

**IN THE ROYAL COMMISSION INTO
INSTITUTIONAL RESPONSES TO
CHILD SEXUAL ABUSE
AT DARWIN**

SUPPLEMENTARY STATEMENT

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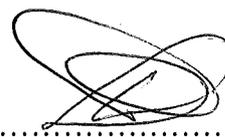
Date **25 September 2014**

1. I have listened to statements of the survivors and the staff at Retta Dixon over the last four days. I have also reviewed the statements by Professor Bamblett and the Northern Territory Children's Commissioner.
2. I have been personally moved and saddened by the testimony of participants. They should know that there are employees of the Department of Children and Families who have been listening to their accounts and explanations, and their views on what would have made a difference. These DCF staff are committed to providing a safe and high-quality out of home care system in the Northern Territory, and the courage shown by participants in the hearing this week has provided additional motivation within DCF to do things well.
3. Overwhelmingly, I have been struck by the lack of systemic protections for the residents at Retta Dixon, the limited scrutiny by those in positions of authority and the fact that the children did not have forum or avenue by which to raise these very serious allegations, and to have somebody in authority listen to them. The sense of powerlessness those children faced is very pervasive. For the reasons detailed in my first statement, current out of home care arrangements in the Northern Territory are far removed in structure, purpose and operation from the Retta Dixon Home.
4. The statement by Professor Bamblett makes some observations concerning the Northern Territory Child Protection System, informed by her involvement in the Board of Inquiry Report four years ago. However, there have been significant developments in child

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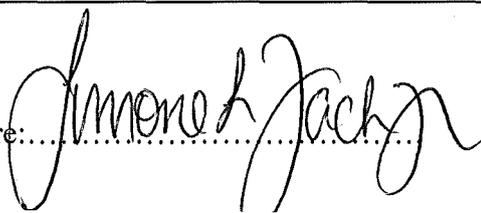
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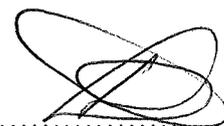
protection over the last four years, most notably in out of home care. Before detailing those developments, I would make two general observations.

5. First, in the broader sense issues of child protection are universal. However those issues must be addressed in the specific context in which they arise. The Northern Territory context is unique in terms of culture, limited access to services, and the challenges to service delivery. This is a point of difference that has been the subject of numerous enquiries and reports. The Northern Territory population is spread over 1.3 million km². Its population includes approximately 63,000 children, 44% of whom are Indigenous. Indigenous children represent 84% of children currently in care. One consequence of this proportion is that cultural planning is a mainstream activity in the Territory child protection context. This may be compared to the Victorian experience, where 14% of children in care are indigenous. Although a high proportion of children in care in the Northern Territory are Indigenous, the rate of Indigenous children placed into care as a proportion of the total Indigenous child population is lower than that of other jurisdictions.
6. Secondly, safety is not subservient to the Aboriginal child placement principle enshrined in Northern Territory legislation. In making any placement decision, DCF must always balance considerations of safety, stability and cultural connectivity and security.
7. The more significant developments in child protection over the last four years include:-
 - Home-based care is the priority form of care for children who cannot be cared for by their own families. This form of care is recognised across the world as a better form of care. Home-based care includes both foster and kinship care. There are approximately 350 children in kinship care placements in the Northern Territory. DCF's treatment of kinship care meets the definition of foster care for national reporting purposes. To compare reported "kinship care" rates across jurisdictions does not reflect the fact that in the Northern Territory 44% of Aboriginal children in care are placed with an indigenous carer – approximately 30.5% of Aboriginal children are placed with Aboriginal kinship carers and 13.5% of Aboriginal children are placed with other Aboriginal carers. In total, 44% of Aboriginal children in care are placed with Aboriginal carers.
 - The assessment standard for foster and kinship carers in the Northern Territory is the same, and is based on safety considerations as a threshold issue. Carer assessment is managed by DCF and governed by placement regulations and policy. All assessments in the Northern Territory are approved by the Out of Home Care Division, whereas assessment and approval functions are outsourced in other jurisdictions.
 - In the Northern Territory, all carers and residents in a home over the age of 15 years are screened for criminal history and for a working with children clearance. All prospective carers are visited in their homes, and both carers and their homes are assessed for safety and suitability for children.
 - Carers are interviewed in order to assess their motivation and their capacity to care for a child. The assessment of carers for children in care is deliberately set to a high standard in recognition of the vulnerability of those children. In fact, the assessment

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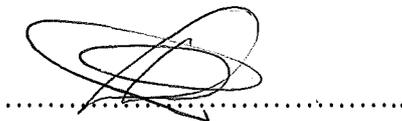
of suitability to provide care to a child who is not your own (ie carer assessment) is set at a higher standard than the assessment of ability to provide care to your own child (ie for child protection investigation purposes).

- Foster and kinship carers receive support from DCF through dedicated assessment and support teams to maintain the stability of the placement. Carers receive training as part of their assessment. These are areas that will be developed further to improve support for carers and to develop skills.
 - Placements are monitored by monthly face-to-face visits with children in care.
8. The observations by Professor Bamblett and Dr Bath concerning the importance of listening to the views and concerns of children in care are paramount. DCF procedures reflect the priority that is properly attached to that issue, including:-
- Children, families and staff all have a right of complaint through the DCF complaints process.
 - The Children's Commissioner is able to monitor and investigate complaints, and has an "own motion" power that was introduced in 2011.
 - The introduction of a Charter of Rights.
 - The inclusion of children in placement meetings.
 - The establishment of an internal review unit.
 - The imminent introduction of a residential review panel comprised by a pool of staff who will meet with children in residential care facilities on a regular basis.

Signed:



Witness:



Date: 25 September 2014