

# **Department of Communities Tasmania**

## **Children, Youth and Families**

### Investigative Review

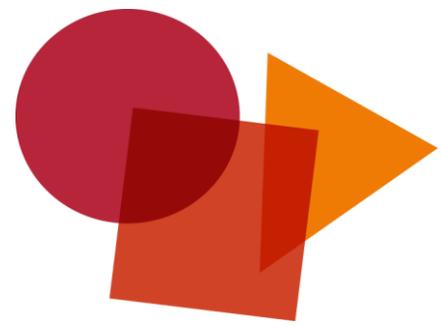
Allegations for the Safety and Wellbeing of young people participating in the Many Colours 1 Direction Therapeutic Residential Placement Program

October 2020

# Acknowledgement

The Review Team was privileged to meet with and listen to young people participating in the Many Colours 1 Direction (MC1D) program. The young people's experiences and views have influenced this Investigative Review's recommendations.

The Review Team also acknowledges the participation and time the MC1D staff, the Australian Childhood Foundation, Northern Territories Families, Housing and Communities and other interested stakeholders dedicated to assisting with the Review process.



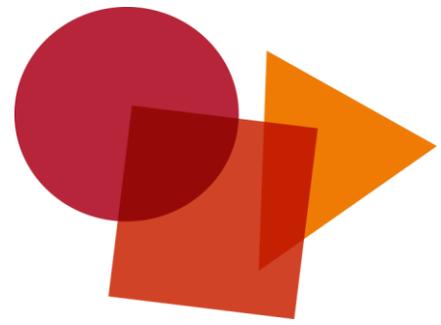
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## 1. Introduction

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- This Investigative Review Report arises from an ABC news story published on 29 September 2020 alleging:
  - Concerns for the safety and wellbeing of young Tasmanian's whilst residing at MC1D; and
  - the founder of MC1D Mr Allan Brahminy fabricated stories about his past.
- On 29 September 2020, the Minister for Human Services the Honourable Roger Jaensch directed the Department of Communities Tasmania to investigate the allegations raised in the ABC story to ensure the MC1D program was operating as intended.
- The Minister requested the Department of Communities Tasmania to complete this Investigative Review by the end of October 2020.
- The Terms of Reference for this Investigative Review guide and establish the scope and parameters for the review.
- The Secretary of the Department of Communities Tasmania released the Terms of Reference on the Department of Communities Tasmania website on 1 October 2020.
- From 29 September 2020 onwards:
  - various print, broadcast and social media news outlets published commentary;
  - interested stakeholders expressed their views; and
  - a significant component of Question Time during the Parliamentary sitting week 13-15 October 2020 was centred on the ABC allegations.
- The specific care allegations and matters following the ABC media report are addressed in the Investigative Review Terms of Reference.
- In response to the care concerns alleged by the ABC, the Department of Communities Tasmania Child Safety Officers, Team Leaders and Managers took immediate action:
  - the frequency of direct communication with the young people at MC1D was increased; and
  - an immediate assessment of the safety, wellbeing and stability of each young person was undertaken.
- On Friday 9 October 2020, the Secretary of the Department of Communities Tasmania as legal Guardian had a lengthy teleconference with the young people currently at MC1D. The Child Advocate was also present during the teleconference.
- On Wednesday 14 October 2020, the Minister for Human Services the Hon Roger Jaensch facilitated a private Department Briefing for Parliamentary Opposition Leaders and the Independent member for Clarke.
- To investigate the care concern allegations this Investigative Review examined a broad range of information including:
  - Child Safety Service client file information and records relating to young people currently at and those who have previously resided at MC1D;



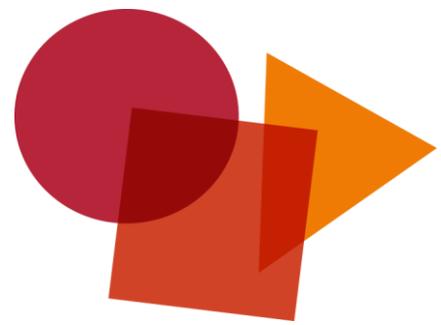
- MC1D's Practice Framework, Policies and Procedures as well as direct engagement with staff at MC1D and the Chair of the MC1D Advisory Board;
  - All current and previous care concern reports relating to MC1D;
  - Internal department records relating to individual MC1D placement decision making;
  - Historical print and broadcast media reports relating to MC1D;
  - Recommendations from the 2019 MC1D Special Care Package Review undertaken by the Child Advocate;
  - Recommendations from the 2017 MC1D Program Review undertaken by MWH Consulting Group Pty Ltd; and
  - Due Diligence assessments, documentation and relevant background checks specific to MC1D.
- The Deputy Secretary, Children, Youth and Families and an experienced Child Safety Practitioner lead this Investigative Review. Neither of the Officers have direct involvement in the care planning and placement decision making associated with the young people currently residing at MC1D. The Children, Youth and Families Clinical Practice Manager and Child Advocate supported the work of the lead Reviewers.
  - The Reviewers visited the Northern Territory from 12-15 October 2020 to:
    - Meet and talk with the young people, MC1D staff and view the MC1D facilities;
    - Meet with professionals from Northern Territory Department of Families, Housing and Communities to discuss their involvement with MC1D. The discussion also focussed on planning and collaboration across the Northern Territory and Tasmanian jurisdictions to bolster supports to the current Tasmanian young people residing at MC1D; and
    - Meet with MC1D partner organisation, the Australian Childhood Foundation (ACF) Northern Territory management and staff to review and consider their involvement, observations and future planning to support the MC1D Program.
  - The Review also verified source information and/or discussed the concerns with:
    - ACF executive managers to seek their professional practice observations and opinions regarding the allegations of maltreatment;
    - Chair of the MC1D Advisory Board;
    - Family members of the young people at MC1D;
    - Child Safety Officers, Team Leaders, Clinical Practice Consultant Educators and Managers; and
    - Other key stakeholders and interested parties.

## 2. Background

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### 2.1 Many Colours 1 Direction

- Many Colours 1 Direction (MC1D) is a therapeutic residential treatment program delivered in partnership with the ACF for up to ten young people, male or female, aged 10 -18 years.
- The Australian Childhood Foundation provide on-the-ground clinical support to the program to apply an evidence based, trauma informed approach and care, which includes individual therapy as well as group therapy for each young person at MC1D.
- MC1D has practiced in the Northern Territory for approximately 11 years.
- Prior to 2015, the program operated under the name of the Brahminy Program.
- In 2015, the program changed its name to Many Colours 1 Direction to reflect the beliefs of Mr Brahminy and his Aboriginal father and in memory of Mr Brahminy's Aboriginal Mother whose lifelong wish was for cultural harmony.
- The program is based on a rural property, located approximately 120 kilometres south of Darwin.
- The facility includes a well-designed main staging area which includes:
  - the residence of Mr and Mrs Brahminy;
  - a large teaching (commercially fitted out) modern kitchen and dining area which is set up to support social, community, family and life skills development, workshop area, office/administration block;
  - horse and other animal stables (including piggery, duck and chicken areas);
  - accommodation for staff and visiting professionals;
  - fully equipped onsite school room with curriculum and resources provided by Katherine School of the Air;
  - there are also extensive outdoor garden and decking area;
  - the accommodation provided to young people is air-conditioned;
  - there are separated sleeping wings for young men and young women in the program;
  - each wing provides individual rooms with en suites;
  - rostered staff sleeping accommodation; and
  - each area also has a small kitchen and shared dining area.
- The site is fully fenced and set in a wilderness environment with grazing water buffalo.
- The facility is geographically close to waterfalls, and Indigenous cave and rock paintings, which provide opportunities for safe, well planned outings.
- In addition to on site facilities MC1D also have a 15ft boat, the *Acacia*. This boat is used to facilitate fishing trips and on water experiences.
- MC1D supports indigenous and non-indigenous young people.
- The program is strongly connected to the Northern Territory indigenous culture.



- Within the property there are two restricted Indigenous ceremony grounds. MC1D also has ARTIYIAJ, which is located in central Arnhem Land and is approx. 100 square km inland where Indigenous young people meet and stay with elders while learning their culture.
- In 2016, an MC1D Advisory Board was established. The Advisory Board supports Mr and Mrs Brahminy to develop and oversee the operating processes and practice framework at MC1D.
- MC1D is an Australian Propriety Company registered on 31 August 2015. It does not have deductible recipient gift status and is registered with the Australian Securities and Investments Commission.
- Young people at MC1D are supported and encouraged to engage in learning, pro-social behaviour, development of life skills and positive relationships.
- The structure at MC1D focusses on routine and stability for the young people. All young people are allocated weekly responsibilities, activities are planned, and expectations are clear.

#### MC1D aims to:

- Provide a safe and secure place to live;
- Provide high quality nutrition;
- Provide a high level of pastoral and therapeutic care;
- Provide quality and age relevant education;
- Provide relevant cultural and community practice to Indigenous young people;
- Facilitate and support the young person's intellectual, emotional and societal development;
- Provide trauma and grief counselling;
- Provide direct instruction that assists the young person in modifying and changing destructive and anti-social behaviours;
- Provide an environment that supports, respects and acknowledges positive behaviours;
- Guide and educate the young people with life skills, self-reflection and self- management;
- Provide clear and attainable pathways to further educational and vocational opportunities; and
- Renew hope and empower the young person to imagine.

## 2.2 The Client Group

- Prior to their placement, the young people at MC1D had difficult childhoods. It is highly likely they have experienced abuse and neglect, exposure to significant family violence, parental drug use and rejection in their relationships. In many cases, their lives as young children were insecure and chaotic.
- As a result of their tragic early experiences, the young people's behaviour can be extreme and exceptionally challenging to their families, carers and the community.
- The client group currently at MC1D, and indeed those that preceded them, has many consistent characteristics that led to the referral and their subsequent placement at MC1D.

Characteristics include:

- Young adolescents involved in the Child Safety System;
- School refusal or complete disengagement from education;
- Significant trauma history;
- Exposure to Family Violence;
- Sexualised behaviours;
- High level anti-social behaviour, including:
  - Offending, including motor vehicle theft, driving unlicensed;
  - Aggressive behaviour, posing a threat to the safety of themselves and others in the community;
  - Illicit substance abuse;
  - Multiple placement breakdowns, including therapeutic group residential care and special care package placements;
  - Involvement in the juvenile justice system;
  - Disengaged or refusal to engage with support services; and
  - Poor lifestyle, including diet and sleep patterns.

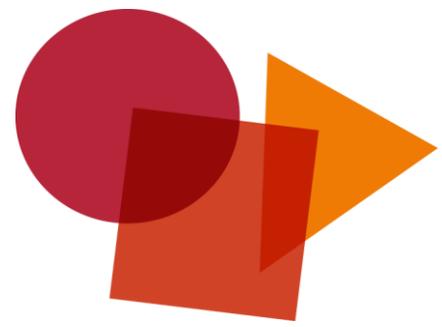
### **2.3 Placement of Young People at MC1D**

A comprehensive review of the Department of Communities Tasmania records confirms:

- Young people from Tasmania first attended MC1D in 2012 as a group wilderness excursion. The young people engaged in activities including making an audio CD and a colour book.
- Currently there are six young people participating in the MC1D program.
- The young people currently placed at MC1D have been residing in the Northern Territory for varying periods of time. Placements range between three months and two years.
- Between 2015 and 2020 (current) there have been 13 young people in total placed at MC1D, inclusive of the six young Tasmanians currently participating in the program.
- Client file reviews confirm placements have only been used as an option of last resort.
- Two of the 13 MC1D placements were facilitated in response to parental requests.

### **2.4 Previous Care Concerns**

The Child Safety Service has undertaken two formal Care Concern processes since 2016. This Investigative Review is the third. This number is not deemed excessive given the nature of the program.



### 3. Recommendations for Further Improvement

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This Investigative Review makes four recommendations.

#### **Recommendation 1: Progress support and opportunities for young people at MC1D.**

##### **1A. Continue to provide additional practitioner support on site at MC1D.**

The Review recommends the Department of Communities Tasmania ensures for the foreseeable future the continuation of the additional practitioner support that has recently been made available on site at MC1D to:

- assist MC1D to respond to the disruption the client group have experienced following the allegations about their safety and wellbeing whilst at MC1D which were raised on 29 September 2020;
- mitigate the risk of any further incidents occurring for the young people currently residing at MC1D;
- bolster support of the transition planning processes already underway;
- strengthen Care Team Co-ordination processes; and
- promote positive contact between young people and their parents.

##### **1B. Formalise independent contact between the Child Advocate and the young people on a monthly basis to ensure the voice of each young person is never lost and the young people themselves are fully aware of the avenues available to them to raise a concern and/or make a complaint.**

Whilst the young people have opportunities to engage with the ACF therapists, their Care Teams, Child Safety Officers, MC1D staff and family members, it is important that their voice is never lost. The Child Advocate has a pre-existing relationship with the young people at MC1D, is acutely aware of the current arrangements for each of the young people and the role ensures independent child advocacy is present.

##### **1C. The Department of Communities Tasmania continues to work collaboratively with MC1D and the Australian Childhood Foundation in progressing identified continuous improvement opportunities to modify and/or re-orientate programmatic design elements and/or practice terminology to the MC1D program.**

#### **Recommendation 2: Development of ‘Tasmanian Media Reporting Guidelines for Children and Young People’**

The safety and wellbeing of Tasmanian children and young people is our shared responsibility.

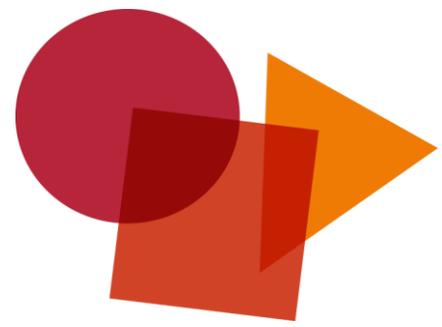
Media reporting on children and young people should consider children’s best interests and it should never put them at increased risk. The Review recommends the Tasmanian Government engages the Commissioner for Children and Young People and media outlets to develop principles, information and resources to ensure reporting issues relating to children and young people can serve the public interest without compromising the rights and best interests of a child/ren or young person/s.

**Recommendation 3: The Department of Communities Tasmania progresses opportunities for independent monitoring and oversight of Tasmanian young people residing at MC1D by:**

- A. Working with MC1D to support their participation in the Tasmanian Commissioner for Children’s Out of Home Care Systemic Monitoring Program; and
- B. Discussing with the Northern Territory Families, Housing and Communities the opportunity for inclusion of MC1D in the Northern Territory Out of Home Care Quality Assurance Framework.

**Recommendation 4: The Department of Communities Tasmania continues to progress the establishment of a Tasmanian program similar in design to MC1D by:**

- A. Completing a jurisdictional analysis to identify the full breadth of out of home care therapeutic program responses existing nationally. The jurisdictional analysis is to be completed by the end of March 2021.
- B. Establishing an Expert Panel to work with the Department to:
  - consider the learnings from the national jurisdictional analysis; and
  - scope the essential therapeutic elements identified by the assessment of the Expert Panel that underpins the outcomes achieved in the MC1D program.
- C. Establishing an Expert Panel that:
  - is appointed by the Minister for Human Services by the end of January 2021;
  - includes representatives from the Tasmanian Aboriginal community; and
  - delivers advice regarding the establishment of a Tasmanian based program to the Minister for Human Services by 30 June 2021.



## 4. Investigative Review Findings

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### 4.1 Term of Reference 1:

#### The safety and wellbeing of young people currently placed at MC1D

- This Investigative Review assessed the safety and wellbeing of the young people at MC1D by:
  - Verifying any concerns of the partner agency Australian Childhood Foundation; and
  - Applying the six domains of the Tasmanian Child and Youth Wellbeing Framework.
- The ACF executive management and Northern Territory based staff confirmed to the Reviewers they have not directly witnessed or been made aware of any incidents in which the young people at MC1D have experienced any form of abuse.
- The Tasmanian Child and Youth Wellbeing Framework defines wellbeing as *“the state where a child or young person feels loved and safe; has access to material basics; has their physical, mental and emotional health needs met; is learning and participating; and has a positive sense of culture and identity.”*
- The six domains of the Framework are:
  - 1) Being Loved and Safe
  - 2) Being Healthy
  - 3) Participating
  - 4) Having Material Basics
  - 5) Learning
  - 6) Having a positive sense of culture and identity.
- This Investigative Review does not provide commentary on the specific and individual needs of each young person, rather the following information addresses the young people at MC1D as a group. This Investigative Review has also considered and factored in the recommendations from the MC1D Individual Special Care Package Review undertaken by the Child Advocate in December 2019.

#### 4.1.1 Being Loved and Safe

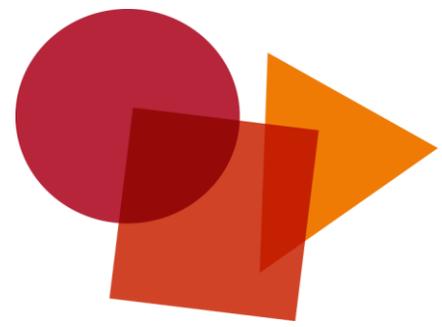
- From observations and interactions undertaken between Tasmanian Government staff and the young people residing at MC1D, the following can be evidenced by their demeanour, direct feedback and appearance:
  - That the young people are responding positively to their environment and have adapted well to the structure, routine and indeed the heat at MC1D; and
  - The young people showed strong attachments to Mr and Mrs Brahminy and other staff at MC1D, they were observed to seek them out for assistance and to engage them in positive and respectful conversation.
- The young people shared jokes and laughter amongst themselves as well as with staff. Some of the young people spoke to members of the review team about how they were going at MC1D, with one

young person saying 'I love it here; I don't get angry like I used to, and I feel loved. Love is very important, and I feel so safe here'.

- Three of the young people spoke about their anger and how they know they have a safe space to release their anger at MC1D. One young person was able to identify that they still get angry but that they are improving.
- The young people spoke about their behaviour in the community and how they have learnt that anti-social and aggressive behaviour is not accepted in the wider community.
- From conversations with staff at MC1D and with ACF professionals, it was evident that all of the young people have gained some insight and understanding into their behaviour and triggers for such behaviours.
- Whilst on site the Reviewers observed three young people's behaviour become escalated. They were able to engage in learnt strategies to manage their emotions and to remove themselves from the group setting. On each occasion a staff member went with the young person and sat calmly with the young person until they settled.
- Staff at MC1D discussed the step-down approach for young people to begin to feel safe sleeping in the dark starting with the bathroom light on, to a low wattage globe in the young person's sleep area, to eventually no light. This plan is also implemented for young people who experience any regression.
- A number of the young people spoke about being loved by the staff at MC1D as well as their families in Tasmania. The young people were open to speaking about how they feel loved at MC1D and that "*Allan and Tash are always here for us*".
- This Investigative Review is compelled to highlight the emotional impact and immense harm caused to the young people at MC1D as a result of constant media attention and public debate that occurred in late September into October 2020. As a result, a number of the young people experienced regressions in their behaviour.
- Some were left questioning their family and friends in Tasmania and many were left feeling defensive and protective towards Mr and Mrs Brahminy and MC1D staff where they all report feeling safe and loved.
- In response to incidents the Child Safety Service have provided direct additional assistance and support to MC1D since Monday 19 October 2020 and will continue to do so for the foreseeable future.

#### **4.1.2 Being Healthy**

- It is evident the young people at MC1D are physically and mentally healthy when comparing their health status prior to their arrival at MC1D.
- The structure and routine of the program and a well-balanced diet is a significant factor in their stabilisation.



- Many of the young people upon arrival at MC1D were on prescription medication to assist with behaviour management and sleep. A review of case file records demonstrated a consistent theme expressed by the young people that they did not want to be medicated. Medication refusal was an issue for a number of young people prior to their arrival at MC1D. Medical advice was sought for each of the young people, decisions made about the appropriateness of ceasing medication and plans implemented to support the young people to wean from medication. All of the young people at MC1D have implemented other strategies to assist their behaviour and sleep and are currently medication free.
- It is worth noting that the methods used at MC1D to help the young people learn strategies to manage their behaviours have proven more effective than the medications they have previously been taking and in cases of some individuals, multiple medications.
- The provisions available to the young people included a variety of foods, juices and water. The young people spoke enthusiastically about the water being pumped from the spring on the property.
- The young people and staff eat all main meals together, except for weekends where the young people prepare their own breakfast. The young people have three main meals and also morning and afternoon tea. This was observed by members of the review team whilst on site and verified with other professionals that frequent the site.
- The young people engage in therapeutic treatment which is normalised as part of the MC1D program. The formal therapeutic care is provided onsite by the Australian Childhood Foundation who are attuned to the individual needs of the young people.
- The young people lead very active lifestyles at MC1D and spoke about recreational activities they participate in on the property, these included football, cricket, volleyball and swimming in their pool. Two of the young people spoke enthusiastically about fishing and being able to go away on fishing trips on the MC1D boat.
- Each of the young people were observed to wear SunSmart clothing, including hats. A majority of the young people wore hats and each time they left the inside area they would put their hat on. They spoke about the importance of wearing hats and drinking plenty of fluids because of the heat.

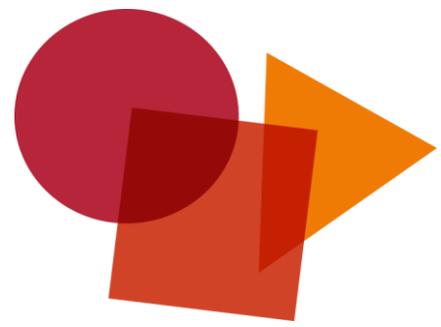
#### **4.1.3 Participation**

- Many of the young people have progressed to a point that whilst escalations in their behaviours still occur, they are able to take ownership and reflect on how they have behaved. Further, they are able to reflect on the impact of this behaviour on not only themselves but also others.
- The routine and structure at MC1D prioritises participation by all young people in daily jobs and tasks. As with most young people, there is resistance on occasion, but overall, the young people all seem to be relishing the opportunity to develop their life skills and to participate in the management of meal preparation, animal care and household/farm maintenance.

- The young people also spoke about how they are able to harvest their own meat and how they are responsible for assisting in caring for the animals.
- Both the MC1D staff and the young people spoke of the enthusiasm and love for their reading group. It was evident from their physical response and verbal interactions that this is something that they all love being able to participate in.
- MC1D staff appeared to be were very aware of the relationships and interactions between the young people and were observed to organise smaller group activities based upon this dynamic.
- From direct conversations, observations and review of file material, it was evident to the Reviewers the young people have developed empathy and awareness and are learning to exercise these skills in the community.
- Each of the young people at MC1D has a Care Team facilitated every six weeks. The young people are encouraged to participate in their care teams and to be active in the planning around their case direction and future. It is recommended that a roster of Care Teams is developed to ensure there is space for staff at MC1D and the Australian Childhood Foundation to engage specifically about one young person per week and to ensure that there is appropriate time for preparation and planning for each of the Care Teams to occur.
- It is also recommended the Child Advocate meets with each young person monthly to ensure their voice is never lost and the young people themselves are fully aware of the avenues available to them to raise a concern or make a complaint.

#### **4.1.4 Having Material Basics**

- The young people were eager to show members of the review team around the property, pointing out where they play sport, cook breakfast when away from the main living area and their rooms.
- There was no evidence to indicate that the young people at MC1D were not receiving required material basics to meet their needs. One of the young people was observed having a conversation with Mrs Brahminy about the need for an item when she undertook a supply run. It appeared to be a casual and common conversation and the young person was content to raise the need for the replenishment of this basic item.
- MC1D provides the young people with ample opportunities to participate in a variety of activities and seeks to ensure young people have the opportunity to engage in experiences and special occasions that they may have never experienced throughout their early childhood, such as birthday celebrations.
- The young people and staff at MC1D spoke fondly about Christmas and how it is their favourite time of the year. It was apparent to members of the review team that the young people who had the opportunity to participate in previous Christmas activities were excited for Christmas in 2020.
- One specific area that has been identified as an improvement opportunity is consideration to access to standard forms of entertainment that align with each young person's individual choices.



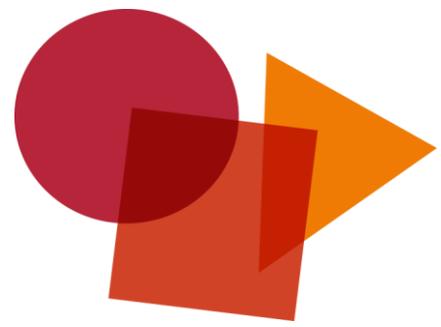
#### **4.1.5 Learning**

- Education is a strong focus and taken very seriously at MC1D.
- The young people attend Kathrine School of the Air and proudly spoke about the work they do at school, how they engage and the fact that they wear a school uniform when attending school each day.
- The young people's artwork is on display at MC1D and the young people spoke enthusiastically about how some are great at art and others are better at different activities. They engaged with the review team in a group discussion about this and were able to share a joke with each other.
- All of the young people at MC1D were quick to tell the Reviewers about their improved literacy and numeracy skills. For many of the young people at MC1D the program has afforded them the opportunity to read and write.
- In addition to formal education, the young people participate in other activities that allow them the opportunity to learn and develop skills.
- As noted above they all have the opportunity as part of their weekly jobs to prepare and cook food. They are learning other life skills, including washing and cleaning.
- MC1D has a 15ft boat which the young people regularly go on. Two of the young people are undertaking their Masters Ticket and are learning lots about fishing and boat handling.
- The young people spoke positively to members of the review team about the fishing trips and were visibly excited about an upcoming fishing trip, eagerly packing items to take with them.

#### **4.1.6 Having a positive sense of culture and identity**

- MC1D is a program for indigenous and non-indigenous young people. The program promotes respect for all cultures.
- MC1D has a strong connection with Northern Territory indigenous culture.
- The young people at MC1D appear to be very respectful of the indigenous culture and the beliefs and attitudes of Aboriginal people, particularly in the Northern Territory community. The young people at MC1D spoke with a member of the review team about Aboriginal traditions and how they are enacted at MC1D.
- Mr Brahminy takes the young people on tours of Arnhem Land where they participate in community activities with indigenous and non-indigenous people.
- One of the primary standouts is the promotion of the importance of family and community.

- Young people at MC1D are encouraged to have a positive view of self and the encouragement provided to shift their negative self-views is evident from review of file material.
- The positive improvements observed in many of the young people since residing at MC1D as it relates to their sense of self and self-confidence is evident and strong. Some of the young people at MC1D spoke about being loved and cared for and being liked by everyone at MC1D. They spoke about feeling safe and feeling like they can try new things in a safe environment which helps them to progress their skill set and identity as a person.
- The structure at MC1D allows young people the opportunity to develop their confidence, engagement, their sense of self, but also how they wish for others to view them. They are not reprimanded when they behave in a way perceived as unacceptable and are supported to continue learning and developing their behaviours and who they are.
- A strong theme observed by the review team was a sense of belonging by the young people. They all expressed how they are settled and feel like they are a part of a family.
- The young people demonstrated pride in their surroundings but most importantly in themselves.
- Whilst there have been significant improvements in the frequency, regularity and structure of contact between the young people and their families there is still room for improvement in this area. With the borders re-opening visits home, family camps and visits should all be re-assessed so the young people can share their experiences with their family members. Importantly, family members also need to learn to connect and interact with the newly formed identity of the young person.
- During this Investigative Review MC1D suggested contact and communication with the relevant parents might also be improved if MC1D staff had monthly meetings with parents outside of the Care Team space where they could be updated on their child's progress, activities and to assist the parents in feeling a part of the program.
- The Child Safety Service must also ensure where appropriate progress occurs with families to ensure parents work on family issues in preparedness for the young person's return to Tasmania.
- This Investigative Review concluded the young people are safe and well and Recommendation 1 and 2 in this Investigative Report seeks to capture the improvement opportunities identified above.



## 4.2 Terms of Reference 2:

The allegations and matters raised by and following the ABC media reports.

**Concern 1** A young person in the ABC story that recently returned from MC1D alleged:

- they were made to sit on a milk crate for several hours without access to shade or water
- power to their room was disconnected; and
- despite being able to make weekly phone calls to their family the phone calls were monitored by MC1D staff.

### **Made to sit on a milk crate for extended periods**

The Review team examined the allegation of sitting on a milk crate for extended periods with MC1D staff, the Australian Childhood Foundation and the Chair of the MC1D Advisory Board. The examination confirmed:

- MC1D does use “timeout”. Timeout is an evidence-based behaviour management strategy. It acts as a circuit breaker and provides the opportunity for a young person to sit and reflect whilst still being in proximity to others.
- young people do sit on chair, or if they have broken a chair, a milk crate for timeout;
- a young person may be placed in timeout after a significant escalation in behaviour that poses a risk to themselves or another at MC1D.
- Timeout is managed in a safe environment. The young person is socially isolated but within view of the other participants.
- A worker is always present and aware of what the young person is doing. Access to basic provisions such as water, food and shade are not restricted.
- Once the young person has settled the worker then spends time with the young person repairing the relationship and assisting the young person to re-enter the group setting.
- The young person is always included in mealtimes, and engages in the normal schooling hours, although they may be back in “time-out” during break times.

### **Power Disconnection**

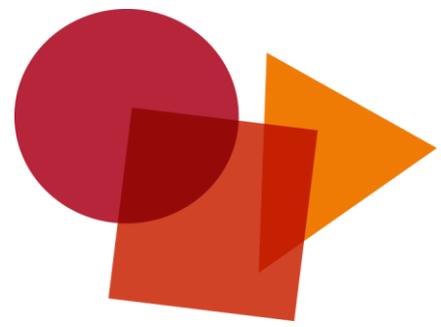
- Senior staff who visited the MC1D program for the purposes of undertaking this review had access to the young people’s rooms and shared living area.
- The power to the young people’s rooms and the shared area all run from the same power connection. It is not possible to disconnect power to one room specifically. It was established that a light globe was not replaced in the young persons’ room for safety reasons following an incident where multiple globes had been smashed through the day.
- It is important to note that the young person did still have an enclosed reading light in their room.
- The review concluded the removal of the globe was rightly motivated by safety concerns.
- The allegation relating to the disconnection of power was not substantiated.

## Phones Calls are Monitored

- The level of supervision for phone contact directly relates to the level and nature of concern for the young person arising from the contact.
- MC1D staff do have a responsibility to make sure that contact is safe and positive.
- Each young person residing at MC1D has a Care Team including the young person, a range of professionals and family members, where possible.
- The Care Team makes decisions about how contact will be maintained. This is based on what is best for the young person and what they want.
- Young people do not always want to have contact in the same way, or as often, as their families would like. This choice must be respected. Sometimes contact can cause problems for the young person, and their families can inadvertently destabilise them by raising issues that can cause the young person to feel worried, stressed, guilty or compromised.
- At times there may also be practical reasons for supervising calls as well, which include making sure that the phone is only being used for the agreed purpose.

**Concern 2** Young person's family alleged they had raised lots of issues with the Child Safety Service during the time the young person was away, but they were not recognised as issues.

- The Review Team undertook a comprehensive search of records and examined communication exchanges between the Child Safety Service staff, the Child Advocate and the young person's parents which included:
  - the young person's case file notes,
  - in excess of 200 text messages; and
  - a significant number of emails.
- Child Safety records indicate one formal Care Concern process was completed involving this young person during their placement at MC1D. The Care Concern was closed following completion of the investigation, which included correspondence to the family.
- Child Safety records indicate there was ongoing information sharing with the young person's mother.



**Concern 3** A unidentified young person stated they spent six months in the program and alleged inappropriate punishment.

An unidentified young person who had participated in the Program alleged they were sent to MC1D not because they were violent or bad behaviour, but because they had declined a group home placement. The young person alleged if they misbehaved, they were mistreated, verbally abused, scuffed and pushed around, and made to sit in isolation on a milk crate for hours on end.

- Given the anonymous nature of the complaints, the Review team was not able to confirm the identity of the young person or people involved.
- Case file records demonstrate decision making relating to MC1D placements has never been based on refusal of a group home placement.
- As the exact nature of concerns and the identity could not be confirmed, it was determined by the Review Team that it was not appropriate to comment further.

**Concern 4** A parent of a young person alleged their son was on a number of medications and the medications were ceased against the advice of the General Practitioner.

- This Investigative Review evidenced advice from the relevant Tasmanian treating paediatrician. The medication ceased in line with medical advice.
- The Child Safety Service will correspond with the complainant.

**Concern 5** A parent alleged they had not been advised of outcomes of previous complaints and concerns raised with Child Safety Services in February 2020.

- The Investigative Review verified concerns were raised by parents in February 2020 and were examined by the Child Safety Service.
- The review noted that the Child Safety Service representatives had provided information regarding the outcomes of the concerns raised, the information was provided verbally to the parent.
- The Child Safety Service has committed to providing the family member with a letter detailing the outcomes that were convened.
- The Deputy Secretary Children, Youth and Families met with the young person's parents during the Review.

## **Concern 6**      The ABC alleges Mr Allan Brahminy fabricated stories about his past.

This Investigative Review identified and assessed the following information to consider how the allegations regarding Mr Brahminy's background and identity impacts upon MC1D and the safety and well-being of the young people currently participating in the program.

- Examining any previous concerns, complaints and allegations relating to identity fraud;
- Mr Brahminy's disclosures and connection with the local Aboriginal community; and
- Relevant background and fit and proper person checks.

### **Examination of previous concerns, complaints, allegations relating to identity fraud.**

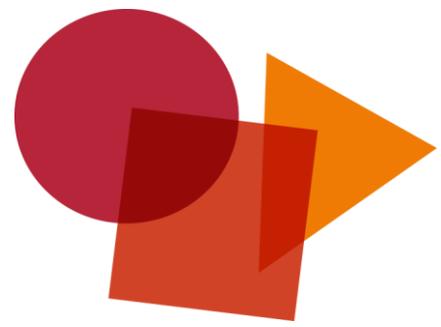
- Following a detailed search as far back as 2008 the review team were unable to identify or source any information which would suggest there have been concerns, complaints or allegations previously relating to identity fraud on the part of Mr Brahminy.

### **Mr Brahminy's disclosures and connection to the Indigenous community.**

- After analysis of an extensive amount of information from print media, interviews and other available materials the review provides the following factual synopsis of information relating to Mr Brahminy's identity:
  - Mr Brahminy does not claim to be biologically Indigenous;
  - Mr Brahminy states "Brahminy" is his adoptive Indigenous name;
  - Mr Brahminy has disclosed he was raised by his adoptive Indigenous family in the Northern Territory until he was 7 years of age;
  - Mr Brahminy has stated he was placed in foster care and spent part of his youth living on the streets;
  - Mr Brahminy has stated he joined the Royal Australian Airforce in the dog handling unit;
  - Mr Brahminy speaks an Indigenous language and his connection to values and culture are strong;
  - Mr Brahminy has two adoptive Aboriginal brothers and his adoptive father is an Aboriginal Elder;
  - The Northern Territory Department of Families, Housing and Communities officials have confirmed they have never questioned or had cause to question Mr Brahminy's identity.
  - External parties such as the Australian Childhood Foundation and the Chair of the MC1D Advisory Board who have worked alongside Mr Brahminy for a number of years have also confirmed they have never questioned or had cause to question Mr Brahminy's identity.

### **Relevant background and fit and proper person check**

- By law in the Northern Territory all people working or volunteering with children must apply for a working with children clearance, most commonly called an Ochre Card. The Ochre Card is the equivalent of the Tasmanian Working with Vulnerable People (WWVP) Card. The Ochre Card has a slightly higher requirement than the WWVP Card, in that the Ochre Card requires renewal every two years compared to every three for the WWVP. The review verified Mr Brahminy has a current valid Northern Territory Ochre Card. The Ochre Card is in the name of Mr Allan Brahminy.



- The Ochre Card provides an assessment of the risk of harm or exploitation that person may pose to children or young people. As part of the review confirmation was sought from the Northern Territory Screening Authority, who confirmed checks are inclusive of a national adult police check and former names and/or aliases. Further, the NT Screening Authority confirmed that given the tendency in the Northern Territory for community members to identify by multiple names, the assessment process prior to sending a check for further screening is rigorous.  
It involves a check of:
  - A person's national police history
  - Employment records
  - Character references
  - Reports about a person's recent behaviour
- Following due consideration, the Review concluded Mr Brahminy's identity has no direct bearing on the safety and wellbeing of the young people currently participating in the MC1D program for the following reasons:
  - Mr Brahminy holds a current valid Northern Territory Ochre Card. The Ochre Card satisfies the essential background check that is the equivalent mandated requirement to working with children in Tasmania; and
  - No evidence was sourced or sighted during the Review that suggests Mr Brahminy has engaged in any unlawful conduct.

**Concern 7 Allegation Mr Brahminy was referred to the Northern Territory Department of Public Prosecutions.**

- In 2012, Mr Brahminy was a person named in a care concern investigation undertaken by the former Northern Territory Department of Families.
- The care concern investigation process included a referral to the Northern Territory Department of Public Prosecutions.
- The Review confirmed with a senior Northern Territory Families, Housing and Communities representative no care concerns were ever substantiated and no charges were progressed by the Northern Territory Department of Public Prosecutions.
- The Review also confirmed with a credible external third party aware of the care concern details. The third party confirmed Mr Brahminy was not at fault or identified as a person believed responsible.
- The Review concluded whilst Mr Brahminy was referred to the Northern Territory Department of Public Prosecutions the ongoing renewal of Mr Brahminy's Northern Territory Ochre Card and the continued placement of young people by the Northern Territory Families, Housing and Communities in 2017 and 2018 provides additional supporting evidence no unlawful activity was substantiated.

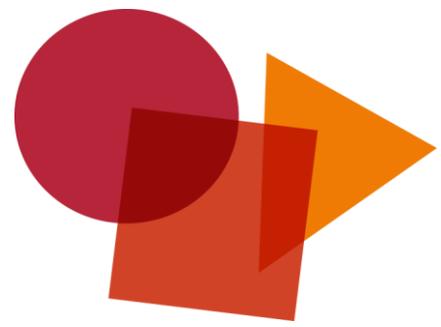
**Concern 8** Young Aboriginal Tasmanians have been removed from their families and communities with no consultation with the Aboriginal community.

The Review identified and verified the Aboriginal status of both current and previous MC1D residents.

- One of the six young people currently residing at MC1D identifies and is recognised as Aboriginal. The young person is engaged with an Aboriginal Community Organisation in Tasmania.
- The Review identified that the application of the Aboriginal and Torres Strait Island Child Placement Principle was evident with significant input and involvement of the Aboriginal Community Organisation in both the decision for the young person to be placed at MC1D and for the young person's care direction and future planning.
- Two of the seven previous participants at MC1D identified and are recognised as Aboriginal by an Aboriginal Community Organisation. Examination of Child Safety case file records indicates that the Aboriginal Community Organisation was involved at the time of and through-out the young people's placement.
- Based on the afore-mentioned information this Investigative Review concludes concerns in relation to this issue are resolved.

**Concern 9** MC1D is a tough love controversial program. The Northern Territory Government ceased funding the organisation.

- The establishment of Youth Camps in the Northern Territory has a long history dating as far back as 2007. The Brahminy Youth Facility was one of a number of organisations that received funding from the Northern Territory Government up until 2012-13.
- In 2012, the incoming Northern Territory Government introduced a law and order policy, titled Pillars of Justice. This policy identified the strategic direction for all involved in the adult and youth justice systems. A key strategy of the Pillars of Justice policy was the establishment of Early Intervention Boot Camps. Early Intervention Boot Camps were subject to a competitive tender process and the Brahminy Youth Facility tender along with other providers that had been delivering youth camps was unsuccessful.
- In 2011/12, a three-part television series that broadcast on ABC called 'Outback Kids' was based on the then Brahminy Facility and it aroused criticism about how some staff interacted with the young people.
- In discussing the historical events with Mr Brahminy, it was very apparent the MC1D model and facility has evolved and significant learning, facility enhancements and other changes have occurred over the last eight years and continue to occur.



- MC1D staff also advised the Reviewers:
  - the Northern Territory government had made a recent referral to MC1D. The organisation indicated they did not accept the referral. Based on Communities Tasmania direct experience it is evident MC1D have a very clear considered referral and assessment process. The organisation is cognisant of the potential for adverse outcomes if referral decisions are misguided. It is also evident the organisation referral process assesses compatibility with other residents and ensuring the right mix of young people;
  - the program is not suited to all young people;
  - the organisation did provide therapeutic residential support to clients of Territories Families in 2017-2018; and
  - the organisation was in the midst of accepting a new referral when the ABC story was published on 29 September 2020.
- Overall, this Investigative Review concludes MC1D:
  - has been branded a tough love controversial program, based upon media descriptions of historical events;
  - is not a youth boot camp;
  - delivers a very structured therapeutic placement program; and
  - the MC1D staff develop trusting, caring, firm and fair relationships with the young people with speedy repair when there is rupture in the relationship.

**Concern 10** The young people currently participating in the MC1D program should be brought home immediately.

- This investigative Review has determined the young people are safe and well at MC1D.
- To assess this concern the Review team applied three important principles the Child Safety Services applies when assessing care concern allegations relating to children or young people in out of home care.

The three principles are:

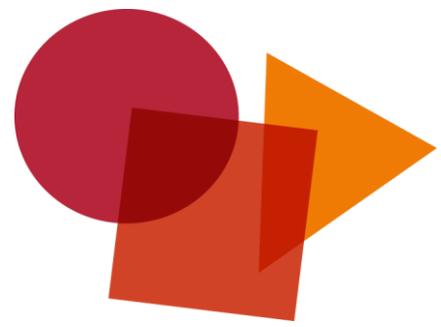
1. In the assessment of a care concern, the best interests of the child are paramount; therefore, the process has a bias towards the safety and the rights of the child. Whilst there is a requirement to ensure all parties in the assessment process have a fair hearing and are informed about their rights to have the decision reviewed; the process does not require evidence to support the care concern decision, just sufficient cause based on 'reasonable grounds'.
2. Consideration should be given to preserving the child's placement whenever possible and every effort should be made to preserve the child's school, community and family connections.
3. Allegations of concern do not equal a reaction and considered assessment should be undertaken. A child or young person's worries should be heard, and priority given to listening to their worries.

- This Investigative Review therefore places a higher weight on the views and expressed wishes of the young people based on their age, maturity and development. The young people:
  - collectively and clearly expressed to their legal Guardian and others their annoyance and demonstrated they are very upset at the media reports (social and mainstream) around their lives at MC1D and how claims were repeatedly publicised and promoted that in their view were simply not true;
  - the young people are focussed on returning home and have indicated they will return to Tasmania when they are ready. The views of the young people, as with any young person in Out of Home Care can and do fluctuate about their desire to return home, however, the Child Safety Service is committed to and ensuring that the young people regularly have an opportunity to speak about their views and wishes.
- Transition planning is well advanced for one young person’s return to Tasmania. Tasmanian staff have been based on site at MC1D in recent months participating in training to support the young person on their return to Tasmania. As part of this transition process, the MC1D team have developed safety plans for the young person to spend time in the community and to engage in education off site.
- Information gained throughout this Investigative Review from the site visit, during interviews and review of file material indicates that the safety plans, support networks and transition plans, as a whole would benefit from further development.
- The review also considered and assessed the risks and safety of the young people if they were to return to Tasmania in an unplanned manner. The practice evidence and research is clear. Any positive change will be weakened on a return home, in an out of care home care transition, if the transition and post care support is not well planned (Raymond and Lappin 2016)<sup>1</sup>.

**Concern 11** Tasmania should have its own “on country” program. Alternatives programs available in Tasmania should be used.

- The Government has made a commitment to develop an ‘on country’ program in Tasmania as indicated in the [Tasmanian-Government-OOHC-Response-Report-and-Action-Plan-2020](#).
- This Investigative Review examined previous efforts to develop a program similar in design to MC1D in Tasmania.
- In December 2017 the then Department of Health and Human Services tested the market by posting a Request for Information to assess the availability of a therapeutic remote wilderness program for young people 12 -18 years requiring out of home care.
- The Department received 5 submissions to the Request for Information.
- None of the five submissions included partnering with the Aboriginal community.

<sup>1</sup> Raymond I., and Lappin, S., 2016 Northern Territory Early Intervention Youth Bootcamp Summary Report.

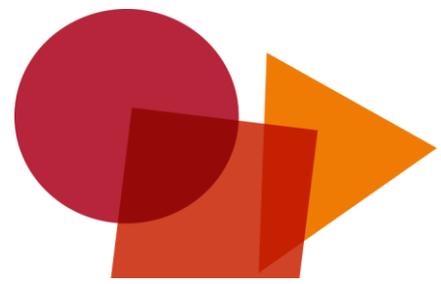


- The panel convened to evaluate the five submissions determined;
  - there was no existing or like program existing in Tasmania; and
  - none of the five submissions met all the requirements for establishing a program.
- This Investigative Review also examined other relevant development work undertaken by the Department of Communities Tasmania that has relevance to progressing the commitment in the [Tasmanian-Government-OOHC-Response-Report-and-Action-Plan-2020](#) .
  - In June 2020, the Department the Department once again tested the market through a Request for Information from organisations interested in developing a professional Carer model which would deliver therapeutic family-based interventions. This is deemed another important service component to ensure out of home care has a service continuum to assist complex high needs young people to make a successful step-down transition into intensive family-based care. The Department is currently assessing the submissions that were received.
  - In October 2020, the Department also commenced the development of a Youth Justice Blueprint. The Blueprint scheduled for completion in early 2021, will focus on prevention, early intervention and diversion strategies. The overall intention of the Blueprint is to provide an overarching, contemporary, evidence informed strategic direction for youth justice in Tasmania. Aspects of the Blueprint may have relevance to progressing the establishment of a Tasmanian program similar in design to MC1D.
- This Investigative Review concludes developing a program similar to MC1D is incredibly important but will not happen immediately. A timeline and pathway for developing an informed trauma informed evidence-based program for Tasmanian young people has been considered and is proposed as Recommendation 4.

**Concern 12** The Commissioner for Children is not able to provide a level of independent external oversight of out of home care providers operating interstate.

- This Investigative Review considered two possible independent oversight mechanisms to respond to concerns relating to independent external oversight of MC1D:
  - 1) The Commissioner for Children Out of Home Care Systemic Monitoring Program; and
  - 2) The Northern Territories Department of Families, Housing and Communities Out of Home Care Quality Assurance Program.
- As stated on the Commissioner for Children’s website:
  - the Commissioner for Children Out of Home Care Systemic Monitoring Program undertakes independent, external monitoring of out-of-home care at a systemic level in Tasmania. The monitoring focuses on systemic issues in institutional and administrative practices – it is distinct from complaint handling and individual advocacy.
- There are three components to the Commissioner’s Out of Home Care Systemic Monitoring Program. These different yet interrelated elements are as follows:

- Part A: Regular Data Monitoring – This monitoring entails the regular, routine flow of a discrete set of information to the Commissioner on specified matters relevant to OOHC.
  - Part B: Thematic Monitoring – Each year, thematic monitoring activities will focus on a different theme, based on the six domains specified in the ARACY ‘Nest’ and the Tasmanian Child and Youth Wellbeing Framework. These themes, or domains, are:
    - being loved and safe, being healthy, participating, having material basics, learning, and having a positive sense of culture and identity.
    - In each year of the Monitoring Program, a different domain will be determined as the focus for Thematic Monitoring activities.
  - Part C: Responsive Investigations – Whether utilising ‘own motion’ investigatory powers or undertaking an investigation at the request of the Minister, the Commissioner may dedicate resources to undertake a targeted, in-depth investigation of a particular issue in OOHC in Tasmania.
- The Northern Territories Department of Families, Housing and Communities Out of Home Care Quality Assurance Program aims to improve outcomes for children in out of home care and is a key reform in creating generational change for children and families in the Northern Territory.
  - The Quality Assurance Program developed in 2018 currently applies to residential care services in the Northern Territory and other out of home care placement types.
  - The cornerstone of the Quality Assurance Program are the 13 National Standards for Out of Home Care and the National Principles for Child Safe Organisations. The program is administered by the Territory Families Service Standards team and assesses the quality of care delivered to children and young people.
  - In summary this Investigative Review concludes:
    - The approach and composition of the Commissioner for Children Systemic Monitoring Program the jurisdictional limitation does not appear to prevent MC1D’s participation in the Tasmanian Out of Home Care Systemic Monitoring Program;
    - The regular, routine flow of data the Department of Communities Tasmania provides to the Commissioner on a quarterly basis includes data relating to MC1D young people;
    - Actions identified in the [Tasmanian-Government-OOHC-Response-Report-and-Action-Plan-2020](#) – Response to the Out of Home Care Monitoring Report No 1 Recommendations are applicable to all out of home care providers including MC1D; and
    - The application of the Territories Families Quality Assurance Program would provide additional independent external oversight to monitor the quality of care to young people residing at MC1D.
  - Recommendation 3 of this Investigative Review is formulated in the context of the information above.



**Concern 13** Many Colours 1 Direction is costly.

- Funding to MC1D is provided by way of an individualised ‘*Special Care Package*’ for each young person.
- Special Care Packages are required for a very small number of Tasmanian children with the highest and most significant needs that cannot be met by the family, kin, family-based and/or group residential care.
- A Special Care Package provides individualised 24 hours rostered care team to stabilise challenging behaviours and meet high levels of need.
- The rostered care team delivers at a minimum a 1:1 client staffing ratio.
- As at the 30 June 2020:
  - 51 young people inclusive of the young people residing at MC1D are supported through individualised Special Care Packages;
  - 11 organisations deliver residential based Special Care Packages inclusive of MC1D
  - 6 of the 11 organisations deliver 3 or more individualised Special Care Packages;
  - the annualised average cost of a Special Care Package is \$515,381;
  - the annualised average cost of Special Care Package for MC1D is \$274, 353;
- Table 1 illustrated on Page 28 provides a scale of funding for the 2019-20 financial year to organisations with 3 or more placements including MC1D.
- Based on the comparative funding scale illustrated in Table 1:
  - Out of the six organisations MC1D has received the lowest amount of funding;
  - if assessing MC1D on the total funding against the number of individual Special Care Package placements delivered the group living arrangement the MC1D program offers does deliver financial efficiencies when compared with the cost of 24 hour 1:1 rostered care which is characteristic for all other organisations delivering Special Care Packages; and
  - if assessing MC1D solely from a fiscal perspective the program does represent good value, measured by the improved life and wellbeing outcomes achieved by the young people participating in the program against the total cost.

**Table 1. Comparative Funding Scale - Organisations delivering three or more Special Care Packages in 2019-20.**

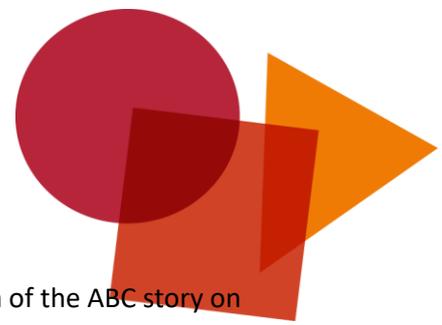
Service Providers (de-identified)	Expenditure 2019-20 (\$M)	Number of Individual Special Care Packages delivered during 2019-2020
MC1D	\$1,253,000	5*
Organisation 2	\$2,001,187	3
Organisation 3	\$2,727,978	4
Organisation 4	\$4,517,360	8
Organisation 5	\$4,914,907	12
Organisation 6	\$9,611,063	13

\* The sixth young person currently residing at MC1D entered the program in the 2020-21 financial year.

- This Investigative Review concludes the information above delivers assurances the Department of Communities Tasmania's financial transactions with MC1D is based on responsible and accountable public procurement and cost management.

**Concern 14** The MC1D Review is not adequate and the review is not an independent review.

- The Department of Communities Tasmania considered a number of critical factors to determine
  - how this Investigative Review would be undertaken; and
  - who was best placed to undertake this Investigative Review.
- The critical factors considered include:
  - the urgency of the Investigative Review in the context of the known disruption, harm and foreseeable risk of further harm the ongoing public commentary was having on the young people residing at MC1D;
  - an assessment of the specific allegations and concerns following the ABC story on 29 September 2020;
  - an assessment of the sensitive information that would need to be sourced to investigate the specific concerns and the confidentiality provisions of that sensitive information under the Children, Young Persons and their Families Act 1997; and
  - the requirement to complete this Investigative Review by the end of October.



- An assessment of specific allegations and matters following the publication of the ABC story on 29 September 2020 identified:
  - this Investigative Review needed to address fourteen (14) matters;
  - eleven (11) of the fourteen (14) matters directly or indirectly related to the care of young people residing at MC1D; and
  - three (3) of the fourteen (14) matters were categorised as social policy matters.
- The Department of Communities Tasmania determined the care concern allegations met the threshold of a “Care Concern” and applied the Child Safety Service “Care Concern” procedure to examine the alleged care concerns subject of this Investigative Review.
- The Care Concern procedure is the standard operating procedure applied by the Department of Communities Tasmania when investigating allegations relating to abuse, neglect and/or quality of care concerns relating to a child/young person in out of home care.
- Table 2 details the principles the Department of Communities apply assessing the care allegations relating to children and young people in out of home care.

**Table 2.**

<b>Care Concern Investigation Principles</b>
<p>The Secretary of the Department of Communities Tasmania has a legislative responsibility to ensure that children in Out of Home Care (OoHC) receive a level of care that is consistent with the principles outlined in the Children, Young Persons and their Families Act 1997 and in line with the Outcomes Framework for Children and Young People in Out of Home Care in Tasmania.</p>
<p>All children in Out of Home Care (OoHC) receive a level of care that is consistent with the principles outlined in the <i>Children, Young Persons and their Families Act 1997</i> and in line with the Outcomes Framework for Children and Young People in Out of Home Care in Tasmania.</p>
<p>The ultimate responsibility and duty of care for the safety and wellbeing of children and young people in OoHC rests with the Department of Communities Tasmania.</p>
<p>In the assessment of a care concern, the best interests of the child are paramount; therefore, the process has a bias towards the safety and the rights of the child. Whilst there is a requirement to ensure all parties in the assessment process have a fair hearing and are informed about their rights to have the decision reviewed; the process does not require evidence to support the care concern decision, just sufficient cause based on ‘reasonable grounds’.</p>
<p>Consideration should be given to preserving the child’s placement whenever possible and every effort should be made to preserve the child’s school, community and family connections.</p>
<p>Allegations of concern do not equal a reaction and considered assessment should be undertaken. A child or young person’s worries should be heard, and priority given to listening to their worries.</p>

The nature of Out of Home Care generally lends itself to fluctuations in children's wishes and desires. Often the desire to return home to family is strong and balancing a child's best interests, risk of harm and their wishes is essential when undertaking an assessment of concern.

In the case of Aboriginal children, any decision to remove an Aboriginal child from their placement should involve an Aboriginal community in accordance with the Aboriginal Child Placement Principle.

Concerns are substantiated if the assessment demonstrates on reasonable grounds that the child or young person has been, is being, or is likely to be abused, neglected or otherwise harmed.

- This Investigative Review was undertaken by the Deputy Secretary Children, Youth and Families and an experienced Child Safety Practitioner. Neither of the Officers have direct involvement in the care, care planning and/or placement decision making processes associated with the young people currently residing at MC1D. The Children, Youth and Families Clinical Practice Manager and Child Advocate supported the work of the Reviewers.
- The Department of Communities Tasmania maintains the view that the Department has applied a level of independence that was commensurate to the scope and parameters of this Investigative Review.

#### **4.3 Terms of Reference 3: The effectiveness of current oversight and due diligence mechanisms in place for MC1D.**

The Review verified the following oversight and safeguards to be in place to ensure the young people at MC1D are safe and receive the support they need during their placement.

- Two Australian Childhood Foundation (ACF) practitioners are on site one day per week. The ACF practitioners deliver individual and group therapeutic counselling and support. They develop trusting relationships with each young person and observe the interactions the young people have with staff and with each other.
- Each young person residing at MC1D has a Child Safety Officer. The Child Safety Officer is responsible for overseeing and coordinating the young person's care. Child Safety Officers have built trusting relationships with the young people over time. The Child Safety Officer and a young person have regular private phone and video contact.
- Each young person residing at MC1D has a Care Team. The Care Team convenes to review the young person's needs, their progress and goals. The Care Team includes Child Safety staff, MC1D staff, other professionals and family members where possible and appropriate.
- Child Safety Service staff regularly visit MC1D in person, approximately every 6 weeks. This would equate to 8-9 site visits per year. The visits involve direct interactions with the young people and MC1D staff. The review sourced and examined the number of visits made by the Child Safety



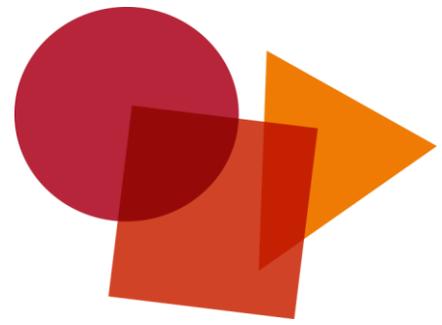
Service between 2016-17 and 2019-20 financial years and identified 33 visits in total had occurred. COVID-19 border restrictions preventing 2 visits from occurring in 2019-20.

- Six weekly Co-ordination meetings have also been occurring since February 2020. The Co-ordination meeting include all the young people's Child Safety Officers, Team Leaders, Child Safety Services Regional Managers, State-wide Manager of Out of Home Care, the Out of Home Care Clinical Practice Consultant and Educator (CPCE), the Child Advocate and MC1D staff to discuss incidents, review activities, general planning for family Contact, monitoring of care teams, progressing identified quality improvement initiatives and review and development of operating processes.
- During the COVID-19 pandemic with Northern Territory border closures and other travel restrictions the Department of Communities Tasmania facilitated a formal agreement with the Northern Territories Families to respond in the event of any serious incidents occurring that involved a young person residing at MC1D.
- The Review examined information and materials relating to the due diligence assessment undertaken by the former Department of Health and Human Services in 2018. The assessment included examination of the organisation's:
  - experience in working with the client cohort and capacity to deliver Special Care Package/s;
  - therapeutic model of care;
  - strategic and organisation planning processes;
  - operational and quality assurance policy and procedures;
  - financial viability;
  - governance and risk management processes;
  - staffing ratios;
  - verification of required insurances;
  - pre-employment screening processes, minimum qualifications and currency of required working with children background checks (Ochre Card in the Northern Territory); and
  - staffing training and professional development processes.
- Whilst the Department of Communities Tasmania engages MC1D for reasons of completeness this Investigative Review did verify the Brahminy Foundation Limited compliance with the Australian Charities Not for Profit reporting requirements. The verification confirmed the Brahminy Foundation Limited is a registered charity. The Foundation's charity reporting is up to date and there is no current or historical enforcement activity on the Foundation.
- Based on the information assessed this Investigative Review is unable to identify any major or significant limitations that suggests the current operating oversight arrangements are inadequate and/or the due diligence assessment undertaken by the Department of Communities Tasmania was insufficient.

#### 4.4 Terms of Reference 4:

The overall effectiveness and outcomes of the program including therapeutic benefits for young people.

- This Investigative Review is not a qualitative systematic review.
- This Investigative Review has based its responses to this Terms of Reference on:
  - the wellbeing outcomes experienced and determined by the young people residing at MC1D;
  - the perspective of the known life trajectories of the young people prior to commencing their placement at MC1D; and
  - the therapeutic outcomes observed by care team members with established trusting relationships with the young people.
- The effectiveness and identified therapeutic benefits for the young people include:
  - significant improvements in their ability to exercise self-control;
  - improved responses to direction and boundary setting;
  - routine such as regular wake up, sleep patterns and mealtimes and a nutritional diet is a major aid in stabilising and resetting, or even establishing for the first time the fundamental biological processes and rhythms for the young people's physical and mental wellbeing;
  - learning outcomes particularly in literacy and numeracy through attendance at school;
  - developing a positive sense of self and self-identity; and
  - experiencing a sense of belonging.
- Other positive outcomes and positive benefits identified by the young people and their significant others include:
  - they are thoughtful and reflective and able to demonstrate insight into their behaviours;
  - they are able to speak calmly and interact positively showing respect and affection with each other, staff, the animals, their environment and community;
  - they can cook for themselves and each other;
  - the young males are enthusiastic and talented fisherman;
  - they take responsibility for household and property tasks;
  - they enjoy and have developed a range of practical life and trade skills; and
  - importantly they are proud of their achievements.
- The "*never ever give up on young people*" principle of MC1D, the remoteness, the structure and routine, the two primary carers and paid staff that work 4 days on and 2 days off service model provides program participants with the relational attachment, stability and consistency that is required to respond appropriately to the most frightening of their pain-based behaviours and provides the solid foundation for a young person who has experienced repeated past trauma to begin the healing journey.
- In summary, this Investigative Review determined that whilst challenging incidents are expected in this type of program the effectiveness and outcomes of the program for the young people as they attempt to change course are beyond dispute.



## 5. Conclusion

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In closing, this Investigative Review acknowledges MC1D is a long way from home and this presents both advantages and disadvantages.

MC1D is like any other Out of Home Care provider, there is always room for improvement and the organisation engages positively in this regard. The majority of Recommendations flowing from this Investigative Review are geared toward continuous quality improvement.

Overall this Investigative Review concluded that the young people residing at MC1D are safe and well, and this is measured in context of their safety and wellbeing if they had remained living in Tasmania and/or if they were to return home before they are ready.



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