



AASW

.....
**Australian Association
of Social Workers**

*Submission to Royal Commission
into the Protection and Detention
of Children in the Northern
Territory*

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Introduction

Who we are

The Australian Association of Social Workers (AASW) is the professional body representing more than 10,000 social workers throughout Australia.

We set the benchmark for professional education and practice in social work and have a strong voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians.

The social work profession

Social work is a tertiary-qualified profession recognised nationally and internationally that supports individuals, families, groups and communities to improve their wellbeing. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledge. Social workers practice in a diverse range of settings, including the adoption and child protection fields.

Social workers consider the relationship between biological, psychological, social, cultural and spiritual factors and how they impact on a person's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing and identifying and addressing any external issues (known as systemic or structural issues) that may have a negative impact, such as inequality, injustice and discrimination.

Our submission

The AASW acknowledges the Aboriginal and Torres Strait Islander peoples, the First Australians, and pays respect to their unique values, and their continuing and enduring cultures, which deepen and enrich the life of our nation and communities. Social workers are employed in a broad range of areas relating to the health and wellbeing of Aboriginal and Torres Strait Islander people, for example: the Aboriginal Community Controlled Health sector, hospitals, family support services, school support services, child protection and youth detention agencies and undertaking research and social policy development within different levels of government and non-government services.

Social workers have continually raised concerns over the failings of the child protection and youth detention systems in the Northern Territory, and all of Australia, calling for greater investment and immediate reform. The AASW strongly supports a child wellbeing and protection system that reflects the principles of social justice, human rights and professional integrity. We believe that the protection system must be unified under a common framework: one that recognises the fundamental right that children and families have to respect, participation and culturally appropriate services that build their capacity. Social workers play a pivotal role in the provision of protection and detention services in the Northern Territory. Therefore, the AASW welcomes the opportunity to contribute to the Royal Commission.

Response

As detailed in the terms of reference, our submission will focus primarily on what we believe are the greatest improvements needed for the Northern Territory child protection system.

8. What improvements could be made to the child protection system of the Northern Territory including the identification of early intervention options and pathways for children at risk of engaging in anti-social behaviour.

8.1. The AASW would like initially to draw the Commission's attention to the significant work and inquiry that has already gone into the child protection system in the Northern Territory. The *Little children are sacred* and *Growing them strong, together* reports from 2007 and 2010 both looked at the protection of Aboriginal children and provided a number of recommendations to address the serious shortcomings of the system in its ability to adequately support children and families in the NT. Unfortunately, only a small part of the recommendations have been properly implemented and are therefore still relevant to the scope of inquiry for the Commission.

For example Recommendation 10 of the *Growing them strong, together* report focuses specifically on the need for greater investment in secondary and tertiary prevention services, stating:

That the Northern Territory Government makes a very significant and sustained new investment in the development (and expansion) of a suite of secondary prevention, tertiary prevention, therapeutic and reunification services for vulnerable and at-risk children, families and communities...

The availability of the services recommended by the Inquiry can make a significant difference and begin to address some of the underlying causes as to why young people, mainly Aboriginal children, are overrepresented in child protection and youth detention in the NT. As a first step, the AASW strongly recommends that the Commission draw upon the extensive consultation and research that went into these past inquiries and prioritise the implementation of their recommendations.

8.2. As stated in the AASW's position paper on child wellbeing and protection¹, we are deeply concerned that current investment and responses to child welfare in Australia are disproportionately focused on tertiary intervention (such as child protection responses). The AASW believes that significant investment in prevention and early intervention is desperately needed to tackle the issue of child abuse and neglect at a societal level. Investment in primary prevention programs has the greatest likelihood of preventing progression along the service continuum and sparing children and families from the harmful consequences of abuse and neglect.² The AASW supports a 'public health' model of child wellbeing and protection with commensurate and significant investment in prevention and early intervention services and supports to children and families.

8.3. Our members have raised concerns that the various levels of government and non-government support services tend to work in 'silos' in relation child protection issues. A more collaborative approach is required from all levels of government and non-government

¹ www.aasw.asn.au/document/item/2215

² www.aifs.gov.au/nch/pubs/sheets/rs11/rs11.pdf

agencies. Social workers recognise the value of collaboration among agencies to plan and deliver child welfare services, to support vulnerable families and to keep children safe, preferably in their own families and communities. Child protection authorities need to support this process through recognising, resourcing and rewarding collaboration. This means that the child protection system must create incentives, rather than barriers, to collaboration and recognise organisations on the basis of outcomes and quality, regardless of their size.

- 8.4. The AASW is deeply concerned about the ongoing over-representation of Aboriginal and Torres Strait Islander children in the child protection and youth detention system. The Australian Institute of Health and Welfare's December 2015 report on youth detention states that across the country, 54 per cent of juvenile detainees between the ages of 10 and 17 are of Aboriginal or Torres Strait Islander descent.³ Specific programs are needed to address the complex needs of Indigenous and other culturally diverse children who continue to be over-represented in child neglect and abuse referrals and investigations. These programs need to acknowledge and respond systemically to the range of issues impacting on Indigenous children and families that result in significant social and economic disadvantage. These include housing, education, health, employment, intergenerational trauma including trauma caused by policies of forced removal and adoption, and drug and alcohol issues.

The AASW supports the strategies outlined by the Healing Foundation (2013) to address the removal of Aboriginal and Torres Strait Islander children and from their families and communities, which include:

- recognising and protecting the rights of Aboriginal and Torres Strait Islander people and communities to self-determination and the maintenance of spiritual and cultural practices
- systemic and whole-of-life approaches to tackling economic and social disadvantage
- significant investment in early intervention and prevention and targeted family support as a representative proportion of child protection expenditure
- working in partnership with Indigenous organisations and communities
- a long-term community development approach.

The AASW supports initiatives that allow Aboriginal and Torres Strait Islander children to remain connected with their kin and community. In particular, barriers to the provision of kinship care need to be acknowledged and addressed.

- 8.5. Government needs to develop a much more comprehensive workforce strategy for the child wellbeing and protection sector. Child wellbeing and protection staff can be better resourced and supported to improve outcomes for children and young people. Child protection workforce policy should recruit professionals who are qualified to work with vulnerable children, young people and their families. At a minimum, degree level qualifications in disciplines with mandatory child protection education, such as social work, should be the entry requirement for child protection worker positions. Where workers lack these qualifications, they should be supported by the agency to gain appropriate qualifications.

Aboriginal and Torres Strait Islander workers should be encouraged and supported to

³ <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129553698>

achieve professional qualifications equivalent to non-Indigenous workers. The government must be encouraged to address the educational gap facing many Aboriginal and Torres Strait Islander workers and to work closely with tertiary education bodies to provide accessible professional educational programs. Workplace training should increase its focus on developing the capacity for professional decision-making and effective practice with families including culturally aware and sensitive practice when working with Indigenous children and families. The AASW believes that it is important that workplace training is provided by researchers and practitioners with recognised knowledge and experience in child protection services, not only by workplace training units, and that such training reflects current best-practice knowledge and developments.

As detailed in our position statement on child wellbeing and protection⁴, we believe the government can greatly improve the capacity and effectiveness of existing secondary and tertiary services and support by:

- a) building capacity within families through the employment of a tertiary-qualified workforce with the skills and support infrastructure to work with high-risk families
- b) reducing the administrative load on frontline workers
- c) increased funding to family support and preservation services
- d) reviewing and evaluating the effectiveness of the assessment framework used by child protection services, including the use of structured decision-making tools. The AASW believes that assessment should be a dynamic and cyclical process that utilises assessment tools as well as the expertise, knowledge and skill of tertiary-qualified child protection workers. The AASW recommends that the assessment framework must demonstrate cultural awareness and sensitivity
- e) reviewing current practices of case management, in particular, how much actual therapeutic case management and case work occurs in engaging with families as opposed to administrative case management. The AASW believes the parameters of therapeutic case management need to be included in child protection worker position descriptions
- f) reviewing caseloads for child protection staff. The AASW recommends the introduction of case load ceilings to ensure the quality and consistency of support to children and families, and to inform case load management processes
- g) resourcing programs aimed at developing parenting capacity that are appropriate to the needs of families. The AASW believes that such programs must provide a real opportunity for parents to succeed. In order to do so, the AASW recommends they:
 - be tailored to meet the needs of parents who are trying to address complex and intergenerational issues such as trauma and family violence
 - allow for recognition that complex and intergenerational issues require time to be addressed
 - are easily accessible to the family
 - are delivered by a professional workforce with the necessary skills, training and experience
 - are culturally sensitive and appropriate
 - are sensitive and responsive to the needs of people with disabilities.
- h) developing and implementing recruitment strategies for foster and kinship carers

⁴ www.aasw.asn.au/document/item/2215

from CALD and refugee backgrounds

- i) cultural competence training for all frontline staff, including training on the use of interpreters.

8.6. The AASW recommends that further consideration, research and review needs to be given to the intersection of family violence and child protection. Specifically the significance of family violence as a factor resulting in children ending up in care; the high rates for Aboriginal women; the gendered nature of family violence and that the barriers or issues facing women in family violence situations are adequately identified and addressed in decision-making processes.

Conclusion

The child protection and youth detention system in the Northern Territory is in need of urgent reform. It is the position of the AASW that key to this is a far greater investment in primary intervention and culturally appropriate services. This needs to be paralleled with a long-term commitment to improving the capacity and effectiveness of secondary and tertiary services. We thank the Commission for this opportunity to present the AASW's view and we would welcome the opportunity to discuss the points raised in this submission further.

Submitted for and on behalf of the Australian Association of Social Workers Ltd



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