

# Table of Contents

## VOLUME 1

<b>Foreword</b> .....	<b>1</b>
<b>Acknowledgements</b> .....	<b>5</b>
<b>Acronyms and Terminology</b> .....	<b>8</b>
Acronyms .....	8
Terminology .....	13
<b>Executive Summary</b> .....	<b>14</b>
Introduction .....	14
Background to the Inquiry .....	15
The Inquiry Process.....	16
Findings and Recommendations .....	17
Introduction .....	17
Terms of Reference .....	18
<b>Recommendations of the Inquiry</b> .....	<b>26</b>
<b>Structure of the Report</b> .....	<b>48</b>
<b>CHAPTER 1: Introduction</b> .....	<b>53</b>
Terms of Reference .....	54
Broader context of the Inquiry .....	56
Approach and methodology .....	57
Principles.....	61
Principles for a system that cares for and protects its children .....	63
Implementation principles.....	65
<b>CHAPTER 2: Context of service delivery in the Northern Territory</b> .....	<b>69</b>
Demographic profile .....	69
Population by area remoteness .....	70
Australian Bureau of Statistics Census Data .....	71
Child related statistics – Northern Territory and Australia.....	72
Teenage births.....	72
Birth weight .....	73
Infant mortality .....	74
Deaths by injury .....	75
Education outcomes .....	75
Performance on the Australian Early Development Index (AEDI) .....	76
Alcohol consumption .....	78
Conclusion.....	78
<b>CHAPTER 3: An integrated framework for child safety and wellbeing in the Northern Territory</b> .....	<b>81</b>
Child protection reform efforts .....	81
The Northern Territory context – potential for a different approach.....	82
Ecological, developmental and population-based public health approaches .....	86
Why go beyond public health? .....	90
An integrated framework for protecting children .....	91
Summary.....	95

**CHAPTER 4: Responding to the particular needs of Aboriginal children..... 99**

Introduction .....	99
A selective history of colonisation and policy relating to Aboriginal children in the Northern Territory .....	100
Recent inquiries addressing Aboriginal child abuse and neglect and systems responses.....	108
Determinants of social and emotional wellbeing for Aboriginal children and families .....	110
The Inquiry's observations .....	112
Housing .....	113
Education for Aboriginal children .....	113
Nutrition .....	114
Substance misuse.....	114
Violence .....	114
Socioeconomic disadvantage and employment .....	114
Grief and loss .....	115
Parenting.....	115
Recent developments and their impact.....	115
Self-determination and cultural capital .....	116
The need for a different approach .....	116
Model for participation of Aboriginal people in decision making in the field of child protection .....	118
Cultural competence.....	122
Aboriginal controlled child welfare services in Australia .....	122
The case for an Aboriginal controlled child care agency or agencies.....	124
Establishing an Aboriginal Children and Families Peak body in the Northern Territory.....	130
The Aboriginal Child Placement Principle and its application.....	131

**CHAPTER 5: The Northern Territory child protection system, 2010..... 139**

Overview .....	139
Universal preventative initiatives to support all families and children .....	141
Universal services .....	142
Early intervention services targeted to vulnerable families and children .....	143
Community education .....	143
Family Support.....	144
Targeted services and programs for 'at-risk' families and children .....	145
Differential Response Framework.....	145
The statutory system .....	146
Care and Protection Services .....	146
Out of Home Care Placements.....	150
Therapeutic interventions.....	152
Coordination .....	154
Data on statutory child protection services in the Northern Territory.....	154
Data on intake and investigation in the Northern Territory .....	155
Children on care and protection orders 2008-09.....	162
Children in out of home care 2008-09 .....	163
Aboriginal and Torres Strait Islander Children .....	164
Intake data relating to Aboriginal status.....	164
The placement of Aboriginal children in out of home care .....	169

<b>CHAPTER 6: Enhancing the service system to support families in the Northern Territory</b> .....	<b>175</b>
The causes and consequences of child abuse and neglect .....	175
Protective and risk factors .....	176
The impacts of risk and protective factors on parenting .....	182
The impact of child maltreatment on children and young people .....	184
Service components.....	186
Universal supports and services .....	190
Secondary and tertiary targeted services and supports for children, families and communities .....	200
Features of current service provision in the Northern Territory .....	220
Conclusion.....	230
<b>CHAPTER 7: The Statutory Intervention Process, Part 1 – Intake and Investigation .</b>	<b>233</b>
Introduction .....	233
Intake .....	233
Statutory basis for the intake function .....	233
Background to and description of centralised intake .....	234
The intake process .....	235
Intake and response performance data .....	236
Number of matters processed to ‘outcome’ within the 24 hour target.....	236
Number of child protection matters awaiting allocation for investigation .....	237
‘Outcome’ risk classifications.....	239
Other ‘outcome’ categories .....	239
Response timeliness .....	241
The Interim Progress Report on Intake and Response Processes .....	242
Summary of findings .....	243
The Case of Baby BM .....	245
Written and oral submissions on intake and response services.....	246
Critical issues relating to the effectiveness of and confidence in Central Intake .....	254
Differences of opinion over the risk classifications made by Central Intake.....	254
Cumulative harm .....	258
Potential harm .....	261
Protecting unborn infants and neonates at risk .....	262
Assessment based on ability to respond .....	263
The role of the courts .....	264
Lack of feedback to notifiers.....	264
Centralised versus decentralised intake.....	266
Formal investigation of child protection ‘outcomes’ .....	268
Who undertakes the investigations?.....	269
Police and the Child Abuse Taskforce .....	270
Other issues involving the police and child protection .....	272
Inappropriate practice relating to investigations .....	273
New assessment instrumentation .....	274
Consultation with notifiers .....	275
Engagement with family .....	276
Qualifications and experience of staff .....	277
The focus on substantiation rather than the needs of children and families .....	278
Unnecessarily restrictive legislation.....	278
Developing a model of intake, investigation and assessment for the Northern Territory .....	278
Integrating intake, assessment and investigation into child protection services .....	281
Universal services available to all children and families (level 1).....	281
Services and supports for vulnerable and high-risk children and families (levels 2-3) .....	282
Children requiring statutory intervention for their protection (levels 4 & 5) .....	284

<b>CHAPTER 8: The statutory intervention process, Part 2 – Interventions for protected children and young people .....</b>	<b>291</b>
Differential response .....	291
Referrals .....	292
What would a robust differential response for Family Support cases look like? .....	293
Lack of response for families in need.....	294
Requirements for change .....	295
Case-management .....	296
Ongoing risk management .....	300
Aboriginal Family Group Conferencing .....	302
Quality control .....	304
Culturally appropriate decisions and practice standards .....	304
Cutting corners.....	305
Child not sighted during investigations.....	305
Poor use of interagency options .....	306
Court orders and legal matters .....	306
Child protection practice in remote communities .....	307
Service responses for at-risk and protected young people.....	308
The need for early intervention .....	309
Lack of responsiveness .....	309
Inappropriate service responses.....	310
Shortage of service options .....	311
Partially funded specialist services .....	312
Life education needs of young people .....	313
Young people in regional offices .....	313
Positive youth-related initiatives .....	313
Other key youth-related initiatives of NTFC.....	314
Youth services strategy .....	315
<b>CHAPTER 9: Out of home care .....</b>	<b>319</b>
Introduction .....	319
Principles for OOHC .....	322
A Picture of OOHC in the Northern Territory .....	324
Aboriginal children.....	325
Growing demand .....	328
Admissions and Discharges.....	328
Types of care .....	330
Home based care .....	330
Residential care.....	332
Distribution of children in OOHC .....	333
Capacity of home based care.....	335
Capacity of residential care (non-home based) .....	337
Challenges and practice issues.....	340
Case management .....	340
Community visitor programs .....	345
Payment of carers .....	346
Recruitment, assessment, training and support of carers .....	349
Standards in out of home care.....	355
Kinship care .....	357
Reunification .....	361
High needs children and young people.....	364
Children with disabilities.....	367
Interstate transfers.....	369
Allegations of abuse in care .....	371
Outsourcing OOHC .....	374

**VOLUME 2**

<b>CHAPTER 10: Legislation, the courts and related practice.....</b>	<b>381</b>
Statutory basis .....	381
Principles.....	381
Principles applying to Aboriginal children and young people .....	382
Legal issues arising in submissions and forums .....	383
Daily care and control .....	383
Standard of care provided under protection orders .....	385
Lack of regulations for some mediation conferences .....	387
Court orders for child-parent contact .....	390
Undertakings to the Court .....	391
Reunification and permanency planning .....	392
Legal representation for a child .....	395
Monitoring children in care .....	397
Application for provisional protection .....	399
Information to parents .....	399
Parental consent .....	400
Parental consent and 'Family Way' placements .....	401
Lapsed orders.....	404
Involvement in case planning .....	405
Removal of children under orders from the Northern Territory .....	406
Preparation and provision of care plans to parents.....	407
Amalgamation of Family Matters jurisdiction (Local Court) and Youth Justice Court .....	408
Children and young people in the criminal justice system .....	409
Protecting unborn children .....	410
<b>CHAPTER 11: Interagency Collaboration.....</b>	<b>413</b>
Introduction .....	413
The Case for interagency collaboration.....	413
National initiatives which focus on information sharing and collaboration.....	414
Interagency issues raised by Northern Territory inquiries, investigations and other initiatives ...	418
Interagency issues identified in submissions .....	425
Examples of interagency collaboration .....	434
The gap between intention and practice .....	435
Legislative provisions around cooperation and collaboration .....	435
The legislative framework for information sharing.....	438
Legislative changes for improving communication .....	444
The development of interagency guidelines.....	446
Proposed reforms around the delivery of child protection services and interagency collaboration ...	448
Dual pathway referral and assessment .....	449
Community Child Safety and Wellbeing (CCSW) Teams.....	451
Expansion of the scope of the integrated children and family centres.....	453
Development of further children and family centres in areas of need.....	455
Hospital based interagency Child Safety and Wellbeing teams .....	455
Enhancing the child safety and wellbeing roles of other government agencies and personnel .....	460
<b>CHAPTER 12: Workforce .....</b>	<b>465</b>
Introduction .....	465
Current Workforce Data .....	468
Organisational, staff structure/ function and workforce numbers .....	471
Case loads .....	473
Recruitment and retention .....	476
Workforce support.....	477
Issues raised in Submissions and Hearings .....	478
Work structure and environment .....	478
Improving work structure and environment.....	481
Work conditions and practice demands .....	483
Staffing: type, turnover, recruitment and retention .....	487
The need for work re-design.....	491
Induction and training .....	494
Supporting induction and training .....	497
Industrial issues and occupational health and safety .....	498
Support, supervision and mentoring .....	502
Aboriginal Service Sector .....	507

<b>CHAPTER 13: Oversight, accountability and review .....</b>	<b>515</b>
Introduction .....	515
Structures and mechanisms for monitoring the system .....	516
Office of the Children’s Commissioner.....	517
The Ombudsman .....	523
The Coroner .....	524
External oversight .....	524
The Child Deaths Review and Prevention Committee .....	525
The NTFC Advisory Council .....	525
Consulting with children and young people in care.....	526
Community visitor program .....	527
Internal NTFC quality control and review measures .....	529
Care and Protection Quality Sub-Committee.....	529
Complaints process.....	530
Appeals process .....	531
Advice and support services for families involved with NTFC.....	532
Models of accountability.....	533
<b>CHAPTER 14: The way forward .....</b>	<b>539</b>
Introduction .....	539
Scope of the proposed reforms .....	539
Urgency ratings.....	540
The next steps.....	541
NTFC as a department in its own right.....	541
The processes of implementation.....	543
Articulation of a response.....	543
A planning, coordination and implementation unit.....	543
Development of a strategic plan to drive the reforms.....	544
Development of an action plan within NTFC .....	547
Determination of monitoring and oversight functions .....	548
Conclusion.....	549
<b>References .....</b>	<b>553</b>
<b>Appendices</b>	
Appendix 1.1: Biographies of Board of Inquiry co-chairs.....	579
Appendix 1.2: Instrument of Appointment - Board of Inquiry.....	581
Appendix 1.3: Northern Territory Government Media Release - Child Protection Inquiry Announced - 11.11.09 .....	583
Appendix 1.4: Example newspaper advertisement calling for submissions.....	586
Appendix 1.5: List of written submissions to the Child Protection Inquiry .....	587
Appendix 1.6: List of contributors to the Child Protection Inquiry .....	591
Appendix 1.7: Reference group for the Child Protection Inquiry .....	595
Appendix 1.8: Remote Northern Territory communities and town camps visited by the Child Protection Inquiry.....	596
Appendix 2.1: Australian Bureau of Statistics Census Data Northern Territory and Australia .....	597
Appendix 4.1: Summary of recent inquiry reports relevant to Aboriginal children’s safety and wellbeing.....	603
Appendix 5.1: Mapping of NTFC Child Protection Services.....	614
Appendix 6.1: Services and Supports in the Northern Territory .....	615
Appendix 6.2: Programs and models from Australia and Overseas .....	645
Appendix 7.1: Intake Event Flow Chart .....	662
Appendix 7.2: Intake, investigation and assessment - Background Paper, Australian Institute of Family Studies, Melbourne 2010 .....	663
Appendix 8.1: Family decision making and mediation models .....	705