Submission to the NT Inquiry into the Child Protection System

If Only They'd Listened......

More Information:
Paula Arnol - CEO Danila Dilba
32-34 Knuckey St
Darwin NT 0801
phone (08) 8942 5444

Julian Pocock – Stout Consulting
phone: 0419 379 764

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Community workshops, project management, submission development
Paula Arnol CEO · Danila Dilba Health Service

Research, interviews and submission writing
Stout Consulting – Julian Focock

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Submission Title: If Only They’d Listened.
The title for the submission comes from one of the interviews. To listen takes time, care, cultural competence, mutual respect, an open mind, genuine interest, humility and a strong heart – too often these things are missing in the child protection system.

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About Danila Dilba

The name Danila Dilba Biluru Butji Binnilutlum was given by the Larrakia people, who are the traditional owners of Darwin and Palmerston. In the Larrakia language Danila Dilba means 'dilly bag used to collect bush medicines' and Biluru Butji Binnilutlum means 'blackfella (Aboriginal people) getting better from sickness'.

Our logo, which appears on the front cover of this submission, was designed by Larrakia elder Reverend Wally Fejo. The story of the logo is:

"The fish being in a school are excited when jumping around and convey to us our exciting, healthy life. The turtle represents the people going back to lay her eggs. The stick represents a hunting tool on how to find her eggs. The overall circle is like looking inside a dilly bag from above. The snake brings the threat of danger to our wellbeing and reminds us that we should always sustain ourselves and be on our guard for health."

Biluru is a Larrakia word that collectively describes Aboriginal people who are living in or visiting the Yilli Rreung Region.

Danila Dilba Health Service provides a range of free comprehensive primary health care services to the Aboriginal community of the Yilli Rreung area.

These services are coordinated from our Main, Palmerston and Mens clinics as well as the ESWB Centre and Youth Service. Over the last twelve months, 5606 individual members of our community visited the clinic. There were 21,834 episodes of care recorded. Again Aboriginal Health Workers remain in the forefront of health care provision providing over 18,000 consultations. The medical officers saw 11,724 patients.

Danila Dilba Health Service Primary Health Care services are funded by the Commonwealth Department of Health, NT Government and FaHCSIA.
# TABLE OF CONTENTS

**ACKNOWLEDGMENTS**  
2

**ABOUT DANILA DILBA**  
3

**INQUIRY TERMS OF REFERENCE**  
9

**SUBMISSION DEVELOPMENT**  
10

**CASE STORIES METHODOLOGY**  
11

Case Story One – Disconnected from a great grandson  
12

Case Story One: Learning the lessons – how things might have been better.  
16
  - Family input into decision-making.  
  - Developing a family placement is different to looking for a household placement.  
  - Access to Independent Advice, Support and Advocacy.  
16

Case Story Two – No Respite  
18

Case Story Two: Learning the lessons – how might things have been better.  
25
  - Availability of Respite Care.  
  - Induction, orientation and support for kinship carers.  
  - Family Decision Making.  
  - Well informed decision-making focused on the long term interests of families and children.  
  - Access to Independent Advice, Support and Advocacy.  
  - Family Strengths Based Practice.  
26

Case Story Three – Being a good Mum  
27

Case Story Three: Learning the lessons – how might things have been better.  
30
  - Priority Access to Family Support Services and Early Intervention.  
  - Respite Care.  
  - Parenting Programs backed up with in-home support and assistance.  
  - Access to Independent Advice, Support and Advocacy.  
31

Case Story Four - Tapping into practice wisdom  
33

Case Story Four: Learning the lessons – how might things have been better.  
40
  - Professional competence of child protection managers/team leaders.  
  - Family Group Homes and Culturally Appropriate Models of Care.  
  - Developing a 'family network placement' model of care.  
  - Family Notifications and Family Group Conferencing.  
  - Specialist Aboriginal child welfare agency.  
  - Standards of Practice in Child Protection.  
  - Independent monitoring of practice standards.  
41

Case Story Five – Domestic violence and abuse in care  
43

Case Story Five: Learning the lessons – how might things have been better.  
51
  - Respite care and timely approval of relative carers.  
51

Danila Dilba Health Service submission: *If Only They'd Listened...*  
4
Case Story Six – Surviving abuse in care

Case Story Six: Learning the lessons – how might things have been better.
  Responding to Domestic Violence
  Developing a specialist therapeutic care program for children, young people and high risk adolescents
  Leaving care: extend care and assistance until the age of 25
  Supporting children in secure welfare services to stay connected with family.

Developing an Agreed Framework of Principles for the NT Child Protection System

ADDITIONAL COMMENTS

Recent investments in the NT child protection system
  Investment in the Department
  Investment in the establishment of a network of Aboriginal Child Protection and Care Services

Establishing a model for Aboriginal Child Protection and Care Services.

PARTNERSHIPS BETWEEN ABORIGINAL AND NON-ABORIGINAL AGENCIES

SUMMARY RECOMMENDATIONS

CONCLUSION
Summary

This submission has been developed by Danila Dilba Health Service following discussion at the Board of the service on the critical need to reform child protection in the Northern Territory.

Despite the intense focus in recent years on issues of child safety, child sexual assault and child abuse and neglect the child protection system remains deeply flawed. Sadly the deaths of two young children in horrific circumstances, one of them an Aboriginal girl in Darwin, both children known to child protection, and the subsequent coronial inquiries into their deaths provide a sobering background to this latest child protection review. Had earlier reviews including the Little Children Are Sacred Report and State of Denial been implemented these deaths may have been avoided.

It is with this in mind that Danila Dilba welcomes this latest opportunity to reform the child protection system. We know and see many families and children that need the intervention and support of an effective child protection system. What we don’t see is a child protection system that utilizes the expertise and knowledge of Aboriginal services like Danila Dilba to engage with Aboriginal and Torres Strait Islander families to protect children.

Danila Dilba considers that the timeframe for the inquiry given the importance of the work and the volume of material to consider is less than ideal. The time allowed for organisations and individuals to prepare written submissions has as a consequence of the overall timeline been less than adequate. Nonetheless we appreciate the opportunity to contribute and the short extension of time that was provided to us to finalise this submission.

We urge the Board of Inquiry to look at the operation of the child protection system in detail and develop recommendations that will improve practice within the Department.

Most importantly however we urge the Board of Inquiry to support the development of specialist community based Aboriginal and Torres Strait child welfare and family support agencies. No amount of increased funding for the Department to provide the current model of statutory child protection will create the change that is required. The Department cannot protect children and it cannot provide for the care of abuse of neglected children without the equal involvement of families and community agencies. Currently there is no mechanism to facilitate this involvement and as the case stories presented in this submission demonstrate involving families in decision-making is the key to effective child protection.

We note with concern that funds allocated in the NT government response to the Little Children Are Sacred Report for the development of a network of Aboriginal Child Protection and Care Services has not been allocated for that purpose.

A community development approach is required to develop new Aboriginal programs and agencies with non-Indigenous services providing resources, support, assistance and mentoring where required. By working in this way non-Indigenous services will benefit by being able to appropriately access and learn from Indigenous expertise in child rearing, community development, advocacy, family support and family resilience. By working in this way non-Indigenous agencies will for the first time in post-colonial Australian history be able to say that they are working on child welfare as Aboriginal people want them to.
Danila Dilba supports the long term development of a network of specialist Aboriginal and Torres Strait Islander child welfare agencies across the Northern Territory to deliver key child protection functions including:

- Family group conferencing and decision making on the best interests of children
- Joint investigation of child protection notifications to screen and assess issues that can be managed through a family group conference and family support response
- Family support and independent court advocacy for families that are the subject of child protection notifications, investigations and court proceedings
- Prevention and early intervention in-home and outreach family support
- Foster and kinship care recruitment, training, assessment and support
- Children's contact and access support to enable contact for families with their children in an appropriate environment, (not at Departmental offices)
- Provision of different forms of OOH Care including family group homes

We know that previous agencies such as Karu Aboriginal Family Support Service and the Central Australia Aboriginal Child Care Agency were not supported or funded to deliver a holistic set of services. They were contracted to provide a narrow function for the Department, the recruitment and support of foster carers, but were expected by the Department and community to do much more than that. In particular to provide information, crisis support, advocacy assistance and court advice for families and to advise the department on placement options for children in need of care. In other jurisdictions Aboriginal agencies receive significant funding for all these various functions.

That they were in the end unable to be sustained is no reflection on the role of community based child welfare services but on the inadequate funding and service agreement arrangements that those agencies operated under.

Karu was formally de-funded because it failed to meet applicable Out-of-Home Care Standards. The recent coronial inquiry into the death of Debbie Melville whilst in care noted that the Departmental case-workers involved didn't even have a copy of the standards. That the Department does not meet its own standards has not been seen the Department de-funded and closed down. Nor should it and nor should it have seen the de-funding of Karu.

The development of agencies of this type should be formally supported by the Northern Territory Government, planned, resourced and facilitated.

The inquiry should give careful consideration to how such agencies can be developed, from what area of government they might be funded and how they will be mentored and supported during their establishment years. This support and mentoring role should not be left to the Department but should provided through agencies such as SNAICC and its members, Aboriginal agencies in the Northern Territory and non-Indigenous service providers.

The service model for specialist Aboriginal child welfare services will need to take account of the needs of different communities and locations and particular elements of the model that would be the highest priority at this point in time. The starting point will vary from community to community and be influenced by local community needs.
However, there should be broad agreement on the functions that rest with the Department and those that rest outside the Department. Danila Dilba favours the development of a child protection system in the Northern Territory that has two sets of functions:
  - core statutory functions to be provided by the Department
  - complimentary statutory support functions to be provided by community based Aboriginal agencies with funding from government.

Over time it may be possible to delegate some or all of the statutory functions to community based agencies as is the case in Canada Manitoba and as is provided for in Victoria. Equally it may be necessary to have non-Indigenous agencies play a partnering role and provide the organizational infrastructure for the delivery of complimentary statutory support functions.

Danila Dilba is willing to be an active participant in the establishment of this type of child protection system in the Northern Territory. We will play an active part and will partner with other agencies to develop the best service arrangements for families and children in Darwin.

Given the history of non-Indigenous child welfare agency involvement in past and contemporary child removal practices Danila Dilba recommends that non-Indigenous agencies seeking to partner with Aboriginal agencies formally agree to the SNAICC Service Development, Service Access and Cultural Respect policy.

This policy has been developed by SNAICC to provide a framework for service partnerships. It has been agreed to in NSW by the major non-Indigenous child welfare agencies and was highlighted by the Wood Commission of Inquiry as an area of 'promising practice.'

The question of Departmental capacity in the face of escalating notifications needs to be carefully considered. Whilst on the surface the increasing number of notifications can be said to be placing an impossible workload on the Department this should not be accepted without question.

The evidence provided in the case stories suggests that the Department would be able to improve its practice and lessen the demand on its staff if it made quality decisions early in any child protection case. Poorly informed and administered decisions often lead to the Department having to stay involved with a family longer, to review and re-organise placements, deal with families aggrieved at the poor way they have been treated and respond to children that have suffered further harm whilst in care. The workload escalates after each bad decision.

There is also evidence that the significant additional funding for the Department in the annual budget has led to no systemic improvements in practice. Over a period of some six years funding for the child protection function of the Department has increased from $8M per annum to over $34M and yet the Department remains constantly in crisis and under pressure. Clearly more of the same does not work. We are particularly concerned that over the same time period there has been little or no increased investment in family support services or for Aboriginal agencies to play a supporting role in the child protection system.
Inquiry terms of reference

Danila Dilba is aware that the terms of reference for the inquiry are broad and provide the board of inquiry with scope to focus in a number of areas including examining issues relating to universal service provision, prevention, early intervention and the operation of the tertiary child protection system.

Whilst there may be value in focusing the inquiry as broadly as possible there is also a risk that doing so may see the detailed issues relating to the operation of the child protection system lost within a broad and far reaching report. A criticism we would make of the Little Children are Sacred Report is that in an effort to be all encompassing it failed to develop specific recommendations on the reform of the statutory child protection. Given the report was precipitated by media and broader community concerns for children at risk of abuse this was a lost opportunity.

Danila Dilba considers that the primary task of this inquiry is to lay out a reform agenda that will completely re-make the tertiary child protection system in the Northern Territory. We support the broad public health model approach to child protection and acknowledge that protecting children is a task we all share. Putting in place community based universal services that support families to raise their children and prevent child abuse and neglect is an important long-term goal. That said unless we reform the statutory child protection system now to ensure it dramatically improves its practice standards, engages with families to make good decisions about the safety and wellbeing of children and supports children in care, and their families, to heal we will have let down children again.
Submission development

This submission from Danila Dilba Health Services has been prepared through the combination of the following:

- Discussion of child protection issues through open forums held on consecutive days in March
- The preparation of case studies through recorded interviews with individual community members with direct experience of the child protection system. Interviews took place with mothers, grandmothers, former departmental caseworkers, aunts, carers and current child protection clients.
- Review of recent developments in child protection within and beyond the Northern Territory
- Review of recent reports from similar inquiries held during the past five to ten years.
- Consideration of policy material from SNAICC, the Secretariat of National Aboriginal and Islander Child Care.

We have sought to draw upon the experiences of local families that have had direct experience of the child protection system and accumulated policy work of SNAICC, the Secretariat of National Aboriginal and Islander Child Care, the peak body that represents the interests of Aboriginal and Torres Strait Islander children and families. Danila Dilba is a member of SNAICC. SNAICC’s policy papers, research and submissions on child welfare and protection represent a considerable body of knowledge that the inquiry should be guided by as it develops its report and recommendations.

To assist us in preparing our submission we engaged the services of Julian Pocock (Stout Consulting), the former SNAICC Executive Officer, as a consultant to attend the open forums, conduct interviews, prepare case studies and coordinate the development of this submission.
Case Stories Methodology

The case stories were developed through interviews conducted as part of the two-day community workshop convened by Danila Dilba health service. The use of the term case stories as opposed to case studies is deliberate. The terminology of 'story' has been chosen as people were voluntarily sharing their story about contact with the child protection system. They were not being 'studied'.

All the case stories prepared for this submission represent the story as experienced by families and children involved in the child protection system. No doubt the Department and other stakeholders could add to or seek to contest some of the detail; to tell their story about the events these case stories cover.

However a strong theme in the stories is that the Department already has an opportunity to put forward its case regarding the circumstances of children notified to the Department and what is in their best interests. It has the support and assistance of legal counsel, the power and authority of legislation and the freedom to make decisions regarding the welfare of children with little or no close scrutiny. It has the resources to make detailed submissions to this current inquiry, to commission research and to put its views through the media and other means. It has systems for taking and recording case notes and files on the lives of families and children.

Families in the child protection system however have none of those resources, little support, no power, marginal input, little control and no real opportunity to be active participants in working out what is best for their families and children. They do however have resilience, creativity, determination, rights, culture, history, dignity and insights all of which were demonstrated through the interviews. We hope we have captured those elements in presenting the interview material.

The case stories were written up as they were told and in the sequence that people said things. Whilst this can make following a chronology of events more difficult the aim was to be faithful to what people said, how they said and the order in which they said it. Where case stories include .............. as a break in the text this represents the person pausing in the interview, not the omission of words.

Before agreeing to be interviewed people were told that participating would not lead to any change in their circumstances or advocacy of their individual issues. The aim of the interviews was to gather information that might improve the system in the future for the benefit of other families. On that basis they were still willing to share their experiences despite along so often involving discussing issues of a highly personal and distressing nature.

The case stories aim to present their insights into the current child protection system and point the way to reforming the system.
Pages 12 - 51 have been removed as per the Guidelines for the Publication of Submissions on the NT Child Protection Inquiry website.
Developing an Agreed Framework of Principles for the NT Child Protection System

Danila Dilba supports the notion that protecting children, be they Aboriginal children, Torres Strait Islander children or non-Indigenous children is everyone’s business.

We note that over the past two years there has been a strong emphasis in child protection to have governments at all levels, the non-government sector and the broader community work in partnership to protect children and promote their well being.

The national child protection framework, Protecting Children is Everyone’s Business, was agreed to by the Council of Australian Governments in 2009 and for the first time provides a national long-term framework to guide child protection reforms. Significantly the framework was first proposed by a Coalition of non-government organisations and the details developed through a tri-lateral working group of Commonwealth, State, Territory and non-government representatives, including SNAICC.

Whilst these developments are encouraging progress in the Northern Territory has been relatively slow. In our view an essential first step in building a true partnership between the Northern Territory government, Aboriginal communities and Aboriginal and Torres Strait Islander agencies is to agree on a framework of principles that will underpin our approach to child protection.

As has been well documented the Northern Territory, like all State and Territories, has its own history of child welfare policies that sought to disrupt the capacity of Aboriginal families to raise their children, deny them their human rights and forcibly remove families and communities from their lands.

This submission does not seek to review all of that history here however it is critical that we learn important lessons from that history. One such lesson is that child welfare authorities should genuinely consult and negotiate with Aboriginal communities and agencies in relation to how issues pertaining to the neglect and abuse of Aboriginal children will be dealt with.

Recent national apologies provided to the Stolen Generations and the Forgotten Australian’s have made the point that governments must never treat children this way again. In our view it is important to collaboratively develop a set of principles that make transparent our values and approach to the protection of children at risk of abuse and neglect. Such principles should be broader than the ‘best interests principles’ that apply to children and have been developed in other jurisdictions. Child protection is also about families and communities.

Rather than impose a foreign model of child protection that is based on Western models of child rearing it is important to establish a set of guiding principles that frame how we work together to protect children and support families.

Such a proposal was first outlined in 2003 through the SNAICC publication, State of Denial, which proposed the convening of a child welfare summit to develop a set of principles for child protection in the Northern Territory.

SNAICC has more recently published a set of principles and outlined the features of an effective child and family welfare system.
Danila Dilba supports the SNAICC principles and recommends that they be used as the starting point for developing a set of principles for the Northern Territory. When finalized those principles should be enshrined in legislation and be used to guide decision making in relation to the needs of children and families.

Those principles are as follows:

1. Recognition of the ongoing impact on Aboriginal and Torres Strait Islander families of policy and practices in previous generations that separated children from their families and families from their lands and country.

2. Acceptance that trust and honest dialogue between governments and communities and a shared commitment to finding solutions is an essential starting point to building an effective and integrated child and family wellbeing system.

3. Respect for Aboriginal and Torres Strait Islander child rearing practices, cultures, diversity and the importance of family in Aboriginal and Torres Strait Islander culture as a central tenet of service provision.

4. Recognition of the need to build family capacity and responsibility as the most important lifelong support system for Aboriginal and Torres Strait Islander children.

5. Recognition that family is the foundation of the social, cultural and emotional infrastructure of Aboriginal and Torres Strait Islander development.

6. Adherence to the Aboriginal and Torres Strait Islander Child Placement Principle.

7. Recognition of the value of family and community based decision-making with regard to the Aboriginal and Torres Strait Islander children.

8. Commitment to re-building the capability and available resource base of Aboriginal and Torres Strait Islander communities and families across generations to raise strong, healthy, happy children.

9. Commitment to informed and meaningful Aboriginal and Torres Strait Islander community engagement in the design, development and delivery of services in the child protection and well-being sector.

10. Support for Aboriginal and Torres Strait Islander approaches to child rearing and family centred strengths based practice.

11. Understanding that non-Indigenous services should not compete with Aboriginal and Torres Strait Islander specific services but work with them to meet the needs of Aboriginal and Torres Strait Islander children and families with Aboriginal and Torres Strait Islander specific services having a recognised leadership role.

12. Recognition that Aboriginal and Torres Strait Islander communities are each unique with their own histories, cultures, circumstances, needs and capabilities meaning that program design and delivery needs to be flexible so that resources are used most effectively at the community level.

13. The greatest proportion of government funding and other resources should be directed to the highest areas of need and recognise the over representation of Aboriginal or Torres Strait Islander children in the child welfare system. Targets to reduce the level of over representation should be set, monitored and regularly reported against.
Additional Comments

There are a number of areas that are beyond the scope of this submission but which Danila Dilba believes are of high importance and we make the following brief comments.

Recent investments in the NT child protection system

Investment in the Department
There has been a significant increase in the budget for the child protection of the Family and Children’s Services (FaCS) Output group with the NT budget over the past decade. In 2001/02 the budget for ‘Child Protection Services’ was $7.547 million.

According to the same budget papers that year there were 767 investigations of child abuse and neglect carried out by FaCS. At that time the budget did not identify the cost of OOHC as a separate budget item but included the cost of providing OOHC within the ‘Child Protection Services’ budget of $7.547 million.

In the 2009-2010 NT budget the combined allocation for child protection services and OOHC was $49.926 million. According to the same budget papers the Department investigated 2600 investigations into child abuse and neglect.

In the eight years since 2001/02 the number of investigations the Department carries out has increased three times and in the same period the budget has increased by a factor of seven times.

Also of note has been the change in the level of investment in crisis support services. According to the 2001-02 NT Budget papers the Department provided crisis support for a total of 3100 clients. That figure stayed the same every year for the next seven years and in the 2009-2010 budget increased marginally to 3250 clients.

Danila Dilba has also noted, and is very concerned about the changes in performance measures that the child protection area of the Department reports against. Their performance against these measures is also published in the budget papers.

From the 2006-07 Budget the performance measures of the Department focused on the proportion of investigations of child abuse and neglect commenced within 1 day for category 1 issues, within 3 days for category 2 issues and within 5 days for category three issues. Prior to that year the performance measure was the proportion of all investigations completed within 28 days of the notification. In addition in the same year the Department ceased reporting in the budget papers on compliance with the Aboriginal Child Placement Principle.

A performance measure focused on when an investigation commences is meaningless as what constitutes commencing and investigation is not transparent. Is it writing down some notes, opening a file on the case, making one phone call, the team leader allocation the case to a worker or making a home visit?

Given the scale of the increased investment and the poor outcomes being achieved for children and families, as well as the constant state of crisis within NT FaCS a detailed audit of how this additional expenditure has been utilized is warranted. It further highlights that simply building up the Department is not the short, medium or longer term solution to improving the operation of the current system.
Investment in the establishment of a network of Aboriginal Child Protection and Care Services

As part of the NT Government response to the Little Children Are Sacred Report a commitment was made to establish a network of Aboriginal Child Protection and Care Services. Funding of $10.15M for five years was allocated to support the establishment and operation of these agencies.

These agencies were to provide the types of supports and functions that families talked about in the case stories for this submission. The inclusion of this proposal came after it was recommended to NT FaCS by SNAICC when NT FaCS were developing their cabinet submission on initiatives to support implementation of the Little Children Are Sacred Report.

Thus far these funds have not, as far as Danila Dilba can ascertain, been spent on the establishment of any Aboriginal Child Protection and Care Services. Not one such agency has been developed since 2007. So whilst NT FaCS has been rapidly expanding investment in the community level services and agencies that NT FaCS needs in order to fulfill its statutory responsibilities has remained stagnant – despite the allocation of funds for this purpose.

Danila Dilba believes it is critical that the full $10.15M be made available and that the current child protection inquiry make recommendations on how the allocation of these funds be monitored. The Inquiry should seek information on what has happened to these funds. As noted earlier in this submission we strongly recommend a community development approach in the allocation of these funds to enable the funds to genuinely support Aboriginal community managed services and programs.

Establishing a model for Aboriginal Child Protection and Care Services.

Danila Dilba through the two community forums held to develop this submission discussed with participants the service model for an Aboriginal agency that could work effectively with the Department to deliver better outcomes for families and children.

Those discussions favoured a model whereby initial concerns regarding the safety and wellbeing of children could be assessed by an Aboriginal agency prior to being registered as a formal notification. In addition the model should empower the Aboriginal Agency jointly investigate the notification and to convene a family group conference to discuss consider and agree on a course of action to support families and provide for the safety and wellbeing of children.

SNAICC has developed an overview of the core elements of such a service model which are as follows:

SNAICC’s Ideal AICCA Service Model

SNAICC’s policy is that all Aboriginal and Torres Strait Islander communities need access to a community controlled Aboriginal and Islander Child Care Agency (AICCA) that includes the following six elements as separate but linked and coordinated programs:

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Danila Dilba Health Service submission: *If Only They'd Listened...*
a) Family Support & Early Intervention
A holistic range of culturally appropriate services and programs to support Aboriginal and Torres Strait Islander families raising children. Services should include:

General Family Support – General culturally appropriate support for Aboriginal and Torres Strait Islander families through the provision of parenting resources and advice eg health, nutrition, education, child development, emergency relief, household management and budgeting.

Support Groups – Additional support activities and programs such as playgroups, men’s and women’s groups and camps to promote and encourage child/adult interaction and bonding, and peer support for parents and young people.

b) Intensive Family Support
Culturally sensitive programs and advocacy for Aboriginal and Torres Strait Islander families where there are child protection concerns or intensive support needs. Services should include:

Therapeutic Services or Referrals – Counseling, drug and alcohol programs, and intensive parenting programs

Family Preservation – Intensive work with Aboriginal and Torres Strait Islander families once there has been a notification to build capacity to care for their children, manage in crisis situations and provide intensive support to prevent children being placed in care.

Family Re-Unification – Support for reunification of children in out-of-home care with their birth parent, siblings, extended family and/or significant others, through intensive assistance to families to address the issues that led to the child being removed, or to locate extended family members able to care for the child.

Family Decision Making – Facilitate forums to encourage family members and extended family to contribute to decision making processes regarding the best interests of children notified to child protection authorities.

c) Child Protection Advocacy & Advice
Community and cultural input to state and territory child welfare authorities when Aboriginal and Torres Strait Islander children are reported as abused or neglected or found to need out of home care. This advice should be ideally sought by state authority as soon as a notification is made to enable community support to be provided to the family and the child and prevent placement into non-Indigenous out of home care wherever possible.

d) Out-of-Home Care
Support for Foster Carers & Kinship Carers:
Carer recruitment & assessment
Training & support for carers (including cultural support)
General management of placements

Support for Children in Placement:
Case management
Cultural care planning
Danila Dilba considers that these elements represent the core child protection functions that should, through a planned and staged process, be transferred from the Department to Aboriginal agencies.

The development of the service model and the transfer of these functions will vary from place to place. In some locations the priority will be to establish Child Protection Advocacy and Advice as the first program of new specialist Aboriginal Child Protection and Care Services. In some instances an existing Aboriginal service, such as Danila Dilba, could be the best placed to develop and deliver these programs. In other areas partnership arrangements between Aboriginal community organisations and non-Indigenous community services may provide the best option.

The critical development is to have these functions established within communities so that communities and the Department can take a shared responsibility for the care and protection of children. There are a number of program models from other States and Territories that Danila Dilba would highlight as examples of promising practice in relation to Indigenous approaches to child protection and OOHC. These come from the work of SNAICC and the Australian Institute of Family Studies project Promising Practice Profiles. 5


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Partnerships between Aboriginal and non-Aboriginal agencies

One option to support the development of new programs and services will be to develop partnerships between Aboriginal and non-Aboriginal service providers. There may be particular communities or circumstances where partnership arrangements would enable the reform of child protection services to proceed more readily. Such partnerships, particularly in the area of child welfare where church based non-government agencies have been instruments of state child removal policies, need to be very carefully structured and managed.

Effective partnerships require formal documentation of agreed and specific roles, timelines for agreed actions, periodic review, shared governance and agreed ways of handling disputes.

Over the past 18 months Aboriginal child welfare agencies in NSW and their mainstream counterparts have signed a framework agreement developed by SNAICC to guide their partnerships arrangements. The document has a particular focus on clarifying the supportive role that non-Indigenous services can play is supporting the development of Aboriginal community based child welfare agencies. This has assisted both by clarifying roles and making clear their shared commitment to have Aboriginal agencies as the primary providers of specialist child and family welfare and child protection services for Indigenous families.

Danila Dilba would recommend that a similar set of arrangements be developed in the Northern Territory. Further the NT government should make clear that it will not fund non-Indigenous services to develop the specialist Aboriginal Child Protection and Care Services referred to in the Closing the Gap of Indigenous Disadvantage unless those agencies are operating within partnership agreements with local Aboriginal services or agencies.
Summary recommendations

1. That the NT Government develop a framework of principles, consistent with those outlined in this submission and the UN Convention on the Rights of the Child, to guide and underpin the approach to child welfare and protection, and enshrine these principles in legislation.

2. That the NT Government support the establishment of Aboriginal Child Protection Advocacy & Advice services as a matter of urgency and consider funding this service provision from the Attorney General's Department (rather than from NT FaCS).

3. That the NT Government make it mandatory that no parent can relinquish their parental responsibility for a child unless they have had independent legal advice on the implications of doing so.

4. That in relation to the Aboriginal Child Placement Principle NT FaCS and the Children’s Commissioner fund:
   a. an ongoing community education campaign on the purpose and operation of the Aboriginal Child Placement Principle
   b. in-service training for child protection staff on the purpose and operation of the principle, (which is to ensure children are safe)
   c. in-service training for non-government organisations with a role in child welfare and protection

5. That the NT Government invest in a ten year strategy to support and develop a network of Aboriginal Child Protection and Care Services across the NT consistent with the ‘AICCA’ model outlined in this submission.

6. That the NT Government endorse the SNAICC Service Development, Cultural Respect and Service Access Policy as the foundation for any partnership proposals for the delivery of Aboriginal and Torres Strait Islander child and family welfare services between Aboriginal agencies and non-Indigenous agencies.

7. That the process for child protection notifications be reformed to provide for ‘family notifications’ that can trigger a facilitated family group conference in relation to children’s well being and protection.

8. That the NT Government develop specialist therapeutic care models including secure services for high risk children and young people.

9. That assessment procedures for relative/kinship carers and foster carers be reformed to take an ‘enabling approach’ whereby the process identifies what supplementary support would enable the registration of a carer.

10. That the NT Government develop and fund leaving/transition from care services for young people between the ages of 15 and 25 including the provision of housing, health, education, employment and financial assistance.
11. That the role and powers of the NT Commissioner for Children be broadened to ensure they are not restricted to only taking complaints in relation to the rights and wellbeing of children from children and young people but can respond to issues relating to their rights and welfare arising from other sources.

12. That the NT Government review and amend the Domestic and Family Violence Act to ensure that it does not prohibit appropriate contact and relationship building between children, their fathers following incidents of family violence.

13. That the NT child protection inquiry develop reforms to the child protection system that will:
   a. Establish family decision making and family group conferencing as the decision making process for all child protection decisions involving Indigenous children
   b. Ensure that all children in OOHC receive regular home visits from case workers
   c. Provide a clear and transparent process for handling allegations of abuse in care
   d. Establish performance measures on system performance in the child protection system including compliance with the Aboriginal Child Placement Principle
   e. Ensure case plans for children acknowledge the role of fathers and other significant adults in the lives of children
   f. Establish Annual reporting to Parliament on the performance of the child protection system including an annual audit of a number of case files

14. That the NT child protection inquiry develop reform options to the OOHC system that will:
   a. Support the establishment of a network of family group homes run by professionally qualified staff to provide OOHC care, respite care and other services and supports consistent with this submission
   b. Develop a 'family network' model of care to replace the current foster care model
   c. Support compliance with the National Standards for OOHC being developed through the National Framework for Protecting Australia's Children

15. That the NT Government fund a workforce development strategy for the non-government and government child welfare sectors with a focus on:
   a. Entry level cadetship positions within the Department
   b. Aboriginal employment, education and career pathways
   c. Lifting the minimum levels of qualification and years experience for child protection team leaders and above
   d. Attracting former child protection staff back to the profession
   e. A program of secondments between non-government and government agencies
16. That the NT government review all staff roles and current appointments from team leader and above in NT PaCS child protection and seek internal and external applications for these positions.

17. That the child protection inquiry recommend the establishment of an independent monitoring mechanism to monitor implementation of recommendations arising from this inquiry and accepted by government.

18. That the NT Government fund a major child protection and OOHCS reform package to support implementation of recommendations arising from the NT child protection inquiry.
Conclusion

The current model of statutory child protection in the Northern Territory is dysfunctional and unsustainable. The Department cannot retain direct responsibility for all its current functions and expect to improve the system. Major increases in funding over the past decade have not improved the system. It could be argued that increasing the number of inexperienced child protection workers on the frontline has actually made it worse.

The NT government must work with communities on a program of capacity building to relocate some of its current child protection functions to community agencies. Capacity building, correctly defined, involves the transfer of resources and responsibility. In the Northern Territory neither is happening to any great extent.

The Northern Territory lags behind every other jurisdiction in relation to the development of community-based services that can provide a continuum of child welfare and family support programs. Simplistic purchaser-provider and outcome-based funding models will not support the development of those agencies. Persisting with those types of funding arrangements will continue to see large non-Indigenous welfare agencies dominate the field. The Northern Territory is the only jurisdiction that does not formally support family-based decision making or family group conferencing as a decision-making mechanism in child protection. Engaging families early in the process supports the development of care arrangements to protect and care for children and opportunities to build family capacity.

In our view, true child protection is not a simple matter of removing children to a safer place. It extends to supporting their families to overcome the issues that have put the well-being of their children at risk. For children to be well, their families must be well. For children to be healthy, their families must be healthy. For children to be safe, their families must be safe.

Community development, collaboration, and tapping into the strength of people within a child’s Indigenous family must underpin our approach. If we have learnt anything in the past three decades in child protection in the Northern Territory it is that what the Department currently does is not the answer. More investment in the Department has not created better outcomes for children. More investment in community-based solutions will.