



OFFICE OF
**THE CHILDREN'S
COMMISSIONER**
NORTHERN TERRITORY



Annual Report

**21
22**



Acknowledgement of Country

We acknowledge the Traditional Owners and custodians of the country we work on, and recognise their continuing connection to land, water and culture. We pay our respects to their elders past and present, and value the role their children and young people play as future community leaders.

We also respectfully acknowledge Aboriginal children and their families from across the Northern Territory and other states and territories who we engage with throughout our work.



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The Honourable Chanston Paech
Attorney-General and Minister for Justice
Parliament House
DARWIN NT 0800

Dear Attorney-General

In accordance with section 43(1)(a) of the Children's Commissioner Act 2013, I am pleased to provide you with the Annual Report 2021-22 of the Northern Territory Children's Commissioner.

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'Nicole Hucks'.

Nicole Hucks
A/Children's Commissioner
31 October 2022

Explanatory Notes

Use of the term Aboriginal

In line with section 13 of the *Care and Protection of Children Act 2007* (NT), when the word 'Aboriginal' is used in this report, it is used to refer to descendants of the Aboriginal people of Australia and the descendants of the Indigenous inhabitants of the Torres Strait Islands. The OCC acknowledges the cultural diversities within this term.

The terms Aboriginal and non-Aboriginal are used throughout this report, except when quoting a document or data that specifically uses the term 'Indigenous'.

Vulnerable child

The term 'vulnerable child' is defined in the *Children's Commissioner Act 2013* (NT). It includes a child in contact with the child protection or youth justice system. It includes children experiencing mental illness, children with disability and children who are subject to an order under the Volatile Substance Abuse Act 2005 (NT). The definition of 'vulnerable child' also includes cases where the child or their family members are seeking child related services.

MESSAGE FROM THE ACTING CHILDREN'S COMMISSIONER

Everything the OCC does is guided by the views, experiences and ideas of the Territory's children and young people. Ensuring the meaningful participation of children and young people in decision-making creates stronger and safer communities to the benefit of everyone.

In 2021-22 we continued to hear from children and young people across the NT about life in their communities, what was and wasn't working for them and how they think their lives could be improved.

Some of the themes and highlights of what children and young people told us include:

- Appreciation for sporting facilities, but there is a need for more places for children and young people to learn skills, and practice cultural activities in safe spaces
- Love for bi-lingual education, with culture, community members and language being a key part of the learning environment
- Concern about fighting or stealing in their community

Unfortunately due to the significant increase in the number of children detained in youth justice centres OCC staff spent a lot more time in these places talking to children; with weekly visits to Don Dale Youth Detention Centre and 6-8 visits to Alice Springs Youth Detention Centre. Consistent visits to the detention centres by OCC staff increased children's knowledge about their rights in detention, provided them with an external independent complaints process and encouraged them to speak up if they weren't being treated how they should be.

These regular visits, along with the increased number of children held in detention may have contributed to the 37% increase in complaints to the OCC relating to children in a youth detention centre. Further, 83% of all complaints to the OCC this year were about children held in detention. These complaints related to:

1. Inappropriate use of discipline
2. Failure to provide a service as expected
3. Other medical, educational or therapeutic needs not met
4. Inappropriate use of restraint

The OCC's youth detention centre monitoring for 2019, 2020 and 2021 has reported on the absence of a therapeutic model of care and the detrimental impact this has on protecting and caring for vulnerable children. Positively, at the time of writing this report Territory Families, Housing and Communities (TFHC) released a Model of Care for young people in detention. The OCC will report on the implementation of this model in the next reporting period.

In last year's annual report the OCC highlighted concerns about 'the gradual rise in arrest and detention of children from October 2020 up to the implementation of NT youth justice legislative reforms in May 2021'. As was stated at the time, the 2021 reforms were a concerning move away from evidence-based best practice, and ignored the research which informed recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory (2017) (the Royal Commission).

From 2020 to 2022 we have seen a 222% increase in the number of children held in detention during the month of May. Aboriginal children and young people continue to be disproportionately incarcerated in the NT. If a tough on crime approach worked, the NT would be the safest place in Australia.

The national and international research continues to evidence that locking up children does not make our community safer. Instead, it adversely affects the lives of the most disadvantaged children, further traumatises already traumatised children, and increases a child's likelihood of progressing through life entrenched in the criminal justice system.

100% of the own initiative investigations, or related preliminary inquiries, undertaken by the OCC this year related to children who had youth justice involvement.

In the absence of timely publicly available data, the OCC has been manually tracking the unique number of children in detention in the Territory. In response to the increasing figures, particularly in the number of young children exposed to youth detention, the OCC commenced preliminary inquiries into the experiences of some of these younger children who were detained. The results for the 27 inquiries into the circumstances for children aged between 10 and 13 years depicts a grim picture of the early years for these children, a critical period of development and growth. The majority of the 27 children reviewed revealed their childhoods were seriously impacted by trauma and maltreatment. In total, there were 691 reports of concern (formally referred to as child protection notifications) to TFHC for these 27 children. The full audit is available on page 63.

This data supports local research conducted by Menzies School of Health Research in 2019 which found a clear link between NT children with child protection experiences and youth justice involvement, along with the themes found in the Royal Commission.

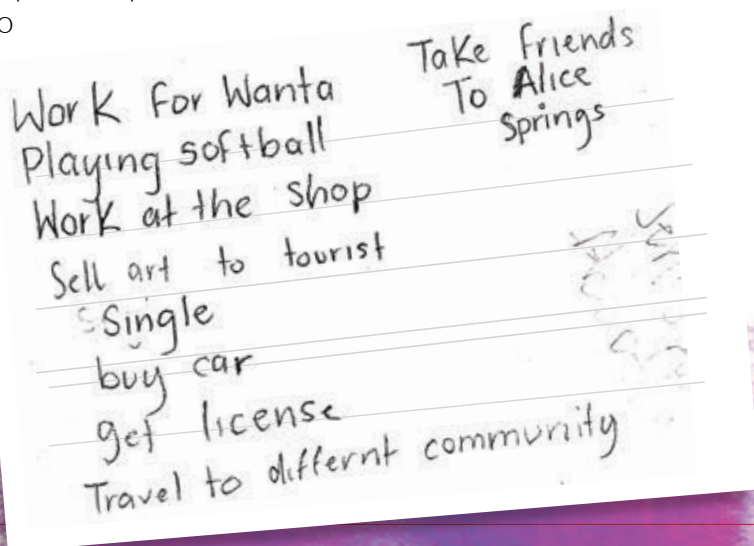
While some formal reports articulate that a significant number of the Royal Commission recommendations have been completed we continue to see large service systems gaps and insufficiencies potentially resulting in children experiencing the same adverse and detrimental childhood experiences. For example: Aboriginal children and young people continue to be over-represented in both the child protection and youth justice systems, there are limited early interventions like restorative justice conferencing to divert children away from the criminal justice system, and there is limited therapeutic and rehabilitative engagement.

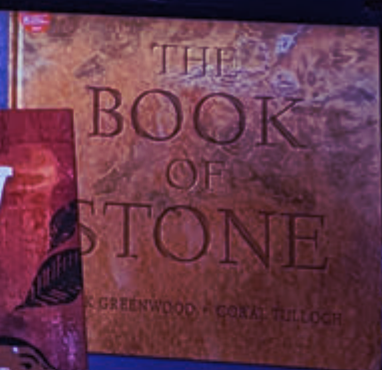
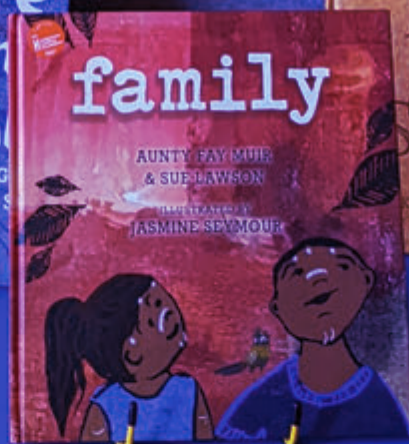
More work is required to scrutinise if and how the intent of the Royal Commission recommendations are being achieved to ensure that the Territory's most vulnerable children get the supports they need in a way which works for them. A key Royal Commission recommendation was formalising OCC independent monitoring of places where children are held or accommodated in institutionalised settings. This recommendation continues to be unfulfilled, with no legislated provisions enacted.

Formal access to places where children are held is critical for robust and independent monitoring required to align with Australian and international standards. While we await these important legal powers the OCC continues to undertake monitoring of these places with the cooperation of service providers.

Positively, as of 30 June 2022 there were less Territory children living in out-of-home care compared to the same time in 2021. 91% of children living in OOH are Aboriginal and under the UN Convention on the Rights of the Child they have a right to be connected to their family, language and culture as they grow up. Of concern, the Australian Institute of Health and Welfare (AIHW) reported as at 30 June, 61.5% of Aboriginal children in care in the NT were not placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP), and that over half of these children did not have a current cultural support plan. The Territory needs to do better for these children to increase self-determination for Aboriginal families and communities in significant decisions about the care and protection of their own children. We need culturally led programs such as Aboriginal Family Led Decision Making (AFLDM) to complement the Signs of Safety child protection practice framework, and a differential response framework which provides greater control and decision making for Aboriginal Community Controlled Organisations.

In 2022-23 we look forward to strengthening NT children's knowledge and understanding about their rights to grow up healthy and safe, and to hear from them about their experiences through two specific consultation projects on homelessness, and racism and discrimination.





2021-22 SNAPSHOT

OCC

55

own initiative investigations



OCC was contacted on

579

occasions about matters relating to children and young people



27

informal visits to detention centers

3

formal monitoring visits of youth detention and Safe Care



278

issues raised from young people in youth detention

1591

children and young people engaged across the NT



POPULATION

The NT has the youngest population in Australia.



The NT has the largest proportion of Aboriginal children in Australia.



CHILD PARTICIPATION

Palmerston released its 2nd youth action plan in

2022

Katherine developed a youth action plan for

22-25

EDUCATION

The average attendance rate for very remote schools in the NT was less than

50%

10,310

students aged 14-24 years enrolled in VET courses in 2021

49%

of young people (aged 20-24yrs) have completed year 12 or equivalent



71%

of young people accessing specialist homelessness services were not enrolled in any education or training

2021-22 SNAPSHOT

CHILD PROTECTION

67



less children in care compared to last year

91%

of children in care are Aboriginal

In the NT, Aboriginal children are in care

13.8 x

the rate of non-Indigenous children



61%

of Aboriginal children in care were not placed in accordance with ATSICPP

1 in every 10

children in the NT have had multiple notifications of alleged harm

HOMELESSNESS

NT has

12 x

the national average rate of homelessness.



AIHW reported the NT had the highest rate of young people (15-24) presenting alone at Specialist Homelessness Services

YOUTH JUSTICE

52

children aged
under 14 years in youth
detention in 2021-22



Number of children in
detention increasing
in 2021-22

67

different children in
detention in May 2021

100

different children in
detention in May 2022

DOMESTIC & FAMILY VIOLENCE

1 in 3

people accessing
specialist homelessness
services who were
experiencing DFV were
were under 18 years old

60%

of substantiated
notifications by TFHC
identified DFV as a
contributing factor.

At least

89%

of young people in
ANROWS study who had
used family violence
reported experiencing
child abuse.





ABOUT THE OCC

CURRENT ROLES AND FUNCTIONS OF THE COMMISSIONER

The *Children's Commissioner Act 2013* (NT) (the Act) establishes the Commissioner as an independent statutory position. The independence of the Commissioner is important to ensure they undertake their role in an objective manner and beyond the influence of government or service providers.

The Commissioner prioritises the best interests of children across all functions of the Office, with a particular focus on vulnerable children.

The Act sets out the core functions of the Office of the Children's Commissioner (OCC). The core functions of the OCC are split across two teams; Strategy, Rights and Advice team and the Monitoring and Investigations team.

The Monitoring and Investigations team receives complaints, undertakes formal and informal inquiries, and conducts investigations into the treatment of, and service provision to, vulnerable children. The team monitors the safety and wellbeing of children in places like bail support accommodation, youth detention centres, secure care facilities and residential care facilities.

The Strategy Rights and Advice team provides evidence-based policy and practice advice through a human rights lens to governments and services. The team influences NT strategy, legislation, and service provision to children in order to promote child rights and child wellbeing in policy and practice.

Incorporating children's voices and views across both teams is core business for the OCC. Both teams regularly meet with children to hear their concerns, seek their views on systemic or emerging issues affecting them and advocate for all those who work in this space to do the same. The OCC consistently promotes children's participation throughout the scope of its work.

I love being on my
country. It makes me
feel free.

THE COMMISSIONER:

DEALS WITH COMPLAINTS

UNDERTAKES INQUIRIES

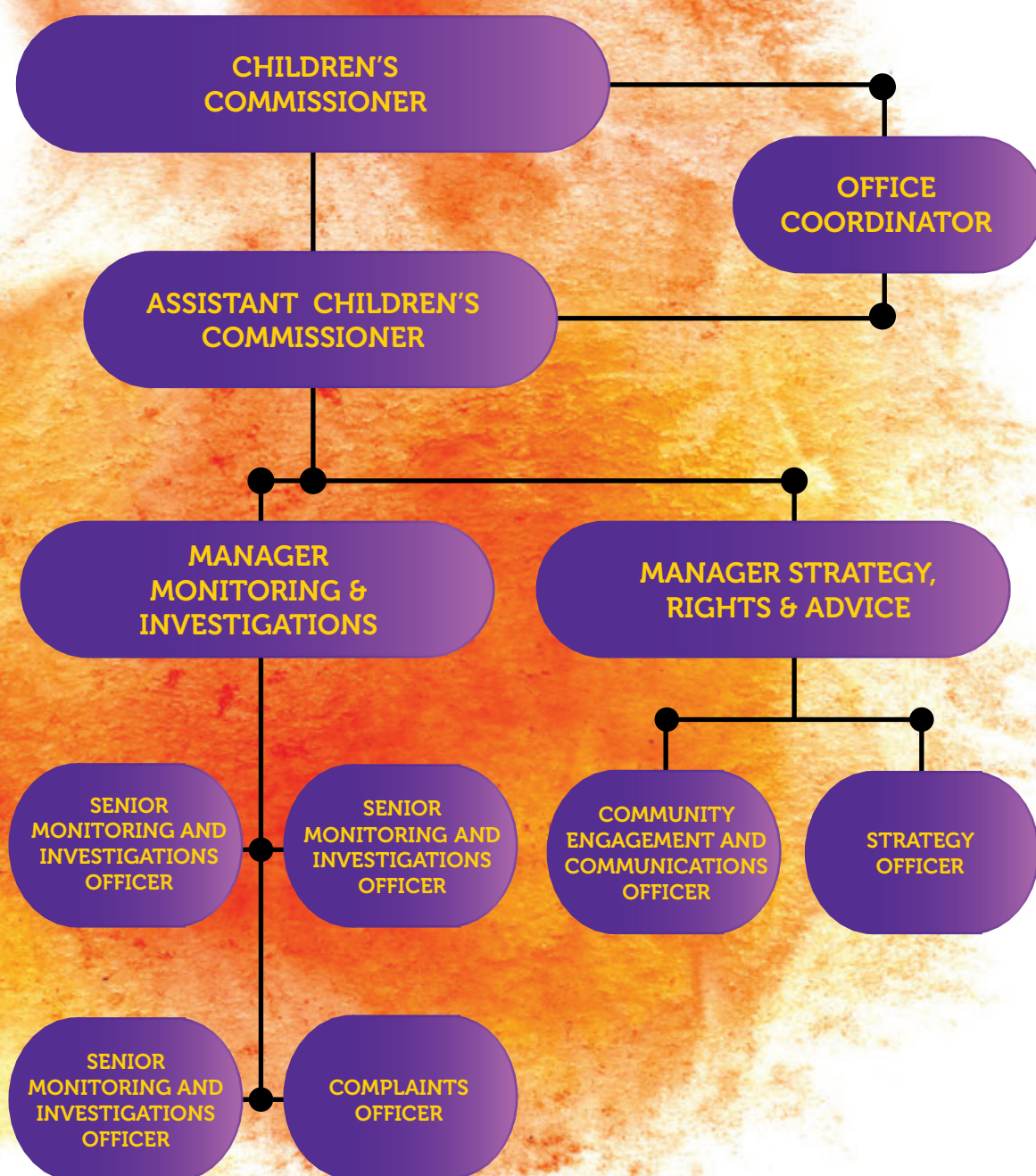
**MONITORS GOVERNMENT DECISIONS
FROM INQUIRIES OR ANY OTHER INQUIRY
RELATING TO CHILD PROTECTION**

**PROMOTES CHILDREN'S RIGHTS,
INTERESTS AND WELLBEING**

**MONITORS CHILD PROTECTION AND
YOUTH JUSTICE**



Office of the Commissioner



COMPLAINTS

The Children's Commissioner has powers to investigate complaints about services delivered to vulnerable children which should be in line with their legislative, regulatory and policy obligations.

A service provider can be a government or non-government service. The OCC cannot investigate NT police, these complaints are passed on to the Ombudsman's Office through a referral process.

The OCC listens to children and young people, their families and other adults who are acting on their behalf (like teachers or lawyers) when there are concerns about how services are being delivered to vulnerable children. There are two reasons the OCC will look into a matter:

**1. A SERVICE PROVIDER
HAS FAILED TO PROVIDE
A REASONABLY EXPECTED
SERVICE**

**2. WHERE A SERVICE IS
PROVIDED AND IT FAILED
TO MEET THE STANDARD
REASONABLY EXPECTED**

I would set up a
group for young
people. I would talk
about what they
need help with and
like to do in their
community.

HOW THE COMMISSIONER DEALT WITH MATTERS IN 2021-22



Approaches

There are a number of different reasons why an approach is recorded by the OCC. Approaches can include low level complaints that are resolved quickly without any further follow up or investigation needed. They also may not meet the complaint components threshold under the OCC legislation. During these occasions the OCC will support the person making the approach to find an appropriate avenue for support. Sometimes the person contacting the OCC does not want a matter processed as a complaint. In this case if the OCC is concerned about the matter the OCC may progress to an own initiative inquiry. Sometimes children, their families and others who care about them, will talk to the OCC to ask questions, provide information or talk about worries that are not a complaint. When this happens this is an approach only.

When the OCC is contacted by TFHC regarding the separation of a child from others in detention (a requirement under the youth justice legislation) this is recorded in the system as an approach.

Of the 531 approaches:

- **275** related to TFHC notifying the OCC that a child in youth detention centre had been separated from others.
- Approximately **25%** of separations related to COVID-19 requirements.

For more information on separations, see page 71

Complaints

The reduction in the number of complaints received in 2021-22 compared with the previous reporting year is the result of internal OCC practice reform and improved triaging.

When an approach has been assessed as meeting the grounds for a complaint, the OCC may decide to quickly resolve, with the best interests of the child in mind, through a complaint resolution process. In these resolutions the Commissioner determines that due to the nature and seriousness of the complaint it may be resolved expeditiously without a full investigation.

Out of the 48 complaints received 27 were dealt with through resolutions

Own initiative investigations

When the Commissioner is concerned about a vulnerable child, or a particular situation relating to vulnerable children, the Commissioner may look into the matter using their 'own initiative'. This is called an own initiative inquiry or investigation (OII).

Of the 55 OIIs **73%** were about children aged under 14 years when they entered a youth detention centre

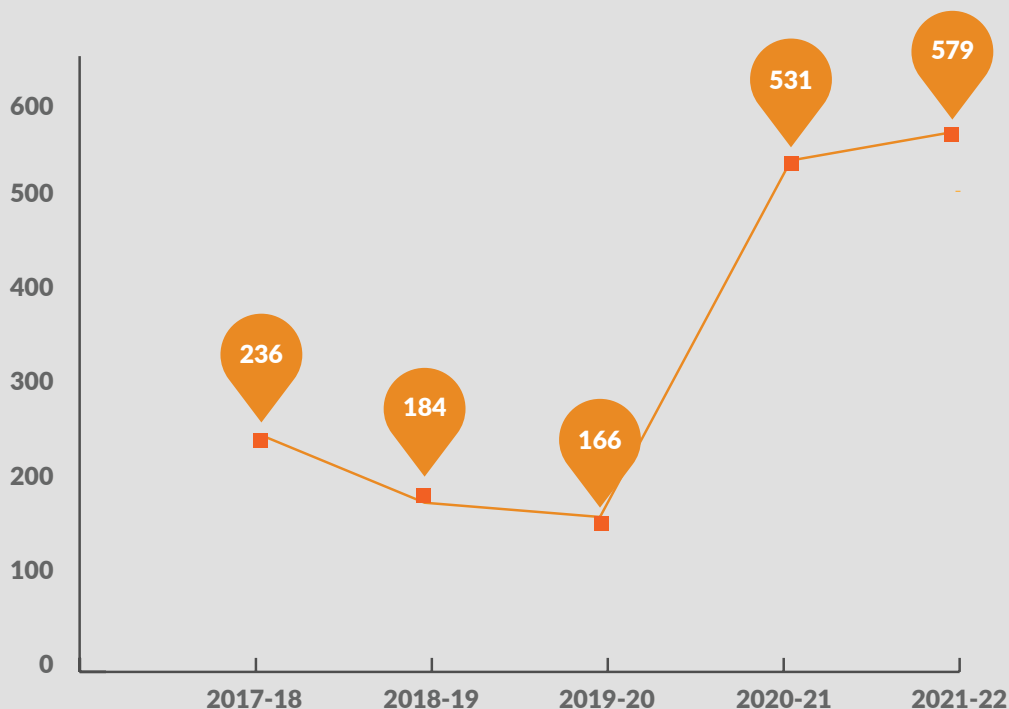
The remaining 11 OIIs examined TFHC's youth detention centre service delivery to vulnerable children including:

- Children at risk of self-harm (including self-asphyxiation)
- A lack of adequate supervision of children
- Transition planning for children
- Pregnancy and young mothers
- Concerns for wellbeing
- Administration of H block, Don Dale Youth Detention Centre

The OCC increased their informal monitoring visits to Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre in 2021-22. For Don Dale Youth Detention centre, visits increased from fortnightly to weekly. The increased contact with the OCC has improved children's knowledge and understanding of the OCC's role and assisted children to raise concerns or contact the office. Regular visits were interrupted by COVID-19 during the reporting period.

Figure 1 demonstrates that in 2021-22 the number of matters dealt with by the OCC increased by 9%.

Figure 1: Total contacts OCC - 5 year analysis



WHO AND WHAT WERE THE COMPLAINTS ABOUT?

In 2021-22, 48 complaints were related to 32 unique vulnerable children.

88%

of children and young people were Aboriginal and/or Torres Strait Islander

4%

of complaints related to more than one child or young person

14%

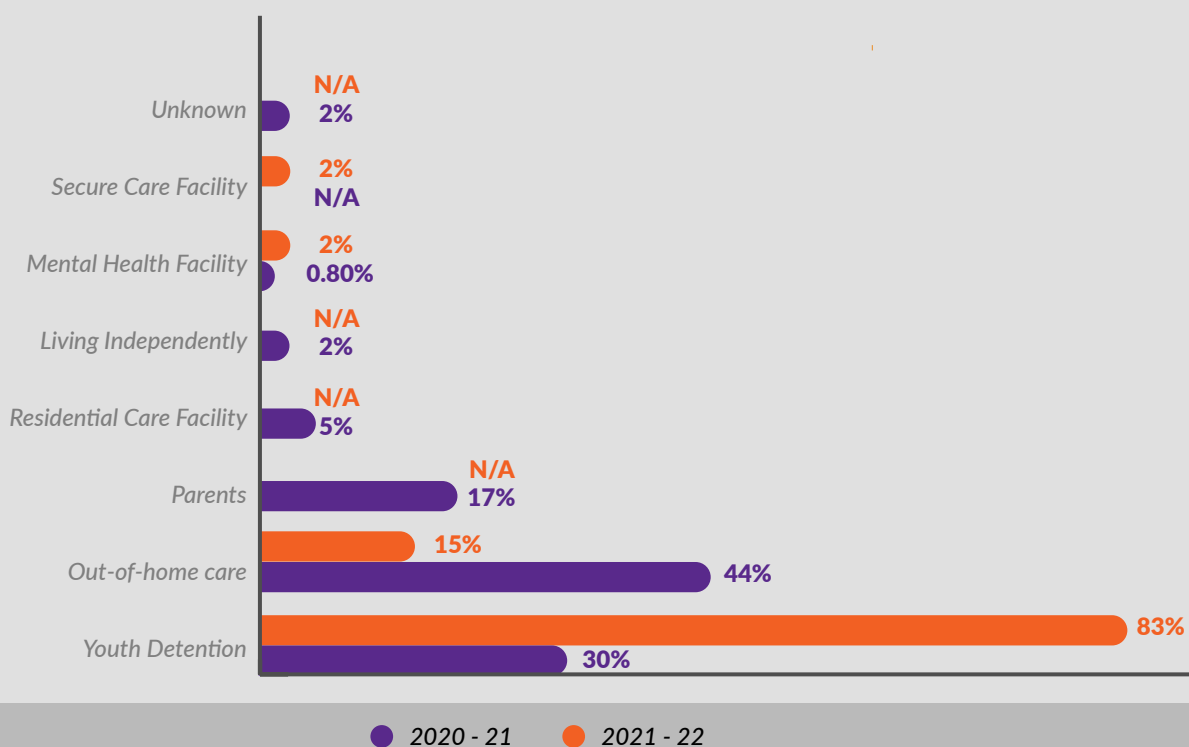
of children and young people were the subject of more than one complaint

83% Male

17% Female

LIVING ARRANGEMENTS OF CHILDREN SUBJECT TO A COMPLAINT

Figure 2: Living arrangements of children subject to a complaint



THEMES OF COMPLAINTS BASED ON WHERE THE CHILDREN WERE LIVING

.....

Children in youth detention

In 2021-22 there was a 37% increase in OCC complaints which related to children in NT Youth Detention centres. Factors which have contributed to the increase in the number of complaints received from children in TFHC NT Youth Detention include:

1. Increase in OCC proactive visiting of NT Youth Detention centres
2. Significant increase in the number of children and young people who entered NT Youth Detention during 2021-22

The complaints regarding NT Youth Detention were about:

1. Inappropriate use of discipline
2. Failure to provide a service as expected
3. Other medical, educational or therapeutic needs not met
4. Inappropriate use of restraint

Children involved in the child protection system

In 2021-22 there was a 36% decrease in complaints received in relation to children and young people in out-of-home care.

The complaints regarding children in out-of-home care were about:

1. Child's care and protection needs not met
2. Service provider failed to provide expected service
3. Service provider breached policy and procedure guidelines
4. Failure of service provider to respond to complaints and no care plan/case management plan

Note: These percentage changes are calculated on raw complaint figures from 2021-22, while Figure 2 (Page 22) is a comparison of the percentage of overall complaints per year.

When i Grow up i Will
Be Living in YUENDUMU and Find a Good job

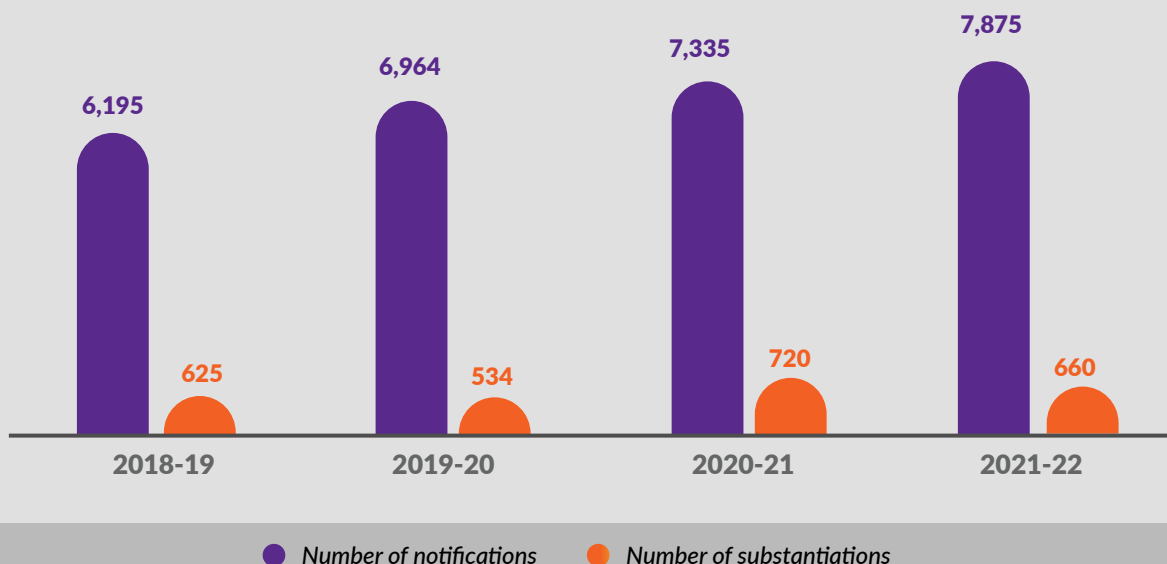
MONITORING THE ADMINISTRATION OF THE CAPCA

The Care and Protection of Children Act 2007 (NT) (CAPCA) s4(a) provides for the protection and care of children and the promotion of family welfare. Territory Families, Housing and Communities (TFHC) has primary responsibility for implementation of the CAPCA. The Office of the Children's Commissioner (OCC) monitors how the CAPCA is administered in relation to vulnerable children. To do this, the OCC reviews TFHC policies, data and practices. This section outlines OCC analysis of key aspects and themes of child protection in the Northern Territory.

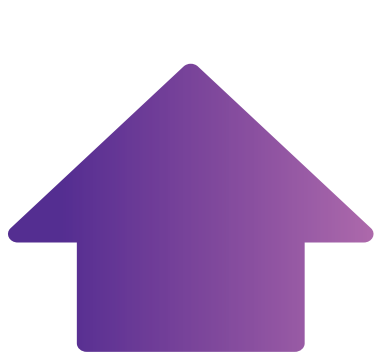
Key themes

- Children's exposure to and experience of domestic and/or family violence continues to be a serious concern.
- Reports to child protection about safety concerns for very young children continue to grow, together with an increase in multiple reports of harm and substantiations of harm for this very vulnerable cohort of children.
- Data shows increased notifications and multiple notifications of harm to 10-14 year olds and 15-17 year olds. This issue is extremely concerning as we see children under 14 years old held in youth detention with significant unaddressed trauma, see our audit of on page 71 for more detail on these children's experiences.

Figure 3: Number of notifications and substantiations for children 0-4 years



NOTIFICATIONS OF ALLEGED HARM



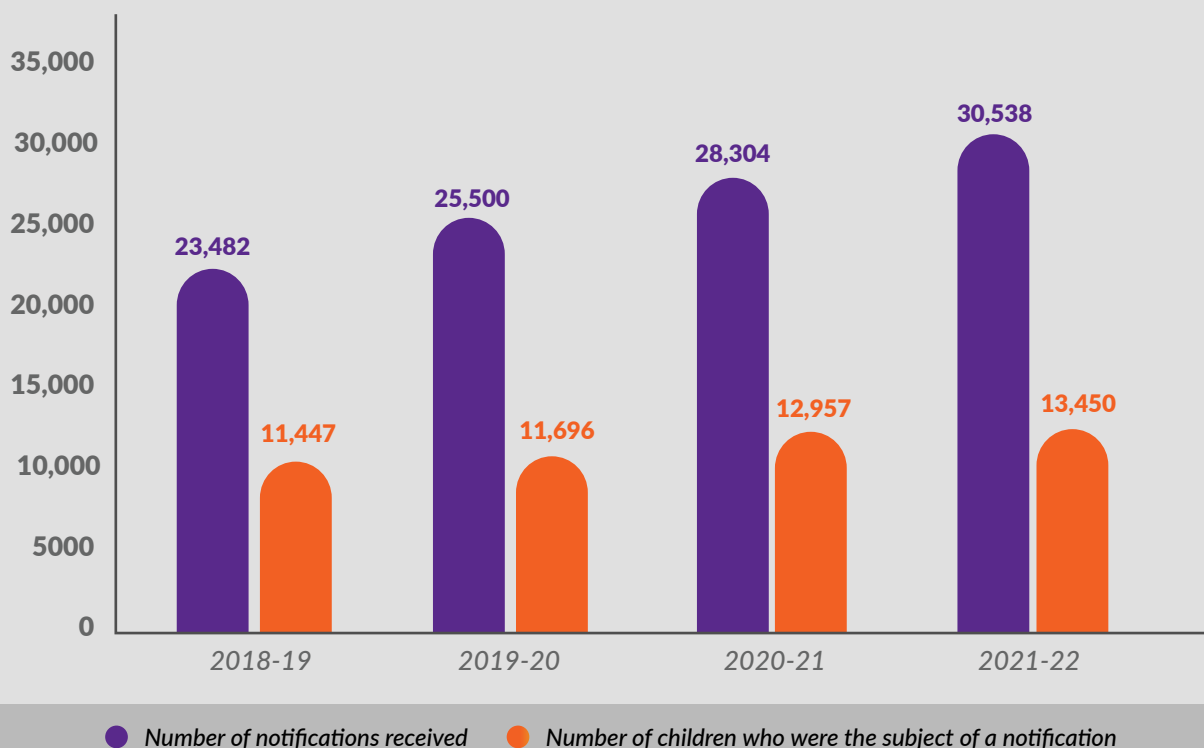
30,538
notifications



13,450
children were the subject of
a notification

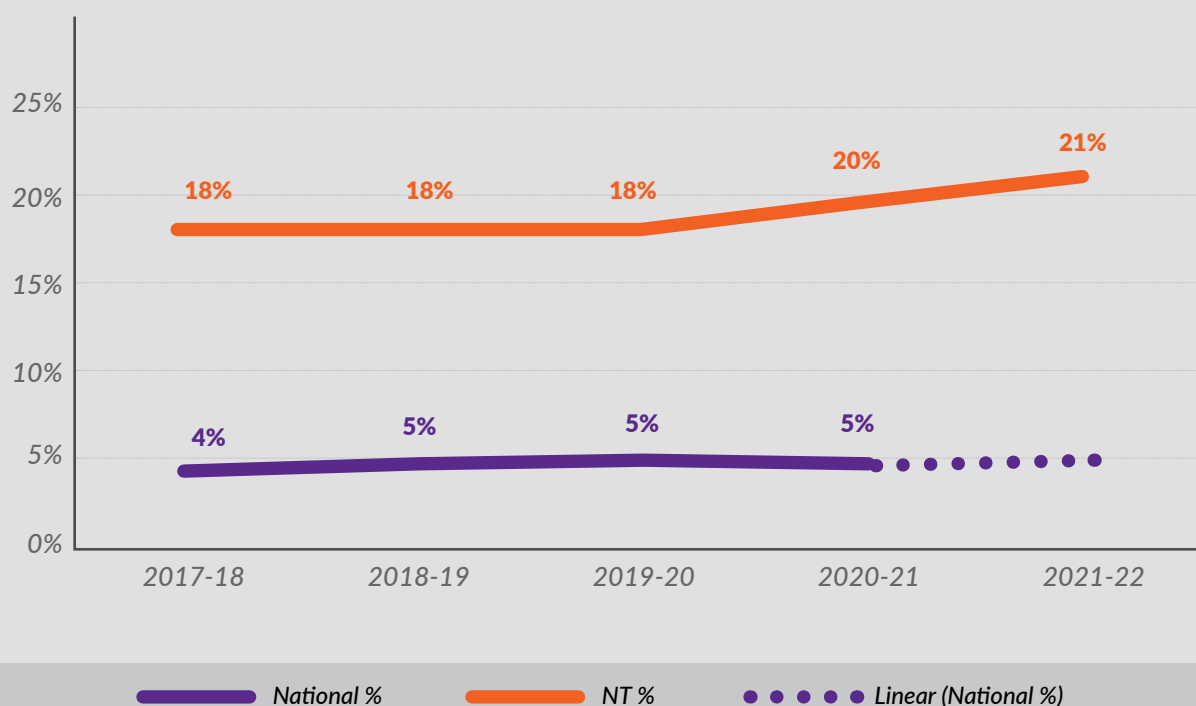
Notifications are reports made to TFHC by any person who believes on reasonable grounds that a child has suffered or is likely to suffer harm. The number of notifications received by TFHC has increased almost 20% in the last 3 years, in line with the national trend.

Figure 4: Number of notifications and number of children subject of a notification



Over the last 5 years, the proportion of children subject to notifications as a percentage of the population has also steadily increased.

Figure 5: Number of unique children subject to a notification by % of u18 population



Police are the predominate reporters of harm or potential harm to children in the NT. They made over half of all NT notifications to TFHC in 2021-22 (15,418). The increase in overall notifications reflects the 2,397 increase in notifications by police since the last financial year. This increase likely demonstrates improved reporting processes by police and shows the prevalence of domestic and/or family violence (DFV) and children's experience of DFV, as police are mandated to report to TFHC if they have reasonable belief DFV is an issue for the child and family.

Who are the children subject to a notification?

The OCC relies on TFHC to provide accurate data on the numbers of notifications they receive, with additional data breakdown by numbers of children subject to notifications, age status, harm type etc. TFHC inform the OCC that discrepancies in their data result from limitations of CCIS (TFHC child protection record management system).

Barriers like these:

- complicate TFHC data collation and reporting
- hinder the ability of the OCC to fulfil their oversight functions effectively, and
- challenge the ability to fully understand how legislative, policy or practice changes impact the protection of children in the NT.

The OCC notes TFHC have made a significant investment into a new more robust record management system which is reported to be finalised in March 2023.

Children subject to a notification 2021-22

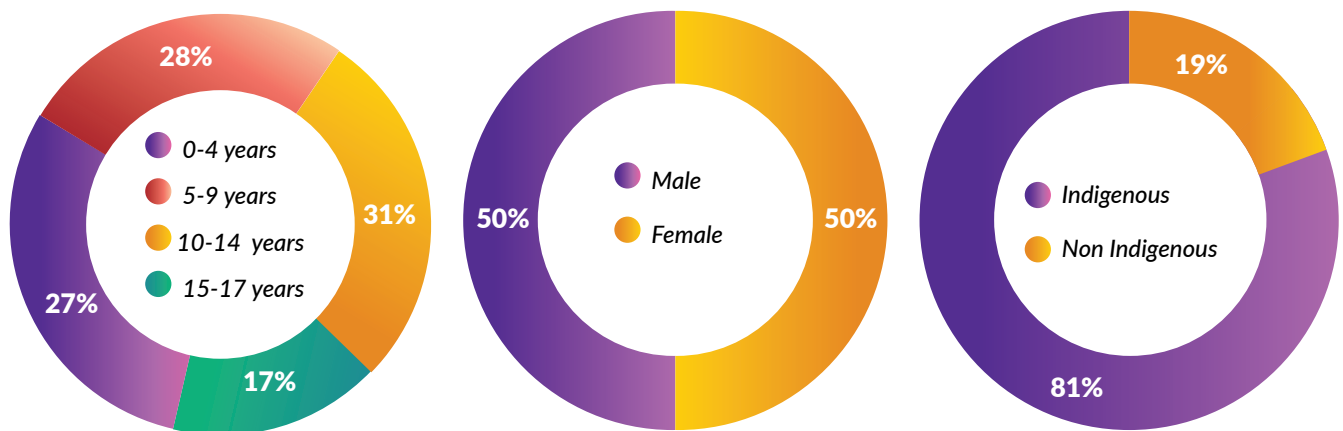
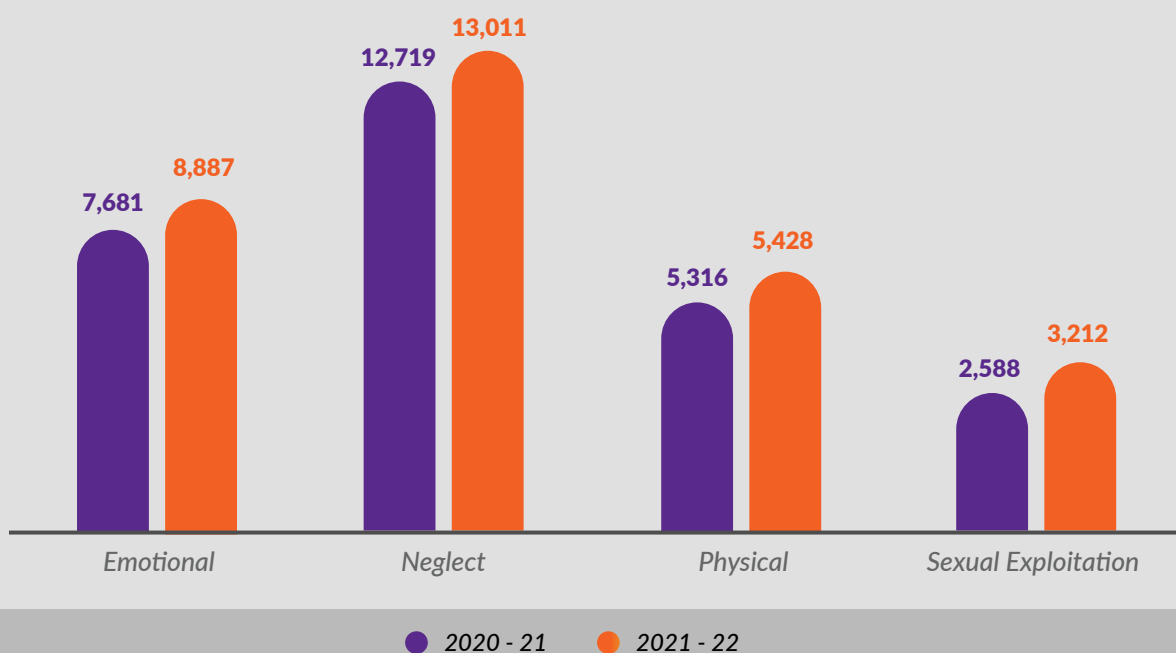


Figure 6: Number of notifications by harm type



DFV is categorised as emotional harm in most circumstances. Increased notifications of emotional harm can indicate better understanding of DFV and the impact of DFV on children. Increased notifications for sexual exploitation could reflect better knowledge among notifiers and confidence to report concerns. It could also reflect system improvements where TFHC can now record adults other than the parent/caregiver as 'persons believed responsible' and capture sexual exploitation as the primary harm type as opposed to supervisory neglect.

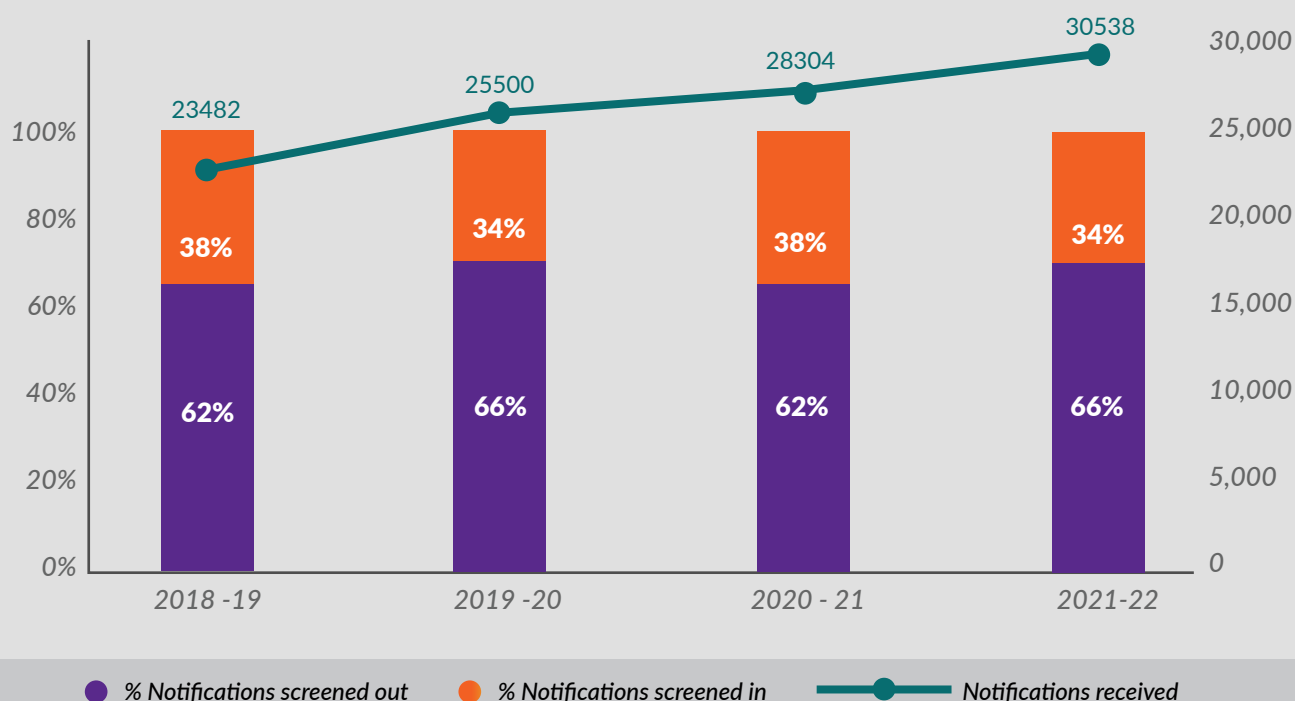
Since last year, the numbers of children subject to notifications by age group show an increase of:

0-4 years
4%
increase

10-14 years
5%
increase

15-17 years
7%
increase ²

Figure 7: Total notifications received and % screened in/out



**38% or
11,481**
notifications received
involved domestic and/or
family violence.

**61% or
7,045**
notifications where domestic
and/or family violence was a
contributing factor did not
proceed to investigation.

Multiple notifications

A 'multiple notification' is where a child is subject to more than one notification within the same financial year.

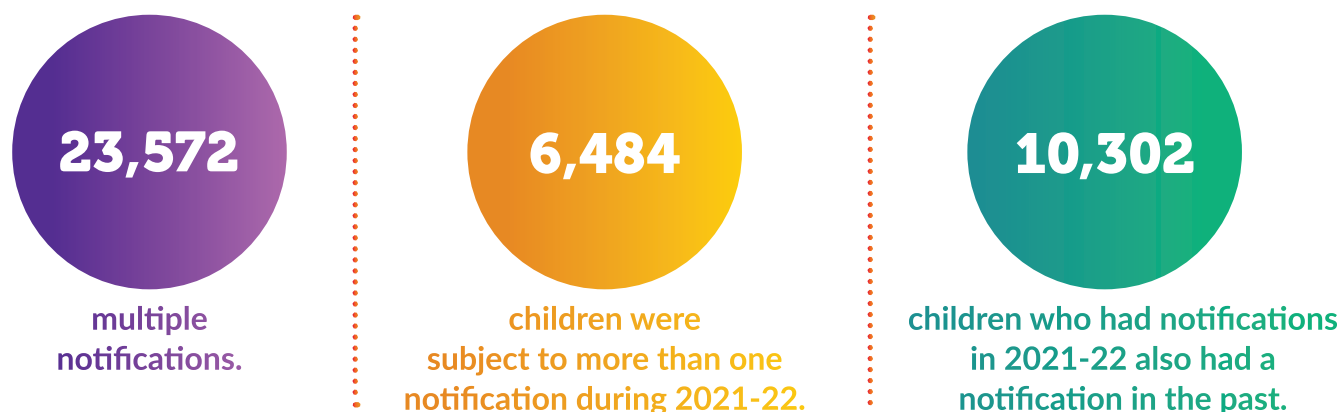


Figure 8: Number of children subject to multiple notifications



In 2019, Menzies School of Health Research undertook a study of 'the crossover of Northern Territory children between child protection and youth justice'. The study found 'there was a much greater risk of progression to youth justice for those children who had a history of higher levels of child abuse and neglect'.³ Specifically, young people involved in youth justice were linked to having had notifications of harm, not necessarily substantiations of harm.

It is concerning that over 6,000 children in the Northern Territory have had multiple notifications of harm within a 12 month period, and that 10,302 children had notifications this year and in a previous year.

Disadvantage such as poverty, homelessness and DFV experienced by children and families living in remote areas is reflected in the number of notifications of alleged harm reported for some NT regions. At least:

15% of all children in Central Australia had multiple notifications of harm reported in 2021-22.

21% of all children in the Barkly region had multiple notifications of harm reported in 2021-22.

³ Menzies School of Health Research, Protection and Justice: A study of the crossover of Northern Territory children between two services (2019) <https://www.menzies.edu.au/icms_docs/312673_Protection_and_justice.pdf>.

WHERE ARE CHILDREN LIVING?

More things for young people so they aren't bored / want to leave

In 2021-22
45%
of children under 18 in
the NT had at least 1 child
protection notification.

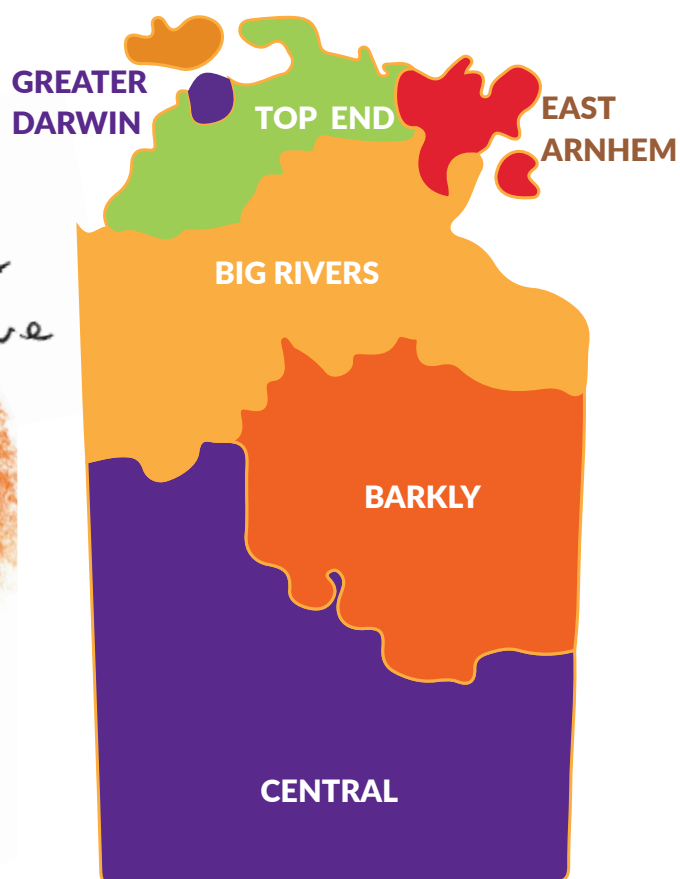
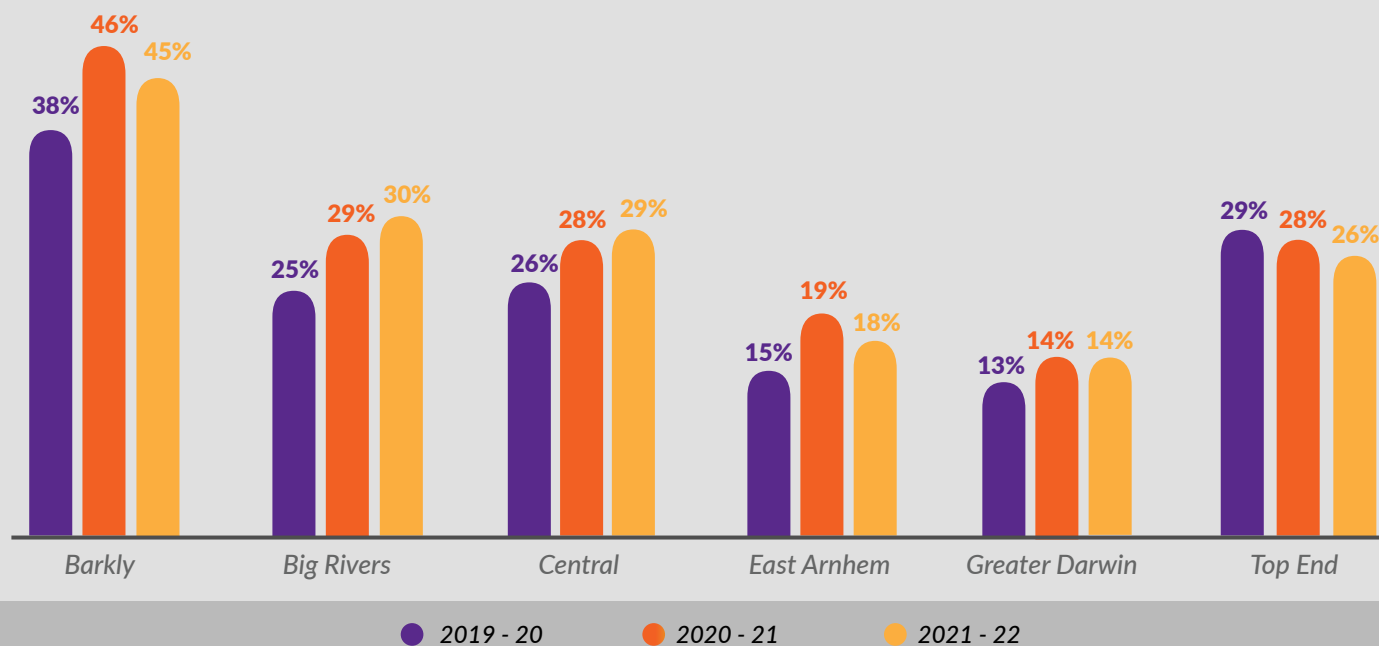
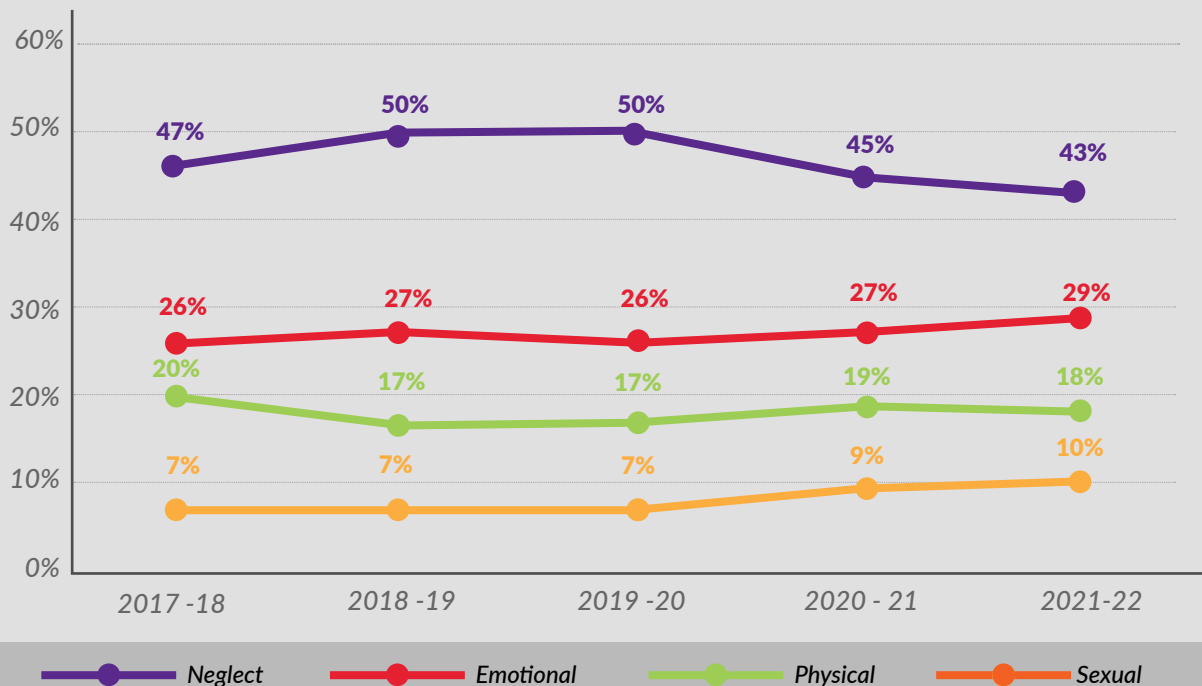


Figure 9: % of children within each region subject to a notification



*does not include central intake. Child population data from 2019 used for all years for consistency. Data source: Department of Chief Minister and Cabinet, Story of our Children and Young People, Data Table (2020) https://cmc.nt.gov.au/__data/assets/excel_doc/0005/821876/data-tables-story-of-children.xlsx

Figure 10: Number of notifications by harm type - 5 year analysis



During 2021-22, notifications for alleged emotional harm and sexual exploitation have increased. The number of notifications for sexual exploitation that proceeded to investigation has dropped 16% from last year.

INVESTIGATIONS

64% of investigations commenced within their required timeframe, down from 76% in 2020-21.

TFHC policy requires investigations be completed within 42 days, this policy timeframe increased from a 28 day requirement in 2019 to reflect the complexities within child protection investigations and remoteness of the Northern Territory.

In 2021-22:

30% of investigations were completed within the 42 day requirement

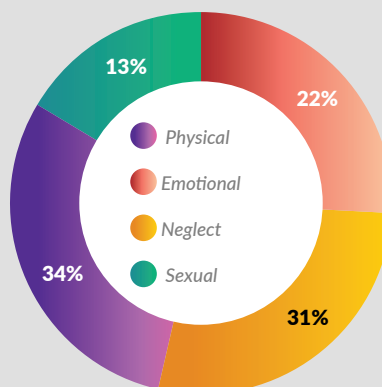
54% of investigations were completed in 63 or more days, an increase from 45% in 2020-21.

The OCC understands safety planning work commences within the investigation and notes that completing an investigation outside of the required timeframes does not always indicate safety assessments for the child have not occurred.

While the OCC acknowledges that thorough investigation of child protection matters is crucial, considering the vulnerable and young cohort under investigation, the OCC is concerned about the combination of falling rates of compliance with;

- Commencing an investigation within the required timeframe, and
- Completing an investigation within 42 days.

Figure 11:
% of investigations
commencing
by harm type



The variance in high levels of reported neglect and emotional harm with the comparably low rate at which these harm types are investigated demonstrates the difficulties child protection agencies have in quantifying these types of harm.⁴ Where the threshold to investigate harm is not met it remains critically important that these families be supported to build protective factors which reduce the likelihood of children experiencing further neglect or emotional harm or the cumulative effects of ongoing instances of harm.

When TFHC complete a child protection investigation, it may be determined that the family requires ongoing support to minimise risk of future harm to the child and create a safe home environment. The child protection case is closed and a formal family support case is opened by TFHC. These cases are referred to as Strengthening Families cases. Strengthening Families cases are short-term intensive support and assistance to the family to develop their ability and capacity to provide ongoing safe care for their children. The success of these cases rely on comprehensive safety planning with the child, parents and family network that draws on existing strengths in order to prevent statutory child protection involvement.

736 children who had a strengthening families case closed in 2020-21 had a subsequent notification in 2021-22.

50% of these subsequent notifications occurred within 3 months of the Strengthening Families case closing.

TFHC's reforms through 'Safe, Thriving and Connected: Generational Change for Children and Families' underpinned the transition from tertiary child protection interventions to holistic early childhood family supports and service responses. These commitments align with the national shift away from crisis child protection models to early preventative supports to better safeguard children. The OCC will monitor data relating to Strengthening Families cases in the future in order to see continued commitment to this transition and improvements in this space.

SUBSTANTIATIONS

1710

notifications to TFHC substantiated that harm had occurred to a child

1661

children were the subject of a substantiated notification

60%

of all substantiated notifications identified domestic and/or family violence as a contributing factor

Who are the children who have had a substantiation of harm?

65%

are aged under 10 years

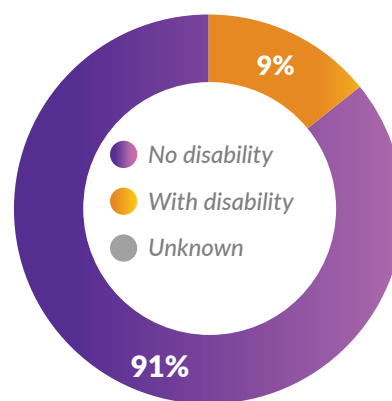
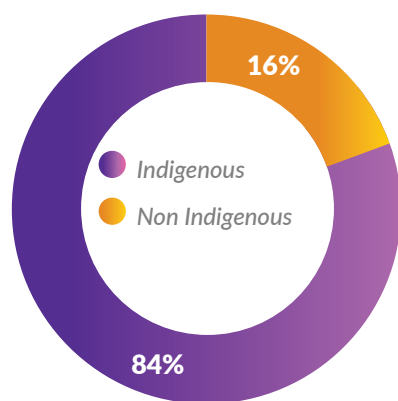
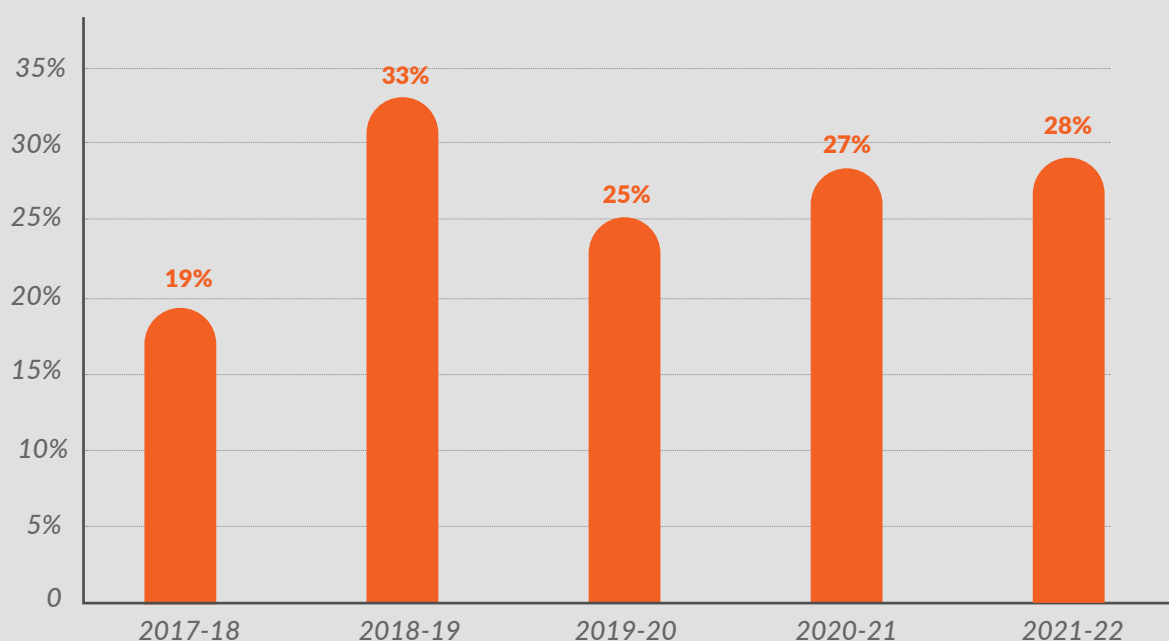
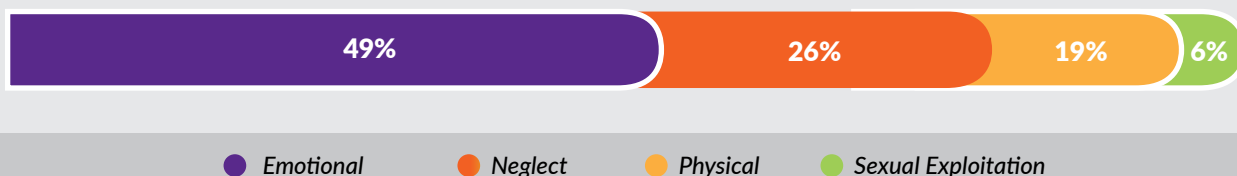


Figure 12: % of investigations resulting in harm being substantiated



TYPES OF HARM SUBSTANTIATED

Figure 13: % of substantiated notifications by harm type



75% of substantiated notifications for 2021-22 relate to either neglect or emotional harm.

Domestic and/or family violence safety concerns for children are captured as either neglect and/or emotional abuse.

Over the last 5 years the OCC has reported concerns about the prevalence of cumulative harm and the need for improved early intervention services to address the devastating results of chronic neglect and maltreatment. This is incredibly important and time sensitive for children aged 0-4 years who had the highest rate of substantiated harm notifications (38% of the total). Given 0-4 years is a critical period for child brain development and functioning; requiring regulation and stabilising of the neurobiological systems (nervous system, stress-responsive system), this cohort is particularly vulnerable.*

MULTIPLE SUBSTANTIATIONS OF HARM

91 children were the subject of more than one substantiation of harm in 2021-22

281 children who were subject to a substantiation in 2021-22 also had a substantiation in 2020-21

50% of children subject to multiple substantiations are aged 0-4 years.

In the 2020-21 annual report the OCC audited cases of multiple substantiations in this highly vulnerable group of 0-4 year old babies and toddlers. The 2020-21 audit found significant concerns relating to domestic and/or family violence, coupled with alcohol related neglect and cumulative harm prior to substantiation. The audit revealed a significant lack of safety planning for these young children and their families in line with the Signs of Safety Framework.

To continue monitoring the outcomes for this cohort the OCC undertook a follow up audit for the same children now aged 1-5 years. This audit is located on page 57.

Also of concern to the OCC, 26% of children subject to multiple substantiations are aged 10-14 years. During 2021-22, the OCC conducted a sample audit of children in detention aged 10-13 years years which found they had experienced significant levels of trauma throughout their childhood and were known to THFC. See page 63 for further information on this audit.

CHILD PROTECTION AUTHORITY TYPES

There are a number of child protection authority types which enable at risk children to be taken into care:

- Provisional protection
- Protection orders
- Temporary protection orders
- Temporary placement arrangements

The number of instances across all authority types have decreased since 2020-21.

Figure 14: Number of instances of children taken into care 2021 - 22

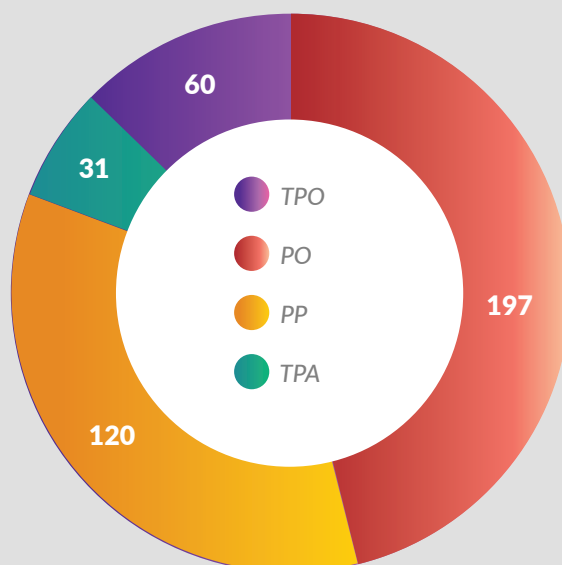
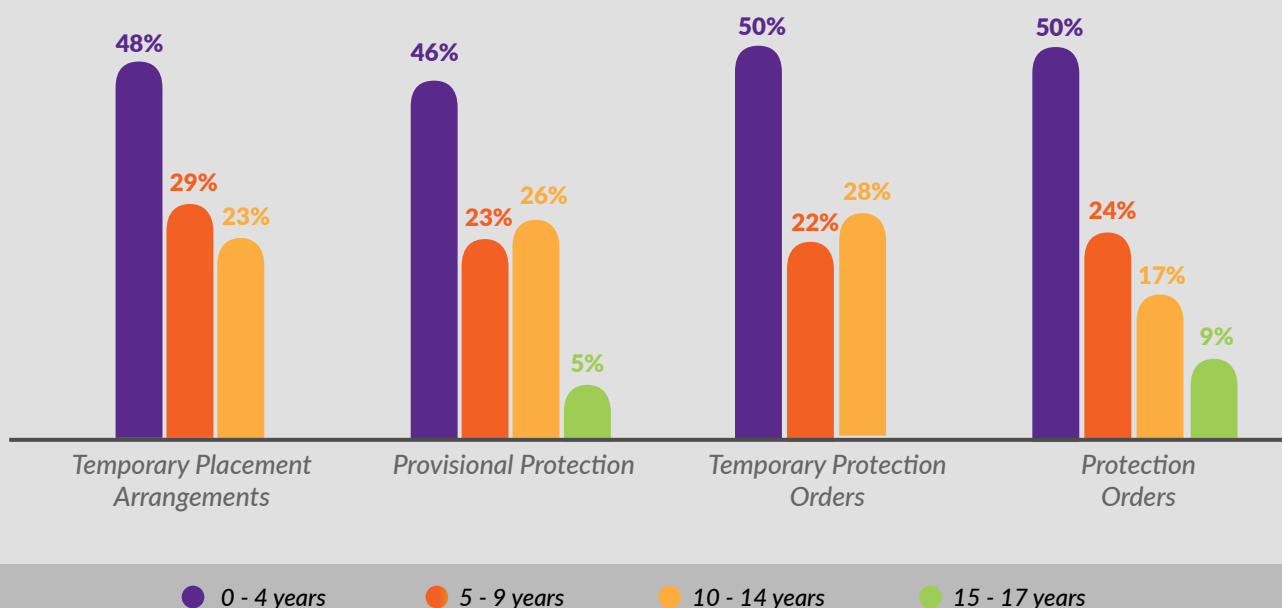


Figure 15: % of authority instances by age during 2021-22



Court granted temporary protection orders permit TFHC to remove a child in need of safeguarding for up to a 2 week period (not all TPOs are court ordered).

Temporary placement arrangements are agreements between TFHC and a child's parent or care giver to take a child into care, without court intervention, for a short term period generally up to 2 months.

The goal during a temporary protection order or a temporary placement arrangement is for intensive safety planning with the aim to reunify the child back to the parent or caregiver. The majority of the temporary authorities during 2021-22 involved children aged 0-4 years. Disruptions to childhood can result in numerous 'adverse childhood experiences' or developmental trauma. Children aged 0-4 years require safe, stable environments for healthy brain development and strong child-caregiver emotional attachment and regulation.

**During 2021-22, 12 children were subject to a TPO more than once.
50% of these related to children aged 0-4 years.**

Provisional protection authorities enable TFHC and NT police the power to remove children from the care of their family for up to 72 hours when they are in circumstances of immediate danger and where removal is 'urgently needed to safeguard the wellbeing of the child'.

Protection orders are for a child in need of protection granted by the Court. Parental responsibilities and requirements are set out in the order and can be granted to any person by the court, including parents or the CEO of THFC.

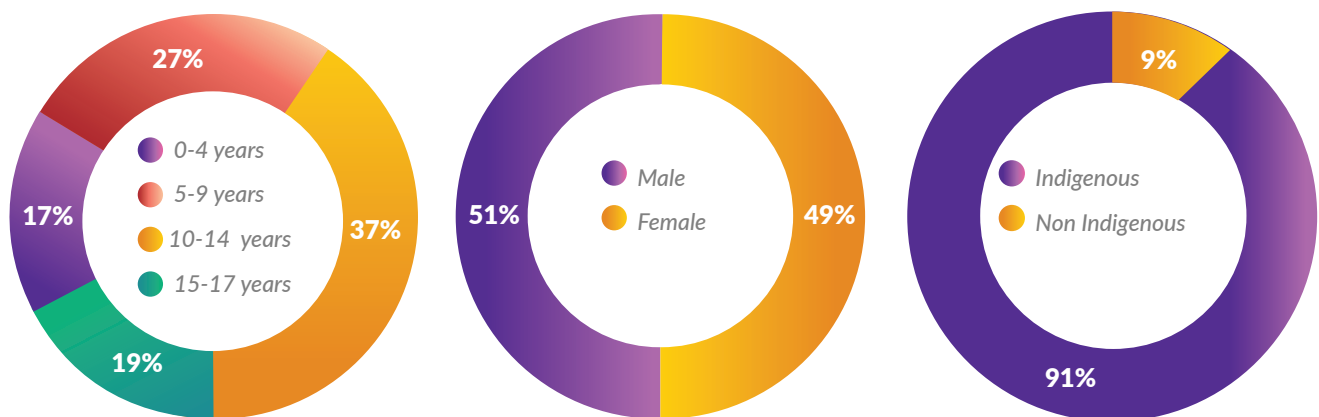
OUT-OF-HOME CARE (OOHC)

As at 30 June 2022 901 children were living in OOHC in the Territory.

It is positive to see there were 67 less children living in OOHC than at the same time last year.

The NT has sustained a downward trend of children living in care over the past 3 years.

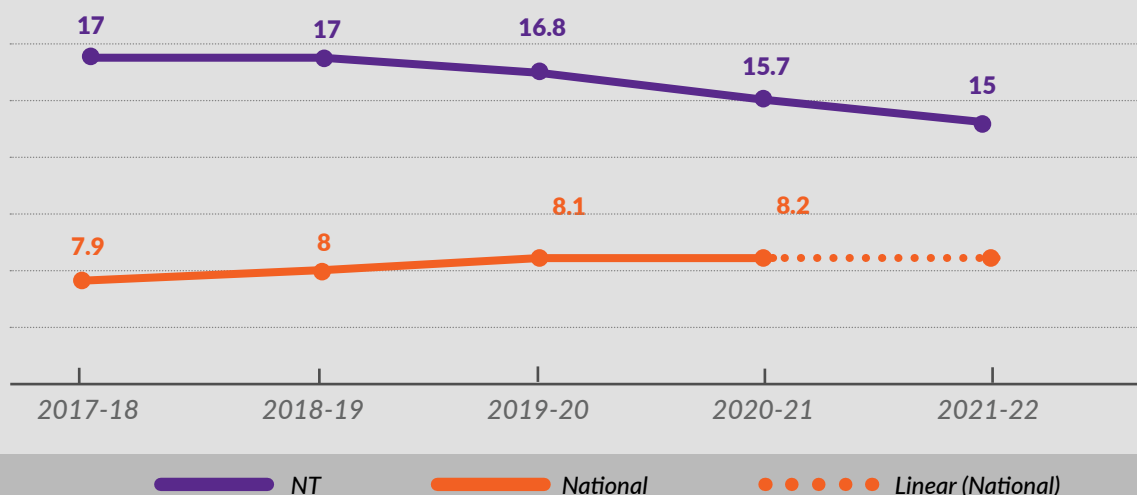
Who are the children living in OOHC?



Aboriginal children make up 42% of the Territory's total youth population. While it is positive that the number of children in OOHC overall in the NT is decreasing, the over-representation of Aboriginal children in care compared to their non-Indigenous counterparts has not reduced.

In the NT, Aboriginal children are in care 13.8 times the rate of non-Indigenous children.

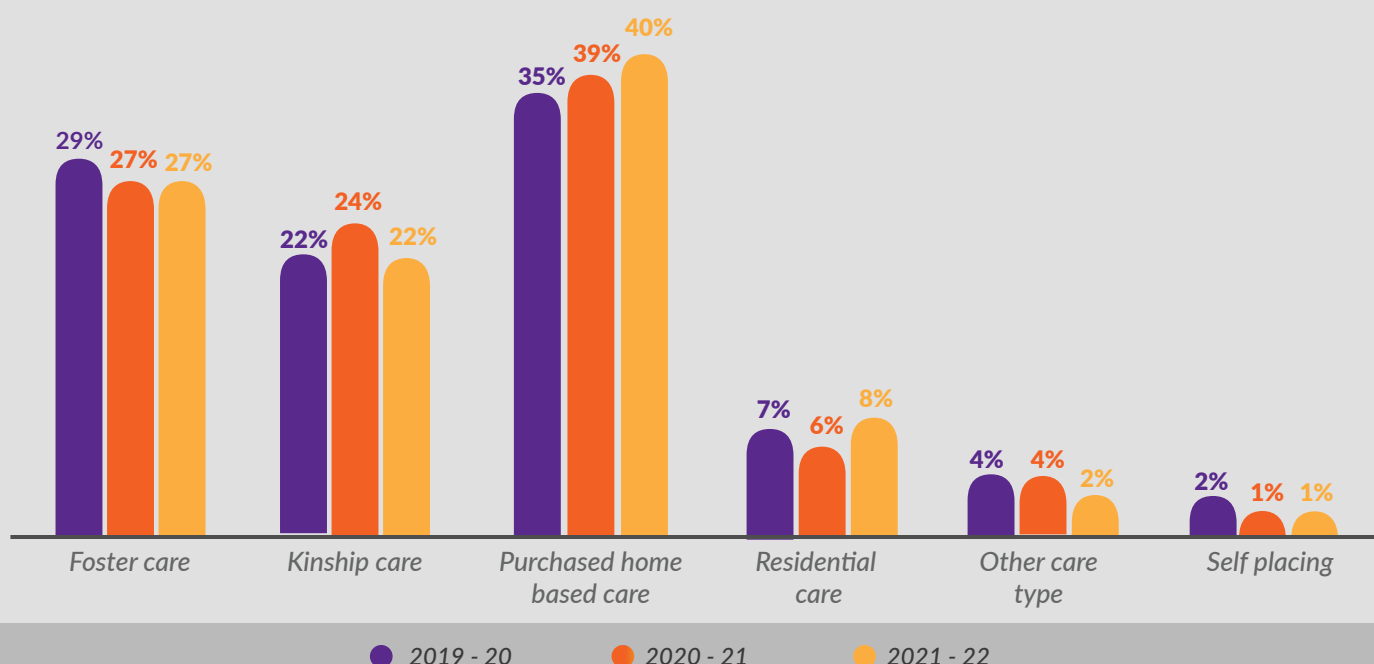
Figure 16: Number of children in OOHC at a rate per 1000 children.*



* Productivity Commission, Report on Government Services, Part F Section 16, Child Protection Data Tables (2022)

TYPES OF OOHc

Figure 17: Number of children in OOHc by placement type



TFHC have failed to achieve the aim of the 'Transforming Out-of-home Care in the Northern Territory' strategy to phase out purchased home based care placements by December 2021. In conflict with the strategy, the use of purchased home based care has increased for the 4th consecutive year.

Of concern, the total number of kinship care placements have decreased while the proportion of Aboriginal children in OOHc has increased during 2021-22. TFHCs inability to provide or collate data on kinship carer referrals and assessments obstructs their own monitoring and evaluation of child protection reforms. It also impairs the OCC's oversight ability. It is unclear if there is an intention to evaluate or revise the 'Transforming Out-of-home care in the Northern Territory' strategy.

Resourcing has been provided to establish a number of Aboriginal Carer Services to support the process of identifying and assessing Aboriginal carers. This network of services is developing and the OCC anticipates working with these services in the future to understand the enablers and barriers to increasing the number of Aboriginal and Kinship carers.



Aboriginal and Torres Strait Islander child placement principle (ATSICPP)

The UN Convention on the Rights of the Child (UNCRC) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognises children's rights to be connected to their family, language and culture as they grow up. The ATSICPP is a placement decision making framework that fundamentally supports these rights and promotes culture as vital to Aboriginal children's safety and wellbeing. Compliance with the ATSICPP when a child is to be removed from the parent or caregiver, requires families and community participation in decisions about the safety and wellbeing of their children.

The ATSICPP practices relating to Aboriginal children in out-of-home care include:

- Placement - preferred placement of an Aboriginal child with Indigenous or non-Indigenous relatives or kin, or other Indigenous carers
- Connection – children in OOHC should be supported to maintain or re-establish connections to their family, community, culture and country.⁵

The OCC routinely consults with children to hear about their lives, their concerns and their opinions on emerging and systemic issues. Children have told us:

"Going out bush everyday and talking about our culture – how strong it is and learning new thing from the older people. Its good living here." 13 years, female, Alice Springs

"I want [the adults and elders] to sit down and want to talk to children. I don't want to grow up seeing that no one's speaking in language, everyone's doing their own thing not thinking about culture" 15 years, male, Alice Springs.

The lack of culturally safe and responsive service provision for Aboriginal children in OOHC is significantly concerning to the OCC.⁶

As of 30 June 2022 - 61% of Aboriginal children in care in the NT were not placed in accordance with the ATSICPP.⁷

The NT has the poorest performance in the country for this indicator, and has not improved its performance since the data was first reported in 2017.

As of 30 June 2022 - 56% of Aboriginal children in OOHC in the NT did not have a current cultural support plan.⁸

Given the overwhelming majority of children in OOHC are Aboriginal, along with the multitude of reports, findings and recommendations relating to how Aboriginal self-determination principles should be embedded within the child protection policy and practice, the OCC intends to focus on this significant issue during 2022-23. Aboriginal children in OOHC are entitled to connection to family, culture and country and child protection legislation policy and practice must consistently reflect this.

⁵ Australian Institute of Health and Welfare, The Aboriginal and Torres Strait Islander child placement principle, Indicators Report (2021) <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/contents/about>.

⁶ Australian Institute of Health and Welfare, The Aboriginal and Torres Strait Islander child placement principle, Indicators Report (2021) <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/contents/about>.

⁷ Australian Institute of Health and Welfare, The Aboriginal and Torres Strait Islander child placement principle, Indicators Report (2021) <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/contents/about>.

⁸ Australian Institute of Health and Welfare, The Aboriginal and Torres Strait Islander child placement principle, Indicators Report (2021) <https://www.aihw.gov.au/reports/child-protection/atsicpp-indicators/contents/about>.

LEAVING AND ENTERING CARE

244
children left the care
of the CEO during
the 2021-22 period.

Of children that left the
care of the CEO,
51%
had a subsequent
notification.
Almost **1 in 5** of these
subsequent notifications
were substantiated.

56
less children
entered care
during 2021-22
than the
previous year.

78%
of children entering
care are Aboriginal.
Almost a quarter
of whom have
disability.

During 2021-22, the NT Government extended legislated requirements to assist and support children living in OOHC transition to independence until the age of 22 under section 85B of the *Care and Protection of Children Act 2007* (CAPCA). TFHC are now legally responsible to provide appropriate services and financial support to meet these young people's needs with the young person's consent.

The provision of these supports is designed as an opt-in program to be available to the young person at any time they choose to access.

During 2021-22:

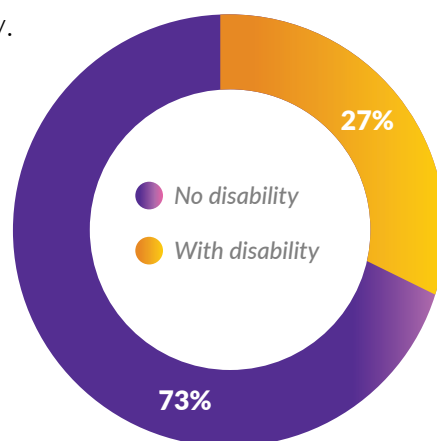
74 children aged 15-17
years left the care of the CEO.

8 children aged 15-17 years
received services or assistance from TFHC under s85A and s85B.

In total, 57 young people aged 15-24 years received services or assistance under s85A and s85B during 2021-22. 66% of young people receiving these services or assistance were aged 18 years.

CHILDREN WITH DISABILITY

As at 30 June 2022, 27% of children in care have disability.



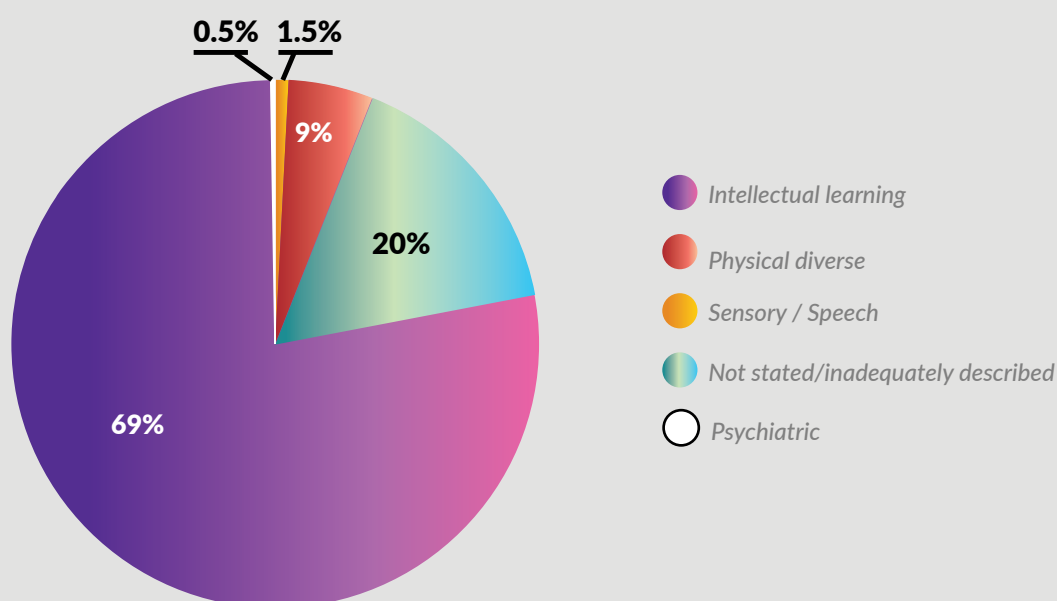
It is positive to see some changes as a result of better data collection about the prevalence of disability among children in OOHC. TFHC systems and practice require further improvement to refine the way disability can be recorded in order to differentiate between no disability, unassessed disability, assessed with no disability, assessed with disability, pending assessment. We note the significant investment into the new TFHC case management system (CARE) scheduled for completion in March 2023 will support some improvements.

Poor data collection prevents robust monitoring of service provision that meets children's needs. Place based assessments, timely supports and appropriate individualised care plans are necessary to ensure children with disability grow in healthy and positive environments.

As at 30 June 2022, there are 246 children with disability in OOHC, 243 reportedly have an NDIS plan.

THFC are responsible for meeting the needs and wellbeing of children with disability in their care. NDIS assessments, disability supports and access to NDIS plans remain critical for the health, safeguarding and wellbeing of children with disability in care. The OCC notes concerns around the availability of assessment services, particularly within remote locations and the complexities children and families face navigating the NDIS system. The OCC intends to monitor the improvements to accessibility of these services for vulnerable children in 2022-23.

Figure 17: Children in care with disability



CONCERNS FOR WELLBEING (83B) AND HARM AND EXPLOITATION (84A) OF CHILDREN IN OUT-OF-HOME CARE

Section 10(1)(f) of the *Children's Commissioner Act 2013* sets out that one of the functions of the OCC is to monitor the way in which the CEO of Territory Families, Housing and Communities (TFHC) deals with suspected instances of children in out-of-home care experiencing harm or exploitation.

Section 84C of the *Care and Protection of Children Act 2005* (CAPCA) requires the CEO of TFHC to notify the Children's Commissioner 'as soon as practicable' in all cases where a child protection investigation has substantiated allegations of harm or exploitation of a child living in out-of-home care.

.....

This chapter contains information relating to children who experienced concerns for their wellbeing and/or substantiated harm while living in out-of-home care and the TFHC adherence to the CAPCA, TFHC policies, procedures and performance outcomes.

HOW ARE HARM OR CONCERNS FOR WELLBEING OF CHILDREN IN CARE CONSIDERED BY TFHC?

.....

In the CAPCA, two sections outline the way TFHC responds to concerns for the wellbeing or safety of children in care.

1. Section 83B of the CAPCA defines the action that can be taken to inquire about concerns for a child in accordance with the definition of **wellbeing** in the CAPCA which includes the child's physical, psychological and emotional wellbeing.
 - Concerns about a child in care is defined by TFHC as 'Concerns related to the standard of care a child is receiving, which is affecting or likely to affect their wellbeing' and are categorised as:

- The care provided to the child is not consistent with the standards defined in Care and Protection of Children (Placement Arrangement) Regulations (2010); and
 - This is affecting, likely to affect, or there are significant concerns for the child's wellbeing.⁹
2. Section 84A of the CAPCA defines the actions to be taken to investigate an abuse in care allegation in accordance with the definition of **harm or exploitation** of a child in the CAPCA.¹⁰
- Abuse in care is defined by TFHC as when a 'Child in care has suffered or is at risk of suffering significant harm and/or exploitation' and is categorised as:
 - Allegations of harm or neglect that has been perpetrated by a person connected to the place of care; OR
 - Recurrence or emerging pattern of concerns about the care provided that may have significant detrimental impact on the child.¹¹

HOW MANY TIMES DID CHILDREN LIVING IN OUT-OF-HOME CARE (OOHC) HAVE CONCERNS RAISED ABOUT THEIR WELLBEING IN 2021-22 (83B)?

901
children in care
(as at 30 June 2022)

1325
notifications regarding concerns
about a child in OOHC
(some children had multiple
notifications in regards to
their wellbeing).

While the number of children in care has decreased, the number of notifications of concerns for the wellbeing of children in care has increased significantly since 2020-21 when it was 972

TFHC policy includes requirements for how 83B inquiries are to be undertaken, an audit of compliance with these requirements is outlined on page 51 of this section. This will be an ongoing focus for the OCC in 2022-23 given the significant number of notifications of concern for the wellbeing of a child in care and the results of the audit.

⁹ 'TFHC: Responding to concerns for the Safety Wellbeing of Children in Care'

¹⁰ CAPCA Section 15 and S16

¹¹ TFHC 2022 'Factsheet: Responding to concerns for the Safety Wellbeing of Children in Care'

HOW MANY TIMES DID CHILDREN LIVING IN OOHc HAVE NOTIFICATIONS OF ALLEGED HARM OR EXPLOITATION, AND WHAT WAS THE OUTCOME (84A)?

203

**84A notifications
of alleged harm
to children**

80%

**of notifications 'screened in'
for investigation by
TFHC**

HOW DO TFHC RESPOND TO AN ALLEGATION OF HARM OR EXPLOITATION OF CHILDREN IN OOHc (84A)?

TFHC assess the level of harm and risk to a child using different tools. TFHC definition for the screening outcome is as follows:¹²

- Screen in – proceed to investigation – where the child protection report meets the threshold for investigation it is screened in for further investigation.
- Screen out – no further action – where the child protection report does not meet the threshold for investigation, it is screened out.

As with all notifications received by TFHC, allegations of harm or exploitation of children in care that are screened in for investigation are assigned a priority level based on the level of risk to the child and urgency of response required.

The investigation urgency ratings are measured from the time the intake is received and screened in cases are allocated to the relevant office.¹³

The priority timeframes include:

Priority 1 – commence within 24 hours

Priority 2 – commence within three days;

(for ALL children under 2 years of age, unless assessed as a priority 1)

Priority 3 – commence within five days

Priority 4 – commence within ten days

133

**84A notifications
proceeded to a
new investigation**

67%

**of new
investigations
commenced within
the required
priority
timeframes.**

¹² TFHC 'Procedure: Child Protection Report screening and response priority'

¹³ TFHC advise some of these matters may be progressed through an 83B concern for wellbeing inquiry if appropriate.

This is an improvement from 2020-21 timeframes.

In October 2019, the TFHC policy requirement for investigations to be completed within 28 days was extended to 42 days, reflecting the complexity of child protection investigations and remoteness of the Northern Territory.

Despite the extended policy timeframe an audit of 33 harm in care investigations identified that:

Only
2
harm in care
investigations were
completed within
the 42 days

21
harm in care
investigations took
45 or more days to
complete.¹⁴

The longest period
to complete an
investigation was
392
days

The shortest period to
complete an
investigation was
35
days



SUBSTANTIATED HARM AND EXPLOITATION OF CHILDREN LIVING IN OUT-OF-HOME CARE

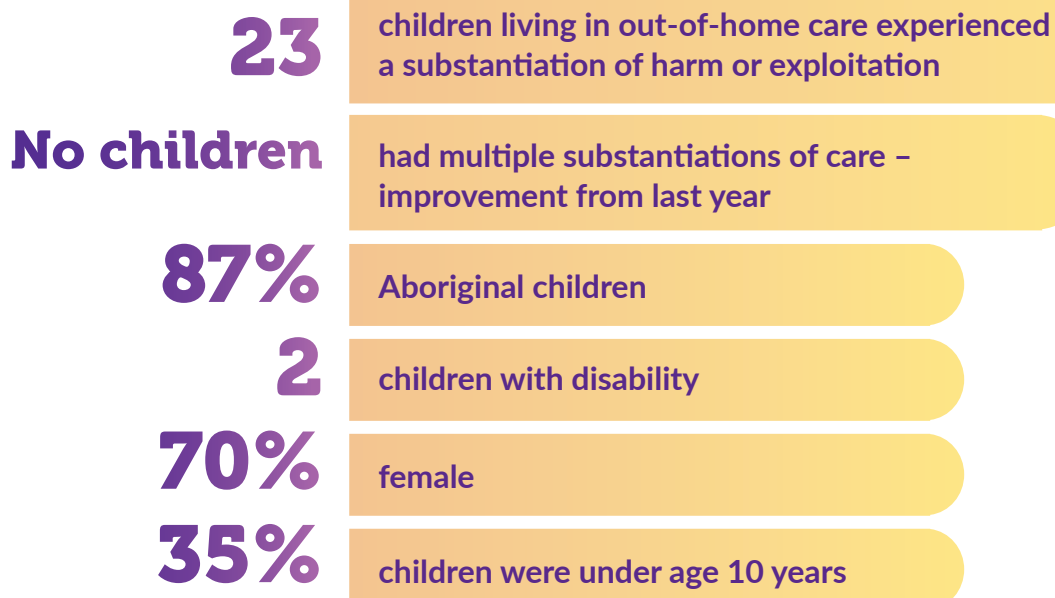
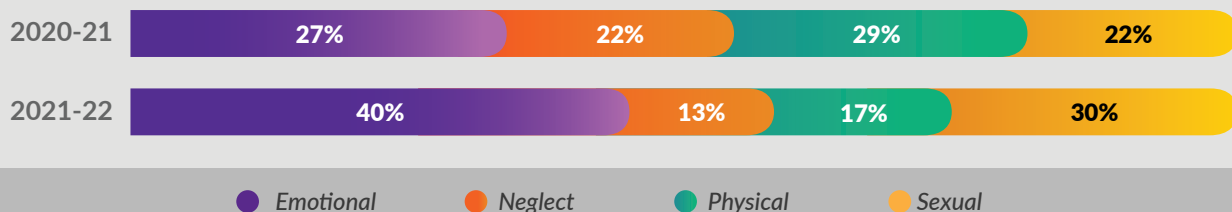


Figure 18: Substantiated cases of harm or exploitation by primary harm or exploitation type indicated from the audit

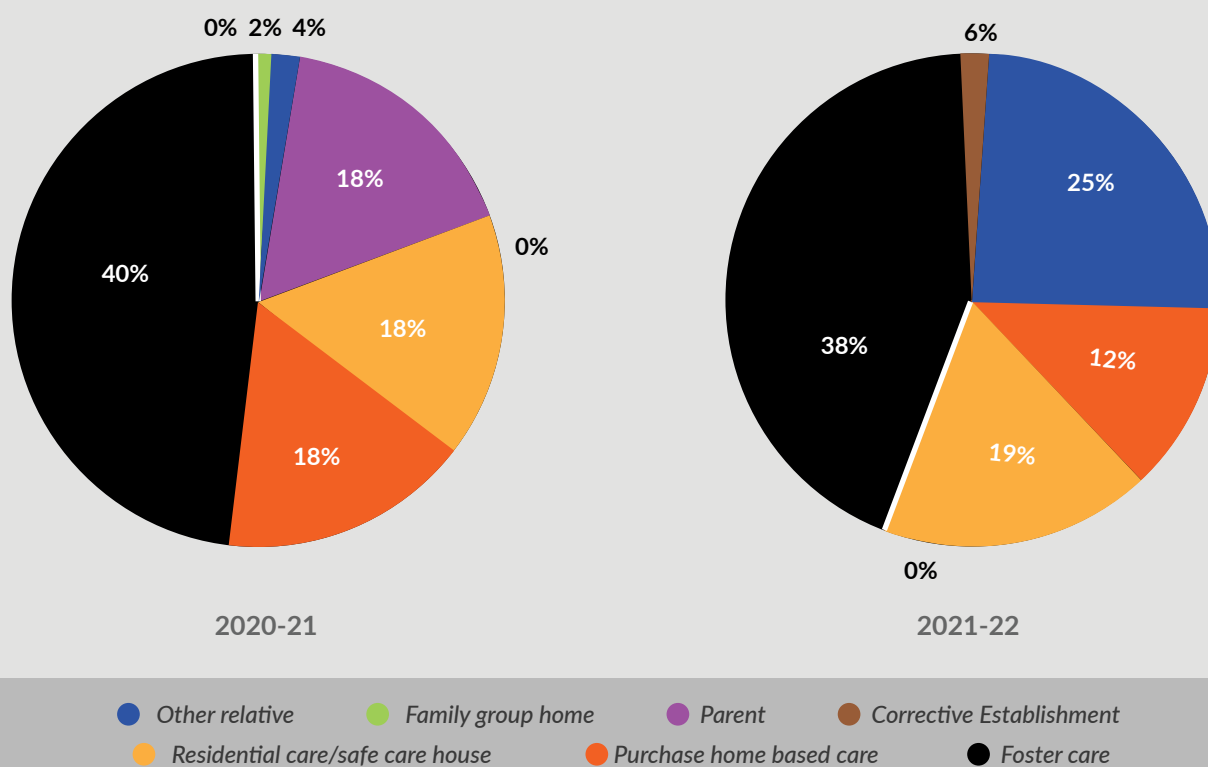


More kid friendly areas
to get kids off the
street or a place to stay/
escape.

¹⁴ TFHC calculate the 42 day investigation period from when the case is 'screened in' to when the case manager enters the outcome of the investigation.

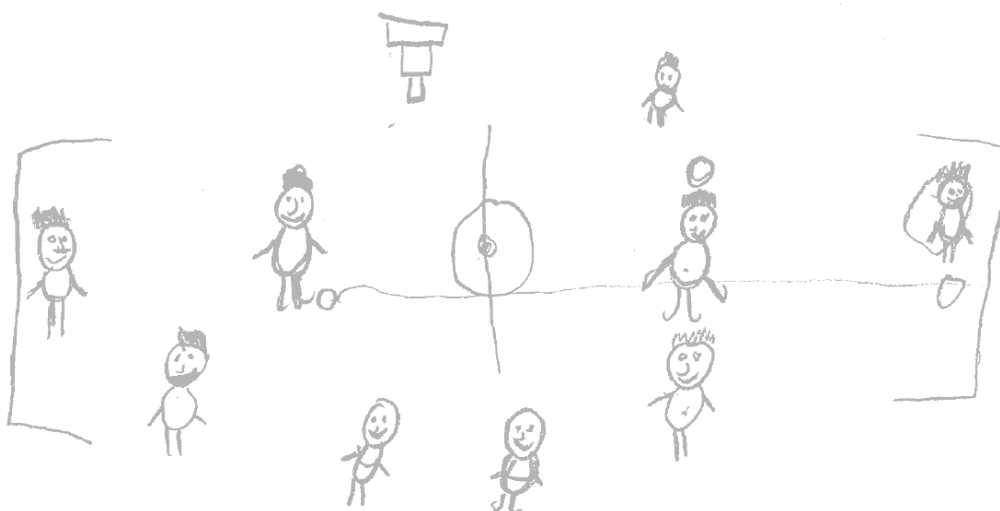
WHERE WERE THE CHILDREN LIVING AND WHO WAS RESPONSIBLE FOR THE HARM OR EXPLOITATION?

Figure 19: Where children were living when harm or exploitation occurred



*Foster and Kinship care placements are recorded under the Foster Care place of care (POC) identification.

Foster care continues to be the highest placement type where harm in care is substantiated (since 2019). The OCC will continue to advocate for the importance of appropriate carer assessments, training, respite and support for carers looking after children with complex needs.*



NOTIFICATIONS TO THE OCC WHEN HARM IN CARE HAS BEEN SUBSTANTIATED – 84C(B)

The CAPCA requires the CEO of TFHC to notify the OCC 'as soon as practicable' of any substantiated harm which has occurred to a child in the care of the CEO.

In 2021-22,
TFHC notified the
Children's Commissioner of
20
instances of substantiated harm as of
30 June 2022.
By 1 September the number
of notifications had increased to 29.¹⁵

19
of these notifications related to
harm substantiated in the reporting
period;
4
notifications related to matters
where harm was substantiated
in 2020-21.

TFHC data provided to the OCC for the purposes of this annual report indicated that harm in care was substantiated 21 times in 2021-22. Therefore there were two cases of substantiated harm which were not reported to the OCC within the legislative requirements.

There has been a decrease of

24

cases of substantiated
harm in care from 2020-21.

While not all 23 notifications were substantiated in the reporting period, the OCC chose to include all notifications in the audit as they had not been provided in a timely manner to be captured in the previous OCC 2020-21 annual report.

The audit of the 23 harm in care instances notified to the OCC, from the substantiation date, found the following:

The average period to
notify the OCC was

120

days, this is
an improvement on
2020-21

The longest period to
notify the OCC was

395

days, no change
on 2020-21

The shortest period to
notify the OCC was

9

days, no change
on 2020-21

¹⁵ Given the legislative requirement for this annual report to be provided to the Attorney General by October 2022, no further notifications could be considered after 1st September 2022.

WHAT HAPPENED WHEN HARM OR EXPLOITATION IN CARE WAS SUBSTANTIATED?

When harm in care has been substantiated TFHC policy requires an assessment of the ongoing safety of the placement.¹⁶

Of the 23 harm in care substantiations provided to the OCC:

- 34% of occasions the person believed responsible was the carer or a previous carer at the time harm occurred.
- 34% of occasions person believed responsible was a parent or family member who was not responsible for their care at the time.*
- 43% of cases the child was removed from their placement when the harm occurred.

In at least three instances, TFHC recommended that a child move to a new placement; however, the child chose to self-place with the person believed responsible for harm or continued to self-place with family. Instances of self-placing rely on TFHC developing safety plans, making referrals to external organisations and communicating between case managers and family in order to retain strong connections and support the safety and wellbeing of the child.

In three instances a family member was found to be the person responsible for the harm to a child in care during unsupervised access with the children. On all occasions family access was returned to supervised access or placed on hold and the appropriate SOS tools were used to assess the harm to the children. The case managers then worked with the family to implement safety plans and recommenced the appropriate access for the children and family.



¹⁶ TFHC Procedure: Responding to Concerns for the Safety and Wellbeing of Children in Care.

* An example of this harm may occur includes when a child is on access visits with family or self-places with family.

AUDIT: HARM OR WELLBEING CONCERNS IN CARE

.....

Last year the OCC commenced an annual audit of the Territory Families Housing and Communities (TFHC) application of the Signs of Safety (SOS) practice framework when monitoring the safety and wellbeing of children in the CEOs care (83B inquiries and 84A investigations).

This audit included reviewing the TFHC Procedure: Responding to Concerns for the Safety and Wellbeing of Children in Care, the guideline on how TFHC are to conduct 83B inquiries and 84A investigations (updated in February 2022) and the use of SOS tools and case information in such inquiries.

This year we repeated a similar but more limited audit due to OCC capacity.

AUDIT CONCERNS FOR THE WELLBEING OF A CHILD IN CARE (83B)

.....

18% of children who were subject to a 83B notification were randomly selected to be included in the audit. *

.....

Of these **96** children, **19** children had notifications which were screened in for inquiry and it is these cases which are the focus of this audit.

The TFHC Procedure: Responding to Concerns for the Safety and Wellbeing of Children in Care includes the requirement for 83B inquiries to:

- Commence within the allocated priority timeframe (within three or five days)
- Include face-to-face contact with the child or children in the placement where harm is being investigated without the carer present
- Include a placement meeting to review decision-making and planning for the child
- Complete an S83B Inquiry: Response to Concerns for a Child in Care document
- Complete a Standard of Care review where the inquiry identifies that the care provided to the child is not consistent with the defined standards of care
- Utilise the Signs of Safety (SOS) practice framework

Audit results

68%
of the 19 children had previous reports for their safety and wellbeing while in care

57%
of the inquiries commenced within the required timeframe

* Children were randomly selected from de-identified CCIS identification numbers provided by TFHC.



create



Children's
Commission

AUDIT RESULT	IMPACT
<p>One inquiry completed the 83B <i>Response to Concerns for a child in care</i> document.</p>	<p>18 inquiries did not have a completed '83B Response to Concerns for a Child in Care' document, in breach of TFHC Procedure. This document is used to collate all the inquiry information and findings. Without its completion it is difficult to see how concerns were assessed. The document is also important to enable future case managers to review information regarding concerns raised for the child.</p> <p>Given this, it is concerning that only one of these documents were completed.</p> <p>In 2020-21, the OCC identified that 83% of cases were in breach and yet this remains outstanding by TFHC.</p>
<p>Nine inquiries demonstrated that children and young people were engaged in face-to-face interviews.</p>	<p>Eight inquiries did not demonstrate face-to-face contact with a child.</p> <p>These cases are in breach of TFHC Procedure Responding to Concerns for the Safety and Wellbeing of Children in Care which identifies that face-to-face contact with a child is key to determining their immediate safety and for gathering information about the alleged care concerns and any further risk to the child.</p> <p>An additional two of the children would not have been able to be interviewed due to their age.</p>
<p>Six inquiries identified the use of age appropriate SOS tools when conducting face-to-face interviews</p>	<p>13 inquiries had a missed opportunity to engage children directly to assess their concerns or 'worries', as well as the concerns from other adults in the child's life in order to identify and build a safety network around the child.</p>
<p>11 inquiries held the appropriate case meetings with relevant stakeholders; however this was not documented appropriately and often difficult to find in the case notes. Eight inquiries did not have clear documentation of the appropriate case meetings taking place.</p>	<p>Of these 11, six carer reviews were conducted by an external out-of-home care service provider. This provider completed an assessment about the carers, in compliance with Part 4 of the <i>Care and Protection of Children (Placement arrangement regulations 2010)</i>.</p> <p>In these 11 cases, case managers were involved with the outcome of the carer reports and recommendations and safety plans were implemented by the TFHC and external care team.</p>

The OCC also holds concerns that:

0 inquiries had completed Standard of Care reviews to deal with specific carer or care concerns. This is a breach of TFHC procedures which directly impacts the ongoing safety and wellbeing of the child

1 inquiry screened in as an 83B determined a child had actually suffered harm (84A). The case manager requested the 83B to be changed to allow for the substantiation of harm, this did not occur.

4 cases had open 84A investigations into which 83B concerns had been referred. It was difficult to determine the case management of the 83Bs concerns that were referred to an open child protection case or an out-of-home care case.

The OCC holds concerns that the TFHC Procedure: Responding to Concerns for the Safety and Wellbeing of Children in Care does not provide any practice guidance or requirement to screen cases back in as an 84A notification when harm in care has been identified during an 83B inquiry. This practice results in TFHC not recording the person believed responsible for the harm on the child's case within CCIS. This indicates that not all harm to children living in out-of-home care is being adequately recorded.

HOW ALLEGATIONS OF HARM AND EXPLOITATION OF A CHILD IN CARE (84A) WERE INVESTIGATED?

Of the total 159 children for whom an s84A investigation commenced in 2021-22, 30 children (19%) were randomly selected for the purpose of an s84A investigation audit.

Of concern 8 (27%) of the 30 children selected had two s84A investigations commenced in 2021-22.

The audit was further refined to completed s84A investigations, reducing the audit focus to 33 s84A investigations relating to 27 children.

The TFHC Procedure: Responding to Concerns for the Safety and Wellbeing of Children in Care outlines the requirements for how an 84A investigation is to be carried out.

AUDIT RESULTS

The living arrangements for children and young people included:



- **foster care**
- **kinship care**
- **residential facilities**
- **parental care**
- **self-placing in an unapproved placement**

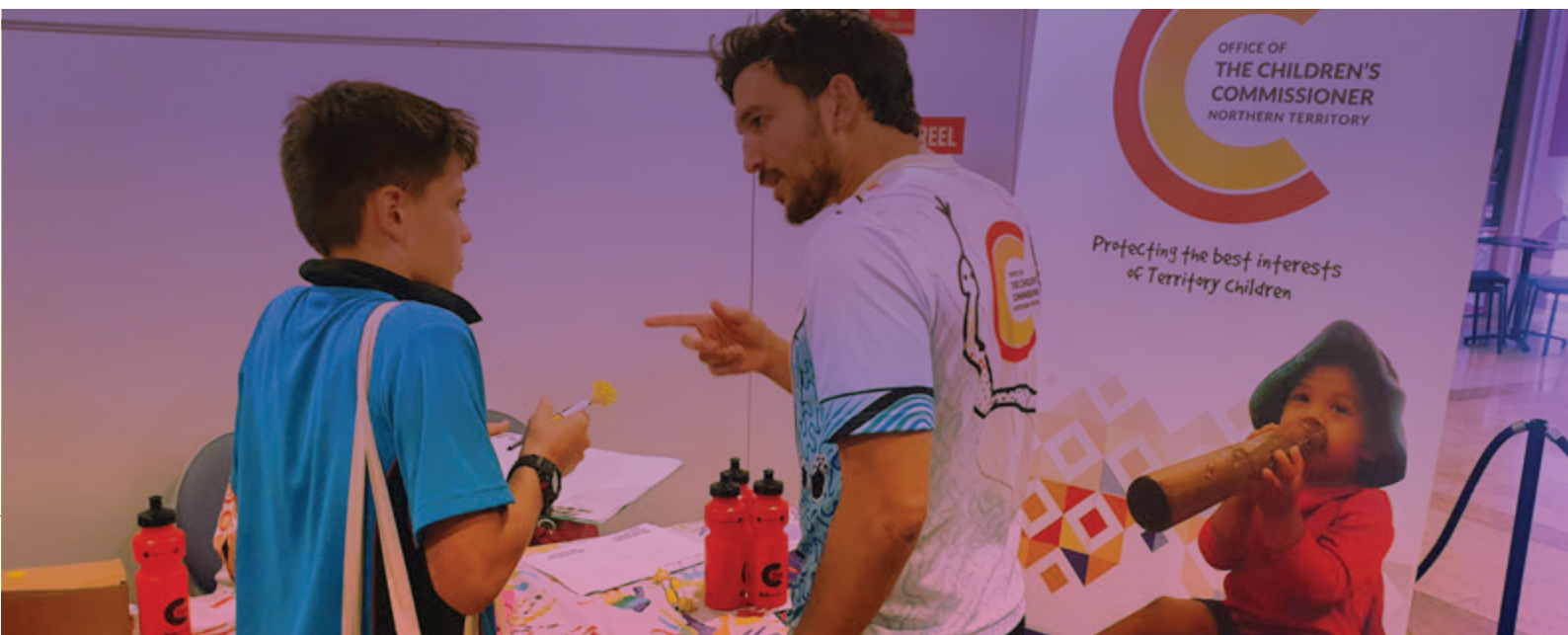
The audit revealed that:

18 children (67%) who were the subject of 22 s84 investigations had more than one prior notification about concerns for their safety and wellbeing while in the care of TFHC.

The majority (**55%**) of the primary harm type assessed within s84A investigations was physical harm to a child or young person.

Appropriate collateral checks were completed for **94%** of the s84 investigations

73% of s84 investigations commenced according to the priority rating within the appropriate timeframe.



I want to work at Tjuwanpa.



Audit conclusion

For the second consecutive year, the OCC remains concerned about children in the care of TFHC CEO who have had notifications relating to their safety and wellbeing.

The OCC supports greater compliance with legislation, policy and adherence to practice standards (i.e. SOS practice framework) when undertaking concern inquiries or harm in care investigations. Many of these children have complex trauma as a result of adverse childhood experiences which required statutory intervention to place them in out-of-home care arrangements. Being subjected to further poor care or harm detrimentally affects these children's physical, emotional and cultural safety and exacerbates trauma.

CASE STUDY – EARLY YEARS AND THE IMPACT OF CUMULATIVE HARM

Cumulative harm has been a persistent theme throughout a significant portion of the OCC's work over recent years. This type of harm is of serious concern to the OCC given its detrimental, long-term effects on children and the impact on a child's opportunity to grow up healthy and thrive in all aspects of their life. Children who suffer cumulative harm experience multiple and persistent maltreatment of varying degrees of severity. The presence of cumulative harm on Territory children is evidenced by the continually high number of repeat notifications, and of more concern, repeat substantiations on individual children year on year.

In 2020-21, 100 children were the subject of more than one substantiation of harm within the year; and 223 children who were the subject of a substantiation in 2020-21 were also subject to a substantiation of harm in 2019-20.

The OCC were concerned about the 35 most vulnerable cohort of children aged 0-4 years who had experienced more than one substantiation of harm in 2020-21. The OCC conducted a review of TFHC involvement with these 35 children. The review in 2020-21 highlighted:

- High levels of domestic and/or family violence (DFV) coupled with alcohol related neglect
- The prevalence of harm indicators present prior to the substantiations occurring and a lack of adequate TFHC response to the multiple substantiations of harm.

For the current reporting period 2021-22, to understand the continued outcomes for these children, the OCC reviewed the files of the same children to understand the outcomes achieved for these children 12 months on.

The 35 children identified in 2020-21 were categorised into three groups based on the initial TFHC response to substantiations of harm:

GROUP 1 – 18 children had their cases closed once TFHC were satisfied that the risk of harm had been addressed i.e. safety plans were in place, family relocated etc.

GROUP 2 – 14 children were referred for Strengthening Families supports

GROUP 3 – 3 children were removed from their homes and taken into the care of the CEO TFHC

The following elements were of focus of the 2021-22 review:

- Any further notifications of harm and how these were assessed
- Child Protection (CP) intervention – investigation, strengthening families or child taken into care
- Case management practice that supports family led decision making and family inclusion in safety planning
- Appropriate and adequate safety plans implemented for all children

Findings



Ongoing themes

High levels of domestic, family and/or sexual violence (DFSV) in the household

Parental concerns relating to alcohol and other drugs (AOD)

Prevalence of neglect - lack of provision of health, education or other services

GROUP 1 - CASES CLOSED - 18 CHILDREN

- 61% (11) children had further notifications in 2021-22, approximately half of these proceeded to investigation.
- 39% (7) children had no further notifications or TFHC involvement in the same reporting period
- Two children had harm substantiated for concerns relating to DFSV and parental AOD.
- The safety plans created in response to the concerns were meaningful and most applied the appropriate tools from the safe and together framework when working with perpetrators and survivors.
- The cases were inclusive and actively sought support from family and applied the basis for family led decision making.

Case study – Positive practice

The OCC reviewed a case from Central Australia where cumulative harm was identified for children within the same family household as a result of serious ongoing DFSV and parental AOD use. The Safe and Together model was applied and family members were consulted and supportive of keeping the mother and children safe. The perpetrator acknowledged the impact of their violence on their family. An appropriate safety plan was implemented and support services engaged to support the family, including healing services. The safety plan was monitored for three months and there was success with the family experiencing a reduction of future risk of harm to the children.

GROUP 2 – STRENGTHENING FAMILIES SUPPORTS – 14 CHILDREN

Only one child had no further notifications.

92% (13) children had further notifications in 2021-22, over half of these proceeded to the investigation stage.

- Two children continued to have open Strengthening Families as the child protection concerns from 2020-21 had not been sufficiently addressed:
 - one child had a further seven notifications during 2021-22; one notification met the threshold for a new investigation, no abuse or neglect was found.
 - one child had a further five notifications during 2021-22, three notifications did not meet the threshold to investigation. Two notifications resulted in a Strengthening Families network and family meeting to create a new safety plan.
- 12 children's Strengthening Families cases were closed in the 2020-21 as TFHC assessed that the risk of harm had been addressed and the safety plan had been implemented.:
 - 11 out of 12 children had further notifications of alleged harm reported
 - 8 children's notifications proceeded to investigation
 - 6 children had investigation outcomes of no abuse or neglect found
 - 1 child's investigation was pending an outcome at the time of the review.
 - 1 child had five notifications of alleged harm reported, two proceeded to an investigation one investigation substantiated harm:
 - ~ the child's parents and family at that time were unable to address the ongoing safety concerns and the child was taken into care of the CEO of TFHC during 2021-22.
 - ~ with the appropriate supports, the child was returned to family within a six month period.

GROUP 3 – PLACED INTO OUT-OF-HOME CARE – 3 CHILDREN

- one child was returned to family within four days once the appropriate and safe family members were identified to care for the child. This decision was made in conjunction with family and the parents. This child has had further notifications of alleged harm since being reunified with family, none met the threshold for investigation.
- one child had two placement changes during their period in care, and has since been reunified with their family and no further notifications have been received by TFHC.
- one child remains in care and with the same carer that her sibling has been placed with since entering care. A clear and up-to-date care plan has been completed with the child and families involvement. This child has had further notifications of alleged harm relating to exposure to domestic and family violence while on access visits with family.

CONCLUSION

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Findings of this review indicates TFHC are working towards improving practice, policy and frameworks for working with this most vulnerable cohort of children. TFHC have taken positive steps to better identify and respond to the impact of ongoing harm or cumulative harm. This was evident in the case management documents examined for this review.

The OCC continue to advocate for the establishment of 'cumulative harm' as a unique harm type within the relevant legislative framework to ensure interventions are in place to assess the immediate and longer-term needs of a child subjected to this type of ongoing and detrimental harm.

The OCC will continue to monitor the review and reset of the Multi Agency Community and Child Safety Teams (MACCST). The role of MACCST in responding to the risk identified for this cohort is important. MACCST aim to deliver more timely and coordinated responses to children and families at higher risks of harm, including identifying and responding early to ongoing or cumulative harm.



UNDERTAKE INVESTIGATIONS AND MONITOR IMPLEMENTATION

When a matter comes to the attention of the Children's Commissioner that is complex or involves systemic issues, the Commissioner has the power to conduct an investigation in accordance with Part 5 of the Children's Commissioner Act 2013. An investigation can commence in response to a complaint or by the Commissioner's initiative (OII).

In 2021-22 the OCC continued to strengthen systemic oversight of youth detention centres through the use of own initiative powers to conduct preliminary inquiries in relation to children under the age of 14 who were detained in Alice Springs Youth Detention Centre and Don Dale Youth Detention Centre. The preliminary inquiries take into consideration all aspects of care provided to the vulnerable child prior to detention, including their care under the CEO of TFHC and Department of Education.

In 2021-22 the OCC conducted 53 OIIs – an increase of 130% from last year.

38 OIIs

relate to children in detention aged under 14 years.
A summary of these OII's is located on page 63

1 OII

relates to systemic issues for children's wellbeing in youth detention

14 OIIs

relate to OCC concerns about individual children

Three main concerns evidenced in the investigations relate to a failure of the service provider to:

- provide a service to a standard reasonably expected for children in youth detention
- implement a therapeutic framework across child protection and youth justice
- provide early child protection interventions resulting in multiple types of harm experienced by children.

WHO AND WHAT WERE THE OIIS ABOUT?

The OCC looked into matters where there are concerns about:

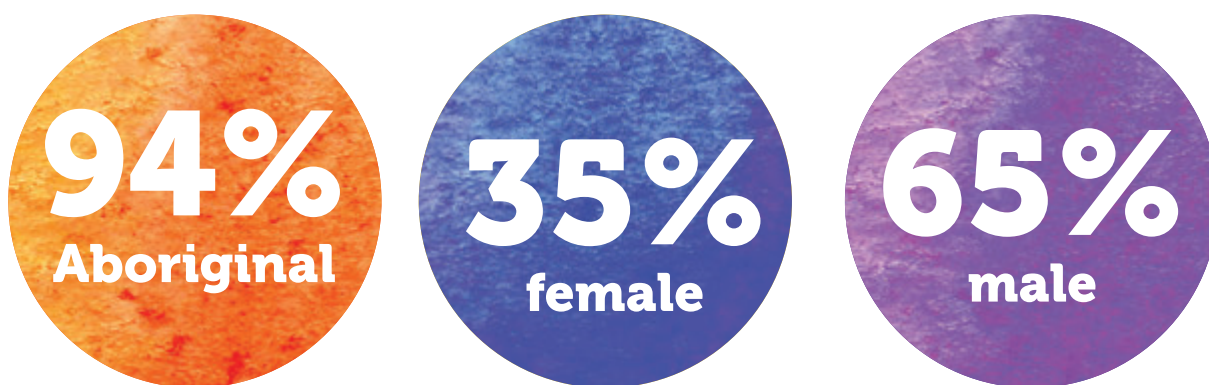
- an incident that occurred to a child
- a child potentially experiencing harm due to the failure of a service provider

14 of the 53 investigations related to the Commissioners concerns about individual children:

- 4 matters related to the alleged treatment of a child by a service provider resulting in harm to the child
- 4 matters related to self-harming behaviours or increased risk of self-harming behaviours of children in detention
- 2 matters related to policy and practices in place for 'children who are parents' in detention
- 3 matters related to alleged breaches of policy and procedure by service providers to vulnerable children
- 1 matter related to concerns about services failing to provide for the child's wellbeing.

One OII related to a systemic issue and was initiated after a large number of complaints were raised about concerns for the wellbeing of children during February 2021 and October 2021 at Don Dale Youth Detention Centre. This information has formed an extensive investigation which is currently pending publication.

WHO WERE THE CHILDREN



98% of the investigations were in relation to children in child protection and/or youth detention

CHILDREN AGED UNDER 14 YEARS IN YOUTH DETENTION AUDIT

During May 2021, the NT introduced the *Youth Justice Legislations Amendment Bill* to amend the *Bail Act 1982*, the *Youth Justice Act 2005* and the *Bail Regulations 1983*. The purpose of the legislative changes was to reduce youth offending while on bail, make families more accountable for children who commit offences and ensure children face consequences for their actions.

The OCC raised concerns about the effect these changes would have on children aged 10-14 years, entrenching them within the youth justice system rather than providing a more appropriate response to welfare issues.

During 2021-22 the OCC began to see increasing numbers of children aged 10-14 years cycle through youth detention facilities in the NT.

The OCC decided to conduct an Own Initiative Investigation into this group of children to understand why this was occurring and if similar themes emerged about their childhood; exposure to trauma, lack of safe home environment, complex health or behavioural concerns.

The OCC audit sought to understand:

- Who are these young children coming into contact with the youth justice system
- What was happening for them prior to admission

The OCC audited a sample of admissions to youth detention for all children aged under 14 years during 2021-22.

Who are these children

52

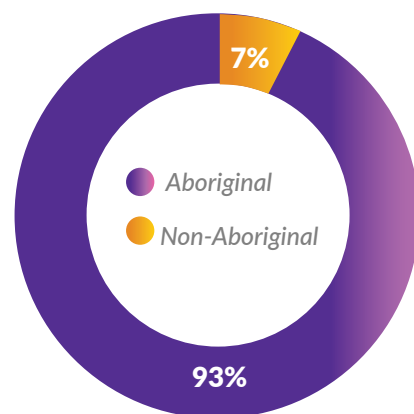
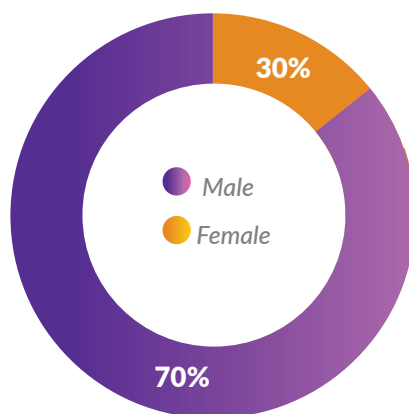
children aged
10-13 years were
admitted to youth
detention
in 2021-22

27

children were the
subject of the
OCC audit

Of the 27 children;

1 was 10 years old
3 were 11 years old
6 were 12 years old
17 were 13 years old



WHAT IS THEIR CARE EXPERIENCE?

The OCC examined CCIS (child protection record system) records for the 27 children from birth to current age when admitted to detention.

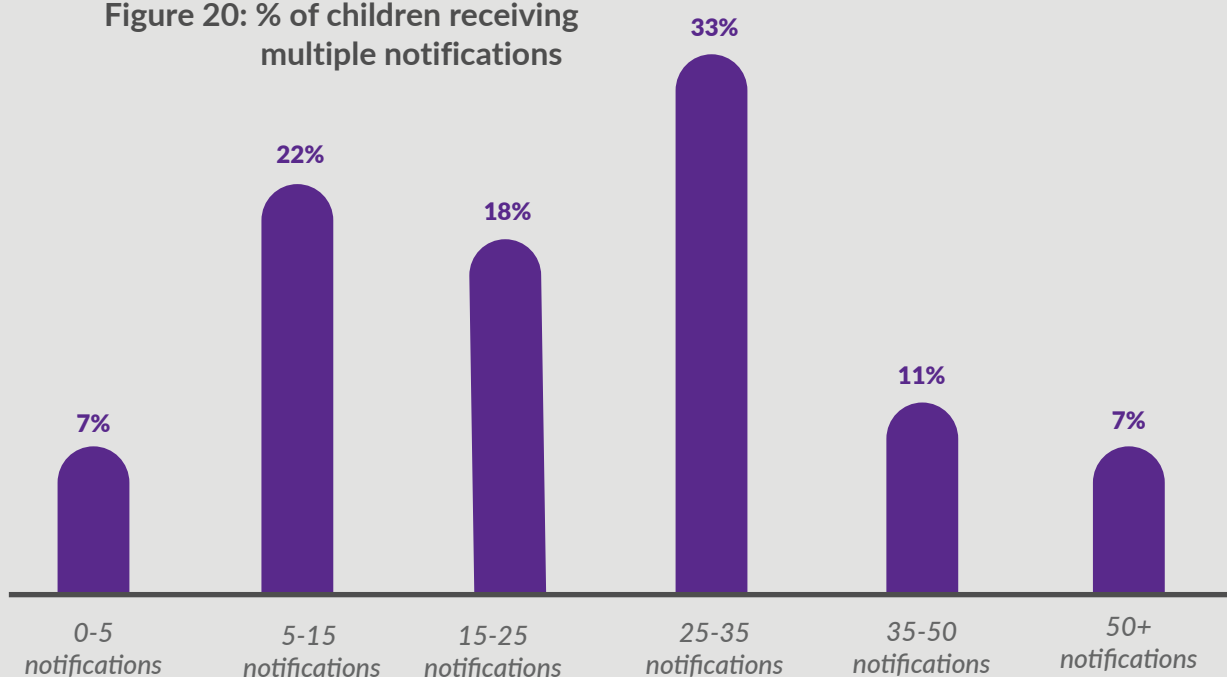
All 27 children had a level of involvement with child protection, some with significant substantiated harm.

In total, 691 notifications about these 27 children were made to THFC across their childhood.

30% of these notifications were screened in for investigation by TFHC

56 of these notifications were substantiated for harm.

Figure 20: % of children receiving multiple notifications



One child had 60 notifications spread through their childhood.
 One child had 8 instances of substantiated harm.
 Only 4 children had 10 or less notifications made to TFHC throughout their childhood.

THEMES OF HARM EXPERIENCED DURING CHILDHOOD

The audit revealed all children have experienced significant trauma or exposure to traumatic events throughout their childhood.

- 96% (26) of children had notifications for neglect
- 63% (17) of children had notifications for physical harm
- 74% (20) of children had notifications for emotional harm
- 89% (24) of children had domestic and/or family violence as a contributing factor to notifications.
- 85% (23) of children had a parent(s) misusing alcohol and/or other drugs
- 93% of notifications listed concerns about a child experiencing inadequate care or supervision

In terms of concerns about the children's health:

- 37% (10) of children presented with alcohol and other drugs concerns
- 18% (5) of children had volatile substance abuse concerns.

Cumulative harm

100% of children reviewed in the audit were subject to multiple types of harm notifications.

On average, each child had 6 concerns raised in relation to the parameters mentioned above.

The children subject to this audit demonstrated exposure to multiple adverse childhood experiences (ACEs). Adverse Childhood Experiences (ACEs) describe the cumulative effect of maltreatment (physical, sexual, and emotional abuse, and physical and emotional neglect) and household dysfunction (parental separation, domestic violence, mental illness, substance abuse and incarceration).

Missed opportunities to respond to child safety concerns or provide timely wrap-around supports can lead to poor pre-frontal cortex development, cognitive delays and complex behavioural and health issues in children. Children who experience trauma or grow up in chaotic environments without support or protection become more vulnerable to the risks of entering the justice system.

MONITORING PLACES WHERE VULNERABLE CHILDREN LIVE

In 2017 the Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission) produced its final report. That report detailed extensive failings in the NT child protection and youth justice systems. The recommendations contained in the report were designed to achieve a fundamental overhaul of the child protection and youth justice systems. A key aspect of the Royal Commission's recommendations related to the need for strengthened accountability mechanisms in both systems. The final report recommended the OCC conduct independent monitoring of youth detention facilities, residential care facilities and other places that are required to be compliant with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT).¹⁷

Yet another year has passed without the OCC being provided with the legislative functions required to enable the OCC free and unfettered access to places where young people are detained.

Since 2019, the Children's Commissioner has conducted annual independent monitoring of NT youth detention centers and regular independent monitoring of other residential facilities with the cooperation of service providers.

SAFE CARE FACILITY MONITORING

During 2020-21, the OCC conducted its first monitoring visit of TFHC's Safe Care facility in Darwin which was established in May 2020.

Safe Care is secure accommodation used in exceptional circumstances for children and young people in out-of-home care who present a significant risk to themselves and/or others. The purpose of Safe Care is to provide a stable and predictable environment to address complex behaviours.

The OCC inspected the facility, spoke with young people accommodated there and interviewed staff and service providers. The OCC examined the standard of care provided and the quality of services delivered by various government and non-government providers. Released in October 2021, the Safe Care facility monitoring report outlined key findings and made 23 recommendations. Some findings include:

- While Safe Care facility is in the early phase of implementation, findings show that TFHC were not operating in either of the two therapeutic models of care set out in the operating manual.

- The lack of a comprehensive therapeutic model of care, and associated policies, procedures and training of staff presented a major concern for the OCC.
- The physical environment operated and felt like a facility instead of a home-like environment, with minimal child-friendly information or care planning for young people.
- Safe Care facility did not develop a clear plan on how to exit young people from Safe Care to a less restrictive placement.
- The procurement of an independent consultant to thoroughly integrate a clinical model of care is a key recommendation. This would include formalised training of staff, embedded evaluation strategies, independent monitoring and oversight.

The OCC will continue monitoring the implementation of the recommendations from the Report.

The OCC thanks the young people at the Safe Care facility who were interviewed, TFHC, the Australian Childhood Foundation and the Department of Health for their cooperation and collaboration with the OCC throughout the monitoring process.

YOUTH DETENTION CENTRE MONITORING

Territory Families, Housing and Communities (TFHC) is responsible for children detained in youth detention centres in the Northern Territory. The OCC monitors:

- **Service provision**
- **Living conditions**
- **Adherence to legislation, regulatory and policy standards**

This scrutiny is applied to the seven formal monitoring domains:

- **Treatment**
- **Protection**
- **Living environment**
- **Activities and contact with others**
- **Medical services**
- **Staff**
- **Culturally appropriate and responsive**

Independent monitoring ensures TFHC and those working in the youth detention centres maintain a continuous improvement approach to keeping children safe through accountability, competency and integrity.

2021-22 MONITORING OF NT YOUTH DETENTION CENTRES

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In October 2021 the OCC reported on its **third** round of independent annual monitoring of Don Dale Youth Detention Centre (DDYDC) and Alice Springs Youth Detention Centre (ASYDC). These monitoring reports were tabled in the NT Legislative Assembly and are shared on the OCC website.

The OCC examined the operation of DDYDC and ASYDC, speaking to:

- Children
- Territory Families, Housing and Communities staff
- Danila Dilba Health Services
- Department of Education

The OCC found the following themes across both youth detention centre:

- **Therapeutic care:** the absence of a therapeutic model of care to guide centre operations. This has been an ongoing recommendation from the OCC since 2019 and is particularly evident when examining staff responses to behaviours of concern and children at risk of harm to self.
- **Staff shortages:** evidence gathered by the OCC suggests that this issue was exacerbated by a significant increase in detainees held at DDYDC which has critically affected the centre's capacity to provide children with access to basic services such as education and medical. Staff shortages result in frequent, rolling lock downs resulting in children being isolated from others in their cells for extended periods of time.
- **Children at risk of self-harm:** the management of children in DDYDC at risk of self-harm is an ongoing concern for the OCC. It was found that children had been left in their cells isolated from others without therapeutic care for up to 23 hours and 45 minutes per day while waiting for medical assessment.
- **Improvements in case management:** The OCC noted there has been an increase in case management plans for children in DDYDC since the OCC monitoring in 2020. It was positive that during the monitoring period, all children had a current and comprehensive case plan.

Together with the ongoing recommendation of an evidence based therapeutic model of care, the OCC Monitoring Report in October 2021 made 25 recommendations. These included the need for:

- Staff to be educated in developmental trauma,
- Face-to-face education be provided to **all** children
- An Aboriginal advisory group to inform the audit of the centres Aboriginal Cultural Security.

As of 30 June 2022 all 25 recommendations were reported as 'in progress' by the responsible service provider.

The OCC met with and spoke to a number of children in DDYDC and ASYDC who shared their experiences in and outside of detention. Their views and experiences informed the findings and recommendations of these reports, and will continue to guide the work of the OCC. The OCC would like to thank these children for their time and contributions.

The OCC would also like to thank TFHC staff, DDHS staff and other service providers for their continued support and cooperation during the monitoring activities conducted by the OCC.

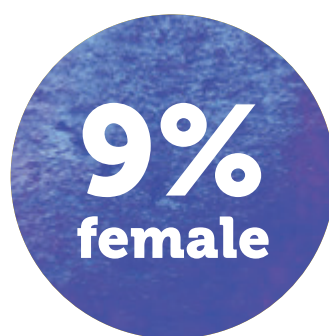
2022-23 MONITORING

The OCC is currently undertaking monitoring of DDYDC and ASYDC. These reports will be developed in the context of the implementation of the proposed Model of Care for youth detention, and published on the OCC website in the next reporting period.

The OCC has completed formal monitoring of the NT CASPA residential care service and will report on findings and recommendations in the next financial year.

OVERVIEW OF CHILDREN IN DETENTION

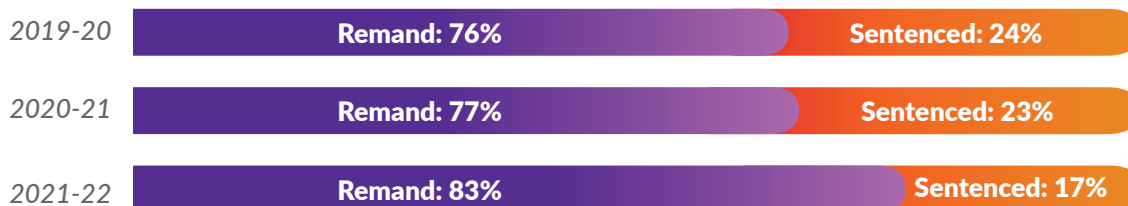
On average over 2020-21 children in youth detention



On average over 2021-22 children in youth detention



Percentage of children on remand and sentenced



Average number of children on remand per month:



TRENDS IN DATA

- Significant increase in the unique number children in detention
- Increasing number of girls

In May 2021, the Northern Territory Government introduced youth justice legislative reforms to the Bail Act 1982 (NT) which have resulted in a significant increase in the unique number of children being exposed to youth detention.

Figure 21 shows the number of unique children entering youth detention increased 184% from June 2020 (before introduction of the legislative changes) to June 2022.

Figure 21: Unique Children on remand for the month



The significant increase in the number of children exposed to detention is of extreme concern to the OCC, particularly given the increased number of younger children in this cohort. As a result the OCC undertook a sample audit of children aged under 14 years entering detention to understand their circumstances leading up to their involvement with the youth justice system. The results of this audit are located on page 63. Evidence is clear that place-based early supports for children and their families achieve far better results than detaining children.

The OCC will continue to promote evidence based policy approaches to community safety and monitor the collection and reporting of evaluation data associated with the May 2021 youth justice reforms during the 18 month review period committed to by the NT Government which expires in October 2022.

Data also shows a slight increase in the number of girls who are being detained. The OCC will continue to monitor programs and services provided to girls in both Alice Springs and Darwin youth detention centres.

USE OF SEPARATIONS

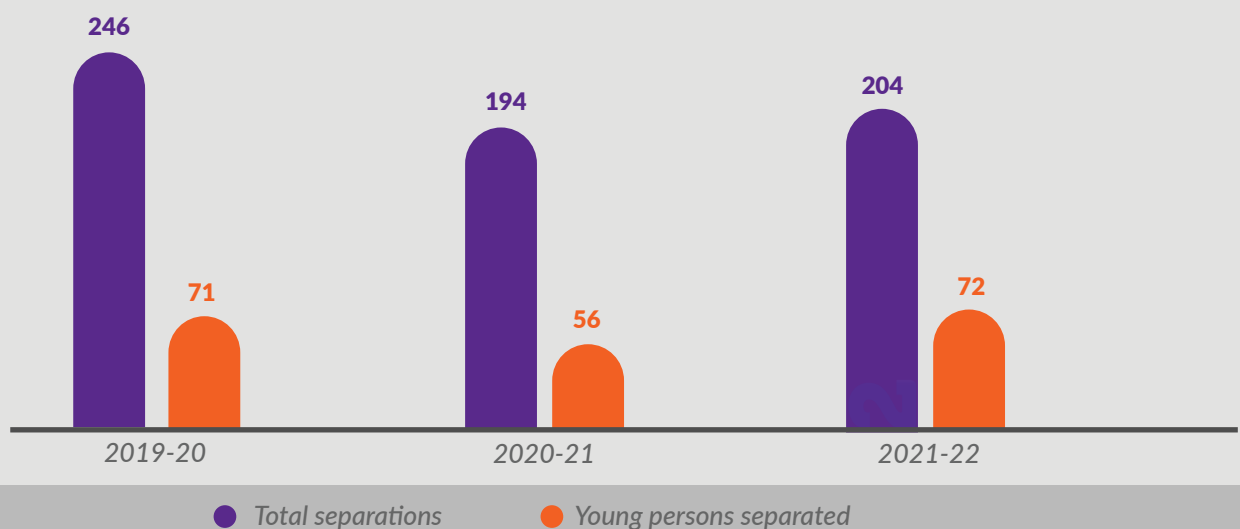
The use of separation, segregation or isolation is a punitive and restrictive practice that is at odds with a therapeutic model of care. It is not culturally safe and is re-traumatising for children in detention.

What is separation? Separation is when a child is segregated or isolated from others. Strict protocols exist governing the use of separation on children in detention. Including rules about monitoring the child's wellbeing, recording monitoring, requirements about who to notify and what staff need to do during the period of separation etc. The 2017 Royal Commission recommended these requirements based on evidence about the traumatisation children experience as a result of being locked in their cell alone.

During 2020-21, the OCC made submissions to the Review of the Mental Health and Related Services Act 1998 and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability highlighting the detrimental effects of the use of separation on children and children in detention in the Northern Territory.

For this reporting period, the OCC was notified of 204 instances of separations relating to 72 young people.

Figure 22: Instances of separations and numbers of young persons separated in 2019-20 to 2021-22



Don Dale Youth Detention Centre

Alice Springs Youth Detention Centre

2020-2021

43 children
separated**131**
times

2020-2021

19 children
separated**63**
times

2021-2022

58 children
separated**173**
times

2021-2022

14 children
separated**31**
timesFor **2021-22** - one young person was separated **21** times

The informal monitoring of youth detention centres in October 2021 drew the OCC's attention to an evident regime of isolation in cells for children in Don Dale Youth Detention Centre. Preliminary inquiries revealed the escalation in the number of children isolated in their cells related to two main reasons:

- formal separations
- rolling lock downs of children. Lockdowns were implemented due to staff shortages and in order to meet staff to child security ratios.

Distinguishing a separation, which has strict legislated protocols and oversights established to safeguard children, as different from 'lockdowns' is problematic as the strict separations protections are not being applied. Isolating children in their cells or routinely segregating children is a punitive, coercive tool that reinforces a child's trauma experience.

As a result of a large number of complaints received in relation to the use of separation, together with the preliminary enquiries, the OCC undertook an own initiative investigation into Don Dale Youth Detention Centre in 2021. The draft report is pending publication.

Young people not
having job opportunity,
and start to be on
the wrong pathway
for example, Break in,
sniffing petrol etc.



PROMOTING CHILD RIGHTS AND INFORMING PUBLIC DISCUSSION

Everything the OCC does is guided by the views, experiences and ideas of the Territory's children and young people. Ensuring the meaningful participation of young people in decision making creates stronger and safer communities to the benefit of everyone. Ensuring the voices of young people are heard and acted upon is also imperative to our obligations within the United Nations Convention on the Rights of the Child (UNCRC).

United Nations Convention on the Rights of the Child: Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

This year the OCC continued to hear from young people across the NT about life in their communities, what was and wasn't working for them and how their lives could be improved.

CONSULTATION SUMMARY

Informal monitoring of youth detention centres

During 2021-22, the OCC conducted 27 visits with young people in Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre. OCC staff engage with young people to hear about their concerns, their wellbeing and the care they receive.

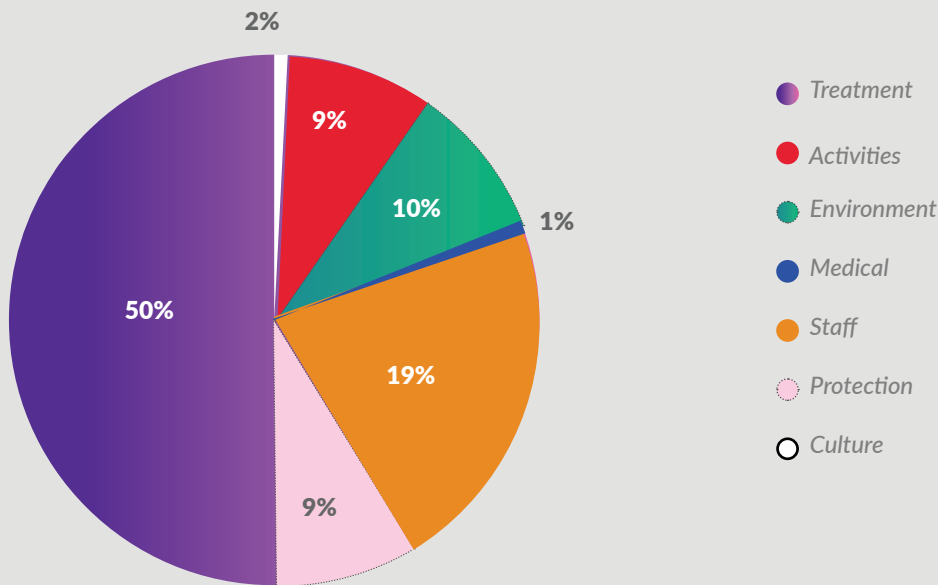
Regular visits mean OCC staff can build rapport with young people in order to create an environment where they are comfortable to raise issues with us. OCC staff encourage voluntary engagement through confidential and child friendly processes.

Consistent visits to the detention centres from OCC staff allow young people to know about their rights in detention, provide them with external independent complaints processes and encourages them to speak up if they aren't being treated how they should be.

Information from these visits are recorded against the 7 domains used in the formal monitoring framework. For more information on OCC formal monitoring and the domains see page 67.

This year young people felt comfortable to raise **278** issues with OCC staff during these visits.

Figure 23 : 278 issues raised by young people with the OCC



Half of these concerns related to the treatment of young people while in detention. Within the formal domain monitoring, 'treatment' is measured against:

- Physical restraint
- Use of force
- Separation
- At risk procedures
- Searches
- Behaviour management system
- Therapeutic programs and interventions
- Leaving detention planning
- Education

Of these complaints, the top 3 areas of concern for young people were:

- Separations, segregations and rotational lockdowns (22%)
- Behaviour management system (20%)
- Lack of therapeutic programs/interventions and education (14% each)

100% of the complaints about separation/segregation and rotational or rolling lockdowns related to poor staff levels.

The OCC previously reported lockdowns and segregations due to low staffing was an emerging issue. Unfortunately, during this financial year the OCC found an increase in these instances. The use of segregation as an operational tool for Don Dale Youth Detention Centre is a breach of young people's rights while in the care of TFHC. Periods of separation or segregation experienced by young people due to low staffing levels is both punitive and at odds with their therapeutic and rehabilitative needs. For more information on separation, see page 71.

The OCC's youth detention centre monitoring for 2019, 2020 and 2021 has reported on the absence of a therapeutic model of care and the detrimental impact this has on protecting and caring for vulnerable children. Positively, at the time of writing this report THFC released a Model of Care for young people in detention, the OCC will report on the implementation of this model in the next reporting period.

COMMUNITY ENGAGEMENT

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Palmerston consultation

The OCC held consultations with Palmerston College students in October 2021 to hear about their lives and experiences in the Top End. We engaged with over 100 students and heard a range of views:

- Young people in Palmerston have a strong sense of self and can articulate their aspirations.
- They want to learn and do well but sometimes there is a bad atmosphere at school or violence in the community.
- There should be more diverse activities for teenagers that are affordable for everyone and tailored to their interests.

Central Australia consultations

In June 2022 the OCC travelled to the remote communities of Ntaria (Hermannsburg), Areyonga (Utju) and Papunya, in Central Australia. We engaged with over 80 young people in these communities through school, MacYouth MacDonnell Ranges Regional Council recreation activities and Youth Advisory Groups.

This is what young people told us:

Areyonga:

- Young people loved the bi-lingual school, with culture, community members and language being part of the learning environment.
- Teenagers found it hard that there were no high school options close to Areyonga.
- More facilities were needed for young people to learn skills and practice cultural activities in safe spaces for males and females.

Ntaria:

- Young people didn't like the fighting in community.
- More spaces were needed for young people to spend time.
- They appreciated the basketball courts and sporting facilities that were available – but would love grass on their oval for football.

Papunya:

- Young people like the youth services in Papunya and organised activities like sports.
- They were upset about people stealing from the school
- A swimming pool would make Papunya a much happier place for young people to spend time!

EVENT/ACTIVITIES

.....

In 2021- 22 the OCC engaged with 1,591 children (and over 2,400 people in general) at events and activities across the Territory.

Aboriginal and Torres Strait Islander Children's Day

Our first annual celebration of Aboriginal and Torres Strait Islander Children's Day was held in Darwin in August 2021, hosted by the OCC in partnership with local organisations such as Larrakia Nation and APO NT.

Other events and activities

The OCC attended multiple events and activities throughout 2021-22, engaging with community members and services, connecting with stakeholders and promoting child rights and voices.

Thank you to everyone that spoke to us regarding the issues facing children and young people and to those who shared their ideas about how to make the Territory a better place for young people.

Community engagement by the OCC in 2021-22 included: NAIDOC celebrations in Darwin, CREATE Foundation Youth Advisory Groups, Couch Surfing Darwin, Katherine Youth Action Plan, Democracy Dash Darwin & Alice Springs, Reconciliation Week Family Day in Casuarina, and regular presentations and stakeholder meetings regarding child rights and youth matters across the NT.

Social media

- **5% increase in total Followers: 4,040 (Facebook, Instagram, Twitter & Mailchimp)**
- **9.5% increase in Facebook reach**
- **55% increase in Instagram reach**
- **181 posts on social media**

Live in Ntaria work at tjuwampa.
Play early when I grow up

SUBMISSIONS

Children's voices and views form the basis for the OCC's strategic policy and advice to government and service providers. OCC submissions address a broad range of systemic and emerging issues relating to the safety and wellbeing of children. Every submission calls for decision-makers to encourage and facilitate the participation of children in processes and practices about matters affecting them.

Throughout 2021-22, the OCC made submissions on the following topics:

United Nations Special Rapporteur on violence against women

- Indigenous women and children experience of violence
- Domestic, family and sexual violence
- Community attitudes and service provision capacity

Inquiry into social media and online safety

- Over consumption of online content linked to poor mental health
- Child friendly complaints processes
- Child safety and data collection

Draft National Plan to end violence against women and children 2022-23

- Children's rights and recognition of guiding principles
- Unique targets and measures for children and young people

Care and Protection of Children Amendment Bill 2022

- Multi-agency community and child safety framework
- Information sharing framework and provisions
- Aboriginal family led decision making

Northern Territory Disability Strategy and Action Plan

- Incorporation of children with disability participation
- Children in youth detention facilities

E-Safety Commission age verification roadmap to mitigate access to and harms associated with young people's access to online pornography

- National principles for child safe organisations
- Culturally safe and responsive measures and education

Review of the Information Act 2002

- Administration of exemption for independent statutory bodies
- Informed consent
- Information sharing

Department of Education's Education Engagement Strategy

- Results from OCC 2020-21 consultation project
- Integrated community, inclusive and flexible learning
- Trauma-informed teaching
- Partnering curricula, community and future aspirations

TFHC Domestic, Family and Sexual violence Framework Action Plan 2 Discussion Paper

- Recognising children as victim survivors separate to adults
- Including children in implementation processes and evaluation

Review of Part 7 of the Education Act 2015: regulation of non-government schools

- Adoption of National Principles for child safe organisations
- Inclusion of provisions and standards for suspensions, exclusions and expulsions

Draft 10 year Generational Strategy

- Aboriginal led decision-making and responsibility
- Coordinated strategies and evaluation

Joint Submission with Anti-Discrimination Commission on OPCAT Amendment Bill 2022

- National Preventative Mechanisms
- Complement existing oversight systems
- Legislated powers, functions and resources

NT Youth Justice Model of Care

- Cultural responsiveness
- Positive behaviour reinforcement system
- Children's participation in system processes and design
- Aboriginal led governance

CHILDREN TOLD THE OCC:

EDUCATION

"Yeah I don't come to school very often, just 1-2 days" **Female, 13 years**

"[Drugs and alcohol] Yeah, everyone does it at young ages. I see it and some people come to school and do it here. It affects their schooling or they'll go an leave school"

Female, 14 years

"We also have the career experts. More of that" **Female, 15 years**

"I used to go to Clontarf but I didn't want to go anymore. They keep us safe. Sometimes if you're having a bad time in school, they stay behind and help you. They are very comfortable to talk around. If you get in trouble, they won't be angry you can talk about it."

Male, 14 years

COMMUNITY

"I do know a few [kids] who have changed homes. First they need to adjust to their home coz it's a big process going from family to a new home, new life and home. Adjusting process at school, your marks go down. They need a time period for them to adjust." **Male 14 years**

"Boring. There's not many things to do, besides hanging out with your friends. "

Female, 14 years

"Events that bring people together. Everybody comes down. Everybody gets along together its chill and safe." **Male, 13 years**

SAFETY

"Alcohol is a big problem – they hit children when they're not in their right mind. They kick them out when they're not in the right head space." **Female, 13 years**

"We were homeless for 11 months....we were kids...If I look back now I can see my parents found it hard to deal with, but we were there for each other. Some nights were tough."

Female, 15 years

FUTURE

"Future. We can make a difference. It's also up to the adults and how they leave the place for us to make a difference." **Male 14 years**

"Sometimes it is a bit hard to find your first job. Coz there's other people here with more experience." **Female, 15 years**

MENTAL HEALTH

"Bullying is really bad. Anxiety of it and school itself, it's hard and scary."

Female, 14 years

"I'm looking forward to meeting new people and becoming friends. Achieving goals and not being at school."

Female, 14 years.

CULTURAL STRENGTHS

"live with mum and dad, I like living here (Ntaria). Live with 5 people. Live in one of the new houses that got built a couple of years ago. Got more space." **Male, 13 years**

"I Live in ntaria, I feel happy when I stay here. [I want to] Work for Wanta, play softball, work at the shop, sell art to tourist. Be single. Buy a car, get license. Travel to different community, take friends to alice springs." **Female, 12 years**

"Go fishing. Do stuff on country." **Male, 13 years**

"I like the culture, the people." **Male, 15 years**

"Welfare stopped me getting in trouble in Nhulunbuy. They took me to do fishing in the morning, and take me to the swimming pool. And we always go to do shopping" **Male, 13 years**

"Learning about culture, getting a future, go back with families to the bush." **Male, 15 years**

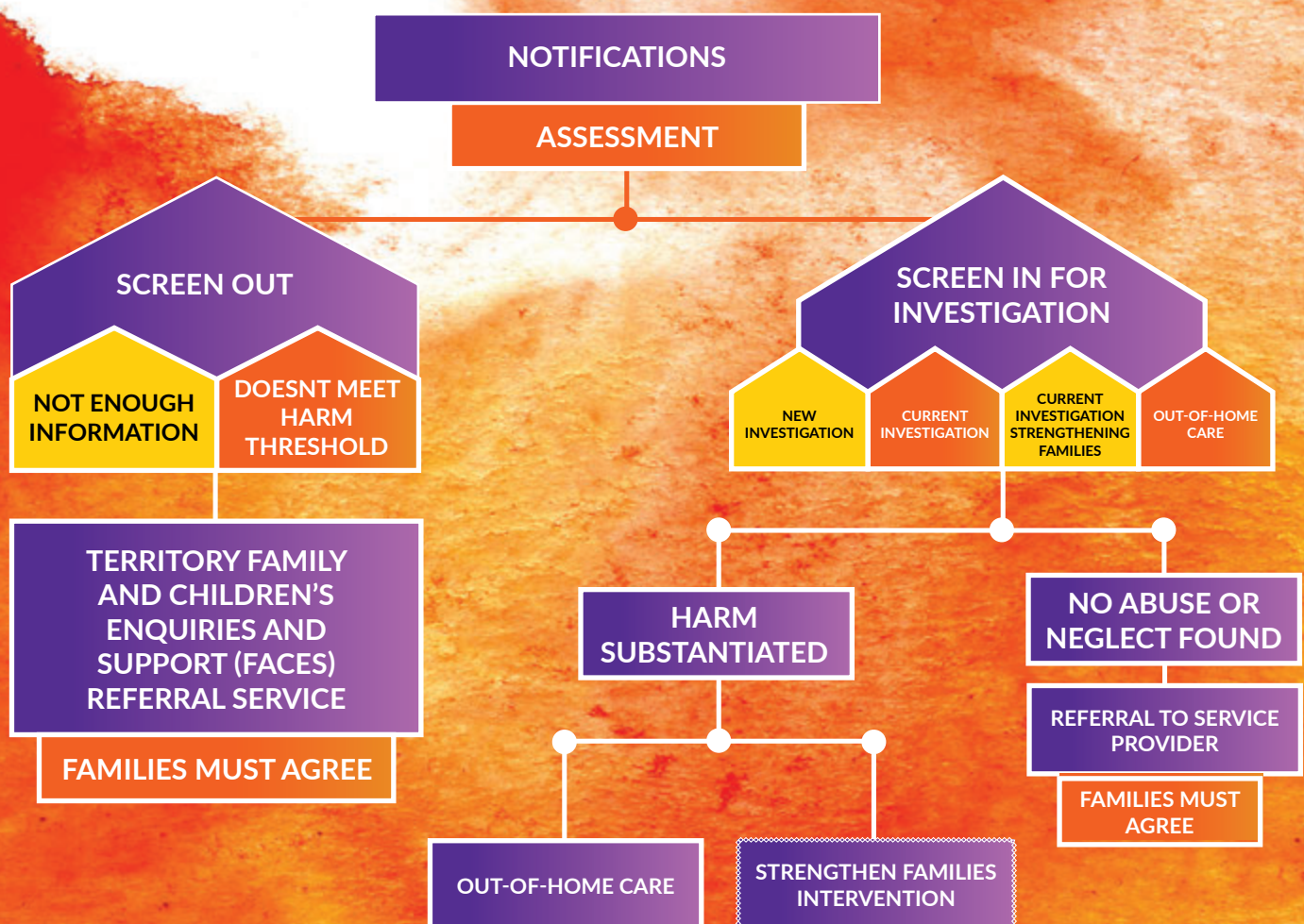
"More grass, more flowers more green." **Male, 10 years**

"Its good, live with my family, I lived here since long time ago. Play soccer, work with macyouth, going camping, going to rockholes" **Female, 12 years**



APPENDICES

APPENDIX 1: TFHC NOTIFICATION ASSESSMENT PROCESS



APPENDIX 2: OFFICE OF THE CHILDREN'S COMMISSIONER KEY PERFORMANCE INDICATORS

KEY PERFORMANCE INDICATOR	2020-21 ACTUAL	2021-22 TARGET	2021-22 ACTUAL
Complaints and enquiries handled	408	200	579
Community education and awareness sessions delivered	163	120	105
Monitoring rounds – places where young people are held involuntarily	4	4	3

More kid friendly areas
to get kids off the
street or a place to stay/
escape.



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