

Response to the Royal Commission into the Child Protection and Youth Detention Systems of the Northern Territory Issues Paper of 30 April 2017

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Introduction

Most of the reflections and proposals within this submission arise from and pertain to the Katherine region and respond to multiple questions within the Child Protection Issues Paper.

My greatest resource, is community connection. Since 2013, I have talked to a great number of people at all levels of government, NGOs, independent practitioners, people receiving services, and the community about where systems are healthy and where they are not. I have researched, explored and discussed child wellbeing, welfare, safety and protection endlessly on this topic. I have also worked among some of the greatest minds in child trauma recovery in Australia, placing myself strategically to draw on practice wisdom. Most of these conversations have unfolded informally and have not been attributed. Where I have sought and been given permission, names are used.

The people with whom I have spoken in the Katherine region, the broader Northern Territory, and beyond include policy officers, solicitors, counsellors, managers, police, psychologists, psychiatrists (particularly around complex trauma) and many case workers and ex case workers.

Particular themes that you will find throughout this paper include:

- Listening
- Making time
- Staff empowerment
- Transparency
- Strengths based approach
- Thoroughness

Particular things that I think could turn the tide:

- Part time and flexible working hours, increasing the pool of applicants
- Month long induction including time spent on community and language training
- Broader grass roots consultation
- Planned recruitment for short periods
- Mediation
- Court in community
- Resource buffers

Everything as an investment. The below suggestions seem expensive, but ultimately they're not. Having a long term view that will prove to have even political capital in the end is the only way forward if we're talking about supporting young kids right up to the point of leaving care. A flash in the pan is worse than no attempt at help at all, because it raises hope only to then defeat it.

We should not simply be seeking for the system to come out of the dark ages, but creating and reinforcing foundations and scaffolding to help it thrive, just in the same way as for the children involved, who are the ultimate reflection.

About Me

I am the principal solicitor of a small legal and mediation practice, Petrichor Services, which specialises in children's law and operates within the Katherine and Darwin regions. I am also an accredited family dispute resolution practitioner working on a sessional basis with Relationships Australia in Darwin. The thoughts and proposals within this submission are entirely my own and do not represent Relationships Australia.

My law degree (2002-2007) focused on Aboriginal people and the law. By the end of my studies I had begun to develop an understanding that non-Aboriginal people with good intentions frequently cause more harm than good. Desiring not to do so, I took a step back from the law.

In 2009, I moved to the Northern Territory to work on a cattle station, 85km west of Katherine (Aroona). After two years on the station, I moved into town to work as an intern with the North Australian Aboriginal Justice Agency (NAAJA), and then a lawyer with the North Australian Aboriginal Family Legal Service (NAAFLS) and the Katherine Women's Information and Legal Service (KWILS).

In 2013, I became overwhelmed by concerns at work, and left the Territory for a spell. During my time away from the Territory, I worked as a solicitor in the Children's Courts of Melbourne, a senior administrative officer with the practice management team of out-of-home care at Uniting, a tutor and support worker with the Red Cross Young Parents Program, and a solicitor with the National Youth and Children's Law Centre. I also trained to become a family dispute resolution practitioner at the Australian Institute of Family Studies.

In July 2016, I returned to the Territory to begin working as a mediator with Relationships Australia and prepare my legal practice. On 1 July 2017, my legal practice commenced and I was granted permission by the Solicitor for the Northern Territory (SFNT) to represent children and young people in Care and Protection of Children matters.

All of this means that I have experience in law, social work, mediation, counselling, and child consultation, all with a focus upon child wellbeing and child protection systems.

While I live the majority of the time in Darwin, I visit Katherine, Djarrung, and the people I am close to in the region on a regular basis. Children's Court in Katherine for family matters is held fortnightly on Fridays. My intention is to undertake child representative work in Katherine alone, servicing both the town and surrounding communities, while continuing my mediation work with Relationships Australia.

TOPIC 1: APPROACHES TO CHILD PROTECTION

Best interests of the child

1. **Does the current child protection system in the Northern Territory fully realise the best interests of the child principle?**

No.

2. **How does this operate in practice in the Northern Territory? Should there be further mechanisms/structures in place to ensure the best interests of the child remain a key consideration within the child protection system?**

Discovering and realising the best interests of children is the responsibility of the entire community.

Because the government is primarily focused upon intercepting harm, rather than the larger context wellbeing, the overall wellbeing of children is often lost in the process. An example of this is where a child is removed from an immediately unsafe situation, but insufficient resources are allocated to support the family toward reunification, or to support the child's contact with the family or to locate or assess a kinship carer within a short period.

The child's overall best interests are lost in the flow of crisis or 'incidents' as described below. Case workers are for the most part well intentioned, but are limited in what they can achieve with limited resources. A buffer of time and resources is needed to allow case workers to expand their focus beyond immediate crisis (See 'workplace considerations' below).

The Law Society of the Northern Territory recently released a set of protocols on representing children. Currently, children under ten are intended to be represented on a best interests basis by an independent children's lawyer and children over ten are intended to be directly represented, on instructions. There are functions within the independent children's lawyer role (facilitating the participation of the child, evidence gathering, and acting as an honest broker) which I have seen in other jurisdictions greatly assist the unpacking of what might be in the best interests of the child in any given case.

I am told that in Katherine, an independent children's lawyer for a child under ten is rarely appointed, and I suspect there may be very little understanding around the potential of this role to assist the child and the court. Most lawyers are not equipped to consult children in an age appropriate way. Child consultancy is a delicate task, which in child inclusive family law mediation, carries heavy pre-requisites of several years of training and direct experience working with children.¹ The Independent Children's Lawyer training course that I attended in Brisbane in 2015 went for only three days and did not touch upon the clinical elements of interviewing a child. Jennifer McIntosh would be a good person to consult on appropriate training for practitioners tasked with consulting children.

There could also be a great deal more training of children's lawyers in not just consulting but also facilitating participation and the other elements to address the concerns raised by children, families, practitioners and judges in the Australian Institute of Family Studies 2006 Report, the Attorney General Department's 2013 Report and the NT Protocols.

¹ Jennifer McIntosh (2007) 'Child inclusion as a principle and as evidence-based practice: Applications to family law services and related sectors' *Australian Family Relationship Clearinghouse Issues 1*

From what I have read in case law and observed a little in Court, the Northern Territory judges who specialise in this jurisdiction have sound knowledge around the best interest needs of children. One way that I believe the system could be better, and why I have worked to become an ICL, is for the parties and Courts to draw on as many resources as possible to decipher the best interest of the child carefully in any given case while balancing that thoroughness with expediency.

Such care would include peer reviewed social science informing the submissions of all parties, independent expert reports, reports from the school, the GP, and any other bodies of ongoing engagement, genograms, detailed records of ongoing family and community consultation, detailed histories of contact attendance and engagement by parents in support.

It would include promoting support services for vulnerable children and families in the community, including allied health professionals such as occupational therapists, behavioural therapists, play therapists, psychologists, psychiatrists, counsellors, paediatricians and mediators. The interaction of the children and families with these professionals then further informs the Court's ability to interpret a child's best interests in a given case.

At the moment much of the legislative focus is on Territory Families having discretion to make choices about children. This translates to Courts tending to make orders about parental responsibility or daily care and control, with the details falling under the umbrella of the Care Plan over which Territory Families has almost total control without further intervention by the Court. I would like to see more robust exploration of the details of Care Plans in a court context, and potentially for the Court to provide more detailed orders, as in high conflict family law matters, especially in the absence of mediation. I would also like to see matters come before the Court for review after a six month and twelve month period automatically, as tends to be the case in New South Wales. Regular review by the decision making authority of the ongoing appropriateness of the orders would help to fulfil our obligations under Article 25 of the UN Convention on the Rights of the Child.

The UN Convention on the Rights of the Child puts a heavy focus on the importance of the child participating directly in decisions being made about them. At the moment there is no mechanism for a child to engage a lawyer or initiate proceedings if they seek to vary orders later on. This is a point that needs to be addressed, potentially by the Solicitor for the Northern Territory or NT Legal Aid being given funding to service children who seek further legal support. Children should be provided with information about their present and future legal options by Territory Families when the matter first goes to Court and by their lawyer at every stage.

Ideally, in addition to the Youth Court now established in Darwin, I would like to see a Children's/Youth Court be established in the other two main Local Court centres in the Territory (Katherine and Alice Springs), and for all three of those centres to be child and family friendly, and include play areas and other calm areas for families. Ideally, there would be a clinic where child consultants could speak with the child (as in the New South Wales and Victorian Children's Courts, and the Federal Circuit Court family law jurisdiction) and where family group conferencing and court ordered mediation could occur. Children could have a child advocate, (as in New Zealand) a social worker specifically tasked in facilitating the realisation of their rights beyond merely the legal frame, as well as a lawyer. The lawyer and child advocate would work together with the child to facilitate the child's participation, discover their best interests and realise their rights.

Incident-driven vs public health approach to child protection

1. Is the current incident driven approach to child protection the most appropriate model for the Northern Territory? What changes could, and should, be made?

No. The dominance of incident or crisis responses is not an appropriate approach. But it is the most likely approach when there are limited resources. See the response to question 2 below.

2. Considering the National Framework uses a public health approach, what priority should be placed on adopting a public health model in the Northern Territory? What would this look like in the Northern Territory context?

Looking at the National Framework, and the 'System for Protection Children' pyramid, it's not strictly speaking a public health approach, it's a universal prevention starting point, with the premise that if you invest more resources early on there will be less likelihood for a family to progress to the next level. One element should not be prioritised over another. All need to be present and available to expand as needed. Not a presupposed approach but an open flexible integrated system, responsive to changing needs at the time. At the moment almost all we have is a crisis driven or incident driven approach. If all you have is a hammer, everything looks like a nail.

There are occasions where statutory intervention is the most appropriate response. The Deborah Melville case, where a young girl died in a kinship placement, is a classic example of this. There are many cases where targeted interventions would be most appropriate, such as a residential parenting program. Similarly with early intervention.

At the moment, the pyramid of services and supports actually provided is upside down. Thus our system is unhealthy and requires reform.



3. Would a public health model support better outcomes for Aboriginal children and families? Why or why not?

Having universal preventative initiatives as a first port of call would be beneficial for all families, including Aboriginal children and families. Having an integrated flexible response to the particular needs of each family, including the *changing* needs of each family would be an even better model. At the moment, TF only initiates engagement with high risk families at the targeted services level. All other cases are referred out.

I know the importance of outsourcing, and I've seen in action through the Uniting Out-of-Home Care program and the Red Cross Young Parents Program, the natural buffer that exists for NGOs, being able to implement therapeutic programs without always being under the pressure of crisis events. A buffer of distance from crisis driven modality. One tricky thing though is that where the earlier elements are outsourced then you have a split in the liquidity between preservation and reunification, and a consequential missed opportunity by TF to engage while things are questing, open and hopeful. If TF are coming in at a higher risk stage, people are already under threat and in crisis, which makes it harder to build rapport and engage.

Family services/early prevention approaches

1. What type of family support and early intervention services are needed in the Northern Territory to provide support to children and their families in order to prevent them from coming into contact with the child protection system? What changes to services, and service delivery, are needed to ensure they are culturally appropriate and reach those that need it most?

Other early intervention elements are availability of health, mental health and allied health services of which there are very few in Katherine. There are no bulk billing general practice centres for non-Aboriginal people in Katherine. There is a waiting list of 200 people for speech pathology in the public system, including for children. Rehabilitation and counselling on the ground in communities.

2. Where are the gaps in the delivery of family support services and early prevention services operating in the Northern Territory?

Everywhere. The first place is engagement and consultation.

Therapeutic approach

1. Considering children within the child protection system are particularly vulnerable, is there enough emphasis on therapeutic service approaches within the current system?

Absolutely not. I believe that there are policies around these things, but again, there are insufficient human resources to manage them.

2. Are there particular therapeutic services that are needed in the Northern Territory, taking into consideration demographic and geographical characteristics?

Yes. Every service should have a strengths-based, therapeutic approach. Every service should be trauma-informed and receive ongoing training in these areas. It's an exhausting industry, and strength to maintain unconditional positive regard for clients needs to be topped up all the time with training, consultation, and long term projects. See further under 'workplace considerations' below.

TOPIC 2: ABORIGINAL EMPOWERMENT

- 1. In what ways can, and should, the Aboriginal community become more involved in the child protection system? In particular, how can Aboriginal families and communities become more involved in the making of decisions about their children and families, so they become partners in the design and delivery of policy, programs and services? What kind of structures or arrangements are needed to make this effective?**

Much of the responsibility for this lies with the public service. It is not possible to empower someone without their effort, but when we look at 'child protection' in a systemic sense, it begins with Territory Families or another service intervening in the family's world. *How* that initial contact happens sets the scene for how the involvement and engagement will evolve over time. In my experience, Aboriginal people are very patient and accommodating when they feel that they are being respected. It is the culture and conduct of Territory Families that first needs to change. This is addressed further below.

A. *Interpreters*

I have been told that the Katherine branch of Territory Families (including its former incarnation as DCF) has not engaged the local Aboriginal Interpreter Service (AIS) within the last two years. In my experience, the percentage of families engaged with Territory Families who speak English as a second, third, fourth, fifth or sixth language is high. The correlation between these two pieces of informal data is really concerning.

Engagement with Aboriginal people is never going to be meaningful unless it is conducted in the language in which people are most fluent. The lack of use of interpreters marks not only a lack of clear communication and understanding, but also respect for the people being communicated with. There is an implicit presumption that communication is futile. This speaks loudly of the culture behind the practice.

A policy should be developed which highlights the importance of communicating with clients in their preferred language. A practice manual should be developed which details how to enquire after and assess the language needs of a particular client. The Aboriginal Interpreter Services, with offices in Darwin, Katherine and Alice Springs, has a step-by-step guide on when to use an interpreter on their website² and offers frequent 'How to Work with Interpreters' training courses from its offices for free, and on a paid basis by request. Included in the training is an information pack with detail about languages of the region.

Becoming familiar with local languages and how to work with interpreters should be part of the induction, as described under 'workplace considerations' below. Further study into languages, including tutoring and in community training should also be encouraged. I have just returned from a Kriol Awareness Training Course in Ngukurr. The course was an introduction in ways to understand Kriol not just local to Ngukurr, but across the Territory, and was open to anyone. I have also previously learned basic Warlpiri. The opportunities are out there when one searches for them.

² <https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service/when-to-use-an-aboriginal-interpreter>

There are practical obstacles to having interpreters on hand in urgent situations. I believe that AIS in Katherine have no interpreter trainer at the moment, which will likely lead to shortages of available interpreters if not already then over time. This links into staff retention, support and recruitment as discussed under 'workplace considerations' below.

B. *Mediation*

Mediation is a way in which all families involved in the child protection system, including Aboriginal families, are able to participate in the direction of their case in an open and forward thinking, neutral, safe space. Mediation is an opportunity for Territory Families to raise concerns, and for the family to respond to those concerns and for all parties to make commitments for compromise and change in the best interests of the child or children.

There are two types of child protection mediation currently described in the *Care and Protection of Children Act*, neither of which are currently being employed in practice. The first is mediation instigated and facilitated by Territory Families (section 49), and the second is court-ordered mediation (section 127). A Pilot Program for Territory Families instigated legislation took place in Alice Springs between 2011 and 2012, guided by the *Care and Protection Of Children (Mediation Conferences) Regulations*. Regulations 2 and 11 indicate that the Regulations are intended to guide s49 mediation alone, by not referencing s127 at all.

Section 49 mediation should be recommended after consultation to ensure that elements of concern that arose from the pilot have been addressed.

Section 127 (3)(a) of the Regulations says that the Court "must appoint someone (the convenor) who has the qualifications or experience prescribed by regulation to convene the conference", however there are no Regulations to cover it. We therefore reach an impasse, where a local court judge is prevented from making an order for mediation due to the non-existence of regulations to allow it.

I can see two ways forward from this circular issue. One, is to create regulations for s127 mediation, which may take forever and is thus a long term solution; and two, in the immediate, to amend the Act in a very simple way by including after the word 'regulation' in s127(3)(a) the words 'or as directed by the court'. This would allow a judge to order mediation tomorrow if it felt there to be an appropriate case.

This is not to say that parties cannot instigate a mediation conference of their own volition, or that a judge couldn't make a suggestion that mediation with a neutral facilitator might be a good idea. Currently, meetings between the parties are sometimes being held within the offices of Territory Families. This is far from common ground. Sometimes meaningful discussion is held and outcomes of mutual satisfaction are achieved. Other times, the participants state their position and without a framework through which to explore the underlying interests, to generate options, to reality test proposals, and to negotiate details, the conversation ends before it begins. I have an inkling that most Territory Families legal representatives would be open to the possibility of a neutral party facilitating such meetings. I am almost certain that the legal representatives of other parties would be keen to see this happen.

The question then is how it would work, and who would fund it.

Relationships Australia submitted a tender for the Family Group Conferencing pilot (s49 mediation) run out of Alice Springs between 2011 and 2012. The tender included each child being supported by a child advocate (see the response to Q2 under Topic 1, best interests of the child, above) The Community Justice Centre (CJC) also submitted a tender and were granted the contract. The CJC were ultimately unable to fulfil the role and the TF equivalent of the time took over the management and operational functions.

Relationships Australia has offices in Darwin, Katherine and Alice Springs, each including a large space suited to the holding of a large family conference. The mediators are accredited family dispute resolution practitioners, which requires a degree in either social science or law and the completion of a graduate diploma in family dispute resolution with core components of child inclusive mediation and family violence responses, as well as clinical practice training. Though the qualification requirements for conveners under the Regulations require very little (a convener need only have 'experience relevant to convening a mediation conference'! Accreditation as a mediator is an option, but not a must), I don't believe qualification merely as a mediator or as an FDRP is enough. I have spent four years, among my other work, researching child protection mediation models around the country and analysing what elements could be taken from each to create a model most suitable to the Territory. Elements that I appreciated about the Victorian model were that the conferences were held in a different building to the Court, they were facilitated by people trained at first as mediators and then receiving frequent ongoing and mandatory professional development at work, in areas such as working with high conflict clients, trauma-informed practice, and all variety of other topics relevant to the child protection jurisdiction. I believe that continuing professional development is key to staff survival within such a weighty industry. It keeps skills sharp and fresh, promotes engagement, and renews hope.

Anglicare Resolve and Relationships Australia are the two not-for-profit providers of family dispute resolutions services in the Top End. Both have experienced difficulty in recruiting and retaining FDRP staff. There is no training body up here. Sometimes people have conducted training partially by distance with Queensland or South Australia. The Victorian qualification model would intercept the problem of recruitment by providing continuing professional development over time. Ideally, a training course catered to Territory needs could be developed over time, incorporating elements of FDR practice.

Privacy [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] I am in the process of drafting a framework proposal for what that mediation project might look like. This has been a personal research project for the last four years.

With regards to funding, it would probably be best for the Territory or Federal government to fund the mediation as an independent program. Again though, this would be a long term project. In the meantime, I believe Territory Families as the applicant would be the most appropriate and practical agency to fund court ordered mediation sessions, in a similar fashion

to their funding the child representative role through the Solicitor for the Northern Territory, thereby indirectly as well as directly supporting the best interests of the child.

The structure of child protection mediation in Western Australia is based upon practice directions. The Chief Judge of the Local Court of the Northern Territory has the power to issue practice directions under s49 of the *Local Court Act*. Were the Court not constrained by s127, any Judge could make an order for mediation to take place at any time, and the Chief Judge could similarly make mediation practice directions at any time.

C. *Court in Community*

If we are looking at the involvement of the child and of the family seriously, then we have to begin consulting and mediating where the children and family are most comfortable.

This would mean conducting Care and Protection of Children matters in community. On the one hand, this seems resource intensive. On the other hand, bush trips already happen to many remote communities on a regular basis, and the inclusion of family matters on the list would improve the likelihood of parents and other family members, particularly potential kinship carers, being on hand to engage.

It would also give the determining judge and the solicitors with carriage of the matters more direct insight into the context of decisions being made.

In order to ensure a buffer (discussed under 'workplace considerations' below), more judges might need to be engaged, including in the Katherine region. At the moment, most days appear to carry a full court list, and there is not much room for expanding practices that would require more time.

D. *Humanness*

Two local Aboriginal people who I am close to but whose names I will not mention here have told me of their engagement with juvenile justice and welfare services.

One was stolen generation from many years ago. There had been one welfare worker who had treated her wonderfully. The worker and his wife would come with their kids and pick up my friend and her siblings in the back of the ute and take them all fishing. After my friend had left care and had a husband and a baby daughter, she was having a fight with her husband when the worker came to visit. The worker growled her for fighting but then took her down to his car and got her to help him carry boxes of crockery and cutlery upstairs. At the time there were no welfare payments, only food stamps, and my friend was sleeping on the floor with her family. What my friend remembered most about those moments was the human kindness. The connection. The being related to as a fellow human being.

The other friend was getting into trouble as a kid. He is now in his thirties. At some stage he had the equivalent of a NAAJA lawyer support him through a criminal plea at court. The NAAJA lawyer took my friend and another young boy involved in the crime to the gates of Dondale and stood outside with them. The lawyer told them, 'this is where you're heading'. My friend ended

up in Dondale anyway, but he remembered the moment. He remembered the effort and the thought and the presence of the lawyer beside him.

Government now is a very separate creature, far more tied up in formality and process. Far less flexible, or directly connected to people. It is also insular. In 8:30 to 4:30 positions, this insularity is insular in its comfort, removed from poverty if not necessarily neglect and violence. In high pressure situations like Territory Families and the Northern Territory Police, it is quite possibly also insular in its culture, with a belief among workers that they are of a different fabric from people beyond the uniform. These attitudes are often a way to survive, to distance oneself from the constancy of pain in the client's experience and to cope with the task of becoming a conflicting force toward someone for who you have empathy.

Learning how to retain empathy for people whose actions would make the most saintly of us shudder, learning to maintain empathy with a parent whilst feeling overwhelming empathy for an abused or neglected child, how to discover and maintain unconditional positive regard for clients who have threatened our lives and safety, all of these skills, and they are skills to be learned, are key to staff wellbeing, client engagement, client wellbeing, and program effectiveness overall. Being aware of and working to dissolve a culture of hopelessness and disengagement is key to being able to establish that empathy.

- 2. GTST advocated for Aboriginal people and communities having a greater role and voice in the child protection system. GTST proposed achieving this through the establishment of an Aboriginal Child Care Agency (ACCA) or agencies in the Northern Territory. How would the establishment of an ACCA contribute to achieving Aboriginal participation in the child protection system? Are there additional or alternative approaches which could be adopted in the Northern Territory, that build on existing structures and capacity?**
- 3. What could the Northern Territory or Commonwealth governments do to support building capacity within Aboriginal communities and organisations?**

A. Listen Before You Speak

Knowledge should go two ways. Aboriginal people often have a better idea of this than non-indigenous people do. They want their kids to learn 'white-fella ways' as well as 'black-fella ways' so that the kids can survive better in the world. Such is the beginning of respect, the gateway to engagement and the platform for healthier wellbeing outcomes. The 'capacity' is already there.

Speaking with an Aboriginal Cultural Advisor some months ago, I was told that Aboriginal people often spend a long time listening before they speak. They spend a long time observing and absorbing what is going on, drinking it in, which is often why Aboriginal colleagues seem quiet in broader team meetings. Not necessarily because they don't have things to say, but because listening and speaking are undertaken with great care. The Aboriginal Cultural Advisor said to me that there tends to be a lot of subtle non-verbal communication between Aboriginal people, and also a lot of observation by Aboriginal people of the non-verbal cues of others. When Aboriginal people do ultimately speak after reflection, the Aboriginal Cultural Advisor said, they say things in a direct, clear, considered way. There is no need to fill the air with words. Silence has its own weight and meaning.

It is easy to see, looking at this style of communication, compared with the typical western style of constant verbalisation, how Aboriginal people might never have the opportunity to speak or might always be perceived as having nothing to say.

Two way communication does not mean going to a community and having a brief chat. It means building rapport, by spending significant amounts of time in community without an agenda. By being present, available and responsive in a respectful way. This means seeking permission and guidance as to the appropriate way to be present. It also means having something to offer. Not merely going to community to tour or work things out as you go along, but bringing a skill or knowledge base, having an idea of how that knowledge base might be useful to others and being available to share it. This is not something that should only happen once, but frequently, indeed every time there is engagement with community, rush should be conscientiously avoided and time should specifically be set aside for availability and reflection, even if it's not ultimately utilised. It is important to be available to hear what is happening for those you are approaching with a broad attitude to what's relevant, and to be responsive to that.

Tony Eyles, a former Aboriginal Community Worker with Territory Families, in his testimony to the Royal Commission on 23 June 2017 said 'I think that it needed to take more time, because first you've got to get to know someone and at the end of the day they know you're from child protection; they're not always going to want to give up information so quickly. I think it needed to be a longer process.'

E. Educate the broader community

There is pride in being connected by birth to the land of oldest living civilisation on earth, and yet many Australians don't realise the cultural richness that they're connected to. Part of this is because our early years induction begins with Captain Cook and the First Fleet. We learn that Australia began with the arrival of the English, not with the layers and layers of finely tuned social structures and sustainable land management over thousands of years. As I heard one Aboriginal interviewee on Radio Larrakia report, people feel that 'chest thump of pride' over the colonisation of Australia that makes them resistant to recognising the strength of deeper cultural roots. I never learned in school that Australia had been considered by the English to be without people because the English perceived no agriculture and no permanent dwellings. I never learned that on that basis Australia was 'settled' rather than 'conquered' (as compared with New Zealand), and all the laws of England were brought over and imposed in one hit, suppressing lore with law in one suffocating blanket. When a belief paradigm such as 'terra nullius' has been so entrenched over multiple cumulative generations, momentous effort must be put to dig them out. Aboriginal people are still in many ways invisible and, in my experience, tired of doing the digging.

F. Education from an Early Age

Local Aboriginal history and culture should be a compulsory component of every possible subject in school from pre-school, right through primary school, high school and on into university. This includes science, economics and trade, English (including literature and poetry by Aboriginal authors), geography, religion, language, culture, modern history, ancient history, politics, legal studies, sports and physical development, agricultural studies, visual arts and dramatic arts. These should not be elective components. Consultation should also happen with

Aboriginal people regarding other possible subjects, for example modern cultural studies that explore the complexity of kinship connections. Rather than preferencing ancient Greek, Roman and Egyptian ancient history, we could focus upon the rich, diverse culture, and far deeper roots of our local place, and from there spiral out to explore the roots of other places of significance to us, including our connection to interstate Aboriginal territories and to European law, philosophies and language. Modern History could include strengths and challenges since colonisation, exploring politics, wars and evolving government interventions such as the Aboriginal Protection Acts, Stolen Generations, Wave Hill Walkoff, Freedom Ride, 1967 Referendum, and Yagun's head. Emphasis should also be placed on strengths based history, including a spectrum of Aboriginal heroes in independent contexts. There is a great reservoir of strength in this knowledge for Aboriginal people and other Australians alike.

There is a presumption in Australian culture (as in other Western cultures) that written history is preferable to and more reliable than oral history. In the West, as inscribed on the wall of the State Library of New South Wales, it's believed:

In books lies the soul
of the whole past time
the articulate audible voice of the past
when the body and material substance of it
has altogether vanished like a dream
(Thomas Carlyle)

Let me ask you this, what is acceptable as evidence in chief in a court of law? An affidavit will not suffice in most cases where it is humanly possible for a witness to appear in person. I see two main reasons for this. The opportunity with evidence in chief to provide clarity and context, and the opportunity through cross examination to test the 'truth' of the testimony.

Written words allow neither. There is strength in the careful transport of oral history from generation to generation. And there is strength of having precise words preserved. How wonderful that we live in a country with a talent for both. Something to be celebrated and drawn upon.

Local Aboriginal Elders and others with knowledge should participate directly, orally and in writing, in the conveyance of knowledge.

This should happen throughout the whole of Australia, not just in the Northern Territory. Many of the decisions that have a massive impact on the Northern Territory, this Royal Commission for example, begin with political impetus from elsewhere. Had the Four Corners program not been aired nationally, I doubt very much that this Royal Commission would have ever begun.

G. *Working with*

Working with people rather than doing things for them (permissive), to them (authoritarian) or not at all (irresponsible). Building a positive relational engagement with those who might otherwise be a target of blame. Allowing space for those with hurt and those with concerns to be heard, while also allowing space for those other parties to take responsibility.

These terms are taken from the Social Discipline Window used by Terry O'Connell in restorative practices training. 'Restorative' is a key element to the child protection model currently being explored, and nestles in well alongside the 'reunification' concept.

<http://www.iirp.edu/what-we-do/what-is-restorative-practices/defining-restorative>

H. *Designing for Wellbeing Using an Ethnographic Approach*

'Designing for wellbeing' not just in the outcomes hoped to be achieved, but in the very process of designing the approach to a wellbeing issue.

The approach used by Daniel Mohr at Fifth Space begins by team formation and identification of 'pain points'. The next step is employing an ethnographic approach, not just having a profile of a person of a particular statistical age or grouping, but rather exploring the context of enquiry from the perspective of people involved. Then visualisation and prototyping.

Mohr contends that for the most part, the development of programs runs in the order of Policy > Program > People, but that intelligent design for wellbeing, utilising ethnographic techniques, should run in the opposite direction, namely People > Interactions > Policy.

<http://socialdesignsydney.com/designing-for-well-being/>

<https://fifthspace.wordpress.com/>

I. *Families helping Families*

'Families helping Families' is a Network of families helping families make the changes they want to make in their lives. There are 'seeking families', who are working on achieving more and moving towards thriving, and 'sharing families' who have come through tough times, are now experiencing more ups than downs and want to support others.

'Families helping Families' find and train the 'sharing families', matching them with those families seeking help. Presently the program is only available in South Australia and New South Wales, but could be something worth exploring for the Territory.

<http://familybyfamily.org.au/>

J. *Inclusivity*

The Territory is a small place and exclusivity breeds discontent and resentment

Programs that are only open to Aboriginal people can help create a safe less bureaucratic space for Aboriginal people to step into, such as Wurli Wurlingjang and NAAJA, but can also perpetuate divisive paradigms if similar services are not available to others. Focusing programs on the needs identified by Aboriginal people and then creating the programs as inclusive, or creating parallel

programs, one for Aboriginal people and one for all people in the community, can address the needs without creating division.

When developing a program or policy based on need, such as language or financial capacity, base it on the need, not the statistic that gave rise to your awareness of it.

K. Cultural Awareness Training and Induction

Meaningful cultural awareness training that stems from listening is crucial to establishing rapport with Aboriginal clients, promoting ongoing engagement and improving the likelihood of community connection and reunification. See also 'Induction' under 'workplace considerations' below.

Potential consultants for cultural awareness training in the Katherine Region might be Wardaman Elder, May Roses, the Banatjarl Women's Group, Strongbala Men's Group and the Ngukurr Language Centre.

L. Large Scale Visible Pride

Vivid Light Festival in Sydney during the winter of 2016 was exposed to 2.3 million people. The works of multiple Aboriginal artists were layered into light, animated and projected onto the Opera House. [Privacy](#)

Improving assessment and decision-making

- 1. How effective and appropriate are current assessment tools, processes and timeframes used by Territory Families to identify and respond to children at risk of harm in the Northern Territory?**
- 2. Do current assessment and decision making processes allow for early intervention where a child or family is at risk of becoming involved in the child protection system? What changes need to be made to allow this to happen more effectively and consistently?**
- 3. Do you know of any incidents where failures to respond to appropriate timeframes in relation to notifications of risk of harm or assessed risks have resulted in further harm to a child?**
- 4. In your experience, how effectively are a child's needs assessed and reassessed (including health and cultural needs, and for children with disabilities) and responded to when a child enters OOHC, or while they are in care?**
- 5. How adequate are current procedures for identifying OOHC placements for children? What, if any, limitations are there to identifying appropriate OOHC placements for children? How are children and families consulted about OOHC placement decisions? Is there adequate consultation with children and their families about OOHC placement decisions?**

TOPIC 3: THE OUT-OF-HOME CARE PROCESS

Children in Care

- 1. How could children in care – and their families – be better supported while the child is in care?**
- 2. From your experience, are families provided adequate information about their children in care? Do you have any suggestions on how information provided to families about their children in care can be improved, to make it more relevant, meaningful or timely?**
- 3. How can children and young people be better supported to maintain contact with culture while they are in care?**
- 4. What would be the advantages or benefits, if any, in adopting a more intensive and integrated case management approach, with a single case worker for both the child in protection and their parents/family, including during any involvement of the child in the youth justice system?**
- 5. What would be the barriers to implementing such an approach?**
- 6. Should there be enhanced case management services for families with children with complex needs? If so, how should this be implemented?**

Yes absolutely. I wish I had more time to answer this and other questions in detail.

- 7. How might greater community involvement and empowerment improve the position for children in care and their families?**

The Aboriginal Child Placement Principle

- 1. From your experience, what barriers exist to have child protection authorities make all necessary efforts to comply with the Aboriginal Child Placement Principle, which aims to find a placement for an Aboriginal child in need of care that maintains the child's connection to family, community and culture?**

Potential for change in this area is addressed indirectly in detail under Topic 2: Aboriginal Empowerment above.

- 2. What barriers exist to applying the Aboriginal Child Placement Principle? Do you have suggestions as to how any barriers may be overcome?**

Similarly, potential for change in this area is addressed indirectly in detail under 'Topic 2: Aboriginal Empowerment' above.

Foster and kinship care

- 1. How effective are current processes for the recruitment of foster carers and the identification of potential kinship carers? Do you have suggestions for improvements to these processes?**

Terrible. They take too long. Families are not consulted thoroughly. TF don't spend time in community learning possibilities. There are lots of procedural interruptions to people being able

to be carers. Such as multiple names making the acquisition of ochre cards impossible. Also genuine and justified fear factors around being investigated by TF.

- 2. *Is the current approach to the assessment and accreditation of foster and kinship carers sufficient or appropriate? How could it be improved?***
- 3. *The Commission has heard concerns about the identification of possible kinship carers and the kinship carer assessment process, including whether people who might have become carers were approached and assessed. Does the current process work effectively? Are there barriers to having Aboriginal carers taking on the role?***
- 4. *If you are a foster or kinship carer, what type of training and support were you provided? Do you have suggestions as to how to improve training and support?***
- 5. *From your experience, is there adequate understanding and support of kinship care by child protection authorities in the Northern Territory?***

TOPIC 5: SYSTEM-WIDE ISSUES

Workforce considerations

- 1. *Are the caseworkers in the child protection system in the Northern Territory doing their job effectively? Are there factors that may prevent caseworkers doing their job effectively?***

‘Are case workers doing their job effectively?’ Is not a fair question to ask in the context of an unhealthy system. It is one of the questions that demonises Territory Families needlessly. Case workers do not have the opportunity to do their job effectively because they are almost always required to carry an insupportable caseload, responsibility far beyond their training, experience or capacity, and burn out within a heartbeat. No wonder.

A. Case Load

Looking at the 2012 Menzies ‘Report on the Implementation of Family Group Conferencing with Aboriginal Families in Alice Springs’³, and the *Inquest into the death of Deborah Leanne Melville-Lothian* [2010] NTMC 007⁴, and talking with multiple ex and current case workers, it becomes

³ At pgs 21-22 ‘Systems Issues: The lack of referrals to the program was the result of systemic and individual practice factors. High workloads and staff turnover have made it difficult to embed FGCs as a regular part of practice, and while practitioners could identify suitable cases, there was a failure to convert these cases into referrals to the FGC team. Further delays in the implementation of the program had been the result of burdensome and convoluted recruitment processes and delays in receiving feedback in a timely fashion from other divisions within DCF. A communication and training strategy within DCF operational and policy units would be necessary to identify the importance of FGC and its potential benefits for clients and caseworkers.’

42. ⁴ Motter helpfully detailed some of the issues that contributed to the office ‘imploding’. She described an office where staff were ‘running from one thing to another’ and not having lunchbreaks. She said the phones were ‘going crazy’ and at the same time people were in the administrative area waiting to see staff. It was a situation of ‘chaos’ where members of staff were often stressed. She worked long hours and felt under pressure.

clear that the ratio of case load to worker is beyond burdensome, it's impossible. In the words of one ex-caseworker resident in Katherine for over 20 years, "the legislation has changed, but the situation hasn't". The issue of overload is often attributed to recruitment, retention and general unhealthy work conditions, as discussed below.

An important structural component for all the elements below is 'the buffer zone'. One way to counter the overwhelming pressure of a crisis driven industry, is to ensure that at all times, you have more than enough resources, as is often the case with the Defence Force. Being able to defend ourselves in case of threat is considered important enough to have resources perpetually on standby.

This should also be the case for child protection. There should always be more than enough workers and more than enough resources available than are required for the work that immediately needs to be done. This is the only way to ensure that workers are able to complete

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43. Quenoy also described working such long hours that her 'flex hours' got so high she gave up adding them up. There was, in any event, no opportunity to take them.
 44. Motter explained that it was difficult to keep staff. She described a 'revolving door' of caseworkers, which led to a lack of consistency both for carers and the children in care. Seah-Quenoy and Jackson also commented on the problems associated with high staff turnover. In the critical period from January 2005 to July 2007, the Melville children had five different caseworkers including Barbara Murray, who did not like her job and did not have a rapport with the children, Anthony Barnes, who had a caseload of 25 to 30 children and who could not find the time to make any home visits; Annette Mageean, who had just graduated from university; and Sarah Deery, who had come from Ireland and had no experience with Aboriginal families.
 45. There were difficulties in recruiting and retaining good quality caseworkers. As Quenoy said: (transcript p.655) "sometimes we just have to grab whoever comes on the scene to fill the gap".
 46. Jenny Scott detailed a number of measures that have been taken, such as recruiting from overseas, talking to undergraduates in interstate universities, having a stall at conferences, looking at relocation packages, and introducing a market allowance for working in the NT. Scott described these initiatives as having 'kept our head above water'. During the 2008-2009 financial year there was an attrition rate of professional staff of 32%. This figure is comparable to other jurisdictions across Australia.
 47. A number of witnesses considered that there was inadequate training, for example in relation to statutory obligations, how to conduct home visits and in how to use the Policy and Procedure Manual. Adrienne Boucher said she was not given any orientation in relation to use of the Manual when she started. She felt she was thrown in the deep end and had to learn on the job.
 48. In 2006-2007, there was low morale in the office. Industrial action was threatened. One of the reasons for this threat was concerns about caseloads. There was obvious tension between the Out of Home Care team and the Placement Support Team.
 49. There were also chronic staff shortages. The child protection team would call on staff from the Out of Home Care team to help out with child protection investigations. This took staff away from their day to day case management responsibility.
 50. The result was that placements, which were considered to be 'low priority', such as the Melville children were 'put aside'.

their work effectively, meaningfully, healthily and sustainably, and as such the only way to safety and positive advancement of children and families that come under their care.

As with the armed forces, a buffer of resources being available on standby does not mean that people need to be idle in between times. People should be cross trained in the multiple tiers of community engagement and support. All such elements should be tended to as in Figure 1 above as a matter of course. Additional human resources can be shared with the larger lower tiers, and with practice reflection across all areas, policy review, research and development, in times of calm.

B. *Recruitment – Skills and Experience*

Recruitment should be cross pollinated, by which I mean senior people with a wealth of experience in child wellbeing should be recruited to work alongside less-experienced people in close quarters. Wealth of experience for a senior role (team leader or manager) translates to having spent substantial time in both operations and operations management, and having done complimentary training besides. Such a manager will model best practice that trickles down to less-experienced workers, as well as providing direct guidance. Talent and interest should also be drawn on equally from local pools and further afield.

The Red Cross Young Parents Program had an effective recruitment and wellbeing model that resulted in retention of several staff for over a decade. Volunteers and interns were often employed as support workers (as in my case), and sometimes later went on to become case managers, team leaders and managers. Junior and senior staff were also recruited from elsewhere in the Red Cross, and from outside the organisation. The result was an environment where you had new workers experienced in the landscape and keen to be there complimenting and learning from constant flow of practice wisdom from elsewhere.

Practice managers should similarly be recruited from a pool of people with a wealth of policy, practice, and operations experience. A good example of such a person was Privacy

██████████ Both had worked as case workers before management, and as such had the capacity to understand the moving parts at every level.

Too many people are promoted to management simply because there is no other place to be promoted to, but managerial responsibilities require a completely different skill set to operations. Whether further training is conducted through an external institution or as workplace-based training could be flexible, but for anyone becoming a manager of others, specific managerial training should be a gateway requirement.

Psychometric testing could also be an option for managerial positions. Not everyone has the emotional intelligence to guide and nourish others, regardless of their skills as an independent operator, and bad appointments inevitably lead to a tsunami of resignations and an ongoing skills drain. Emotionally intelligent practice can be learned to an extent, but until it is, appointment of a person lacking the capacity is not appropriate.

I have worked with some shockingly negligent people in management roles in the Northern Territory. One ended up in prison, another ended up the subject of a high profile Supreme Court ethics case. I am no expert in Human Resource management, but as is a general theme in this paper, whatever you do, do it carefully. The subject matter is too important to stuff around with.

Care should be taken with the selection panel. Again, there needs to be a balance of local and outside delegates.

If no candidates come forward who fulfil the criteria, don't take the least worst option. Track down and interview people with the requisite skills about what terms of employment would attract them to the work, and cater the work conditions to suit the person, interview many people, corroborate and triangulate the information so that you have an approximate idea of what truly is reasonable. I have spoken to many people in this vein. One such is Privacy [REDACTED] Her thoughts inform many of the paragraphs which follow.

C. Recruiting Locals

So much in Katherine happens by talking rather than on paper. Appoint someone to go out and talk to people in the community on a formal and informal basis about what hesitations they would have about working in this industry and what might make them want to try, particularly young people and people with experience in related fields.

Examples of responses you might receive regarding hesitations are: the negative stigma attached to TF. No matter how many times the name changes, the stigma remains. People do not want to be associated with an organisation that removes children from families. Nor with an organisation that fails to remove kids from families when they are being harmed. The irony is not lost, but rather implicit in the issue. Working with TF is, in many respects, an impossible job.

Empathy and the opportunity to make a difference might be pathways beyond this. I have met so many young people, through tutoring with the Young Parents Program, who took their own experience of hardship and put the energy into training in community services, turning the learning into an experience of healing. Having such a strong and impressive young person speak with other young people, perhaps in a classroom context, could raise intrigue in a way that I remember it doing for me when I was in High School.

Other pathways might be emphasising that the young people would have the opportunity to work in early intervention and softer targeted intervention teams initially, rather than assessment and removals. Getting kids involved in the educating. Show that it's a collaborative organisation. Join us and we'll keep training you. You can become a trainer.

A well-paid school based traineeship might be one way the training could unfold, intercepting the kind of apathy that can sometimes settle in after high school in a region with a high unemployment rate.

Such traineeships could be carefully performance managed by skilled managers in an emotionally intelligent way, themselves exhibiting industry best practice.

D. Balance

Matching the incentives afforded to newcomers with similar incentives offered to locals would help to balance the sense of worth in the community and to facilitate positive lasting partnerships between newcomers and locals.

The Territory is a small community, and as much as locals value the quality provision of services, special treatment can breed division and discontent. Finding ways to value different skills,

including local and worldly, equally can help establish healthy relationships and a culture of inclusivity.

This feature of finding balance will be discussed further in several of the sections below.

E. *Transience*

Transience begets transience. If workers feel engaged with their work, that they are achieving something meaningful, and are supported, they will be more likely to stay. People all over Australia and the world are intrigued by the beauty, wildness and traditional Aboriginal cultures of the Territory and, sadly, attracted to the professional challenge of 'making a difference' in a 'disadvantaged' landscape. The hook is already there. Some people are tourists or have too strong connection to elsewhere, and will never stay. Others are open to being wooed by a new place and a new life, and are persuaded by positive experiences to stay, as was the case with me.

If you know you're going to lose people, which of course you are, prepare for it. Even when people plan to stay indefinitely, the experience is often different to their expectation, the culture shock is too great and they do move on. Create a HR recruitment structure that anticipates these things and carries a buffer for them.

One possibility would be to begin for outside folk with one year contracts, with a month long overlap to allow for an intensively thorough handover. The handover would come after the lengthy induction discussed below. Always have a shortlist of candidates ready to come on board. Start contacting those on the shortlist three months before the end of each contract and, where necessary, interview again. Have a dedicated HR team on hand to do this at any time there is a need. Again with the HR team, always keep a buffer, and in times of calm, work on improving processes.

Another possibility is six month contracts, which would generate more interest, but risks time being too short for either learning or building a meaningful rapport with clients.

One way to cushion the blow of frequent handovers is a support tool such as MyStory, utilised by Barnardos in New South Wales, which tracks a child's time in care as a narrative, including photographs and important life events around school and other milestones. The story also includes drawings, awards, and details of people significant to the child. Things that a parent would likely know. Health records and family and trauma history are also part of the record. Every case note is drafted carefully and in a strengths based frame, with the understanding that the child may at some stage request to read their file.

Establish a candidate exchange with other jurisdictions and workplaces. Where there is a surplus of applicants in one location, they can be referred on to the other, in both directions. So, for example, a graduate struggling to find work interstate, could be asked at the point of refusal if they would consider an alternative opportunity in the Territory.

F. *Induction*

The interview process for a wine call centre I once worked in took seven hours and included a psychological assessment. The training process lasted a month, before we even touched a phone. A month of induction. For selling wine.

It seems appropriate for induction of Territory Families case workers to last at least a month before working independently on files. This would be particularly supportive of allowing the cultural awareness exchange (discussed under Aboriginal Empowerment above) to unfold. It would also facilitate detailed understanding of the processes and procedures that are crucial to protecting the wellbeing of staff. It is crucial that induction in this industry involve a combination of reading, hands on application, review and repetition under supervision.

G. Support

It is important that team leaders carry a limited case load of their own to allow them ample time to be available to support workers within their team, particularly on more difficult cases. Again, the buffer. They should continue to carry at least one case so as to remain aware of the direct experience of their case workers as it changes over time.

It is important for recently graduated workers to shadow an experienced worker, not another junior worker, for six months before taking on cases of their own (L plates). This should *not* be tokenistic, where the senior worker stands at a distance and check the new workers work only from time to time.

A one-on-one case update between each worker and team leader and their direct line manager occurring at least once a week is important, preferably at the beginning of a week and at any other stage required by the worker. A 'toolbox meeting' or first up team meeting at the beginning of the week is also a good idea. Where time is not specifically allocated for these things, often a team leader will become busy with their own work and not be aware of the need. Such support allows workers to feel confident and supported in day to day responsibilities, and highly challenging situations.

H. Flexible Working Hours and Self Care

I cannot stress enough the importance of flexible working hours. There are so many protective factors inherent in this option that it could be taken as a key measurement of health of the system. There are many instances where workers are not allowed to work part time or flexible hours due to there being 'too much work to do'. Ironically, this is exactly the time when flexible working hours should be carefully considered. If there is too much work, workers are likely to be feeling overwhelmed, which means their work efficiency will go down and the organisation is at risk of losing them. Part time hours are a practical way for a worker to cope with a stressful workload and to re-establish a life work balance that will allow them to remain in the job for a longer term.

Part time hours make a lot of sense for this industry, specifically because of the work pressures. It is also an industry where many workers are primary carers for children. Where there are flexible work hours, workers with parenting responsibilities can structure their work hours around the timetable needs of their children. It is possible to do this even in a crisis driven field. The key is to ensure that there are enough workers with overlapping schedules to ensure that there are always workers available when emergencies arise.

This is the buffer zone.

Staff should be trained in self care and required to reflect upon it in supervision. Managers also have a responsibility to reflect on their own self care, to seek guidance from their line manager and to encourage, support and enforce healthy work practices of their staff. This includes limiting the amount of overtime workers are allowed to do. Start and finish times should be enforced. Where work exceeds this time frame, the buffer around your workers is failing, and this needs to be taken up with HR.

I. *Flexibility of Roles*

It is important for workers to have the freedom to move from role to role within an organisation. They should be allowed to take time without pay to explore other career opportunities or life adventures. With support for such exploring, workers are more likely to stay. A sign of an unhealthy workplace is where managers do not support workers to follow their own interests, because they do not wish to lose that person or train another. Trapping a worker in a single position because it appears to be more convenient to the organisation at the time, ultimately causes resentment in the worker, will likely cause them to leave without returning, and ultimately cause an even greater drain on the organisation. A common element of health at both Red Cross and Uniting, and a clear trend among people who had stayed a long time, was celebration of movement within the organisation, and leaving with intention of return whether on maternity leave, for travel, for study, or for any other reason. What was in the best interests of the worker, was celebrated by the organisation.

J. *Housing*

One of the key disincentives for people contemplating a move to a remote location is housing. Both the difficulty of finding a home that feels right, and the natural grief involved in leaving a place where one already feels comfortable. Providing housing or subsidised housing, especially when rental markets in interstate cities are so expensive, can go a long way toward getting people past the hump of reluctance to live here for a spell. An element like supported housing can convert the experience of working in the Territory from seeming something arduous, to something of an opportunity.

There are several possibilities for what supported housing might look like. Subsidised private rental houses, purchasing houses and offering them for free or at a reduced rate. As with the buffer discussed above, there are echoes here of defence force practices.

Again, the issue arises as to balance. Whatever you offer to outsiders, should also be offered to local members of the community. Thus, even though it may seem odd in the context of resource management, subsidised housing, or rental contributions, should also be offered to locals.

One novel option would be to have houses shared by local workers and newcomers, thereby creating further opportunities for local connection. Another more novel option would be a communal property, such as several out on Gorge road, which hold multiple properties and room for subsistence farming.

Each person, and each family would have different needs. Consultation would be a key component of planning this.

K. *Breaks and Flights Home*

One factor identified by several interstate workers is the challenge of staying connected to home. The issue of remoteness is exacerbated for people living in Katherine, as compared with people living in Darwin or Alice Springs. The additional three hour drive from the airport makes the trip even more expensive and near impossible for people to 'go home for the weekend'.

One worker suggested five days off every three months, pro rata with flexible working hours, including flights to the capital city nearest to 'home' once every year.

In the interests of balance, this opportunity offered to people who have come from interstate should be offered to locals in the shape of days off and travel paid for interstate training opportunities or other sort of work related wellbeing.

L. *Salary*

It is important that rates of pay be negotiated with desirable workers, and also be equitable. This could include headhunting to discover what rates and conditions would actually entice workers into the local field.

M. *Continuing Professional Development*

Continuing professional development is crucial to ongoing staff wellbeing.

The Uniting out-of-home care team put aside Friday afternoons every week for staff to attend onsite professional education sessions with visiting trainers, on a wide variety of topics relevant to child wellbeing best practice, including working with high conflict personalities, suicidality first aid, and alcohol and other drugs.

Other elements of support for Uniting staff were ten days of study leave per year, with an accompanying budget to pay for courses of choice. Relationships Australia have a continuing professional development budget for each staff member with a certain amount reserved for essential training.

Research around child development and the needs of children who have experienced trauma is constantly in flow. Practitioners in this area need to be constantly refreshed in their learning. Just as with supervision, ongoing training reinforces confidence and reinvigorates workers facing heartbreaking situations on a daily basis. The flow of training carries you, and constantly reassures you that what is happening is not entirely your responsibility. You can only offer people the tools that you have learned, and continue to learn, and be as sharp and efficient with those as possible.

N. *Community Engagement*

I have discussed with current and ex-Katherine people the possibility of a community engagement co-ordinator, perhaps building on a role already undertaken by volunteers or workers with Katherine Regional Arts, the YMCA or other similar organisation. The role could involve liaising with community members about potential events, co-ordinating those events in co-operation with other organisations, promoting events generally, and most particularly engaging directly with people in workplaces and other areas to have a personal link to the social world and encourage socialisation as part of self-care. Promotion of self-care is something

greatly lacking in the 'helping professions' of Katherine and beyond, and the effects are not limited to people new to town.

The engagement should be directed to both new-comers and locals, with a view to encouraging friendships that will counter the cumulative contagiousness of transience. As with many elements discussed in this submission, extending the supports and options to all community members will engender a sense of balance and collaboration, which will again increase the likelihood of people feeling at home. One particular person with whom I have discussed these elements is **Privacy**, a former Katherine resident now residing in Darwin. **Priv** suggested that workshops and activity based events could be particularly good at fostering meaningful relationships, because activities give people something central over which to form a connection.

O. Stability and Trust

So often when a person agrees to do a certain kind of work that others are reluctant to do, it's heaped upon them to the extent of not being able to maintain it. If people are working remotely, it is even more important for them to have a stable home base where they spend more time than out bush, if they want to.

Whatever is said is going to be done in support of staff or clients, whatever policies are said to stand in support of staff or clients, needs to be followed through. It is not fair to say there are flexible working hours and then not deliver. If we fail to allow people to have a nourishing life at the same time as undertaking this work, they will keep leaving, and we will continue having the same problems in perpetuity.

The Territory is a small place in terms of reputation, and in many ways, so is Australia. If TF and other local NGOs become intriguing and positive places to work, word will spread, and people will want to come, and want to stay.

P. Policy and Procedures

When making impossible decisions, such as whether or not to remove a child, strong policy and procedure as well as consultation with team leaders and management are the backbone. They remove the weight from the shoulders of the person making the decision. Careful recruitment, induction, staff support and ongoing training in the area of policy and practice drafting is just as essential as for case workers and operational managers. An emphasis on recruiting both local people and people with experience elsewhere should also be used.

Q. Consultation and Collaboration

Case workers are an incredible source of knowledge. Those who have been around for a while have gathered it like shale. Those fresh to the scene look on the landscape with fresh eyes. In my social support work I was astounded by the extent of creative thinking and immediate problem solving capacity, also at the energy and ideas for better system functioning. When you think about it, it makes perfect sense. Case workers are hitting the challenges day to day.

Of course people drawn to social work are versatile, intelligent and responsive. Often there is no forum for these ideas to be heard.

I look at the witness lists for the Royal Commission hearings and I see the names of only a couple of case workers. Most of the names on the list are those of ministers, CEOs, academics and program managers from other jurisdiction and countries.

People at the top are removed from what's going on. People in the thick of it need to feel consulted otherwise they feel they are implementing policies and practices that are disconnected from reality, and they begin to disregard them. At that point all the best managerial intentions and consultations in the world can't help you.

Engaging people at an immediate consultation level (for example policy development) and an ongoing planning level (e.g. nominating future projects) allows people at a ground level not to feel like they're constantly tackling a problem that never ends. Working on system improvement alongside case work contributes to staff satisfaction, system improvement, and system implementation.

One way to engage workers is in an annual or half-yearly planning day. In preparation for their annual planning day, the Red Cross organised for temp workers to cover all operational shifts so that every single worker down to the rare casuals was able to attend and contribute to the planning day.

Another way to engage workers is to have regular internal and external brainstorming and feedback sessions. Ask everybody, at every tier of the organisation, to contribute. Engage someone to collate and analyse the data. Perhaps partner with a university, or five of them. There are enough who have child wellbeing departments that one might be available to assist.

A final and perhaps the most important form of worker consultation is through exit interviews. This is perhaps going to be your most honest resource and should be conducted externally and confidentially to promote the honesty of the person and to preserve the integrity of the information. Again the collected data should be collated, cross referenced. Trends should be identified and practice directions guided by the issues, strengths and needs that arise.

2. *Is there adequate training of caseworkers in Territory Families? What type of training should be given to caseworkers in the Northern Territory? What training should police receive in handling child protection cases?*

No there is not adequate training of case workers in the Territory. See 'Induction' and 'Continuing Professional Development' under the response to question 1 above.

It is important to note that many case workers who come into the Territory to work already have extensive training, but are not necessarily provided with a supportive enough environment to explore and utilise that training in a healthy way. Many of the paragraphs under the response to question 1 touch on this point.

3. *Are the caseworker staffing levels adequate in Territory Families? Are there enough Aboriginal employees in Territory Families?*

Absolutely not. There is not adequate staffing overall, and this is particularly the case for Aboriginal staff members. See in 'Case Load', 'Recruitment – Skills and Experience', 'Recruiting Locals', and 'Transience' among the responses to question 1.

- 4. The Commission has heard that there is high staff turnover in Territory Families. What are the reasons for high staff turnover? What measures could be put into place to support a more stable workforce, including recruiting and retaining Aboriginal employees?***

The response to question 1 addresses these questions in detail. Recruiting and retaining Aboriginal employees is really a combination of the responses under question 1 in this topic and all responses under Topic 2: Aboriginal Empowerment above.

- 5. Given the important role police play in child protection, what improvement could be made to the interaction between caseworkers and the police, to support better outcomes for children and families? What training could be provided to police to improve the way they engage with children at risk of removal and their families?***

I would say that many of the elements discussed in the response to question 1 above could also be relevant to members of the Police, who I believe also have ongoing concerns around culture, workload and retention. I am not so familiar however with Police context.

- 6. The child protection workforce also includes the non-governmental organisation (NGO) sector. What is your experience of NGOs working in child protection? Is there currently enough support and resources within the NGO workforce sector? If not, what additional development or capacity is needed in the NGO sector?***

All the elements of the response to question 1 are equally intended to be applicable to NGOs. Though NGOs deal less with the crisis side, they are still often on the front line in high pressure situations, especially in areas such as residential care.

Remoteness of communities

- 1. What challenges do early intervention and family support service providers face in trying to respond to the needs of children and their families living in regional, rural or remote areas?***

The further you get away from city centres, the more it costs to deliver the service and the more taxing it is for the people who deliver the service. I wish I had more time to go into this question in detail. Better mapping of the financial challenges of providing truly remote services, such as counselling and alcohol rehabilitation on the ground in Aboriginal communities could go a long way to supporting existing organisations to deliver such services. At the moment, to my knowledge, services are reluctant to do so both because of logistical reasons and because they are unlikely to recoup their costs.

- 2. What would help children and their families in regional, rural or remote areas? Are there innovative ways to address geographical barriers to providing and receiving support services?***

Retain Staff. Listen before you speak.

Oversight and accountability

- 1. Are the current oversight mechanisms, including the Northern Territory Children's Commissioner, sufficient? If not, what additional mechanisms or structures are needed?***

Such a Commissioner may help in time, but all the external scrutiny in the world isn't going to help unless workers have the tools to do the job well. A top down approach alone doesn't work. See the discussion of the fifth room and an ethnographic approach above.

Information and Data Collection

- 1. *What improvements are needed to the collection, management and maintenance of child protection data.***
- 2. *To what extent would further data collection within the child protection system support oversight of the system and inform responses to child protection issues?***
- 3. *Do you have suggestions for the type of data that could be collected, and how it could be used to improve policies and processes, or more effectively measure outcomes for children and families at all stages of the system?***
- 4. *What barriers exist to the collection, analysis and use of data to improve outcomes for children, families, carers and communities? How can they be overcome?***

A. Record Keeping and Accountability

In every Child Protection Department and NGO I have worked closely with, there have been strict record keeping and reporting requirements. Some sort of data keeping is crucial to accountability. However, when the systems are arduous and inefficient to the extent that they are being completed at the expense of looking after children, and at the cost of losing workers who find the administrative flood overwhelming, these reporting systems themselves need reform.

There is a tendency when issues arise in the child protection system to change and often increase the reporting requirement, many times placing an additional system over the previous one. Example complaints that arose from programs and systems were that they were: archaic, inefficient, required incredibly frustrating degrees of duplication, required non-essential information, and detracted from actual case work. I do not know the exact systems used by Territory Families at this stage, but I have heard very similar complaints raised about the Territory systems. Such systems should be developed in close consultation with the case workers concerned (see consultation and collaboration below).

One worker who also had an IT background described the potential for greater use of 'macros', computer program elements that can help one spreadsheet populate another.

Options for fundamental reform

- 1. *In your view, does the current Northern Territory child protection system work effectively, and provide adequate safeguards for children and families in the Northern Territory, or are significant changes needed?***

No it does not function efficiently and significant changes are needed, as discussed in detail above and under the response to question 3 below.

2. What do you see as the priority areas for reform in child protection?

3. What specific reforms do you think should be considered or would you propose?

A. Intercept Bureaucracy

Bureaucracy is no substitute for efficiency and substance. In Ngukurr recently, there was a plan to intercept youth engagement in violent hip hop music with elders teaching music through ceremony. The program was unable to go ahead because only two of the eight elders were able to obtain ochre cards, and those took eight months to obtain. This is partly because many people in communities have multiple names, traditional surnames, skin names, western family names, Christian names and so on. The same issue arises with people wanting to be kinship carers. It's not possible without an ochre card for everyone living in a house.

The constrictive implications of such bureaucracy are very real and the responsibility can only be taken by the public service to rectify it.

One possible way to address this ridiculous bureaucratic encumbrance would be to have a government representative go out to every community, engaging an interpreter as needed and use verbal techniques and community knowledge to find the required information. There is a wealth of information there if you look for it. Another way might be to have a local person register as a JP and empower them to access the register of births deaths and marriage. Meet people half way.

B. Change the Culture of Hopelessness

Something that keeps sticking in my head is the commentary that I've heard from police, prison guards and territory family workers alike, that there is a sometimes culture of perceiving the clients as very different from the workers themselves, hopeless, and a tide to work against.

The suggestions within this paper are only a starting point to address this much deeper cultural problem.

C. Create Transparency

As has been noted by the Commissioners within the hearings, a lot of money has been poured into the Territory over time, to address some of the exact issues that have arisen in the terms of reference, sometimes to no apparent effect.

Many conversations that I have had with TF around what is possible often result in the reply of 'there are limited resources' or 'there wouldn't be funding for that'.

Looking at the TF and former equivalent annual reports for the last two years, there was an overspend of \$3.9 million in 2014-2015 and an increase from the projected budget by \$10.4 million in 2015-2016. This tells us that the funding pool is not frozen in place. Of course there are other competing interests for government financial attention, but honestly, how on earth did the government make a decision to budget for only \$172.4 million in 2015-2016 when the expenditure was \$181 million in 2014-2015 and the needs had been increasing every year?

Money is not frozen in place. There are options. For both the Federal and Territory governments. Presently in the Territory we have a government that has declared the wellbeing of children to be its top priority. We have a minister for children who is *also* the treasurer. On the Federal side, we have a Prime Minister who ordered this Commission the *day after* the Four Corners program aired. Hopefully these side by side elements indicate political intent and political will to collaboratively follow through with supporting whatever recommendations arise from the Commission.

One of the most difficult things about the child protection arena is that, in order to protect the privacy of vulnerable children, all operations are clandestine. The community doesn't really know what goes on within the system or behind the paperwork, and it was only by a gap in privacy laws around releasing footage of children in detention that the world had any idea in the first place.

Community awareness, community outrage, community interest, are what fuel political will. And although the Australian political public can be quite apathetic at times, it is possible that an ongoing information flow of what's actually happening day to day, might be the trigger that the community needs to wake up, to start discussion and apply pressure.

In a very practical sense, there is a lack of foster carers. Without community knowledge about this point, how are people ever going to know to step forward?

All the information I receive on the ground indicates that TF are understaffed and overwhelmed and have been for a long time. Yet. When we look at the Annual Report for 2015-2016, the portion on 'Outcome 5: A Workplace that Values and Invests in Staff' from pages 42 to 45, doesn't talk about outcomes in the narrative terms of staff wellbeing. It talks about intentions. 'The Department continues to invest', 'the Department is committed to'. There is no true reflection of the challenging circumstances. There is no critical self analysis.

The political illustration is failing the children within the system by failing to honestly convey the dismay within the system, which is not restricted to the Territory alone and which also interrupts the potential for the Department to receive community support to change. Already the Department are demonised. Why not give the public a reality check of how difficult things really are?

Remove the gag element of TF worker contracts. Seek their feedback in a formal way, but also let them discuss the issues in a less formal way deidentified way, with those close to them and the broader community. Let workers talk to the media and potentially let reporters into the children's court under strict provisos that nothing be published that could even be close to being identifying on pain of serious penalties, as is the case in Victoria. Greater transparency, make policy and procedure documents publicly available.

- 4. *What changes would be necessary to make fundamental reform a reality?***
- 5. *If you had the opportunity to design a child protection system which was tailored for the specific circumstances, demographics and characteristics of the Northern Territory, what would it look like and how would it work?***