalent in the Northern Territory than in any other State or Territory
- The combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, poor education and housing, and a general loss of identity and control have contributed to violence and to sexual abuse in many forms

11 Submission: Department of Education and Training.

- There is a lack of reporting of child abuse and neglect of Aboriginal children by service providers and community members because of fear and distrust, a lack of response or of over-response from child protection and police services, a lack of confidence in agencies to be able to respond appropriately, and an acceptance of violence, abuse, poverty and chronic disadvantage as normative in some communities
- The enduring impacts of past practices of forcibly removing Aboriginal children and forcibly relocating Aboriginal communities.

In these reports, responses to the abuse and neglect of Aboriginal children (and of non-Aboriginal children) were seen to be lacking for many reasons, including:

- Child protection services are overwhelmed and the fundamental needs and priorities of families and communities are not met
- A mismatch between forensic incident-based responses to problems which have their basis in systemic social inequalities
- The lack of placement options for children and young people means they may remain or be placed in unsafe situations
- A lack of roles, purpose or power of Aboriginal people within child protection systems
- A lack of coordination and communication between government departments and agencies, and this is causing a breakdown in services and poor crisis intervention. Improvements in health and social services are desperately needed in the Northern Territory, and
- The poor implementation of the Northern Territory Emergency Response, particularly in its failure to engage constructively with Aboriginal people in the Northern Territory, diminished its effectiveness.

The *National Framework for Protecting Australia's Children 2009—2020* identifies as one of the six 'supporting outcomes' that '*Indigenous children are supported and safe in their families and communities*'. The following three strategies relate to Indigenous outcomes:

- expand access to Indigenous and mainstream services for families and children
- promote the development of safe and strong Indigenous communities
- ensure that Indigenous children receive culturally appropriate protection services and care.

The Inquiry supports these strategies adding the assertion that in order to bring about real and sustainable change for the Northern Territory's most vulnerable, then Aboriginal people must move from being passive recipients, that is, from being consulted in a marginal, and disempowering way, to a position of influence in taking on the responsibility for the safety and wellbeing of their children and young people. To this end, the chapter briefly discusses social determinants of wellbeing for Aboriginal people and how they can be strengthened for children in the Northern Territory through culturally competent legislation, policy and practice.

The Inquiry visited 15 remote communities around the Northern Territory and heard from representatives of many others. It found significant diversity between the communities. Some have high morale and a strong sense of commercial enterprise but others could be characterised as demoralised with a poor, ill-maintained physical infrastructure, overcrowded houses and overwhelming social problems. The Inquiry encountered a sense of disempowerment and alienation. Community members frequently stated that one of their greatest needs was help with parenting their children. They stated that they had difficulties setting and enforcing boundaries. There was relatively little understanding about the child protection system but a widespread concern that authorities could remove children. Some communities asked if there could be local child safe houses so that removed children could remain close to culture. Even in the better functioning communities school attendance was poor - often fewer than 50 percent of the eligible children were in attendance. Some teachers complained that many children treated school as a drop-in centre.

Poor housing and overcrowding were found to be a major contributing factor to poor child wellbeing outcomes and disturbed family functioning. They can discourage stable relationships, add significant stress to all concerned, and place pressure on food and financial security. The Inquiry heard that even where there is significant investment in refurbishment of houses plus the building of new dwellings on some remote communities, in the medium term this will reduce the average home occupancy from the high to the early-teens. In another community, the housing program will reduce average occupancy from 18 to 9 in two to three years. This is still not satisfactory. The Inquiry notes with interest that the Department of Housing, Local Government and Regional Services is moving from a focus on asset management to seeing itself as a human services agency, playing a greater role in training tenants around the use of appliances, hygiene, and basic maintenance, among other things.¹² This is both progressive and necessary.

The Inquiry learned that Aboriginal children are significantly under-represented in early childhood education and care services. Aboriginal children in the Northern Territory comprise 43.3 percent of the population but represent only 9.8 percent of children who attend early child care services. Early education opportunities can serve as avenues for transition to the next level of education. The attention of the Inquiry was also drawn to some positive educational programs which have improved regular school attendance for Aboriginal children. It heard of 'Growing Our Own', an Aboriginal teaching assistants' training program run by the Catholic Education Office, schools which work with community elders and family groups in novel ways, such as at Angurugu, and dedicated education professionals who start their school day by driving around communities themselves picking up students from their homes.

Additional matters are described in some detail in this chapter as are numerous other problems that are known to be impacting on the poor developmental and safety and wellbeing outcomes for Aboriginal children in remote communities. These include alcohol and other substance misuse, violence, socioeconomic disadvantage, unemployment, high mortality rates, and chronic grief, loss and despair. Difficulties with parenting were well articulated by members of communities. The Inquiry heard parents and grandparents speak about a sense of loss of control over children and young people, particularly those living in remote communities. Many submissions raised concerns about

12 Department of Local Government, Housing and Regional Services 2010, *Program and Policy Development*, report prepared by K Davies & T Angus, Northern Territory Government, Darwin.

the lack of respect for adults, including Elders. Parenting education programs targeting vulnerable and very young mothers are valuable but there is a particular need to target them towards individual family circumstance. For example, they may need to focus on behaviour, relationships, discipline, sleep, or any number of specific issues.

In the conclusions drawn in the chapter the Inquiry notes that in the Northern Territory there is a need for major reforms to build an Aboriginal child and family welfare system with the capacity to honour the strengths of Aboriginal communities and to espouse their values and practices. Recognising the fact that that despite colonisation, Aboriginal culture, families and communities have strengths must be at the heart of any work with Aboriginal children, their families, their kinship relationships and their communities. It argues that a strengths-based approach will encourage Aboriginal families to positively engage with support services and enable Aboriginal communities to provide good care for their children. The primary focus however, must be the safety of children and build on key learnings from past inquiries and reports.

The Inquiry presents a cultural competence model for mainstream organisations to use in reviewing their interactions with Aboriginal people and organisations and in order to assist in generating more Aboriginal involvement in their own futures. However, its focus is the need for Aboriginal controlled child and family service organisations and it reiterates this in many ways throughout the chapter. Building on its commitment to self determination, the Inquiry proposes a comprehensive conceptual model for consideration of and participation by Aboriginal people in the delivery of programs and services to Aboriginal children and young people involved in the child protection system and in all aspects of decision-making. Alongside this the Inquiry recognises that the challenge facing Aboriginal community controlled organisations today is to move from static influence – that is, being consulted in a marginal, and frankly disempowering way – to one of dynamic influence, and to grow where there is the ability to engage with governments to be directive and eventually be the decision makers when it comes to Aboriginal children.

Central to the argument and conclusions presented is the conviction that Aboriginal people's self determination is a prerequisite for change and should be expressed through the establishment of an Aboriginal community controlled agency or agencies delivering services across the continuum of child and family welfare, or for these functions to become part of an existing Aboriginal community controlled agency or agencies. In this chapter the Inquiry also presents an overview of the Aboriginal Child Placement Principle, and its embodiment in other states and territories. This Principle is explicitly supported and is referred to in many chapters of this Report, highlighting its central importance for the cultural wellbeing of Aboriginal children in OOHC. As highlighted in the Little Children are Sacred report, the Inquiry believes it is imperative that government, its agencies, non government organisations and the wider community commit to and engage with Aboriginal people to promote active participation in improving wellbeing outcomes for vulnerable and at risk Aboriginal children and young people.¹³ Government agencies must engage more effectively with Aboriginal people, involve Aboriginal people in all aspects of decision-making relating to Aboriginal children and young people, and establish and adequately resource specialised Aboriginal services.

13 Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*.

CHAPTER 5

The Northern Territory child protection system, 2010

This chapter describes the Northern Territory child protection system, focusing on its statutory and targeted services. It asserts very strongly that these services should sit within a broader system for supporting families in which other services play a critical role in protecting families through early intervention and prevention activities. However, it notes in its findings that this portion of the sector, including targeted services, is deficient in the Northern Territory. It conceptualises the spectrum of child protection services under a 'public health model' similar to the integrated model presented in the National Framework for Protecting Australia's Children 2009.¹⁴ In this model, responsibility for child safety and wellbeing ranges from the level of families and communities, including the responsibility to report suspected harm to children; to the responsibility of various government agencies — health, education, justice and other sectors — and NGOs to provide core services and a range of therapeutic interventions and support services; through to NTFC's statutory responsibility to protect children at risk of significant harm.

The chapter, along with its appendix (Appendix 5.1) maps Northern Territory Child Protection Services in a region by region description of NTFC and NGO tertiary services, including those funded by the Commonwealth Government, noting that the Commonwealth Government funds a proportion of services across the spectrum of services for children in the Northern Territory and is therefore a significant stakeholder in the Northern Territory Child Protection system. It summarises and presents a map that was developed by Family and Children's Services (FACS) of the universal preventative initiatives aimed at supporting all families and children in Northern Territory. Chapter 5 recognises the gaps and the identified need for greater investment in all core services and in prevention services and activities, particularly in remote areas. The Report notes that the broader universalist aspects of the child protection system must include the many professionals working in remote areas who contribute to the wellbeing of vulnerable children through the provision of food, clothing and hygiene programs, as well as the informal contributions of numerous grandmothers and other relatives that care for Aboriginal children.

The chapter alerts us to the spectrum of 'early intervention' child protection services, required by vulnerable or at risk families to address the family's vulnerabilities and reduce the risk of harm to the child before harm has occurred or, intervening when there are minimal risk factors around the parenting of children. It identifies that community education around child safety and wellbeing is simplistic and unsophisticated. Whilst universal mandatory reporting of child abuse has been a feature of Northern Territory legislation since 1983, there is no comprehensive community education strategy to support this legislative requirement. Similarly, there has not been a consistent approach to the provision of preventative education strategies aimed at children, such as protective behaviours programs.

14 Council of Australian Governments, *Protecting children is everyone's business*.

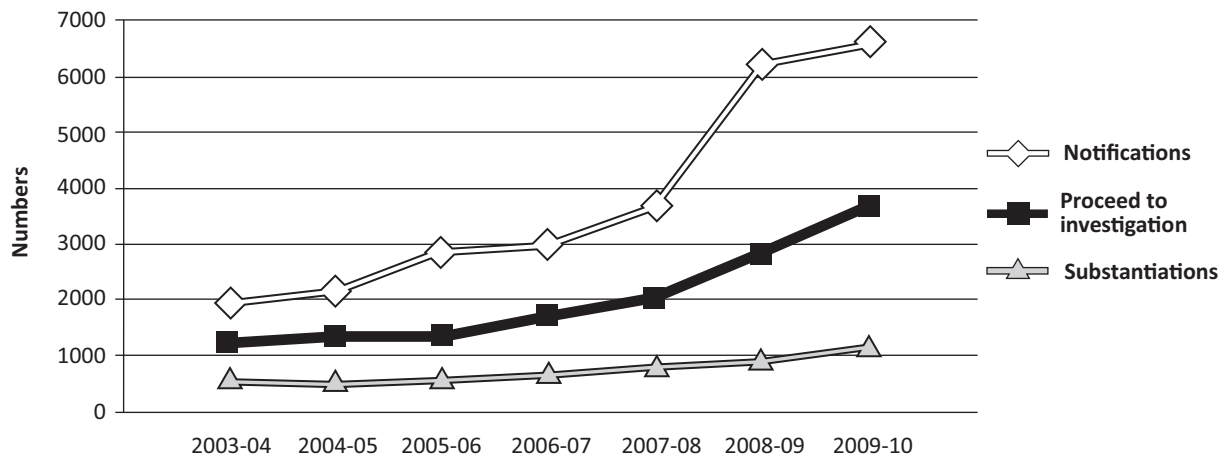
The chapter also identifies some positive developments including the NTFC and Office for Aboriginal and Torres Strait Islander Health (OATSIH) partnership - Safe Kids, Strong Futures; National Association for the Prevention of Child Abuse and Neglect (NAPCAN) programs; and the Street Outreach Service (SOS). The OATSIH funded training package 'Safe Kids, Strong Futures' is designed to inform and educate workers and community members in remote Aboriginal communities about child harm and how to report it. This training is currently being delivered across remote communities in the Northern Territory by NTFC staff based in Workforce Development. NAPCAN provides child abuse prevention activities: coordination and promotion of National Children's Week including grants, and child abuse prevention partnership activities. NAPCAN provides other advocacy and education programs, including advocacy towards a preventative approach to child abuse.

In relation to targeted services and programs for 'at-risk' families and children, Chapter 5 notes that these are services that need to target particular groups in the community whose children are at risk of entering the statutory child protection system. It notes that the Differential Response Framework (DRF) was developed and endorsed in Northern Territory in 2009 as the guiding framework for pilot Targeted Family Support Services (TFSS) established in Alice Springs and soon to commence in Darwin and Katherine. The DRF enables a range of different responses — other than investigative — to protective concerns and has a focus on creating better, more integrated partnerships between child protection services and family support agencies. TFSS are community based agencies that provide a child-centred family-focussed support response to protective concerns. They are a targeted response to prevent families entering or re-entering the child protection system. TFSS work in close partnership with NTFC to identify vulnerable families in need of support and to provide earlier assistance to these families. Chapter 5 also describes other targeted services including some family support, street outreach and child protection services work units and notes that, because of growing demand for child protection investigation responses, these latter units generally do not have the capacity to respond to requests for early intervention.

The chapter also describes the range of tertiary or statutory services that are provided primarily by an over stretched NTFC. These include the services of the OOHC system which is made up of several placement options. The Northern Territory has a small but growing suite of placement options, which include family based placements — foster care and family care — residential care and specialist care options for children and young people with the highest degree of need.

In terms of the demands on the statutory services, there has been a significant increase in notifications to NTFC over time and notifications have more than tripled since the 2003-04 financial year. In the last two years alone there has been a 79.4 percent increase in notifications.

Figure 5.3: Numbers of Notifications to NTFC and cases proceeding to investigation and substantiation, by year



Factors that may have contributed to the increase include the staged implementation of the *Care and Protection of Children Act 2007* and an amendment to the *Domestic and Family Violence Act 2007* in February 2009. Whilst the number of notifications has increased over three-fold, the total number of substantiations appears to have changed little across the years 2003—04 to 2009—10. The decrease in the proportion of notifications resulting in substantiation emphasises the increasingly difficult job of finding ‘the needle in a haystack’ of notifications. The notification-to-substantiation ratio demonstrates the inefficiency of intake processes, with an increased workload yielding relatively fewer matters of substance.

In 2008—09, the number of children on care and protection orders in the Northern Territory increased from 520 to 577 children – an increase of 9.5 percent. The rate of children on care and protection orders in the Northern Territory was the highest across Australia in 2008—09 with 9.2 per 1,000 children compared to the national average of 7.0 per 1,000 children.

Although Aboriginal children experienced a much higher rate of child neglect substantiations than non-Aboriginal children in the Northern Territory, overall, the types of maltreatment experienced by Aboriginal children and non-Aboriginal children are relatively similar. In sharp contrast to media images of maltreatment in Aboriginal and Torres Strait Islander communities, child sexual abuse was the least frequently substantiated maltreatment type for Aboriginal and Torres Strait Islander children in the Northern Territory and across Australia. The maltreatment type most frequently substantiated in relation to Aboriginal children is child neglect. Neglect generally refers to the failure — usually by the parent — to provide for a child’s basic needs, including failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention. The high rate of neglect is consistent with the disadvantaged socio-economic conditions prevalent in many Aboriginal communities, such as overcrowding, unemployment and a lack of services.

Chapter 5 provides a caution in its summary of the notification data, asserting that there are vast differences in the recorded child protection statistics across Australia. It notes the importance of understanding that the recorded data are only concerned with reported cases of child abuse and neglect which suggests that the incidence of child abuse and neglect is likely to be much higher. Child protection data records the activity of child protection departments, not the incidence of child abuse and neglect in the community. Therefore, differences across Australian states and territories may be a result of systems differences in how legislation defines who is in need of statutory intervention and policies/practice in each jurisdiction.

CHAPTER 6

Enhancing the service system to support families in the Northern Territory

Chapter 6 provides a broad overview of the key service components of an integrated approach to the promotion of wellbeing, prevention of child abuse and neglect and the protection of children. The chapter identifies those components that would be incorporated in such an integrated approach to the protection of children in the Northern Territory. It notes that, while some services exist for vulnerable and at risk children, families and communities in the Northern Territory, these services do not cover the entire breadth of the Territory, nor are they integrated across the continuum from universal to tertiary supports. Quality improvements in universal services — health care, maternal and child health care, education and child care — and major investment in the development and expansion of secondary and tertiary support within the system, will need to be made in the Northern Territory. These investments will be the foundation for establishing a comprehensive support structure of care, and child safety and wellbeing by developing a system that is child centred, family focused, with the family as the primary client. Reform begins with an understanding of what is needed for the optimal development of children, as well as the causes and consequences of child abuse and neglect.

In the chapter, an ecological developmental approach is used. It uses this lens to identify services and supports for children and young people that range from primary prevention, through to supports for children in families in which abuse has occurred. It names and explores the known risk and protective factors for child safety and wellbeing as identified in submissions to the Inquiry and in research. The mechanisms by which these risk factors impact on care-giving and other aspects of children's environments are described, as are the universal and targeted strategies for supporting the safety and wellbeing of children, communities and families. Possible interventions include prenatal care, and engagement of children and young people with education and child care, home visiting initiatives in the early years, parenting skills training and parent-child attachment based programs, community development and healing strategies and programs to address parental risk factors — for example, bereavement, mental illness, drug and alcohol misuse — all such programs share the goals of improving family functioning and creating nurturing environments.

The chapter details the causes and consequences of child abuse and neglect in general and names the factors that promote wellbeing and resilience. Enhancing these factors is crucial to the promotion of child wellbeing. These understandings need to drive the planning of community based supports and services, to identify targets and strategies for prevention, assist with identifying family needs and risks and harms for children, and offer the most effective therapeutic and treatment options. This is most important if intergenerational cycles of abuse and neglect are to be broken.

To some extent, the causes and consequences of abuse and neglect in the Northern Territory are assumed to be similar to those in other parts of Australia and the world. However, the unique socio-political, historical, demographic and geographical context of the Northern Territory means that more needs to be known about the effective promotion of wellbeing and the prevention of and response to maltreatment. Any investment strategy for secondary and tertiary supports for children, families and communities in the Northern Territory should be based on an analysis of existing data (such as information in different administrative databases and population-based surveys such as the Australian Early Development Index) to gain a better understanding of the drivers and outcomes of child protection involvement for children. This analysis should seek to gain an understanding of the specific needs of Aboriginal people given their over representation in child protection systems. While there may be limitations to data quality, those limitations should not hinder attempts to gain a better understanding of what is happening for children in the Northern Territory.

Community risk factors for children in the Northern Territory are considered to be major ones. The Report suggests that the issue of child protection in the Northern Territory could be seen as one of inequity and of social injustice. The high rates of neglect and exposure to physical violence are, to a large extent, by-products of poverty and extreme disadvantage.¹⁵ A number of submissions to the Inquiry identified these issues as prevalent throughout the Northern Territory.

Neighbourhood disadvantage has been characterised as the absence of settings that provide opportunities for healthy child development, such as the absence of libraries and other settings for learning, social and recreational activities such as parks, child care, quality schools, health care services and employment opportunities. In a number of communities visited by the Inquiry, these indicators would be viewed as unrealistic, given the levels of poverty and disadvantage witnessed. Income security, stable and secure housing in safe neighbourhoods, accessible and affordable health care, food security, and opportunities for social care are a fundamental basis for a preventive approach to child protection in the Northern Territory.¹⁶ As a result of such high levels of disadvantage, there is limited access to services and supports which enhance parenting.

Community disadvantage is linked to health problems in children and families. Poverty is associated with overcrowding, frequent mobility, poor schools, limited health care, unsafe and stressful environments, poor nutrition and poor community infrastructure. While it is noted that poverty was not the focus of the Inquiry, Chapter 6 emphasises the absolute importance of developing social policies which address social disadvantage and poverty. In the Northern Territory context, approximately two thirds of households with 0-14 year old Aboriginal children needed more rooms, approximately one third live in houses with major structural problems and one third had facilities that weren't available or working.¹⁷

Risk factors, such as family violence, gambling, alcohol and other substance misuse, mental illness, disability, learning difficulties and early pregnancy are frequently interrelated and in the Northern Territory these are commonly found within a broader

15 Commission on Social Determinants of Health 2007, *Achieving health equality: From root causes to fair outcomes*, Commission on Social Determinants of Health, Geneva.

16 B Jordan & R Sketchley 2009, 'A stitch in time saves nine: Preventing and responding to the abuse and neglect of infants', *National Child Protection Issues Paper*, vol. 30.

17 Australian Bureau of Statistics 2009, 'National Aboriginal and Torres Strait Islander Social Survey, 2008', <http://www.abs.gov.au/AUSSTATS/abs@.nsf/mf/4714.0/>.

context of disadvantage – for example, unemployment, poor educational opportunities, homelessness, crime, community violence, victimisation and lack of social capital. For parents of Aboriginal children, the chance of exposure to multiple life stresses and cumulative risk is far greater than for parents of non-Aboriginal children. Parental substance abuse is associated with children having a greater likelihood of abuse and neglect and poorer trajectories within the child protection system. Child abuse and neglect is more likely to be renotified and children more likely to enter care when a parent has an alcohol or other substance misuse problem.¹⁸

Certain stages of child development are associated with an increased rate of reporting child abuse and neglect. In the Northern Territory, the highest rate of substantiations of child abuse and neglect are for infants less than one year old – a rate of 31.6 per 1000 children compared with rates of 16.4 and lower for other age groups.¹⁹ The Inquiry was made aware of children who may be in the care of several relatives or community members because of parental incarceration or death and who are receiving less than optimal care and nurturing because they don't fully belong to the households in which they are living. Lack of connection to culture and an inability for children and young people to participate in ceremonies and rituals together with a lack of access to cultural practices, beliefs and values are additional risk factors for Aboriginal children and young people and have significant impact on achieving a successful transition to adolescence.

Another area of concern regarding children's wellbeing in Northern Territory relates to children with complex medical needs and children with disabilities. The Inquiry was made aware of the extent to which children's complex health and medical needs create unusual demands and add stress to families' lives. Where a child has increased need and therefore greater vulnerability there is a greater likelihood that the child's needs are unable to be met by their family. Also, children who have been exposed to harmful behaviours by their parents – for example, excessive alcohol consumption in pregnancy – are likely to be born with higher care needs.

Obviously, the more chaotic or fragile the family's environment, the more difficult it will be to raise children to be happy and healthy members of society. In very disadvantaged communities, such as many of those in the Northern Territory, the impacts of severe and pervasive risk factors at community levels are associated with the normalisation of risk to children, for example, chronic neglect or sexualised behaviours between children. Environments where there is substance abuse and where gambling is prevalent will also impact on parental vigilance and the supervision of children, and can involve many strangers in the home, leading to an impact on children's health and wellbeing by increasing children's access to drugs, alcohol and drug paraphernalia.

Understanding how early experiences influence the developing brain and thereby influence the development of emotional and behavioural functioning highlights avenues for early intervention. Childhood maltreatment and exposure to toxic levels of stress²⁰ associated with being in chaotic, uncontrollable circumstances can impair the connection

18 F Wulczyn 2009, 'Epidemiological perspectives on maltreatment prevention', *The Future of Children*, vol. 19, no. 2, pp.39-66.

19 Australian Institute of Health and Welfare 2010, *Child protection Australia 2008-09*, Child welfare series no. 47. Cat. no. CWS 35, AIHW, Canberra.

20 'Toxic stress' refers to strong, frequent or prolonged activation of the body's stress management system. Stressful situations that are chronic, uncontrollable, and/or experienced without the child having access to support from care giving adults tend to provoke these types of toxic stress responses National Scientific Council on the Developing Child, *Excessive stress disrupts the architecture of the developing brain*, p.1.

of brain circuits, in some cases, leading to the development of a smaller brain and to over reactivity to stressful experiences. Similarly, severe environmental deprivation, such as chronic neglect and the resultant under stimulation of children, impedes neural development and subsequently impairs cognition, emotional functioning, physical growth and attention.²¹

Chapter 6 illustrates the problematic features of current service provision in the Northern Territory. The Northern Territory child and family services sector is characterised by much activity in some areas and almost none in others. Short-term funding agreements and service strategies which are not locally driven, together with competitive tendering, have led to a situation where services may be competing for clients rather than coordinating their activities and providing holistic support for families that is driven by family needs and goals. Children and families are likely to either be overwhelmed or fall through the gaps of a fragmented system.

Fragmented service delivery has led to duplication, service gaps, confusion of roles, conflicting service mandates and different service requirements and target groups. Different agencies have been funded to provide similar services in the same location rather than providing complementary services along a continuum of care to meet the needs of families and communities. There has been no coordinated planning strategy and short timelines for implementation have meant that structures may have been built without thought for the content of these buildings and services. In the Northern Territory, there has been an over-reliance on child protection services to provide services and supports to families, when they have not had the capacity to do so, nor is it their core function.

Many actions are identified that can be taken immediately as well as in the short and long term to address the high degree of service fragmentation (including a plan for coordination of existing strategies to prevent and respond to child abuse and neglect in the Northern Territory), community-driven service design (including identification of appropriate service and funding models using knowledge from the Northern Territory and elsewhere) and workforce development. A comprehensive approach for promoting children's safety and wellbeing is developed in Chapter 6, incorporating three areas of focus: the communities and neighbourhoods in which people live and which may confer high risk for abuse or neglect; the family environments in which children are raised including the parenting they experience and the quality of parent-child relationships, and other risk factors such as family violence, parental mental health and substance abuse which may directly or indirectly affect children; and of course, the children themselves.

This chapter augments the principles described in Chapter 1, by recommending the following principles to inform the new suite of services called for in the Report:

1. Service development must be based on a robust consultation and engagement process with all key stakeholders including communities, statutory workers, non government organisations, the three levels of government, and academic/research institutions.
2. Family services need to be explicitly orientated towards achieving behaviour change with goal setting processes, clearly articulated outcomes, and accountability measures.

21 O'Connell et al, *Preventing mental, emotional and behavioral disorders among young people: Progress and possibilities*.

3. Services need to be compatible with existing policy frameworks (such as Working Future, the Early Childhood Framework, the National Child Protection Framework and the various National Partnerships), and ongoing consultation processes around service delivery in remote areas and town camps.
4. Services need to have a capacity and commitment to work collaboratively with other NGO's and statutory services such as NTFC, DLGHR, and DHF.
5. There needs to be active involvement and participation of Aboriginal people in all aspects of service development and delivery according to accepted self-determination and empowerment principles.
6. Whilst some pilot or trial programs will need to be introduced in order to develop evidence and benchmarks and fine tune approaches, it is essential that the significant investment is in long term, sustainable services.
7. A high priority needs to be given to services that can address a range of needs in order to avoid fragmentation.
8. There needs to be a focus on services that are geared to building the capacity of communities to assume responsibility for service delivery over time.
9. Funded programs need to have a capacity to deliver services in a range of settings, in particular, remote communities, rural, town camps and homelands.
10. Every funding grant needs to include an evaluation component.

The chapter concludes with a call for a major new investment program in preventive and therapeutic services across the Northern Territory.

CHAPTER 7

The statutory intervention process, Part 1 - Intake and Investigation

This chapter describes the findings of the Inquiry regarding the intake and investigation functions of the child protection system in the Northern Territory. In particular it describes the legislative base, and the functioning of the current Intake process. Access to child protection services in the Northern Territory is through one narrow communication gateway. This gateway is officially known as the Central Intake (CI) service operated by NTFC. There is provision for the intake function in the *Care and Protection of Children Act 2007* (the *Act*) and operational details of the service are outlined in the NTFC Policy and Procedures Manual (NTFC Manual).

The intake service provides a critical function being the only official portal for the provision of statutory child protection services apart from the option of reporting to a police officer who must, in turn, notify the Department. This being the case, it is essential that the intake service is able to effectively and expeditiously process incoming reports and notifications, assess them for the level of risk and urgency, and pass the information along to child protection officers in the various regions to assist with formal investigations. To effectively operate, the intake service needs to gain the trust, respect and understanding of the various stakeholders, particularly members of the public and professional groups such as the police, health workers and teachers.

What follows are key elements of the statutory child protection intake and investigation process that are identified in the chapter²²:

1. Report – notifier provides information the Department of their concerns about harm to a child/young person
2. Central Intake Team – the team gather information from their own inquiries, as well as Police and other experts
3. Threshold Assessment – the case proceeds to investigation if concerns are assessed as constituting harm, and there is sufficient information to proceed. For these cases, an initial danger assessment is conducted, which considers vulnerability issues, actual harm, and risk of harm. There are three possible ‘outcomes’ of the Initial Danger Assessment: *child concern* (formal investigations to commence within 5 days), *child at risk* (investigations to commence within 3 days), or *child in danger* (investigations to commence within 24 hours)
4. Investigations are conducted by the local NTFC Office, police and/or Child Abuse Taskforce:

22 These steps are identified in the DHF submission to the Inquiry.

- a. Interview child
 - b. Interview parents or carers, relatives and others where necessary
 - c. Medical assessment
 - d. Police investigation
 - e. Ensure child safety
 - f. Conduct full danger assessment
5. Result – harm/risk of harm is unsubstantiated or substantiated. A Safety Decision is made, with three possible outcomes: (a) safe; (b) conditionally safe; or (c) unsafe
 6. Finally, a decision needs to be made as to whether a protective order needs to be obtained from the Family Matters Jurisdiction of the Local Court and/or whether a child needs to be placed (or to continue) in some form of OOHC in order to ensure their safety.

In the chapter full details are provided of current process data about reports and investigations by CI. A number of concerns are identified and difficulties noted. These include the fact that less than one third of notifications to CI are being processed to ‘outcome’ within the 24-hour target period; there is a marked increase in the numbers in each child risk classification over a four year period; matters ‘outcomed’ as requiring family support (i.e. involving need but less urgency) are being poorly served; and, a significant and chronic backlog of matters is awaiting allocation to case workers for formal investigation. All of these provide evidence of serious concerns.

The delay in commencing investigations was identified in an interim report as one of the three that ‘stand out as having the most immediate and significant bearing on the safety and wellbeing of children’ in the Northern Territory. Data obtained by the Inquiry indicate that the large backlog of children awaiting a formal investigation after having been identified as being at risk, has been growing, and appears to represent a serious and chronic lack of capacity in the system.

Table 7.2: Child protection notifications awaiting investigation (no CCIS entry to indicate commencement of investigation)

Date (2010)	1 Jan	1 Feb	1 Mar	1 Apr	1 May	1 Jun	1 Jul	Average
Investigations not commenced	776	778	809	766	797	786	870	797

This unacceptable backlog in investigations was drawn to the attention of the Department and the Minister for Child Protection during the course of the Inquiry and it is understood that urgent remedial action has commenced. The Inquiry has recommended that both the backlog and the underlying capacity problem need to be addressed as matters of urgency.

Issues raised in submissions and hearings

Intake issues

The Inquiry received a large number of submissions that addressed issues relating to intake and response services. The submissions were largely, but not exclusively, critical of current structures and practices. However, there were also many suggestions for improving the system. Matters raised in submissions and discussed in this chapter include the following:

- A breakdown in the relationship between CI and major referring groups. This is marked by differences of opinion over roles and responsibilities and relationships becoming marked by hostility and mistrust
- Difficulties in getting through to the intake lines, practical impediments in making notifications, and unwieldy mandatory reporting sign-off requirements
- Long delays and inefficiencies in processing notifications
- Unhelpful bureaucratic requirements
- Objections to what is called 'the third report rule'. This stems from an NTFC Manual guideline which mandates a child protection investigation in circumstances where, regardless of the 'outcome' classification, three notifications have been made over the course of a year. The emergent understanding amongst notifiers is that multiple notifications have to be made to trigger a response
- Significant turnover of team leaders as well as intake workers and alleged deficiencies in the management of the service
- Poor induction and orientation program being provided for new workers
- Lack of experienced and well qualified staff on intake duties
- Lack of a systematic approach to ensuring that all CI staff have the specific training required to undertake the work
- Lack of an effective education program for those who are expected to notify, not just those who receive notifications
- A deficit in the understanding of the community and poor expectations, education and knowledge of how to access the system, the allocation of public resources, and cultural awareness
- Alleged limited cultural competence of intake workers.

The chapter goes on to highlight the critical issues that affect the effectiveness of CI. These include the following:

1. Differences of opinion over the risk classifications made by CI. Many of the submissions suggested that NTFC uses unrealistically high thresholds for intervention which tend to exclude many children who remain at risk. This is not an unusual tension in most Australian jurisdictions but it does seem to be a particularly problematic one in the Northern Territory. Many of the referring professionals expressed incredulity at the lack of response they had received from NTFC around the safety needs of children that were reported. Many, but not all, of the differences of opinion concerning thresholds and

risk pertain to the differences between actual and imminent harm versus cumulative harm. Cumulative harm refers to the effects of multiple adverse circumstances and events in a child's life and it is often related to neglect.

Related to the issue of cumulative harm is the plight of children who are receiving less than optimal parenting by a variety of caregivers and whose developmental potential is seriously compromised, but who are rarely picked up by child protection systems. The Inquiry heard about a number of such children who slip through the usually effective extended familial support networks that operate in most Aboriginal communities. These children may be looked after in a basic fashion but not provided with the love and care they need. Concerns such as these and numerous other examples of different opinions regarding risks and responses, highlight the pressing need for policy clarity, clear guidelines, clear understanding of professional roles, and compelling mechanisms for interagency collaboration and training.

2. Perhaps the most critical issue relating to intake services in the Northern Territory is whether the current centralised model is achieving its objective of providing for a reliable and responsive gateway for the provision of statutory intervention services for vulnerable children across the Northern Territory. The centralised model was established as part of a reform package in the mid-2000s following concerns about the regional office-based intake model that had operated to that point. The majority of people who gave evidence in camera and who commented on the centralised intake model, were critical, particularly those witnesses who were from rural and remote areas. Some professional stated they had lost all confidence in the ability of the centralised system to respond to meet the needs of vulnerable children. Options for the re-development of the intake system are noted later in this chapter but explored in more depth in Chapter 11.
3. Numerous submissions identified the lack of feedback to notifiers as one of the biggest issues that leads to a loss of confidence in the service.

Investigation issues

Turning to issues relating to the formal investigation process after CI provides an initial assessment, the chapter reviews further issues that were raised in the submissions, forums, and data supplied by the Department. These include:

- The investigative role of the Child Abuse Taskforce
- Allegations of inappropriate investigation practice, such as the arbitrary closing of cases without formal investigation and the removal of children without an in-person investigation
- A lack of consultation with notifiers during the investigation process
- Poor engagement of the family during the investigation process
- The qualifications of workers undertaking investigations
- The focus on determining whether an allegation is substantiated rather than the needs of the child and family.

A new approach to intake and assessment

A broad intake and assessment model is presented at the close of this chapter. It is based on research commissioned by the Inquiry and undertaken by the Australian Institute of Family Studies (AIFS), the numerous submissions received by the Inquiry relating to this topic, the service delivery data provided by the Department, and consultations with communities, the reference group and various child protection experts from across the country. The model is consistent with the primary thrust of the national child protection framework and reflects a move to a model which emphasises the need for early intervention and for the provision of family support, rather than a more forensic approach.²³

In broad terms, the approach supports the NGO sector and a range of government agencies to assume a more prominent role in assessing and responding to the needs of vulnerable children and families whilst ensuring that DHF, and NTFC in particular, have the means to provide statutory child protection where this is necessary to protect children from harm.

There are a number of key issues that are identified as necessary for the development of intake models for child protection in the Northern Territory. Statutory child protection is designed to be an intervention of last resort, in which children are protected after they have been abused and neglected or are at high risk of very serious harm. Child protection should be understood as just one part of an integrated service system that also provides services and supports to families to prevent abuse and neglect. A new approach to intake processes needs to consider them in the context of broader structural changes being proposed for the child protection system in the Northern Territory. These changes are more fully explored in later chapters.

In essence, for those families who do come in contact with the system, but for whom the risk to children is low, the Inquiry proposes that there should be an alternate referral pathway to the receipt of support services. In such a system, the assessment instrument/s must be able to identify matters which should be referred to CI where appropriate. There would need to be robust training and accountability programs to ensure that the application of the tools is consistent. It suggests that a more narrowly scoped child protection service would have a less prominent intake function, as child and family safety and wellbeing 'gateways' and teams could be the primary referral point for vulnerable and high-risk families.

The role of more narrowly scoped child protection services would include: investigating allegations of sexual abuse, serious physical abuse and criminal neglect and presenting evidence before the courts; presenting evidence before the courts requesting orders be made to require parents to participate in an intervention (e.g. drug rehabilitation) or to remove children from the care of their parents; providing for children who need to be placed with carers other than their parents because of protective concerns, and facilitating, where appropriate, the restoration of removed children to the care of their parents or the transition to independent living.

23 Council of Australian Governments, *Protecting children is everyone's business*.

CHAPTER 8

The statutory intervention process, Part 2 – Interventions for protected children and young people

This chapter reviews key aspects of the statutory intervention process after a child protection report has been outcomed by Central Intake (CI) and/or investigated. It summarises some of the key components of the system in place and describes the issues raised with the Inquiry about the current Northern Territory processes. It also proposes some major changes and makes a strong case for, as well as describing the elements of, a differential response system. A review of issues related to protection orders can be found in Chapter 10.

One of the consistent implications from evidence presented to the Inquiry is the need for something other than the statutory (legal) response for families in need of support, that is, a ‘differential response’. The development of an effective differential response relates closely to the issue of having an appropriate threshold for statutory intervention. Currently, the child protection system is the gateway to provision of services for all vulnerable children and their families. However, in line with criticisms of many child protection systems across English speaking developed countries, there are growing concerns about the stigmatizing nature of contact with a statutory system, and the need for alternate entry points to family services so that families who are best helped without statutory intervention are diverted to alternatives. Chapter 8 identifies the need for a differential response for those families who do come in contact with the system, but for whom the risk to children is low. This is consistent with the Inquiry’s call for a population or public health approach, with enhancements to both the universal and secondary service systems, and targeted support for a smaller statutory system focusing only on high-risk cases that would result in significant harm.

A differential response model which diverts families out of the child protection system by providing appropriate support, is the most effective way of addressing the rising demand for statutory services, in particular, the backlog of unallocated cases. To be successful, this would involve a massive and sustained investment in family support services — both at the universal level, for example, parenting education classes, day care etc — but particularly targeted services for vulnerable families. For a differential response mode to be effective, action is required at all service levels and in a range of different service systems, including shifts in organisational cultures and practices.²⁴ It is unrealistic to expect that the level of demand for family support can be met within the current system, or with the current resources.

A very consistent theme across submissions to the Inquiry is the absence of capacity within the Department to provide effective family support services. Because of this, few workers identify cases as requiring a family support response, believing that the response will be inadequate or non-existent.

24 Higgins & Katz, 2008, ‘Enhancing service systems for protecting children: Promoting child wellbeing and child protection reform in Australia’.

The chapter notes that the continuing and widening gap between the number of notifications and subsequent substantiations, highlights the need for a differential response. If only 50 percent of notifications are investigated, and 18 percent substantiated, this suggests that there is a very significant service need that might be met by support orientated services. It argues that to be effective, a differential response needs to prioritise what are known to be the key areas of need and vulnerability for children and families. The risk factors for significant harms to children are well known and were explored in detail in Chapter 6. They include the social determinants of health and wellbeing, such as inadequate or crowded housing, education status, financial insecurity, and also the parent characteristics of alcohol and other substance misuse, mental illness, inter-partner violence, physical health problems and intellectual disabilities.²⁵ The need to focus attention on addressing these parental/ family characteristics is supported by qualitative research on Aboriginal young people in OOHC, who express the view that they want help provided to their families so that they can return home.²⁶

According to evidence presented to the Inquiry, the absence of strong provisions for working with a family outside of an investigation is a basic flaw in the current legislation. Across the submissions, there is a general theme that the system is focused on assessing 'harm', rather than 'need'. A refocused system could more effectively protect children if the focus was on the level of need that children have, and the capacity of the family to respond to the child's needs were they to be provided with appropriate supports. The Inquiry finds it difficult to gauge the degree to which this is a function of the legislation *per se*, the practice culture, the level of resourcing for family support services, or a combination of all three. However, as identified in Chapter 7, if a differential response pathway is to work effectively, there must be appropriate training and risk assessment tools to identify low risk cases which are suitable for a therapeutic, rather than a forensic response. The argument is made that without an appropriate differential response option that provides for appropriate early intervention to support families in need, the severity of cases escalates, and because of the risk of cumulative harm, the child is more likely to be removed from the care of their family.

The following are the key change elements that are described as prerequisite processes for establishing a differential response system:

- Implement a report/notification response pathway such that reports not requiring a forensic investigation, that is, cases assessed as low immediate risk, receive a less intrusive, therapeutic response by a family support service, independently or in conjunction with NTFC
- Amend the Child Protection (CP) legislation to provide a clear avenue for working with a family outside of an investigation
- Increase resourcing, training, and support for NGOs to provide family support services
- Develop a clear conceptual framework for a model of family diversion that can be embedded in legislation, interagency collaboration protocols, as well as risk assessment and case-management practice.

25 Higgins, 2010, *Community development approaches to safety and well-being of Indigenous children*; Higgins & Katz, 'Enhancing service systems for protecting children: Promoting child wellbeing and child protection reform in Australia'.

26 P Holzer et al 2006, 'The effectiveness of parent education and home visiting child maltreatment prevention programs', *National Child Protection Issues Paper*, vol. 24.

Other matters raised in this chapter focus on case-management, permanency and stability planning, reunification, ongoing risk management and Aboriginal Family Group Conferencing. People who gave evidence to the Inquiry are critical of the case-management practices and lack of support for families. It was alleged that deep-seated attitudes and beliefs affect this aspect of statutory intervention. Similarly, permanency planning as ‘the process of making long-term care arrangements for children with families that can offer lifetime relationships and a sense of belonging’²⁷, was seen to be a necessary and core feature of work with all children in the child protection system, whether they are removed from their families or remain in the care of their parents. This was one of the stand-out concerns expressed in the meetings with young people in care who asked why it was that they were moved from placement to placement so often. The problem of instability in care was repeatedly raised in the Inquiry’s foster care forums.

The Secretariat of National Aboriginal and Islander Child Care (SNAICC), the national body representing Aboriginal children and families, believes that strengthening permanency planning policies is not an appropriate or adequate way to improve stability and security in foster care for Aboriginal and Torres Strait Islander children. This is a contentious matter but the chapter argues strongly that given the over representation of Aboriginal children in the protection system within the Northern Territory there is a priority need to consult on all these matters with Aboriginal people and communities and there needs to be particular emphasis on stronger compliance with the intent of the Aboriginal Child Placement Principle whilst ensuring that the interests of children are the paramount consideration.

Ongoing risk management is another matter addressed in this chapter. This is a critical issue in child safety and wellbeing services. Where the staffing resources of the agency are as stretched as the Northern Territory data indicate with a large backlog of new cases to be investigated, there is always a possibility that ongoing risk management processes may not be given the attention they require. The NTFC Manual indicates that ‘Caseworkers involved in protecting children should be continually assessing the risk to the child’ and draws attention to the ‘Risk Assessment Tool’ which leads to a risk classification outcome. It indicates that such risk assessments should always be undertaken at ‘critical decision-making points’ defined as prior to a child being removed, prior to them returning home or closing cases (11.10.2). However, there do not appear to be the means to ensure that workers actually undertake such assessments during the course of an open case and no data is routinely collected or reported.

Family decision-making models have grown out of the New Zealand experience based on Maori and Pacific Islander understandings of family and the responsibility that this wider group can take for ensuring the safety and wellbeing of children and young people.²⁸ They are based on principles of collective responsibility, mutual obligations and shared interest since, it is the wider family that is most likely to have the greatest investment in the wellbeing of the child and who have to ‘live with’ the decisions that are made. This approach is also consistent with the National Framework for Protecting Australia’s Children²⁹ and the focus on strengths-based practice in NTFC.³⁰

27 C Tilbury & J Osmond 2006, ‘Permanency planning in foster care: A research review and guidelines for practitioners’, *Australian Social Work*, vol. 59, no. 3, pp.265-80, p.2.

28 N Harris 2008, ‘Family group conferencing in Australia 15 years on’, *Child Abuse Prevention Issues* 27, <http://www.aifs.gov.au/nch/pubs/issues/issues27/issues27.html>.

29 Council of Australian Governments, *Protecting children is everyone’s business*.

30 ——— 2009, *National Partnership Agreement On Remote Service Delivery 2009-2014*. Australian Government, Canberra, http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/national_partnership_on_remote_service_delivery_with_amended_schedule.pdf; Northern Territory Families and Children, 2010, *Family Group Conferences: A Mediation Model for Care and Protection in the Northern Territory*. Internal Report, report prepared by E Flynn, NTFC, Darwin.

One of the fundamental principles on which family group decision-making models are based is the belief that if they are brought together and given appropriate information, families are capable of making responsible decisions about a child who is at risk of abuse or neglect.³¹ This is consistent with the principles of community development and Aboriginal community control that are supported by this Inquiry. This issue is also explored in Chapter 10.

Finally, the chapter addresses in some limited detail the additionally vexed issue of service responses for at-risk and protected young people in the Northern Territory. A number of submissions and hearings focused on the unmet needs of young people. They identify particular youth-related problems in the remote communities and some of the town camps in the Northern Territory. The issue of service responses for adolescents is a vexing one for child protection systems in all jurisdictions but it is particularly challenging in the Northern Territory given the levels of disadvantage, demographics, workforce problems and the lack of support services. NTFC has a Youth Services Branch which focuses on youth-related policy and includes initiatives such as the Youth Justice Strategy, a component of which is the establishment of Family Support Centres which implement the Family Responsibility Orders in the *Youth Justice Act 2006* (NT). However, there has been little effective planning around the particular needs of young people who come into contact with child protection system. The Inquiry observes the enormous need to invest in therapeutic and support services for young people at risk in the Northern Territory and calls for the development of a plan for responding to the particular needs of protected young people.

31 P Ban 2005, 'Aboriginal child placement principle and family group conferences', *Australian Social Work*, vol. 58, no. 4, pp.384-94.

CHAPTER 9

Out of home care

Out of home care (OOHC) includes all of the alternative accommodation arrangements that are put in place by the Northern Territory in order to accommodate and care for children under 18 years of age who are assessed as no longer able to live with their parents or caretakers. The purpose of OOHC is to provide children who are unable to live at home due to significant risk of harm, with a 'home', that ensures their safety and healthy development.³² The aim is to provide quality temporary or long term care that is responsive and targeted to the individual needs of the child.

The focus of Chapter 9 is the current provisions for children and young people in the Northern Territory. The Inquiry notes the important warning that placement of a child or young person in OOHC is a serious decision made only when it is assessed that they are otherwise at serious risk. The chapter describes the complex and quite unique contemporary landscape of OOHC in the Northern Territory and identifies the range of services that do exist, including challenges in present-day arrangements and gaps and limits in care provision. The Inquiry proposes that there be radical reforms to the current system of OOHC in the Northern Territory. The associated recommendations capture the imperative for change.

OOHC in the Northern Territory is governed by the *Care and Protection of Children Act 2007*. Part 2.2 of the *Act* provides the legislative basis for children in the care of the Chief Executive Officer (CEO). The majority of children in the care of the CEO are placed in OOHC options. Section 12 of the *Act* outlines the principles in relation to Aboriginal children in care and describes the Aboriginal Child Placement Principle (ACPP)³³ which has a vital place in the child welfare legislation in every Australian jurisdiction. Whilst acknowledging the 'last resort' need to remove Aboriginal children from the care of their families if their safety is at risk, this principle emphasises, among other things, that Aboriginal children's sense of identity and sense of culture has to be 'enhanced and preserved' if they are placed in any form of OOHC.

When a child is removed from their parent's care, the preferred placement is within the wider family or community. In the Northern Territory, \$34 million was spent on OOHC services in 2008-09³⁴ making it the single most costly program area of NTFC. The costs of OOHC far exceeded those spent on child protection and intensive family support services to divert children from being placed in care. The Inquiry notes the imbalance in the distribution of resources towards OOHC compared to resources for supporting parents to look after their children safely at home.

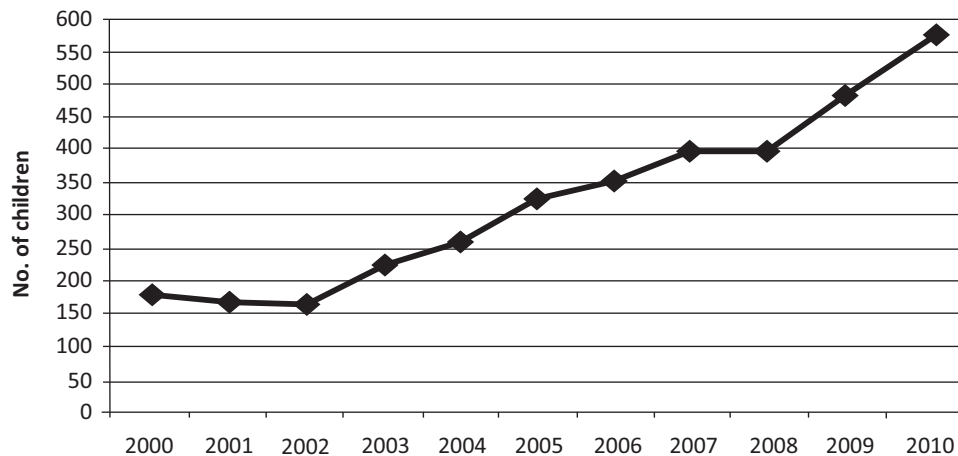
32 Australian Institute of Health and Welfare, *Child protection Australia 2008-09*.

33 C Berlyn & L Bromfield 2010, 'Child protection and Aboriginal and Torres Strait Islander children', *NCPC Resource Sheet 10*, <http://www.aifs.gov.au/nch/pubs/sheets/rs10/rs10.html>.

34 Bromfield et al, 2010, 'The economic costs of child abuse and neglect'.

The demand for OOHC placements has been sustained and is placing great stresses on all aspects of the program. The number of children in OOHC has grown from 176 in 2000, to 555 by mid 2010 – an increase of 215 percent. At the end of June 2010, there were 555 children recorded in OOHC in Northern Territory, an increase of 15 percent in the year (see Figure 9.1).³⁵ The last two years have seen an increase in numbers of over 39 percent.

Figure 9.1 Number of NT children in OOHC care 2000-2010³⁶



Multiple reports testify to the challenges confronting OOHC services across the world as they strive to support children and families.³⁷ Most challenges are reflected in all Australian jurisdictions and it is evident that they are amplified in the Northern Territory where small population size, geographic spread, isolated and remote communities and systemic disadvantage are just some of the vectors that compound the problems of ensuring the care and safety of children in general as well as when they are in the ‘care system’.

The evidence is that children and young people in OOHC are not faring as well as other children. They tend to have greater psychological, emotional, behavioural and health needs which may be related to their experiences prior to entering care as well as during their time in care.³⁸ On leaving care, these young people tend to have less education, reduced job prospects, instability in future living arrangements and a lack continuity and consistency in their lives which impacts on their ability to make a successful transition towards independence.³⁹ The National Framework for Protecting Australia’s Children acknowledges the high priority that needs to be placed on developing the highest possible standards for OOHC in Australia in order to improve outcomes for these children.⁴⁰

For Aboriginal children, the potential problems and negative outcomes of removal from

35 Data supplied by DHF.

36 Based on data from Australian Institute of Health and Welfare, *Child Protection Australia 2007-2008*; Australian Institute of Health and Welfare, *Child Protection Australia 2008-2009*; and data supplied by DHF (2010 data).

37 L Bromfield et al, 2005, *Out-Of-Home Care in Australia: Messages from Research*, A report to the Community Services Ministers Advisory Council commissioned by the Australian Government Department of Families, Community Services and Indigenous Affairs, National Child Protection Clearinghouse, AIFS, Melbourne.

38 J Barber & P Delfabbro 2003, ‘Placement stability and the psychosocial well being of children in foster care’, *Research on Social Work Practice*, vol. 13, no. 4, pp.415-31, pp. 1283-301.

39 Bromfield et al., *Out-Of-Home Care in Australia: Messages from Research*; P Mendes et al., 2008, ‘Improving the physical and emotional health of young people transitioning from state out-of-home care’, *developing practice*, vol. 20, pp.33-40.

40 Council of Australian Governments, *Protecting children is everyone’s business*.

family and community and placement in alternative care are additionally significant. Research and history provide rich and tragic testimonials to the failure of alternative care for Aboriginal children over many generations.⁴¹ It is clearly imperative for the Northern Territory Government to accept the challenge of providing early intervention and support services for Aboriginal communities and families. In the longer term, by implementing alternatives this will reduce the number of children removed from their families by assisting them to provide appropriate care for their children. However, for those Aboriginal children who do have to enter some form of OOHC, the stakes are high and a high quality range of OOHC services and a strong kinship care structure are essential.

The chapter identifies some key principles for the policy, planning and delivery of OOHC:

1. Children have a right to be free from abuse and neglect and where parents cannot or will not protect and care for children (even with widest possible assistance) the State needs to intervene and care for the child
2. Out of home care placements must be determined by the needs of children not the needs of the system
3. Such care is generally impermanent and should only be the long term plan for children if return to family of origin is assessed to be untenable
4. Every effort must be made to retain the child in his/her family and community, return the child to their family and community if at all possible and if neither of these are possible, assist the child to maintain contact and connection with family and community or origin
5. If children or young people need to be removed from their homes, wherever possible and practicable, they should be accommodated with extended family or community
6. Working with children in care, their families and communities as well as the range of people involved in their OOHC requires a special range of values and skills amongst which are:
 - a. The capacity to hold respect for all parties – children, their families and carers – and to manage the complexity of working with the conflict and differences that often arise between them
 - b. A strengths-based approach to working with children and families
 - c. The capacity to relate to children of all ages
 - d. The ability to assess the meaning of separation for children and families
 - e. The ability to work with children to minimise the effects of traumas they have experienced
 - f. Cultural sensitivity and competence

41 Human Rights and Equal Opportunity Commission (HREOC), *'Bringing them home' report*.

7. Such a system must be accountable to specific performance standards that demonstrate defined outcomes for children, families and communities.
8. It is essential that the views and voices of these children and young people as well as adults who have experienced OOHC are included in decision making and policy development
9. Carers are key stakeholders and partners in the system
10. Case planning includes an Aboriginal perspective and takes a life course approach.

Although the Northern Territory shares similarities with other jurisdictions, it has some distinguishing features which present it with a unique set of challenges. It is these characteristics, such as the higher percentage of Aboriginal children and young people in OOHC, the small but geographically dispersed population, the large percentage of Aboriginal people living in remote areas and the cost of providing services to remote and rural areas that impact on the Northern Territory's capacity to meet the basic needs of its children and young people in care as well as address their therapeutic needs.

In all jurisdictions, there were higher rates of Aboriginal and Torres Strait Islander children in OOHC than non-Aboriginal children. In the Northern Territory, Aboriginal children are almost 4 times more likely to be in care than non-Aboriginal children. Forty eight percent of Aboriginal children in the Northern Territory are placed with Aboriginal carers.⁴² Only 22 percent of Aboriginal children are placed with relatives or kin. Both these statistics are low compared with most other jurisdictions.

There may be limited local options for the placement of children. According to SNAICC⁴³, with 70 percent of the Aboriginal population under the age of 30, not only will the number of children requiring OOHC escalate but, at the same time, placement options will decline within the Aboriginal community. Quite simply, there are fewer and fewer Aboriginal families able to provide substitute care and more and more children likely to require a placement.

Although there is a high percentage of Aboriginal children in care there is only one Aboriginal agency in Alice Springs providing group care for 5 children although another group home has recently been funded. As described in Chapter 4, in the past there were Aboriginal child care agencies in both Alice Springs and Darwin providing OOHC but these have not operated for a number of years and the services they provided are now predominantly carried out by NTFC. The Inquiry is firmly of the view that Aboriginal child and family services must be re-developed and supported.

There are a small number of residential services managed by non government agencies while the others are managed by NTFC. In most other jurisdictions there is greater partnering with non government and private organisations to provide OOHC although the extent to which this happens varies. In addition to these, although classified differently, are the therapeutic care, and the secure care models. Therapeutic care can be utilised in both home-based and non-home-based care whilst secure care is always residential. At present, the Northern Territory does not have specifically therapeutic OOHC models

42 Australian Institute of Health and Welfare, *Child protection Australia 2008-09*.

43 Secretariat of National Aboriginal and Islander Child Care (SNAICC), 2002, *Child Abuse and Neglect in Indigenous Communities - Background Issues and Options for Reform*, Australia Council on Children and Parenting, ACCAP, Melbourne, http://www.snaicc.asn.au/_uploads/rsfil/00098.PDF.

although the Specialist Care Program (SCP) does offer different levels of intensive support. A secure care option is under development.

Kinship placements are provided by an extended family member when there has been statutory intervention and the child is on a protection order. The carers are entitled to receive a weekly care allowance. A 'Family Way' placement is a colloquial term used in the Northern Territory for an informal placement of a child with an extended family member. In this Report, a 'Family Way' placement refers to arrangements facilitated by NTFC that are of a voluntary nature where there is no long term protection order. This chapter (as well as Chapter 10) identifies concerns that were raised with and by the Board about these placements and makes recommendations for changes.

As well as these OOHC arrangements, there are a number of others in the Northern Territory including:

- Intensive foster care placements for children with more complex and higher support needs and for sibling groups
- Some children are in 'situational' living arrangements such as boarding school, hospital, disability care services and juvenile detention facilities
- General residential care which is usually provided in a group setting where paid staff work on rostered shifts to care for children and young people with significant behaviour problems, needs or attachment issues
- Specialist care providing high support settings for children and young people with exceptionally high needs that preclude them from being placed in other models of care. This model is staffed by rostered youth workers in a property established by NTFC or by specialist carers who care for the child or young person in their own home and receive a financial package
- Fee-for-service placements which are provided by either private (for-profit organisations) or non government agencies who supply residential care for children with complex and extreme behaviours. These placements are established on an as-needs basis for as long as required and are negotiated individually. The majority are supplied by private agencies because they can respond quickly to placement requests.

NTFC relies heavily on foster care with the majority of children placed in this type of care while another 22 percent are placed with kin and relatives. This reflects the NTFC policy position that home-based care, being the closest to 'normal' family living arrangements, is the preferred model for most children.⁴⁴ However, the Inquiry notes that most other states have a higher percentage of children officially placed in home based care than the Northern Territory.

To deal with the shortage of OOHC placements in the Northern Territory, the far more costly fee-for-service providers have increasingly been utilised. It was not clear to the Inquiry whether or not this is a strategic or pragmatic solution, or both. Fee-for-service placements are those which are purchased on an 'as-needs' basis from a private agency. These placements are negotiated individually for children when there are no NTFC approved placements available as well as for children with complex and extreme needs who cannot be placed in other options. Currently there are over 100 children placed in

44 Northern Territory Families and Children, *Policy and Procedures Manual, Version 2.0*, 18.4.1.

fee for service placements, both residential and home-based, highlighting the pressure under which the OOHC system operates and difficulties in meeting the demand.

In the Northern Territory, there has been an increased demand for OOHC placements for children and a dwindling supply. New carer registrations have not been adequate to offset this trend. Sixty-five percent of foster carers have been carers for less than 2 years. Alongside of this, a shortage of residential care has resulted in an increase in fee for service placements but as this has not been adequate to meet demand, NTFC has established its own residential placements with rostered staff. There are very few placements for young people deemed to be at high risk and none for those deemed as being at extreme risk.

The chapter deals with a large range of OOHC issues and concerns many of which were raised in submissions and forums. A number of these concerns are common across all Australian jurisdictions but are amplified in the Northern Territory for all the reasons outlined in earlier chapters. These concerns include: failure to undertake the ongoing monitoring of children in OOHC; high staff turnover in most NTFC offices; lack of communication with and support for carers; inadequate and inequitable allowances or payments for different types of carers; major difficulties with receiving entitlements; inadequate recruiting, assessing, and training of foster and kinship carers; inadequate respite for carers; inadequate standards for OOHC.

The Inquiry heard from numerous foster carers about their problematic experiences with NTFC and because of the strong interest, four additional forums were organised. A number of consistent themes emerged which included the following. Many carers felt that:

- They were not respected and treated as partners. They had few rights and no avenues of appeal
- Carers were afraid to speak out in case they were penalised by NTFC. There was an allegation that NTFC threatened to remove a child if a foster carer did not agree with a particular case work decision and others said they feared that this would happen if they spoke out
- Arbitrary decisions were made about the placement in and removal of children from care. In a number of cases, children were removed from long-term carers with very little notice or appreciation of the devastating impacts of such decisions on both the children, the carers, and the natural children of carers
- Carers were not included in case planning processes and rarely received case plans
- There were major inequities and inefficiencies in the way payments were managed

A very important issue addressed in the chapter is the complex matter of standards in kinship care. The Inquiry supports the view that there should be no difference in the standards of care provided for different groups of protected children, a view that is implicit in legislation, the NTFC's own OOHC guidelines, and the draft *National Standards for Out-of-Home Care*.⁴⁵ On the other hand it accepts that the placement of protected children

45 Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), 2010, *National Standards for Out of Home Care: Final Report*, report prepared by KPMG, Australian Government, Canberra, http://www.fahcsia.gov.au/sa/families/pubs/kpmg_final_report_nsfohc/Documents/final_report_nsfohc_kpmg.pdf.

in family settings that do not meet currently accepted standards, may, indeed, be in the best interests of some children. Moreover, many of the conditions that prevail in remote communities, including over-crowded and inadequate housing, are related to structural disadvantage and should not be the primary determinants in child placement decision-making but should feature in an assessment of safety. A suite of recommendations are made in relation to this and related matters.

The chapter highlights the lack of OOHC capacity in the Northern Territory whilst acknowledging that it has made ongoing attempts to build capacity to provide for the increasing numbers of children and young people. There is a need to build breadth and depth in the care system and this will require careful analysis, planning, realistic timeframes and adequate funding to develop. In contrast to most other jurisdictions the Northern Territory Government manages and provides the majority of OOHC services. The chapter concludes with recommendations about the need for the Northern Territory Government to outsource more of its OOHC services. It is clear that outsourcing is not without risks but also that it has clear advantages. In being expanded in the Northern Territory, careful planning will be needed to ensure that the problems experienced by NTFC in delivering OOHC are not transferred to the NGO sector.

CHAPTER 10

Legislation, the courts and related practice

The Inquiry received a number of submissions that raised issues relating to legal practice, to the role of the Courts and the *Act*. In order to progress its thinking on these matters the Inquiry conducted forums in both Alice Springs and Darwin with legal practitioners, policy personnel and other relevant persons. In this chapter, a range of the issues raised and considered by the Inquiry are identified and discussed and recommendations made for changes to both legislation and related practices. The issues canvassed in this chapter are primarily those that were raised in the submissions to the Inquiry. Many of the recommendations in other chapters also have implications for the wording of the *Act*.

The Inquiry reviewed concerns about ambiguity in definitions relating to the daily care and control of children and parental responsibility. In relation to the definitions, the Inquiry notes that the legislation provides little guidance as to what powers, rights and responsibilities are entailed in 'daily care and control' or 'parental responsibility' other than that parental responsibility includes daily care and control and powers, rights and responsibilities in relation to the long term care and development of the child. The Inquiry recommends that the *Act* be amended to provide clear, practical definitions of daily care and control and parental responsibility and that court orders recognise the distinction.

In relation to standards of care, the Inquiry notes that, under the repealed *Community Welfare Act*, the Court could only declare a child to be in need of care where it was satisfied that such an order would ensure that the standard of care of the child as a result of that order would be significantly higher than the standard presently provided to the child. It observes that from the evidence provided, some children and young people live in conditions under protection orders sought by the Department that are no better than, and at times significantly worse than, the circumstances from which the child was removed or for which a statutory intervention was considered necessary. The Inquiry recommends that legislative changes are made to provide that a protection order may only be granted if the Court is satisfied that the granting of the order would ensure the resulting standard of care of the child would overall be significantly higher than the standard presently maintained in respect of the child.

Other matters identified and discussed in this chapter include:

- Lack of regulations for some mediation conferences. No regulations have been developed under the *Act* for the convening of court-ordered mediation conferences. The Inquiry noted that family participation in decision making and less adversarial processes are likely to result in better outcomes for children. Establishing a framework in which both CEO and Court ordered conferencing can be conducted and where the agreed outcomes can be reported back to the Court for consent orders (or Court determination where agreement is not reached) offers the best protections for children, their families and for the Department.

- Court orders for parent–child contact. In particular the Inquiry noted that whilst there are a number of principles and provisions that are meant to apply when a child is removed from her/his family, the evidence provided suggested that NTFC is often remiss in arranging parent–child contact. For example, the Inquiry noted that sufficient contact was not being provided on important occasions for children and families. The Inquiry is of the view that ongoing contact between a child and his or her family is vitally important and must be maintained at an appropriate level, particularly when reunification of the child with family is being planned. In recommending amendments to the *Act*, it reasserts the imperative that ongoing family contact is important in maintaining a sense of identity and self for the child or young person even if a child is placed permanently outside of the family
- Reunification and permanency planning are topics of concern across all jurisdictions and refer to the need for stable placement and long-term security and the reduction of the uncertainty that arises for children in care who otherwise might have a succession of different placements or temporary care arrangements. This issue was raised in the legal forums and focused on the relationship between the directions that may be given under the *Act* and reunification of children with their families. In the Northern Territory a child could be the subject of five or six daily care and control or short term parental responsibility orders covering ten to twelve years and during which time no planning can be commenced for long term placement outside of the family. While being concerned about this, the Inquiry also noted the concerns from SNAICC, the peak agency representing Aboriginal organisations, with regards to long term placement planning and it has made a number of recommendations that enable longer term orders while acknowledging the imperatives of cultural and spiritual factors associated with the decision to develop long term placements
- Legal representation for a child. The Inquiry noted that in care proceedings, the parent(s) of the child and the Department are most always represented. Other persons, for example family members or carers, can also be recognised by the Court as parties to the proceedings and be represented. It was advised that not all children are separately represented in care proceedings. Although there is legislative provision for the appointment of a child’s separate representative the Inquiry was told there was a need for the legislation to provide further guidance on when a child’s legal representative should be appointed. The Inquiry noted it is important that, where necessary, a child’s representative be appointed to advocate the best interests of the child and was reassured to be informed that the process for the appointment of children’s legal representatives is soon to be transferred to the Northern Territory Legal Aid Commission
- Guardian *ad litem*. The Inquiry considered the question of whether a guardian *ad litem* should be appointed to instruct the child’s legal representative in cases where the child or young person, for whatever reason, is unable to provide proper instruction and whether, in light of the very small number of Aboriginal legal practitioners operating in the care and youth jurisdictions, particular effort should be made to provide Aboriginal children and young people with an Aboriginal guardian *ad litem*. It has taken the view that using ‘registered support persons’ provides a better system to implement in care and protection proceedings —

particularly for Aboriginal children — rather than the formalised approach of appointing a guardian *ad litem*

- Monitoring children in care. The Coroner's concerns about the need for monitoring and review of the circumstances of children in OOHC in Northern Territory were echoed in the many submissions and the legal forum discussions that called for a system of 'official visitors' to visit children in OOHC, speak with the child and carers, and report to an Advocate, Guardian or Children's Commissioner on a range of matters relating to the child's placement and wellbeing. The Inquiry supports the Coroner's recommendations concerning the need for legislative changes in relation to the standards of care and casework provided for protected children. It specifically recommended legislative changes to enable review by the Court of short and long term protection orders as required
- Parental information and parental consent. Concerns were raised about the timeliness and completeness of information provided to parents and arrangements for the obtaining of their consent. Concerns related to many matters including reports of inaccuracy of verbal advice provided to parents. Concerns were raised that often parents either do not receive the notice or receive late notice which limits their ability to obtain legal advice or to attend Court on the prescribed date. Some parents live remotely and there are also language difficulties. The Inquiry heard from families that the language of child protection is often complex to understand with staff of NTFC not always possessing adequate skills to engage Aboriginal families. Therefore the Inquiry recommends that there be Aboriginal workers employed to support and represent an Aboriginal child's family at notification. The Inquiry recognises the difficulties in locating families where factors of transience, large distances and poor communication are present. However, it is of the view that the removal of a child from his or her family, demands that every effort is made to provide information to parents that is accessible, comprehensive and timely. Likewise, certainty is always needed to ensure that parents are not consenting to 'voluntary' placements or agreeing to other proposed interventions when they do not clearly understand the effect of what is being proposed by the child protection authority. Recommendations are made about the development of 'practice directions' by the Court and a review of the NTFC policies and procedures
- A particularly important matter raised in this chapter concerns allegations about children living away from their parents with relatives in informal 'Family Way' arrangements facilitated by the Department. Some such children may be lost to their parents under these placement arrangements. The Inquiry considers the informal placement of protected children in 'Family Way' arrangements to work against the best interests of children where such children have been deemed to be in need of protection. In 'Family Way' arrangements there is no formal agreement with parents on what actions are required in order for children to be returned home and there is no monitoring of the risk to children as no case management is provided. The Inquiry recommends, so far as possible, that NTFC review all placement arrangements facilitated by caseworkers and, where children are found to be in improperly arranged 'Family Way' placements, their circumstances are assessed and they are either returned to their parents or have their placement arrangements formalised.

- Lapsed orders. The Inquiry was informed by NTFC that there is some legal ambiguity around a number of children or young people whose orders have lapsed. In some cases children have reportedly been returned to their families without the Court having an opportunity to determine if the child is now safe whilst in others there may be concerns that children remain away from their parents for no valid reason. Some of the lapsed orders involve children with disabilities in OOHC who were initially the subject of Court orders. These orders now having lapsed, the children remain in OOHC. It is of concern that children and young people may continue to be separated from their parent(s) when orders have lapsed simply because they are unaware of the changed circumstance. It is also of concern that carers may continue to care for such children without financial assistance. Two recommendations are made in this chapter about the lapsing of orders.

Finally, a number of issues are raised and discussed in respect of other matters that may require legislative attention. These include: legal representation and involvement in case planning; the removal of children under orders from the Northern Territory; preparation of care plans and providing these to parents; the amalgamation of care and youth justice courts; children and young people in the care of the NTFC who are also involved in the criminal justice system; and the duty to provide protection for infants who are deemed in advance of their birth to be at risk.

CHAPTER 11

Interagency Collaboration

Over the past decade there has been an ever-growing list of inquiry reports and coronial inquests, both in the Northern Territory and in other jurisdictions, describing the tragic consequences for children and young people and their families when agencies fail to work collaboratively and cooperatively and fail to accept a shared responsibility for the care and protection of children. These reports consistently refer to the complex circumstances surrounding vulnerable children and families where chronic neglect, under nutrition, domestic violence, alcohol and other substance abuse, gambling, mental health issues for parents or young people, and homelessness or inadequate housing are experienced.

For many children and young people, more than one of the above factors will be present and it is clear that these complex issues cannot be satisfactorily addressed by one agency working alone. It is now accepted wisdom that agencies need to work together collaboratively to provide assistance in such circumstances. It may be that a statutory authority is required to lead the process of identifying the needs of children and their families, and to advocate for the provision of appropriate services from other agencies. However, it is the collaborative response with input and solutions from multiple perspectives which will deliver the most appropriate response and service.

The case for interagency collaboration incorporating a 'Whole of government' approach has been accepted in the Northern Territory and at most levels of government in Australia. In the Northern Territory it has been acknowledged generally but in particular in relation to Indigenous Affairs. The Agenda for Action⁴⁶, A Whole of Government Approach to Indigenous Affairs in the Northern Territory 2005–2009, was based on the following three principles:

- More fully understanding Aboriginal peoples' history and continuing strength in the Northern Territory
- Working in partnership with Aboriginal people in an environment of mutual respect, and
- Recognising that the social, cultural and economic issues facing Aboriginal Territorians are interconnected and, therefore, government agencies must communicate with each other, coordinate their policies, and work together.

Indeed, in its submission to the NTER Review Board, the Northern Territory Government called for:

'new partnership arrangement ... that establishes better coordination and working arrangements across three tiers of government, the non government and community sectors: and that this framework should define the roles and

⁴⁶ Office of Indigenous Policy, 2006, *Agenda for Action: A whole of government approach to Indigenous affairs in the Northern Territory 2005-2009*, Department of the Chief Minister, Darwin.

responsibilities for service delivery of each tier of government and service providers. It should be designed as a key governance mechanism to manage and align a range of initiatives, strategies and evidence-based reporting requirements to be applied to the Closing the Gap programs of both governments⁴⁷.

The Inquiry notes the significance of this suggestion as setting the scene for Chapter 11 as well as underpinning many of the Inquiry's recommendations.

In this chapter the Inquiry notes the national initiatives which focus on information sharing and collaboration: The National Framework for Protecting Australia's Children⁴⁸; the collaboration under the National Partnership Agreement on Remote Service Delivery⁴⁹; reports of the NSW Ombudsman⁵⁰; and the Wood Inquiry in NSW, all of which observed that effective interagency collaboration has the potential to enhance services to children by delivering better assessments of need, improving the delivery of holistic services by minimising gaps and discontinuities in services, achieving greater efficiency in resource use and providing more support for workers⁵¹. These comments echo what is documented in many statements of intent and inquiry reports in the Northern Territory. That is, the need for greater cooperation and collaboration to enhance the safety and wellbeing of children.

Specific inquiries in the Northern Territory have highlighted the failures of interagency work. Coronial inquests⁵²; the High Risk Audit of the Territory Health and Community Services clients at high risk⁵³; the 'Little Children are Sacred' Report;⁵⁴ and the Northern Territory 'Closing the Gap' initiative⁵⁵; all acknowledge past failures and all emphasise the necessity for cooperation, partnerships and collaboration in the interests of the safety and wellbeing of children and their families and communities. The Inquiry notes the particular contemporary significance of the Northern Territory 'Closing the Gap' initiative⁵⁶ which proposes the establishment of a comprehensive framework for implementing a long term generational approach to collaboration and interagency initiatives. The Report recommends negotiating complementary long term plans with the Australian Government, and consulting and negotiating with Aboriginal people regarding their responsibilities and obligations to build a better future for their children.

It is clear from submissions to the Inquiry that many individuals, organisations and agencies recognise the benefits of interagency cooperation and coordination. They are concerned about the lack of coordination in the delivery of child safety and wellbeing services to children, young people and their families in the Northern Territory. Submissions to the Inquiry identify many and diverse views about the factors that may be operating to hinder

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- 47 Northern Territory Government, 2008, *Submission to the Northern Territory Emergency Response Review Board*, Northern Territory Government, Darwin, p.7.
- 48 Council of Australian Governments, *Protecting children is everyone's business*.
- 49 Council of Australian Governments, *National Partnership Agreement On Remote Service Delivery 2009-2014*.
- 50 NSW Ombudsman, 2009, *The death of Ebony: The need for an effective interagency response to children at risk*, NSW Ombudsman, Sydney.
- 51 Wood, *Special Commission of Inquiry into child protection services in NSW*, p.958.
- 52 Cavanagh, *Inquest into the death of Kalib Peter Johnston-Borrett*, Northern TerritoryMC 006, Northern TerritoryMC 006.
- 53 Northern Territory Department of Health and Community Services, *Northern Territory Community Services high risk audit: Executive summary & recommendations*.
- 54 Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*.
- 55 Department of the Chief Minister, 2007, *Closing the Gap of Indigenous Disadvantage – A Generational Plan of Action*, Northern Territory Government, Darwin.
- 56 Department of the Chief Minister, 2007, *Closing the Gap of Indigenous Disadvantage – A Generational Plan of Action*, Northern Territory Government, Darwin.

the development of genuine interagency cooperation and coordination. While many of these focus on the role of NTFC, others recognise the problems do not all rest within one agency and that there is a need to look further if an effective and lasting solution is to be found. In particular, there is recognition that responsibility for the protection of children must be shared across agencies

What is evident in the Northern Territory is that key players are struggling with the challenges of developing and maintaining a coordinated response. There is clearly a lack of shared understanding and expectation of the role or limitations of many of the participating agencies. As occurs in most jurisdictions, particular problems accompany the sharing of information. Submissions from other agencies, institutions, NGOs and individuals consistently refer to a prevailing culture or practice within NTFC characterised by: a reluctance to share relevant information with, or provide feedback to, other agencies, organisations or carers; a reluctance to seek relevant information from other agencies, organisations or carers, and, poor maintenance of essential information about children in care. Across the sector there is recognition of the privacy rights of children and their families. However, varying notions of confidentiality are seen by some as an inappropriate shield for some workers and an obstacle to the proper exchange of information when it is in the best interests of children

The Department is amongst the many agencies that provided extensive views about what could or should be done to improve the effectiveness of the interagency response to children and their families. These include; a robust commitment to collaborative policy development and planning and sharing information about children and families among service providers involved in the care, wellbeing and support of children and families; improved capacity and adaptable service integration across all levels of government and the non government sector, that does not allow children and families to 'fall through the cracks'; Territory-wide client accessibility to quality and timely responses to family support and statutory intervention, and, genuine, tangible, and accountable, collaboration across government and non government service providers. It was generally accepted that improvements will only be possible if additional resources are allocated and accompanied by the necessary cultural changes to relationships, systems and practices that need to underpin the Northern Territory's child protection system.

This chapter identifies and describes some excellent examples of good practice in relation to interagency collaboration and partnerships in the Northern Territory and other jurisdictions and provides a legislative framework for information sharing. It also provides recommendations about the legislative changes that are required for improving communication. In so doing it notes that while several factors may contribute to the reluctance to exchange information, a significant factor is the complex and inaccessible legislative framework, or perceptions about the limitations of the framework, accurate or otherwise. It recommends that interagency guidelines are developed and proposes the following principles:

- Agencies and NGOs involved in the safety and wellbeing of children and young people in the Northern Territory are able to share information without requiring NTFC to act as an intermediary, where the information is required to promote the safety and wellbeing of children and young people

- The amended Act include a statement of principle making it clear that agencies and NGOs with significant responsibilities for the safety and wellbeing of children and young people are expected to share information for the benefit of children and young people
- The exchange of information between agencies and NGOs is on the basis that a person reasonably believes that the information exchange would assist another organisation to make a decision, assessment, plan or investigation relating to the wellbeing or safety of a child or young person
- Agencies have business plans to support the implementation of such a system
- Information exchanged is not to be used or disclosed for any purpose that is not associated with the wellbeing or safety of a child or young person and appropriate thresholds exist for this purpose
- Existing protections from civil and criminal liability and ethical requirements are preserved for those exchanging information in accordance with the amended legislation
- Information about notifiers, and about suspected perpetrators of offences, is provided to police where the information would assist police to investigate possible offences against a child or young person
- Police are able to supply information concerning their investigations into offences involving the abuse of children and young persons to appropriate agencies and NGOs
- That teachers and school principals are able to exchange information with NTFC staff and other relevant organisations where there are ongoing concerns about the safety and wellbeing of students including where students have moved schools.

Most importantly, the chapter presents and outlines the major reforms around the delivery of child protection services that are proposed by the Inquiry. In refusing to simply joining the chorus calling for improved interagency communication and collaboration, the Inquiry recommends solutions which are geared towards meeting the needs of vulnerable families in urban, regional and remote areas of the Northern Territory which are based on the understanding that government service agencies, NGOs and individuals need to work collaboratively to improve the safety and wellbeing of children. It notes that elements of these recommendations may challenge some agencies and individuals, especially those who have become comfortable with the process of notifying the statutory agency with the expectation that that agency alone has the means and the will to do what is necessary to provide assistance to a child or family in need. The new framework involves a focus on finding solutions to family problems before there is a need for recourse to the statutory authority and it involves working with rather than just referring to the statutory authority.

The chapter describes the six components to this interdisciplinary, interagency collaboration that provides a template for Northern Territory service delivery for the safety and wellbeing of its children:

- Development of a dual pathway for the referral and assessment of vulnerable children and families
- Creation of Community Child Safety and Wellbeing teams for the 20 Growth Towns and elsewhere
- Expansion of the scope of the integrated child and family centres
- Development of further multi-service family centres in areas of need
- Establishment of interagency, hospital based child safety and wellbeing teams, beginning in Alice Springs and Darwin
- Enhancement of the child safety and wellbeing roles of other government agencies and personnel

CHAPTER 12

Workforce

Planning for the effective establishment of a strong workforce and its ongoing management is well acknowledged as a major task confronting the Northern Territory Government. It has been evident since the commencement of this Inquiry that there are very significant workforce problems in this sector in the Northern Territory. Alongside the Inquiry's immediate awareness of these workforce challenges, it recognises and appreciates the strength of commitment of the NTFC, and broader workforce, reeling under the heavy strain of caring for and protecting children, supporting families and growing community capacity in the Northern Territory. Recently, the Council of Australian Governments (COAG) focused on the important workforce concerns in relation to the health workforce.⁵⁷ In part, this is in response to well articulated concerns about the crisis in this particular workforce in rural and remote (in areas such as Northern Territory), as well as urban, Australia.⁵⁸ It reflects growing evidence of the need to resource new and creative initiatives to meet the health needs of rural and remote area Australians⁵⁹.

This chapter provides a brief description of the NTFC workforce and work conditions and focuses on how the submissions, hearings, consultations and public forums describe workforce issues – staff turnover, recruitment and retention, work practice demands, induction and training, supervision, support and mentoring and culture and management. To the extent that the Inquiry could do so it also comments on workforce matters relevant to the welfare of children within the much broader context of integrated services now required by national, many state and professional policy frameworks. Because Aboriginal child, family and community welfare issues are of such importance in the Inquiry and unarguably can only be resolved by paying serious attention to the need for a strong Aboriginal workforce, this matter is also addressed.

In the submissions, hearings and consultations, there is much evidence of personal, organisational and professional commitment present amongst the dedicated and broad workforce concerned with protecting, caring for, and educating children, and supporting families and communities in the Northern Territory. This workforce dedication is noted at the outset and provides a signal of hope in an otherwise bleak landscape in which worker stress and distress appears to run parallel with the grief and misery of children, young people, families and communities living with immense disadvantage and trauma. Despite the very evident litany of problems, there is a strong strand of optimism in many submissions.

57 National Health Workforce Taskforce, 2009, *Health professional entry requirements 2009-2025 - Macro supply and demand report*, National Health Workforce Taskforce, Melbourne.

58 R Murray & I Wronski, 2006, 'When the tide goes out: health workforce in rural, remote and Indigenous communities', *MJA*, vol. 185, no. 1, pp.37-38, pp.37-38.

59 J Humphreys et al., 2008, 'Beyond Workforce: A systemic solution for health service provision in small rural and remote communities', *MJA*, vol. 188, no. 8, pp.77-80.

The following workforce issues, among others, are identified in Chapter 12:

- Appalling rates of worker turnover and difficulties with recruitment leading to the presence of unfilled positions at all times
- Untenable caseloads
- Significant dissatisfaction with existing international and interstate recruitment strategies
- Low morale and evidence of chronic workplace inadequacies and dissatisfaction
- Alleged lack of cultural competence in the workforce
- The absence of a significant cohort of Aboriginal workers
- Inadequate pathways into the workforce and/or inadequate knowledge of what these pathways and opportunities are
- Poor workplace and employment conditions that compare very unfavourably with those of many colleagues in other areas of work
- Low participation levels in core and other training due to low staff numbers and inability to release staff to access training
- Ad hoc and inadequate staff induction and orientation
- Delayed training of up to 12 months for some new staff due to lack of fit between recruitment time and delivery cycle
- Poor participation by senior practitioners, team leaders and managers because of case demands at the front line
- The need for creativity, flexibility and energy to create robust strategies that can be tailored to the unique circumstances of the Northern Territory and various offices and work units
- Absence of a clear process to meeting workforce needs for career progression expectations or to aligning the core roles and responsibilities of staff to their relevant learning and development needs
- Absent or 'on the run' supervision and the inconsistency of supervisory skills amongst managers and team leaders
- Lack of understanding and lack of mechanisms for compliance with statutory policies, procedures and standards.

The chapter highlights the need for work re-design as an imperative for meeting the needs of the new framework for the delivery of child safety and wellbeing services. The work re-design must recognise the significance of cultural capacity and recognise Aboriginal cultural strength as well as enable the engagement of professional practitioners who are able to decisively address the complex issues arising in child protection work. Any work design must incorporate important community development principles that are foundational for any worker who is to effectively work in Northern Territory – whether in non Aboriginal or non Aboriginal urban environments, 'urban' town camps or communities in regional and remote areas. Finally, work re-design must recognise the need for career pathways for practice as well as through to management. Senior practitioner roles provide such pathways that enable critical skills to be retained within the direct service workforce.

Outside of the NTFC staffing profile, it was not possible to obtain a clear or comprehensive picture of the workforce arrangements and requirements in the hugely complex and much broader Northern Territory service environment of interlocking services funded in a myriad of programs by multiple authorities and tiers of government that supply child, family and community services at primary, secondary and tertiary levels. However, submissions, hearings and documents supplied by DHF provide ample evidence of the huge complexity the territory service delivery landscape and the competition between services for good staff. Whatever the additional workforce need, the Inquiry is of the view that there is an evident and urgent requirement to increase partnerships, collaboration and relationships between programs, agencies and personnel and to develop a more integrated child and family welfare workforce plan for the Northern Territory. This will, of course require capacity building in relation to staff numbers and also the skills and willpower to enter new collaborative arrangements.

It is evident to the Inquiry that there is an urgent need to develop a community services workforce that has very broad responsibility for the safety and wellbeing of Northern Territory children, families and communities – and one that aims to protect and care for children rather than simply being a ‘child protection system’. The safety and wellbeing of children is a responsibility all carry – families, communities, governments and non government agencies. In this chapter, recommendations are made about developing a comprehensive workforce strategy based on clearly stated values and principles that include, as a priority, pathways opportunities for the engagement and progression of a ‘home grown’ and Aboriginal workforce. In addition, a series of recommendations are made about resource allocation models, support, training, recruitment and retention of the current workforce.

CHAPTER 13

Oversight, accountability and review

Sound monitoring and accountability provisions are fundamental to ensure government departments and agencies, their partners and those contracted to work on their behalf, are clear about what is expected of them, that there are systems in place to hold them accountable and processes to monitor outcomes and ensure quality of services. Ultimately, this is the process by which evidence of outcomes is obtained that children and families are indeed receiving the assistance they require, and that the outcomes for children are beneficial. If they are not, this process should identify opportunities for improvement.

The system comprises the statutory authority, its fellow government divisions and departments and the range of agencies and individuals funded, licensed or authorised to provide child and family welfare services. With implementation of the significant reforms recommended by the Inquiry the expectation is that the system will be in a better position to assist children to reach their full potential.

When a system is overwhelmed and unable to meet the community's expectations and government accountabilities due to demand pressures, then the system breaks down. The result of this is that poor practices evolve and become standard, the workforce itself becomes overwhelmed, stressed and demoralised with high rates of departure which is symptomatic of all child protection jurisdictions. Difficulties with recruitment mean those who remain have an even greater workload and there is no time for reflection let alone to provide appropriate orientation to recruits or for professional development. Policies which look good on paper, such as those of supervision, are often not followed. In a stressed system a culture of bullying often emerges and new ideas and suggestions may be ignored.

The lack of a clear process to review decisions of NTFC has led parents and carers disaffected by decisions to complain directly to the Minister, the opposition spokesperson, other parliamentarians, or to a complaints authority such as the Children's Commissioner or the Ombudsman. This, in turn, has had the flow-on effect of NTFC staff being taken away from their already overburdened duties and placed under the additional stress of having to respond to an ever increasing number of Ministerials arising from individual complaints and allegations. The results of the system operating in this manner are described throughout the Report.

Across all jurisdictions the capacity to provide a comprehensive, responsive and effective system for protecting children is an ongoing challenge, it is critical that the government has appropriate systems in place to monitor performance, and ensure accountability of government funding. However, in the Northern Territory there is a unique combination of circumstances that results in a high proportion of the population of children being vulnerable and indeed suffering poorer outcomes than they otherwise might. It is undeniable that children experiencing high levels of disadvantage need access to quality systems to help improve their situation in life. It is in this context that this chapter has been written.

This Inquiry heard from over 25 percent of the approximately 500 NTFC employees either via individual submissions, hearings, phone calls or emails, via workgroup submissions, or through the official departmental response. There is consensus that the system is failing and reform is required. Submissions in the public domain on the Inquiry website highlight the particular issues relating to workforce and have the potential to be sensationalised, however, what the Inquiry often saw were examples of staff using innovative solutions to deal with complex issues. The Inquiry believes it is critical for the government to build in systems to better monitor government funded services, increase the accountability around public funding and to address complaints and allegations in a timely manner.

Building a culture of reflection within the system is critical and there are a number of components necessary for this to occur. These include transparency, collection of and access to appropriate data, and effective oversight to make sure it happens. It is important that oversight entities are seen as assisting and promoting the work of the system. Oversight entities can promote a climate of reflection that has a primary focus on children and their safety and wellbeing. Considered and appropriately obtained feedback from external stakeholders is also necessary.

Throughout the chapter, a variety of monitoring and performance structures are reviewed. These include:

- Promoting and protecting the rights of all children and young people
- Monitoring and reviewing systems, policies and practices relating to children
- Monitoring the circumstances of children and young people in OOHC, promoting their best interests and ensuring their rights are protected
- Advocating for the needs of children and young people
- Strategic reporting and performance measurement which may involve the development of monitoring plans and outcome indicators as strategies for effecting change and improvement
- Investigating and resolving complaints about the provision of community services for children
- Investigating administrative complaints against funded, licensed or authorised children's services
- Regulating the employment of children and young people, promoting their welfare with employers and investigating complaints and alleged breaches of statutory provisions
- Reviewing complaint handling systems
- Reviewing circumstances relating to the death or serious injury of children in prescribed situations
- Screening people seeking employment in children's services.

Chapter 13 specifically focuses on the roles of the Children's Commissioner, the Ombudsman, the Northern Territory Coroner, and a number of review and oversight entities such as the Child Deaths Review and Prevention Committee. It argues for the development of clear complaint, review and appeal processes in order to ensure that the system is achieving its objectives as well as quality assurance and accountability measures.

A thorough evaluation of a system's inputs, processes and outcomes is important, but not sufficient. Evidence of impact is imperative in weighing up the value of inputs, processes and outcomes of services yet traditional evaluation gives only cursory attention to impact. There is a key question that underpins impact evaluation: is the outcome better than if there had been no intervention? Scholars and analysts have acknowledged the significance of measuring the impact of interventions and, while new methodologies are emerging, it is one of the most difficult levels of evaluation to undertake.⁶⁰ The Inquiry is firmly of the view that the Northern Territory system with children and families as its focus must know about its impact on children, families, communities and society in general.

60 The Most Significant Change Technique is one that has been developed as a most useful qualitative tool to assess impact. See <http://www.mande.co.uk/docs/MSCGuide.pdf>.

CHAPTER 14

The way forward

Core elements of the recommendations contained in this Report are noted in Chapter 14. They capture the essence of the ideas that emerged from the consultations with a large range of stakeholders including clients, children in care, remote community members, foster carers, child protection workers, police, educators, health workers, academics and many more. They provide both the framework and mechanisms for a thorough reorientation of the child protection apparatus to one that engages with and supports families and communities in finding their own solutions at the same time that it puts in place stronger mechanisms for assessing and providing for the children who need to be removed temporarily or permanently from the care of parents. The Inquiry believes that the result will be a newly energised, more focused, more effective child protection system based on consultation, collaboration and an acceptance of the reality that keeping the Northern Territory's children safe and well is a shared responsibility.

A long-term perspective is required around the implementation of the present Report. The chapter identifies the need to immediately address the pressing social problems afflicting so many Aboriginal communities as a matter of urgency but actually repairing the social fabric of communities torn apart by alcohol, violence, unemployment, despair and the like, will take much longer. Within the child protection system itself, we cannot go on building larger and more forensically-focused child protection and OOHC systems while paying lip service to the need to support and enable families so that they can care for and protect their own children – and we cannot keep developing approaches and services without hearing the voices of those who are directly affected by our interventions.

This final chapter identifies the scope as well as the core elements of the proposed reforms and emphasises that they are far reaching with some being of great significance to the charting of a new direction whilst others focus more on improving programs and processes. It reviews an outstanding question that remains about the need or otherwise for NTFC to become a 'stand alone' department in its own right. A specific recommendation is not made about this matter but the Inquiry does urge that, whatever the decision on this by the Northern Territory Government, there does need to be an increased profile for NTFC, as well as increased agility and flexibility and improved morale.

The Inquiry notes at this stage that some recommendations require immediate implementation, while some can wait a short while, and others are of an ongoing nature. The Inquiry suggests that most of the major reforms will take three or more years to be realised in full, however, there are clear interim steps that will need to be taken. In broad terms it identifies the major reforms as being in three areas as follows:

- The most significant recommendation in terms of both cost and centrality to the reform process is the call for a substantial new investment in a range of family support and therapeutic services over a five year period. These new services should include the development of Aboriginal child safety and wellbeing services (Aboriginal Child Care Agencies or ACCAs) in Darwin and Alice Springs (Chapters 4, 6 and 11).

- A number of immediate capacity issues within the child protection and OOHC programs are the next items. These need to be addressed at the same time by way of the redeployment, recruitment and training of further workers in order to address serious staffing shortages and workload concerns (Chapters 7, 9 and 12).
- Third, there are a set of recommendations relating to a re-configuration of child protection services – these involve the development of a dual pathway intake and assessment process along with a refinement of the primary focus for NTFC; the establishment of place-based interagency Community Child Safety and Wellbeing teams; an expansion of the scope of children and family centres in remote areas to include secondary and tertiary level services; the development of more children and family centres; a new collaborative approach to child protection decision-making in urban areas; and a re-development of the child safety and wellbeing roles of other government agency workers (Chapters 7 and 11).

The chapter notes that, in addition to reforms in these three broad areas, there are a host of other recommendations to be implemented. Some of the recommendations are the responsibility of one or two agencies whilst others involve a ‘whole of government’ or ‘whole of service sector’ participation, including government and NGOs. Each of the recommendations has been given an *urgency rating* to provide a prioritisation guide around the commencement of implementation:

1. Urgent: immediate to within 6 months;
2. Semi-urgent: within 18 months; and
3. Important but not urgent: within 2 to 3 years.

It identifies the following next steps in the implementation process:

1. The articulation of a response to the proposed reforms
2. The creation of an implementation unit to drive the broader reforms
3. The development of a strategic/action plan to drive the reforms
4. The development of an implementation plan within NTFC
5. The determination of monitoring and oversight functions

Most importantly, the Inquiry recommends that the Northern Territory Government create a planning, coordination and implementation unit (or team) to be responsible to the Chief Executive of the Department of the Chief Minister, in order to develop, drive and coordinate the reforms as they are identified in this final chapter.

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RECOMMENDATIONS OF THE INQUIRY

Recommendations of the Inquiry

The Inquiry has categorised the urgency of recommendations with respect to the commencement of actions. The framework used is:

1. Urgent: immediate to less than 6 months,
2. Semi-urgent: within 18 months,
3. Important but not urgent: within 2-3 years

For some of the recommendations implementation should start and finish within the allocated period, whereas for others it will be ongoing.

It should be noted that most of the recommendations are presented in a succinct form that focuses on the action/s required. A full understanding of the recommendations and their intent can only be ascertained by reference to the associated discussion in the Report.

References to 'the Act' are to the *Care and Protection of Children Act 2007* (NT), the key piece of child protection legislation in the Northern Territory.

No.	Chapter	Number	Recommendation	Urgency
1.	Chapter 1	1.1	That Northern Territory Families and Children undertakes a process of engaging its entire workforce to commit to a strategic plan which clarifies its mission and includes the articulation of values and principles under which it will operate.	2
2.	Chapter 4	4.1	That the Northern Territory Government develops a clear framework for the inclusion of Aboriginal people in child welfare as the basis of an Aboriginal child safety and wellbeing plan and that measures are developed against each key component of the framework with progress reported annually.	2
3.		4.2	That an Aboriginal Child Care Agency or Agencies be developed in stages, and that such an agency or agencies is funded by Government with a major role in child safety and wellbeing, with consultation to determine how the Aboriginal community should be represented. Alternatively, the agency functions may be developed as part of an existing Aboriginal controlled organisation.	1
4.		4.3	That there is recognition in the <i>Care and Protection of Children Act</i> of the functions of an Aboriginal agency or agencies or other recognised entities.	2

No.	Chapter	Number	Recommendation	Urgency
5.		4.4	That the Northern Territory Government funds the development, establishment and ongoing work of an Aboriginal peak body on child and family safety and wellbeing, and child protection. This peak body would support the process of the development of Aboriginal child and family wellbeing and safety, and child protection agencies.	2
6.		4.5	The Inquiry endorses the Aboriginal Child Placement Principle and recommends that it is interpreted and applied in such a manner that the safety of the child is paramount.	1
7.		4.6	That in consultation with Aboriginal people including relevant service providers, Northern Territory Families and Children should publish a comprehensive practice guide around the application of the Aboriginal Child Placement Principle to be made available to all stakeholders.	2
8.	Chapter 6	6.1	That the planning processes around the development of integrated children and family centres in remote areas specifically address the service delivery needs of vulnerable and at-risk children and families and promote collaborative practice amongst government and non-government service providers relating to these target groups.	1
9.		6.2	That the Northern Territory Government explores with the Commonwealth the (trial) development (or expansion of) existing infrastructure in remote areas (e.g. women's safe houses, day care centres, health clinics) to provide on-community therapeutic residential options for mothers and small children where the latter have been identified as being at risk of removal into foster care because of 'failure-to-thrive', neglect, or otherwise inadequate parenting. The trial of such options would need to include the development of a therapeutic intervention model and staffing /supervision options.	3
10.		6.3	That the Northern Territory Government makes a very significant and sustained new investment in the development (and expansion) of a suite of secondary prevention, tertiary prevention, therapeutic and reunification services for vulnerable and at-risk children, families and communities. The majority of these services should be provided by the non-government sector and administered through an enhanced Northern Territory Families and Children grants program. The investment in such services should involve new rather than redirected funding and within a five year period, should match or exceed the combined Northern Territory Families and Children expenditure in statutory child protection and out of home care.	2

No.	Chapter	Number	Recommendation	Urgency
			<p>This investment program should be based on an analysis of:</p> <ul style="list-style-type: none"> • The reasons that children are coming into contact with the child protection system in the Northern Territory • The regional/community indicators of disadvantage and vulnerability based on Australian Early Development Index results, school attendance rates, sources of notifications, reports of family violence, etc • Service models that may be relevant to the unique cultural, demographic and geographic realities of the Northern Territory • Successful Aboriginal-specific programs and services within the Northern Territory and interstate to inform the service development process • Workforce and training needs in both the statutory and NGO sectors • The development of these services should also be underpinned by the principles outlined in Chapter 6. <p>The suite of service options should include intensive maternal and child support, therapeutic services for children, youth and families, substance abuse treatment, parenting skills development, intensive family preservation, targeted family support, and community development and healing (around issues such as sexual abuse, alcohol abuse, neglect, domestic violence and gambling).</p>	
11.		6.4	<p>That the Northern Territory Government seeks the cooperation of the Commonwealth in undertaking a strategic review of child and family wellbeing services in the Northern Territory. The review should inform the development and implementation of a joint strategic plan around service planning and funding in order to overcome fragmentation, inefficiencies and duplication and to target services where they are most needed.</p>	2
12.		6.5	<p>That the Northern Territory Government undertakes a review of the Northern Territory Families and Children grants program and secretariat with a view to ensuring that the provision of service grants aligns with the goals and strategic priorities of Northern Territory Families and Children, that funding grants are determined by way of a transparent process, that all grants include robust quality assurance and accountability measures, that there is a commitment to progressively implementing a three-year funding cycle, and that the grants section is adequately resourced to administer a substantially enhanced program.</p>	2

No.	Chapter	Number	Recommendation	Urgency
13.	Chapter 7	7.1	That Northern Territory Families and Children either extends the 'outcome' timeframe from 24 to 48 hours for matters that do not appear to require an immediate response; or retains the current 24 hour target but intake workers make an initial assessment based only on the information to hand, as is the case in some other jurisdictions.	2
14.		7.2	That Northern Territory Families and Children immediately develops and implements a strategy to clear up the backlog of unallocated child protection investigations whilst ensuring all notified children are safe. Furthermore, that Northern Territory Families and Children develop a longer term sustainable approach based on a resource allocation model to ensure that such backlogs do not re-emerge.	1
15.		7.3	That Northern Territory Families and Children formally reviews its internal family support program. This should result in a clear practice framework and accountability measures including the collection and reporting of service data relating to family support.	2
16.		7.4	That Northern Territory Families and Children immediately reviews the response targets for the commencement of investigations for the various risk categories and considers whether other targets may be more realistic. Once updated policies/ guidelines have been agreed, ongoing timeliness data should be calculated on all matters that have been 'outcomed' (processed by Central Intake) not just those for which an investigation has commenced.	1
17.		7.5	That the recommendations from the two reports from the Office of the Children's Commissioner: <i>'Report in respect of Baby BM'</i> and <i>'The Interim Progress Report on Intake and Response Processes'</i> be implemented as a matter of priority, subject to any over-riding proposals from the current Inquiry.	2
18.		7.6	That Northern Territory Families and Children develops guidelines to the effect that professional notifiers with follow-up information on an open case (i.e. a case formally under investigation or a matter that has been substantiated) have the option of directly contacting the relevant regional office rather than needing to be processed through Central Intake.	2
19.		7.7	That Northern Territory Families and Children and the Northern Territory Police review the large numbers of apparently incomplete investigations from CAT North to determine the accuracy of the data and whether action needs to be taken to address the apparent backlog in completing investigations.	2

No.	Chapter	Number	Recommendation	Urgency
20.		7.8	That Northern Territory Families and Children ensures that its investigation processes and instruments are sensitive to the possibility that notified children (particularly for reasons of neglect) may be provided with the basic necessities but not be meaningfully bonded with a caring adult or adults, and that they can experience significant developmental harm as a result.	1
21.		7.9	That Northern Territory Families and Children urgently implements an initiative focused on the longer-term safety and wellbeing of infants and young children who come to its attention. This might be modelled on the 'One Chance at Childhood' initiative of the Department of Communities in Queensland but should also include guidelines for case classification at intake as well as ongoing case support and management.	1
22.		7.10	That Northern Territory Families and Children develops an indicator based on the provision of feedback to notifiers to be used in reporting on performance.	2
23.		7.11	That the Northern Territory Government in considering the impact of the phased withdrawal of AFP by the Commonwealth, ensures that adequate planning and funding is in place to respond to the issues of serious abuse in remote areas.	1
24.		7.12	Given that a number of issues have been raised in submissions touching on strategic goals, resourcing, communications and governance, that a joint review of CAT is undertaken by Northern Territory Families and Children and NT Police during the first phase of child protection reforms resulting from this Inquiry.	2
25.		7.13	Given that there has been a significant increase in the number of 'reportable offenders' on the sex offenders register, and that many such offenders are paroled to their home communities, that the Northern Territory Government ensures there are resources available to maintain the effectiveness of the Reportable Offender Management Unit and to implement a community-based 'child protection watch' scheme linked with the development of Community Safety Plans.	2
26.		7.14	That the Northern Territory Families and Children Policy and Procedures Manual be formally reviewed with a view to actively encouraging workers to adopt a collaborative approach to practice with respect to intake assessment, investigations and case planning.	2
27.		7.15	That the Northern Territory Families and Children Policy and Procedures Manual be reviewed and reworded to embed the principle that engagement and collaboration with the family and extended family should be considered part of normal child protection practice where the child's safety is not compromised.	2

No.	Chapter	Number	Recommendation	Urgency
28.		7.16	That Northern Territory Families and Children evaluates current intake and assessment functions to determine the skills, qualifications and training that are required and whether these are functions that that need to be performed by P2 classified workers.	2
29.	Chapter 8	8.1	That Northern Territory Families and Children engages in a community consultation process to develop a formal policy on permanency and stability planning and consider whether any legislative changes are required.	2
30.		8.2	That Northern Territory Families and Children reviews its policy relating to the ongoing risk management of open cases (as initially recommended in the High Risk Audit – recommendation 7) in the light of the new Structured Decision-Making risk assessment instruments that are being introduced, with a view ensuring that regular assessments are undertaken, the results recorded, and appropriate action taken.	2
31.		8.3	That an Aboriginal Family Group Conferencing model and/or other culturally appropriate decision-making models be developed and progressively implemented to cover all key service regions of the Northern Territory; that the programs are formally evaluated; and that they are funded (in time) as part of the normal budget process.	2
32.		8.4	That Northern Territory Families and Children develops and implements a comprehensive response plan (as detailed in Chapter 8) around the needs of protected young people who come to its attention as recommended in this Report and in the High Risk Audit, including the creation of a new ‘youth at risk’ outcome category for Central Intake.	2
33.	Chapter 9	9.1	That Northern Territory Families and Children undertakes or commissions a comprehensive review of its residential care services with a view to addressing the serious concerns identified in recent internal reports, updating current demand trends, determining the optimal service mix, developing realistic costing models, and clarifying the role of non-government service providers. The review should also: <ul style="list-style-type: none"> consider, in particular, the demand for and approaches to the provision of out of home care for Aboriginal children in remote areas to include safe houses and multi-service approaches that have been established in other jurisdictions that provide for family support and restoration programming as well as out of home care. 	1

No.	Chapter	Number	Recommendation	Urgency
			<ul style="list-style-type: none"> focus on issues of service quality, covering the development of policy and procedure manuals for services, clear program models, the role of care and behaviour management plans, recruitment requirements, specialist training requirements, physical plant, equipment, the supervision and support of workers, and accountability measures review the data recording protocols to ensure the published statistics account for all children and young people in residential care placements lead to a comprehensive 3-year plan around the development and management of residential care services. 	
34.		9.2	That Northern Territory Families and Children considers partnering with another jurisdiction in the development and implementation of its residential care plan.	2
35.		9.3	That Northern Territory Families and Children reviews the organisational structure of Out of Home Care and Alternate Care services with a view to consolidating and rationalising them into a single policy and practice entity.	2
36.		9.4	That regular 'refresher' courses are held for all staff about the application of legislation, policy and procedures with respect to children in care.	2
37.		9.5	That Northern Territory Families and Children progressively adopts the Looking After Children framework (or an amended version appropriate for Aboriginal children) to provide a comprehensive case management framework for children in the care system, to help ensure their developmental needs are addressed.	2
38.		9.6	That Northern Territory Families and Children develops a charter for children and young people in care.	2
39.		9.7	That Northern Territory Families and Children reviews the roles played by the Aboriginal Community Workers and the recently appointed Remote Aboriginal Family and Community Workers, to assess whether they might play a more specific role in the case management and support of children in care.	2

No.	Chapter	Number	Recommendation	Urgency
40.		9.8	That allowances and other payments to all carers be reviewed and an ongoing process be established, that takes into account: <ul style="list-style-type: none"> that the foster care allowance should be based on the child's level of need, their age and the location of placement that an additional allowance should be made to carers in remote areas in order to account for extra costs required to maintain standards The need for clear guidelines around the use of discretionary payments to reduce the inequitable use of this form of allowance. 	1
41.		9.9	That a validated tool of assessment for children entering out of home care be developed and implemented which will assist with the matching of a child with a carer and will determine the rate of allowance to be paid. The assessment process must provide for review and reconsideration.	2
42.		9.10	That kinship carers be provided with allowances at the same rate as general foster carers.	1
43.		9.11	That where 'Family Way' arrangements are facilitated by Northern Territory Families and Children, the carers are eligible for establishment or discretionary payments and that they be assisted and connected to other financial supports available through the Commonwealth and Northern Territory Governments. The needs of the children and care providers should be assessed when the arrangement is negotiated.	2
44.		9.12	That a process be developed and implemented which will ensure all allowances/payments to carers are processed quickly and carers receive their entitlements promptly.	2
45.		9.13	That the development of a professional stream for home based carers, who are highly skilled and trained, be considered to provide placements for children and young people with high and complex needs.	3
46.		9.14	That Northern Territory Families and Children immediately acts to address the need for a shift in culture from a focus on carers as providers to carers as partners.	1
47.		9.15	That Northern Territory Families and Children adequately funds Foster Care NT to ensure that the organisation is able to develop an effective mentoring and support role for foster carers and to assist in the provision of foster care recruitment, training and advocacy with the Department.	1

No.	Chapter	Number	Recommendation	Urgency
48.		9.16	That Northern Territory Families and Children implements measures to monitor quality of practice and decision-making based on existing guidelines (Northern Territory Families and Children Policy and Procedures Manual) for foster and kinship care.	2
49.		9.17	That recruitment strategies continue with an emphasis on Aboriginal carers in remote and rural locations to increase the number of children remaining close to their families. Strategies such as nominating a few carers in the community to provide placements for children at short notice, should be trialled.	2
50.		9.18	That a plan be developed around the resourcing and up-skilling of existing carers to assist with the retention of experienced carers.	2
51.		9.19	That Northern Territory Families and Children facilitates the development of a 'charter' for all carers which sets out expectations, rights and responsibilities. A charter will confirm the important role all those involved in out of home care play in the child's life. It can also be used to determine policy, standards and procedures and for training of carers and staff.	2
52.		9.20	That portions of the Northern Territory Families and Children Policy and Procedures Manual pertaining to out of home care be available online to the public.	2
53.		9.21	That Northern Territory Families and Children continues with its implementation of recommendations from recent Coronial Inquests and reports on progress in its annual report.	1
54.		9.22	That Northern Territory Families and Children continues with its implementation of recommendations from the High Risk Audit and reports on progress in its annual report.	1
55.		9.23	That Northern Territory Families and Children continues to support and influence the introduction and implementation of the National Standards for Out of Home Care and reports on progress in its annual report.	1
56.		9.24	That the Northern Territory Families and Children Policy and Procedures Manual is worded to support the requirement that, unless it is demonstrably in the best interests of a child, a child who has been deemed to be in need of care should be placed in a kinship care placement rather than a 'Family Way' arrangement.	2
57.		9.25	That clear policies and procedures be developed to guide staff about the circumstances in which informal 'Family Way' arrangements are acceptable and what continuing case management obligations exist.	2

No.	Chapter	Number	Recommendation	Urgency
58.		9.26	That Northern Territory Families and Children develops a detailed practice guide around kinship care recruitment, assessment, support and training that includes the 'enabling' principle, details of support options available to carers, and baseline requirements for all kinship/specific carers.	2
59.		9.27	That Northern Territory Families and Children collects a range of care provider data as outlined in this Report and annually report on progress towards 'closing the gap' in standards of care provided for relative and non-relative care providers.	2
60.		9.28	That Northern Territory Families and Children develops a kinship care unit to assist with the recruitment, assessment, registration, support and training of kinship and specific carers and that consideration is given to progressively outsourcing these functions to local ACCAs as their capacity is developed.	2
61.		9.29	That the provision of intensive family support to prevent unnecessary placements be prioritised by the Northern Territory Government and that services are developed and funded accordingly.	2
62.		9.30	That where reunification is the intended outcome, then support and therapeutic services to birth families should be provided whilst their child is in placement to enable this outcome to be realised.	2
63.		9.31	That if it is clear that reunification is going to be the goal, this should be written into the case plans from the start to help determine the nature of the support services needed by the parent/s and to provide clarity and focus for the foster carers.	2
64.		9.32	That if reunification is a goal of a child's case plan and this changes for any reason, a case conference involving the child's family must be held to discuss and formulate a new plan.	2
65.		9.33	That a unit or group of staff within out of home care be created to focus on developing reunification services and strategies and to provide expert advice to work units across the Northern Territory.	2
66.		9.34	That Northern Territory Families and Children develops and appropriately funds specifically therapeutic options for children and young people with high needs such as therapeutic residential care, secure care, therapeutic foster care and a range of therapeutic counselling and treatment services (including Tier 3 services).	2
67.		9.35	That negotiations for fee for service placements should be conducted by specialist staff within the out of home care unit in order to centralise and standardise this function to staff who have relevant knowledge and expertise.	2

No.	Chapter	Number	Recommendation	Urgency
68.		9.36	That in consultation with a child's extended family and cultural advisors, all children who are recognised within the category of being under 'Ambiguous guardianship' are urgently and thoroughly assessed and that resolutions are finalised as soon as possible in relation to their guardianship.	1
69.		9.37	That there is specific guidance in the Northern Territory Families and Children Policy and Procedures Manual to issues arising in work with children who have a disability.	2
70.		9.38	That a review be undertaken of children with a disability in out of home care focusing on the reasons for entry into this type of care and the appropriateness of Northern Territory Families and Children, rather than Aged and Disability, providing for their needs.	2
71.		9.39	That proposals for interstate transfers be assessed by a panel in the relevant Northern Territory Families and Children office comprising at least the Interstate Liaison Officer, the caseworker, and where appropriate, family members and current foster or kinship carers.	2
72.		9.40	That an independent body is auspiced to review investigations into allegations of 'abuse in care' undertaken by the Department of Health and Families. The Office of the Children's Commissioner would be an appropriate body to take on this role.	2
73.		9.41	That the newly developed transition from care policy be implemented consistently with respect to all young people leaving care and a formal reporting program on After Care Services and compliance with legislation and policy be developed.	2
74.		9.42	That transition plans be developed jointly with the young person, their case manager and the relevant out of home care staff member.	2
75.		9.43	That specific training for all out of home care staff be made available to ensure best practice in transition from care.	2
76.		9.44	That the After Care Service including a mentoring scheme be moved, when appropriate, to the non government sector.	3
77.		9.45	That the Northern Territory Government makes a clear policy commitment to the progressive implementation of the outsourcing of significant elements of the out of home care program.	1

No.	Chapter	Number	Recommendation	Urgency
78.		9.46	That Northern Territory Families and Children develops a plan which determines which parts of the out of home care system would benefit from outsourcing, what type of organisations will provide services (e.g. non-government agencies, private organisations or companies), mechanisms for regulation and monitoring of services, risk-management strategies, how funding levels for services will be determined etc.	1
79.		9.47	That given the rapidly increasing costs associated with the placement of children in fee for service placements and the varying levels of placement oversight that are entailed, the plan around outsourcing needs to include a strategy (with targets and timelines) to shift the current fee for service arrangements to negotiated grant-based service agreements with approved providers.	1
80.	Chapter 10	10.1	That the <i>Act</i> be amended to make clear what powers, rights and responsibilities are included as part of 'daily care and control' and 'parental responsibility'.	2
81.		10.2	That the <i>Act</i> provide for parental responsibilities to be divisible with some parental responsibilities able to be retained by parents while other parental responsibilities are able to be assigned to other people.	2
82.		10.3	That the <i>Act</i> be amended to provide for a division within the orders. That is, a distinction in the order between daily care and control and parental responsibility. Parental responsibility should not include daily care and control.	2
83.		10.4	That the <i>Act</i> enshrine as a principle that only in the most extreme circumstances should parents be excluded from exercising all parental responsibilities and that the making of such an order should be a last step and only granted when it is clear that reunification is not possible and that the child is to remain in out of home care permanently.	2
84.		10.5	That the <i>Act</i> be amended to provide that the Court must not make an order allocating parental responsibility unless it has given full consideration to the principles set out in Sections 7 to 12 and is satisfied that any other order would be insufficient to meet the needs of the child or young person.	2
85.		10.6	That the <i>Act</i> be amended to provide that a protection order may only be granted if the Court is satisfied that the granting of the order would ensure the resulting standard of care of the child would overall be significantly higher than the standard presently maintained in respect of the child.	2

No.	Chapter	Number	Recommendation	Urgency
86.		10.7	That regulations relating to the convening of Court ordered mediation be made and that both CEO and Court ordered mediations form an active part of the child protection system across the Northern Territory.	2
87.		10.8	That a senior officer of Northern Territory Families and Children, or their legal representative, be a permanent member of the Local Court Users Group.	2
88.		10.9	That the <i>Act</i> be amended to provide that the Court can make an order that a child has contact with a parent or other person significant to the child.	2
89.		10.10	That the introductory clause of Section 12(3) of the <i>Act</i> be amended to read 'An Aboriginal child should, as far as practicable, and consistent with Section 10, be placed with a person in the following order of priority...'	2
90.		10.11	That the <i>Act</i> be amended to allow undertakings by parties to proceedings to be recorded by the Court.	2
91.		10.12	That Subdivision 3 of Division 4 of Part 2.3 of the <i>Act</i> clearly distinguishes between short-term and long-term protection orders and specifies that the focus of a short-term order is reunification with the family.	2
92.		10.13	That the <i>Act</i> more prominently recognises the importance of reunification in Part 1.3 of the <i>Act</i> and expressly states that the Court must have regard to the principles in Part 1.3 in making orders.	2
93.		10.14	That the <i>Act</i> be amended to include the concept of 'safety' in the definition of 'wellbeing'.	2
94.		10.15	That the <i>Act</i> be amended to provide that short-term orders be made for a maximum of two years, with one possible extension of one year, and that care plans submitted to the Court should include detailed reunification planning.	2
95.		10.16	That the <i>Act</i> be amended to provide that if, at the end of the period of the short-term order(s), reunification is not possible, then a long-term order shall be made for out of home care with the care plan to reflect this.	2
96.		10.17	That the <i>Act</i> provide for Aboriginal children or young people to have a report prepared by a culturally appropriate person for inclusion in the care plan, detailing how the child or young person's connection to their community, culture and spirituality is to be maintained.	2
97.		10.18	That the <i>Act</i> be amended to provide that, in the absence of any application having been made under Sections 136 or 137, a short term protection order under Subdivision 3 of Division 4 must be reviewed by the Court annually, or at any lesser interval determined by the Court.	2

No.	Chapter	Number	Recommendation	Urgency
98.		10.19	That the <i>Act</i> be amended to provide for the Court review of any long-term order in the discretion of the Court, and having full regard to the protected child's need for stability.	2
99.		10.20	That the <i>Act</i> be amended to remove the prohibition on the Department from taking a child into provisional protection if a protection order or temporary protection order is in force for the child.	2
100.		10.21	That the Court consider making practice directions in relation to situations where parental consent is relied on, to ensure that information provided to parents is accessible, comprehensive, timely and consistent with the provisions of the <i>Act</i> .	2
101.		10.22	That the Court consider making Practice Directions in relation to obtaining informed consent from parents where English is not a parents' first language.	2
102.		10.23	That Northern Territory Families and Children reviews its policies and procedures concerning communications with parents, kinship carers (and others) who do not have English as their first language. This should result in directives around the use of interpreters and the provision of written materials in different formats and languages, to ensure that the intentions, proposals and actions of NTFC are clearly understood, particularly where these involve the obtaining of consent.	1
103.		10.24	That Northern Territory Families and Children reviews all placement arrangements facilitated by case workers and, where children are found to be in improperly arranged 'Family Way' placements, their circumstances are assessed and they should either be returned to their parents or have their placement arrangements formalised.	1
104.		10.25	That Northern Territory Families and Children takes immediate action to ensure that no officers participate in any placement arrangements that might be considered contrary to the intent and provisions of the <i>Act</i> .	1
105.		10.26	That the <i>Act</i> be amended to provide that each protection order must be reviewed by the Court within 3 months but not less than 1 month prior to the date on which it would otherwise cease to be in force (and that the order remains in force until the review has occurred).	2
106.		10.27	That the <i>Act</i> be amended to provide that, subject to the Court's review, upon a protection order ceasing to be in force, Northern Territory Families and Children must return the child to his or her parent(s).	2

No.	Chapter	Number	Recommendation	Urgency
107.		10.28	That, if necessary, the <i>Act</i> be amended to provide that in all cases, children cannot be removed from the Northern Territory with the intention of residing interstate without the consent of their parent(s). Where this consent is not forthcoming or the parents cannot be contacted, an order of the Court is required for such removal.	2
108.		10.29	That the <i>Act</i> be amended to make it clear that the removal interstate of children in care for purposes of holiday, schooling, sporting or medical care does not require parental consent or a court order.	2
109.		10.30	That CCIS be modified to enable care plans with a fundamental and mandatory structure and content to be quickly and easily produced by practitioners.	2
110.		10.31	That Northern Territory Families and Children annually reports on compliance with Sections 70, 71, 73, 74 and 76 of the <i>Act</i> with respect to care plans.	2
111.		10.32	That the Northern Territory Government establishes a single court with jurisdiction to hear and determine both child protection and youth justice matters in isolation from adult courts.	2
112.		10.33	That the <i>Act</i> be amended to provide that Northern Territory Families and Children can accept a notification of concern about an unborn child and make provision for the immediate care and protection of the child when born.	2
113.	Chapter 11	11.1	That the <i>Act</i> be amended to: <ol style="list-style-type: none"> 1. provide a workable framework that permits and encourages the exchange of information between public sector organisations, between these organisations, the non-government sector and, where appropriate, individual community members, where that exchange is for the purpose of making a decision, assessment, plan or investigation relating to the safety and/ or wellbeing of a child or young person; and 2. provide that, to the extent that provisions are inconsistent, the <i>Information Act</i> (NT) should not apply. 	2
114.		11.2	That where government-funded agencies providing for safety and/ or wellbeing of children or young people develop codes of practice in accordance with privacy legislation, their terms should be consistent with the new legislative provisions and consistent with each other in relation to the discharge of the functions of those agencies.	3

No.	Chapter	Number	Recommendation	Urgency
115.		11.3	That Northern Territory Government agencies work with the non-government sector to jointly develop information sharing principles to guide the development of legislative amendments and inform practice changes.	2
116.		11.4	That government agencies and non-government organisations work jointly to develop cross-sector operational guidelines around collaborative practice and information sharing, and that related training programs reflect these guidelines. The guidelines should be publicly available, including on government agency websites.	2
117.		11.5	That the Northern Territory Government immediately moves to implement the major reforms outlined in the body of this Report (Chapter 11) around the delivery of child safety and wellbeing services and interagency collaboration. These include: <ol style="list-style-type: none"> 1. Development of a 'dual pathway' process for the referral and assessment of vulnerable children and families 2. Creation of Community Child Safety and Wellbeing teams for the 20 Growth Towns, and elsewhere. 3. Expansion of the scope of the current and planned children and family centres to include targeted and indicated services for at-risk children and families 4. Development of further children and family centres (as child safety and wellbeing centres) in areas of need. 5. Establishment of interagency, hospital based Child Safety and Wellbeing teams in urban areas 6. Enhancement of the child safety and wellbeing roles of other government agencies and personnel. 	1
118.		11.6	To further the principle that child safety and wellbeing is 'everyone's business', that a senior officer in each Northern Territory Government department be responsible for relevant policy development, as well as the oversight of child safety and wellbeing issues arising in the business of that department. Further, that the precise child safety and wellbeing roles of these officers be negotiated with the implementation unit to be established following this Inquiry and should include the promotion of collaborative practice.	2

No.	Chapter	Number	Recommendation	Urgency
119.	Chapter 12	12.1	<p>That Northern Territory Families and Children develops a comprehensive workforce strategy based on clearly stated values and principles that:</p> <ul style="list-style-type: none"> • reflects the required progressive move to a strong early intervention focus and service provision that covers the continuum of universal, secondary and tertiary services; • involves the employment and continued training of well qualified, culturally aware and competent child safety and protective personnel who can identify risk and work in situations where there is significant risk to children as well as being able to utilise community development approaches for early intervention and preventative services; • promotes an Aboriginal workforce employment and engagement strategy developed in partnership with Aboriginal advisers and agencies that creates 'on-country' employment, education, training and employment development pathways for Aboriginal people working in family support and protective services from volunteer through to postgraduate level • is characterised by a strong partnership engagement with the non-government sector in planning and implementation. 	2
120.		12.2	<p>That Northern Territory Families and Children develops a model of workforce and resource planning in partnership with the Northern Territory Treasury, Office of the Commissioner for Public Employment and relevant discipline groups at Charles Darwin University, Batchelor Institute, Centre for Remote Health and other relevant training organisations around child safety and wellbeing services.</p>	2
121.		12.3	<p>That Northern Territory Families and Children's Workforce Development Unit be reviewed in the light of other recommendations, restructured and accordingly resourced in order to enable a culture of excellence.</p>	2

No.	Chapter	Number	Recommendation	Urgency
122.		12.4	<p>That Northern Territory Families and Children re-shapes its workforce by:</p> <ul style="list-style-type: none"> • developing a transparent resource allocation methodology across Northern Territory Families and Children; • undertaking a comprehensive analysis of roles and functions required and a review of current position descriptions in order to determine the appropriate and most effective role and function for service delivery, paying attention to the: <ul style="list-style-type: none"> • Number of personnel • Skills, qualifications and disciplines of personnel • Level of knowledge and skills required • Professional development needs of workers • Training and education provision • Developing a range of new positions to meet the requirements of the new model of service delivery • Ensuring the presence and visibility of multiple entry points to and pathways through service delivery for a range of people at various stages of their education and development. 	1
123.		12.5	<p>That Northern Territory Families and Children reviews the specific demands of urban, regional and remote area service delivery and:</p> <ul style="list-style-type: none"> • establishes benchmark caseload ratios to enable acceptable staff levels and appropriate and manageable caseloads • formulates specific ratios for the three practice areas noting the current benchmarks that have not been calibrated for jurisdictions that include remote area practice - Out of Home Care 1:15; Family Support 1:10 to 1:20; Child Protection 1:6 to 1: 15. • develops specific proposals for remuneration and innovative performance and incentive based strategies (such as provision of housing, rental subsidies, travel allowances, retention bonuses, salary packaging, etc) and that proposals for remote practice are equitable for people regardless of their original domicile. 	1

No.	Chapter	Number	Recommendation	Urgency
124.		12.6	That in conjunction with the Office of the Commissioner for Public Employment, Northern Territory Families and Children: <ul style="list-style-type: none"> • Reviews all locations where there is a 'higher than usual' turnover of staff and immediately reviews the circumstances in that region or office. • Maintains regular monitoring of staff turnover utilising a mechanism for obtaining regular staff feedback, with a view to setting performance targets for reducing turnover. 	2
125.		12.7	That Northern Territory Families and Children reviews and evaluates the overseas and interstate recruitment strategies.	2
126.		12.8	That Northern Territory Families and Children reviews and implements the Northern Territory Families and Children Learning Development Framework and associated strategies to address induction, training, supervision and support needs of the workforce and ensures that induction is compulsory and is conducted before practice staff commence duties.	2
127.		12.9	That Northern Territory Families and Children adopts a model of cross sectoral and cross disciplinary education and training to promote collaboration, relationships and continuity of care that includes: <ul style="list-style-type: none"> • Education for education, justice and health staff working with children about the role of Northern Territory Families and Children • Education for Northern Territory Families and Children staff about the role of child and family health nurses and Aboriginal health workers • The utilisation of funded cadetships and traineeships. <p>Further, that the Department of Health and Families considers making a joint appointment with the Discipline of Social Work in the School of Health Sciences at Charles Darwin University in order to encourage practice support and research between the two organisations and facilitate the development of career pathways.</p>	2
128.		12.10	That the Department of Health and Families organises for an independently conducted morale survey with all Northern Territory Families and Children staff (possibly to be conducted in conjunction with the Office of the Commissioner for Public Employment) and establish performance measures by which to calculate the improvement of staff morale and use as a benchmark for regular re-assessments.	2

No.	Chapter	Number	Recommendation	Urgency
129.		12.11	That Northern Territory Families and Children undertakes exit interviews of all departing staff and that these are audited by the Office of the Commissioner for Public Employment.	2
130.		12.12	That an independent review of Northern Territory Families and Children is conducted with a focus on care and support of workers, work conditions, treatment of staff and workplace protection.	2
131.		12.13	That a mentorship program with senior members of Department of Health and Families staff is developed and 'implanted' to promote a supportive work environment for new or junior members of Northern Territory Families and Children.	3
132.		12.14	That the Department of Health and Families endorses and resources the proposed Northern Territory Families and Children supervision policy and: <ul style="list-style-type: none"> • Ensures that time is allocated to supervision and training of staff by allocating service closure times • Monitors its application by inviting regular feedback from all staff • Includes a CCIS staffing marker regarding worker supervision which is used in management reports • Ensures that aggregated information from supervision is recorded and conveyed to dedicated senior personnel who can utilise it for the refinement of policy, practice, training and workforce development • Ensures that all staff in senior/supervisory positions have the advanced qualifications and experience to fulfill their role and meet organisational performance requirements • Instigates a program of supervision training for all senior staff – including team leaders, managers and directors • Augments supervision with a mentorship model that sends a strong message that staff are valued, supported and assisted to do the work they are required to do • Develops a comprehensive mechanism for cultural competence that includes an ethical and values framework and that is cross-sectoral, cross divisional and cross departmental • Ensures that team leaders do not carry case management responsibilities so that they can support staff learning and performance and the development of quality services. 	1

No.	Chapter	Number	Recommendation	Urgency
133.		12.15	That Northern Territory Families and Children develops and implements the role of Practice Advisors in all operational offices.	2
134.		12.16	That direct efforts and resources to support Aboriginal Employment Strategy initiatives are implemented.	2
135.		12.17	That Northern Territory Families and Children develops Key Performance Indicators to demonstrate the goals of Aboriginal workforce planning, with annual reporting on achievements.	1
136.	Chapter 13	13.1	That the Northern Territory Government reviews the roles and functions of the Children's Commissioner in the light of this Inquiry with a view to amending the Act to address the needs for: <ul style="list-style-type: none"> • An 'own motion' investigation capacity • The extension of his/ her advocacy and complaint management responsibilities to other identified groups of vulnerable children in Northern Territory Government-funded care • Specific powers for the Children's Commissioner to obtain documents, examine persons, or carry out any type of investigations as part of his/ her monitoring functions • A broader role in monitoring the implementation of Northern Territory Government decisions arising from any inquiries in relation to the child protection system or the wellbeing of children under the <i>Inquiries Act</i>. 	1
137.		13.2	That the Northern Territory Government ensures that the Children's Commissioner is adequately funded to carry out any additional functions.	1
138.		13.3	That the Office of the Children's Commissioner be funded to employ an Aboriginal person dedicated to investigating issues raised by and affecting Aboriginal children in particular. This position needs to be resourced in addition to roles currently undertaken by the office.	2
139.		13.4	That the Northern Territory Government reviews the terms of reference of the Northern Territory Families and Children Advisory Council and its access to data so as to enhance its capacity to advise the Minister.	2
140.		13.5	That Northern Territory Families and Children establishes mechanisms for regularly listening to the voices of children and young people regarding their experiences in the care system, for determining their needs, and for implementing improvements to the standard of care and support that is provided.	2
141.		13.6	That a community visitor model be implemented to involve a sampling of children in out of home care (OOHC) with a view to informing the Children's Commissioner about OOHC issues from the perspective of the visitor, and also from the children being visited.	2

No.	Chapter	Number	Recommendation	Urgency
142.		13.7	That Northern Territory Families and Children develops an effective complaints management process for clients of the service (and others affected by decisions) that provides for the speedy resolution of complaints. The procedural guidelines for the process should be made available on the Northern Territory Families and Children website.	1
143.		13.8	That Northern Territory Families and Children develops an appeals process (either as part of the internal complaints process or separately) that provides for an appeal process for professional decisions independent of the normal line management structures. The procedural guidelines for the appeal process should be made publicly available on the Northern Territory Families and Children website.	1
144.		13.9	That the Northern Territory Government funds the development of an advice and support program for vulnerable families who come into contact with the statutory services of Northern Territory Families and Children in both the Top End and Central Australia. This might be developed as part of the service offered by an Aboriginal Child Care Agency, family service or legal agency.	2
145.		13.10	That a framework involving performance measures in the domains of input, process, outcome and impact is adopted and appropriately resourced.	2
146.	14 – The Way Forward	14.1	<p>That the Northern Territory Government develops and implements a comprehensive community education strategy to highlight key messages about child protection and child wellbeing and to accompany the service delivery enhancements contained in this Report. The strategy should:</p> <ul style="list-style-type: none"> • have at least a five-year life span, • must be multi-modal (involving radio, TV, printed materials, training programs and discussion forums) • use materials translated into local languages, and • address a range of issues relating to child safety and wellbeing. <p>The strategy should include a review of the various child wellbeing/protection education programs currently in place with a view to preventing fragmentation and duplication. The strategy should include an ongoing impact evaluation component.</p>	1
147.		14.2	That the Northern Territory Government creates a planning, coordination and implementation unit (or team) to be responsible to the Chief Executive of the Department of the Chief Minister, in order to develop, drive and coordinate the reforms in the manner proposed in Chapter 14 of this Report.	1

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