15 Child protection and youth justice services

CONTENTS

**Indigenous data in the Child protection and youth justice services chapter 15.3**

**Child protection and out-of-home care services 15.4**

**Child protection concerns and Indigenous communities 15.5**

**Out-of-home care services 15.5**

**Intensive family support services 15.5**

**Family support services 15.7**

**The child protection system 15.7**

**Notification 15.10**

**Investigation 15.11**

**Substantiation 15.11**

**Care and protection orders 15.12**

**Out-of-home care 15.13**

**Framework of performance indicators for child protection and out-of-home care services 15.13**

**Child protection and out-of-home care services reporting for Indigenous Australians 15.16**

**Out-of-home care — children aged under 12 years in home-based care 15.16**

**Out-of-home care — placement with extended family 15.17**

**Out-of-home care — placement in accordance with the Aboriginal Child Placement Principle 15.19**

**Youth justice services 15.22**

**Service overview 15.22**

**Framework of performance indicators for youth justice services 15.25**

**Youth justice services reporting for Indigenous Australians 15.26**

**Diversion — group conferencing outcomes 15.26**

**Rehabilitation — education and training attendance 15.28**

**Safe and secure environment — escapes 15.30**

**Safe and secure environment — absconds from unescorted leave 15.32**

**Safe and secure environment — assaults in custody 15.33**

**Safe and secure environment — self-harm and attempted suicide in custody 15.36**

**Statutory responsibilities — case plans prepared 15.40**

**Statutory responsibilities — completion of community-based orders 15.43**

**Definitions of key terms and indicators 15.45**

**Child protection and out-of-home care services 15.45**

**List of attachment tables 15.48**

**References 15.54**

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| Attachment tables |
| Attachment tables are identified in references throughout this Indigenous Compendium by an ‘A’ prefix (for example, in this chapter, table 15A.1). As the data are directly sourced from the 2013 Report, the Compendium also notes where the original table, figure or text in the 2013 Report can be found. For example, where the Compendium refers to ‘2013 Report, p. 15.1’ this is page 1 of chapter 15 of the 2013 Report, and ‘2013 Report, table 15A.1’ is attachment table 1 of attachment 15A of the 2013 Report. A list of attachment tables referred to in the Compendium is provided at the end of this chapter, and the full attachment tables are available from the Review website at www.pc.gov.au/gsp. |
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The Child protection and youth justice services chapter (chapter 15) in the *Report on Government Services 2013* (2013 Report) reports on the performance of governments in delivering child protection and youth justice services in each Australian State and Territory. Data are reported for Indigenous Australians for a subset of the performance indicators reported in that chapter — those data are compiled and presented here.

Child protection and youth justice services aim to assist individuals and families who are in crisis or experiencing difficulties that hinder personal or family functioning, promote community safety, and reduce youth offending.

This chapter reports on:

* *child protection services —* functions of government that receive and assess allegations of child abuse and neglect, and/or harm to children and young people, provide and refer clients to family support and other relevant services, and intervene to protect children
* *out-of-home care services —* care for children placed away from their primary caregivers for protective or other family welfare reasons
* *intensive family support services —* specialist services that aim to prevent the imminent separation of children from their primary caregivers as a result of child protection concerns and to reunify families where separation has already occurred. (Performance data for intensive family support services are not yet available, and reporting for intensive family support services is limited to expenditure data and information on the numbers of children commencing intensive family support services)

• *family support services —* activities associated with the provision of lower level (that is, non-intensive) services to families in need, including identification and assessment of family needs, provision of support and diversionary services, some counselling, and active linking and referrals to support networks. These services are typically delivered via voluntary arrangements (as distinct from court orders) between the relevant agency and family. (Performance data for family support services are not yet available, and reporting for family support services is limited to expenditure data)

• *youth justice services —* services to promote community safety and reduce youth offending by assisting young people to address their offending behaviour.

**Indigenous data in the Child protection and youth justice services chapter**

The Child protection and youth justice services chapter in the *Report on Government Services* *2013* (2013 Report) contains the following data on Indigenous Australians:

• children who were the subject of a notification, investigation and substantiation (number and rate per 1000 children)

• children who were on care and protection orders (number and rate   
per 1000 children)

• children in notifications, investigations and substantiations and children on care and protection orders: number and rate per 1000 children in the target populations

• children with documented case plans, by Indigenous status, at 30 June

• children in out-of-home care

• children who exited care during the year by length of time spent in care

• children in out-of-home care placed with relatives/kin

• children in out-of-home care by relationship of caregiver

• children aged under 12 years in out-of-home care and in a home-based placement

• intensive family support services: number of children aged 0–17 years commencing intensive family support services

• target population data used for annual and end of financial year data

• daily average number and rate of detention of people aged 10–17 years, per 100 000 people

• daily average number and rate of people aged 10–17 years subject to community-based supervision, per 100 000 people

• average rates of detention and Indigenous rate ratio, young people aged 10-17 years in juvenile detention, per 100 000 people

• custody nights

• proportion of pre-sentence reports completed by juvenile justice agencies

• deaths in custody

• young people in detention attending education and training

• escapes from detention and escorted movement

• absconds from unescorted leave

• serious assaults in custody

• assaults in custody

• self-harm and attempted suicide in custody

• completion of community-based orders

• case plans prepared/reviewed within 6 weeks of commencing a sentenced order.

**Child protection and out-of-home care services**

Child protection services are provided to protect children and young people aged   
0–17 years who are at risk of harm within their families, or whose families do not have the capacity to protect them.

Research suggests that children and families who come into contact with the child protection system often share common social and demographic characteristics. Families with a history of domestic violence, alcohol and substance abuse, psychiatric disability, and families with low incomes or that are reliant on pensions and benefits are over‑represented in the families that come into contact with the child protection system (Department of Human Services 2002; The Allen Consulting Group 2008).

*Child protection concerns and Indigenous communities*

Studies have highlighted the high incidence of child abuse and neglect within some Indigenous communities, compared with non-Indigenous communities. Indigenous families across Australia have been found to experience higher levels of violence, compared with non-Indigenous families (AIHW 2006). The final report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007) identified child sexual abuse as a significant issue for many of the remote NT Aboriginal communities consulted as part of the Inquiry. The final report of the WA Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Report 2002) also found high levels of violence and child abuse within Aboriginal communities in WA.

The Report of the Board of Inquiry into the Child Protection System in the NT (2010) *Growing them strong, together* also observed the presence of multiple risk factors in Aboriginal communities, including lack of adequate housing, financial security and education. However, Aboriginal communities also possessed protective factors that can safeguard children and families from psychological distress, such as spirituality and connection to land, family and culture (Bamblett, Bath and Roseby 2010).

*Out-of-home care services*

Out-of-home care services provide care for children and young people aged   
0–17 years who are placed away from their parents or family home for reasons of safety or family crisis. These reasons include abuse, neglect or harm, illness of a parent and/or the inability of parents to provide adequate care. Placements may be voluntary or made in conjunction with care and protection orders.

*Intensive family support services*

Intensive family support services are an alternative to the removal of a child from his or her home for child protection reasons (box 15.1).

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| Box 15.1 Intensive family support services |
| Intensive family support services are specialist services that aim to:   * prevent the imminent separation of children from their primary caregivers as a result of child protection concerns * reunify families where separation has already occurred.   Intensive family support services differ from other types of child protection and family support services referred to in this chapter, in that they:   * are funded or established explicitly to prevent the separation of, or to reunify, families * provide a range of services as part of an integrated strategy focusing on improving family functioning and skills, rather than providing a single type of service * are intensive in nature, averaging at least four hours of service provision per week for a specified short term period (usually less than six months) * generally respond to referrals from a child protection service.   Intensive family support services may use some or all of the following strategies: assessment and case planning; parent education and skill development; individual and family counselling; anger management; respite and emergency care; practical and financial support; mediation, brokerage and referral services; and training in problem solving.  *Child protection treatment and support services*  A complementary suite of services not included in this Report, but intended for inclusion in future editions, are known as child protection treatment and support services. These services target at-risk families where there are concerns about the safety and wellbeing of children. They may be less intensive in nature and focus on services that strengthen family relationships in response to concerns about the welfare of a child and may focus on either early intervention or reunification support.  Child protection treatment and support services include educational services, clinical services including counselling, group work and other therapeutic interventions, and domestic violence services.  State and Territory governments, with the Australian Institute of Health and Welfare (AIHW), are studying the feasibility of a national data collection for child protection treatment and support services. |
| *Source*: AIHW (unpublished). |
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*Family support services*

Family support services are activities typically associated with the provision of lower level (that is, non-intensive) services to families in need, including identification and assessment of family needs, provision of support and diversionary services, some counselling, and active linking and referrals to support networks. These types of services are funded by government but can be delivered by the relevant child protection agency or a non-government organisation. This suite of services does not typically involve planned follow-up by the relevant child protection agency after initial service referral or delivery. These types of services are delivered via voluntary arrangements (as distinct from court orders) between the relevant agency and family.

For the first time, this Report includes expenditure information for family support services (2013 Report, table 15A.1). Corresponding family support service activity data (for example, numbers of clients or numbers of referrals) are not yet available nationally. The Steering Committee considers the development of a data collection to quantify the extent of family support service activity, and the effectiveness of family support service activity, as an important future development.

*The child protection system*

Child protection legislation, policies and practices vary across jurisdictions, which has some implications for the comparability of child protection data (Holzer and Bromfield 2008). However, the broad processes in child protection systems are similar (figure 15.1).

State and Territory government departments with responsibility for child protection are advised of concerns about the wellbeing of children through reports to these agencies. Reports may be made by people mandated to report or by other members of the community. Individuals and organisations mandated to report vary across states and territories, and may include medical practitioners, police officers, school teachers and principals. These reports are assessed and classified as child protection notifications, child concern reports, or matters requiring some other kind of response. Nationally, police were the most common source of notifications in 2011‑12 (AIHW forthcoming).

Figure 15.1 is a simplified representation of the statutory child protection system. It depicts the common pathways through the statutory system and referrals to support services, which can take place at any point along the statutory service system. Children might or might not move sequentially along these pathways and in some instances children might move through these pathways quite rapidly (for example, on the same day). There are a range of other services and programs which work to meet the needs of children and families that are not depicted in this diagram, including health, education and early childhood services.

Figure 15.1 The child protection service**a, b, c, d, e**

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| Figure 15.1 The child protection service  More details can be found within the text surrounding this image. |

a Dashed lines indicate that clients may or may not receive these services, depending on need, service availability, and client willingness to participate in what are voluntary services. b Support services include family preservation and reunification services provided by government departments responsible for child protection and other agencies. Children and families move in and out of these services and the statutory child protection system, and might also be in the statutory child protection system while receiving support services. c Shaded boxes are those for which data are available. d AG = Activity Group. e AG1 = Receipt and assessment of initial information about a potential protection and support issue; AG2 = Provision of generic family support services; AG3 = Provision of intensive family support services; AG4 = Secondary information gathering and assessment; AG5 = Provision of short term protective intervention and coordination services for children not on an order; AG6 = Seeking an order; AG7 = Provision of protective intervention, support and coordination services for children on an order; AG8 = Provision of out‑of‑home care services.

*Source*: State and Territory governments (unpublished); 2013 Report, figure 15.1, p. 15.11.

*Notification*

Notifications are reports lodged by members of the community with the appropriate statutory child protection department to signify that they have reason to believe that a child is in need of protection. Depending on the circumstances, not all reports received by child protection departments will be recorded as notifications. Most jurisdictions assess incoming reports to determine whether they meet the threshold for recording a notification. Where, for example, a determination is made that the alleged behaviour does not meet the definition of a child in need of protection, a child concern report or equivalent might be recorded instead. If the alleged behaviour does not meet the threshold for recording a notification or a child concern report, the person reporting the matter might be provided with general advice and/or a referral.

Jurisdictions count notifications at different points in the response to a report, ranging from the point of initial contact with the source of the report to the end of a screening and decision making process. This means the number of notifications is not strictly comparable across jurisdictions. Notifications are subsequently investigated based on the policies and practices in each jurisdiction (figure 15.1).

Prior to 2009-10, the rates of children subject to notifications, investigations and substantiations were calculated for children aged 0–16 years, while the rates of children on care and protection orders and in out-of-home care were calculated for children aged 0–17 years. From the 2009-10 period onwards, all child protection data are reported for the age range 0–17 years.

Nationally, 173 502 children aged 0–17 years were the subject of child protection notifications in 2011-12. The rate of notifications per 1000 children in the population aged 0–17 years was 34.0 in 2011-12 (table 15A.8). The total number of notifications for each jurisdiction for 2011-12 (including cases where a child was the subject of more than one child protection notification) by Indigenous status of the child is reported in table 15A.5.

Notifications data are collected early in the child protection process and often before an agency has full knowledge of a child’s circumstances. This lack of information and the inherent difficulties in identifying Indigenous status mean that data on the number of notifications by Indigenous status need to be interpreted with care.

*Investigation*

An investigation is the process whereby the relevant department obtains more detailed information about a child who is the subject of a notification and makes an assessment about the harm or risk of harm to the child, and his or her protective needs. Not all notifications are investigated in all jurisdictions. For example, if a determination is made that a child and family are better served by family support services rather than a child protection response, children and families might be referred to diversionary and support services. Once it has been decided that an investigation is required, the investigation process is similar across jurisdictions.

The department responsible for child protection may obtain further information about the child and his or her family by checking information systems for any previous history, undertaking discussion with agencies and individuals, interviewing/sighting the child and/or interviewing the caregivers/parents. At a minimum, the child is sighted whenever practicable, and the child’s circumstances and needs are assessed. Where possible, an investigation determines whether a notification is substantiated or not substantiated.

Nationally, 82 401 children aged 0–17 years who were the subject of a notification in 2011-12 were subsequently the subject of an investigation in 2011-12 (table 15A.8). The rate per 1000 children in the population aged 0–17 years was 16.2 in 2011-12 (table 15A.8). The total number of notifications investigated for each jurisdiction in 2011-12, by Indigenous status, is reported in table 15A.5.

*Substantiation*

The legal definition of harm or risk of harm, abuse or risk of abuse are similar across jurisdictions. Traditionally, child protection legislation and policy focused on the identification and investigation of narrowly defined incidents that were broadly grouped as types of abuse or neglect. Across all jurisdictions, the focus has now shifted away from the actions of parents and guardians, toward the desired outcomes for the child, the identification and investigation of actual and/or likely harm or risk to the child, and the child’s needs. While the legal criteria for substantiating such matters are now similar across jurisdictions, there remain some differences in practice, including different thresholds for recording a substantiation related to risk of harm.

If an investigation results in a substantiation, intervention by child protection services might be needed to protect the child. This intervention can take a number of forms, including one or more of: referral to other services; supervision and support; an application to court; and a placement in out-of-home care.

Nationally, 37 781 children aged 0–17 years were the subject of a substantiation in 2011-12. The rate of children who were the subject of a substantiation per 1000 children in the population aged 0–17 years was 7.4 (table 15A.8). The number and rate of children who were the subject of a substantiation has fluctuated within jurisdictions since 2007-08. Nationally, 31 915 children aged 0–16 were the subject of a substantiation in 2007-08. This represented a rate of 6.8 per 1000 children in the population aged 0–16 years (prior to 2009-10, substantiations data were collected for children aged 0–16 years) (table 15A.8).

Nationally, 10 058 Indigenous children, 26 183 non-Indigenous children and 1540 children of unknown Indigenous status were the subject of substantiations in 2011-12. The rate of children who were the subject of a substantiation per 1000 children in the target population aged 0–17 years was 41.9 for Indigenous children and 5.4 for non‑Indigenous children (table 15A.8).

*Care and protection orders*

Although child protection substantiations are often resolved without the need for a court order (which is usually a last resort) recourse to a court may take place at any point in the child protection investigation process. The types of orders available vary across jurisdictions and may include finalised guardianship or custody orders, finalised supervisory orders, and interim and temporary orders.

Nationally, 40 962 children aged 0–17 years were on care and protection orders at 30 June 2012. The rate of children on care and protection orders per 1000 children in the population aged 0–17 years was 8.0 (table 15A.8). The number and rate of children aged 0–17 years who were the subject of a care and protection order has increased since 2008. At 30 June 2008, 32 642 children were the subject of a care and protection order, which represented a rate of 6.6 per 1000 children in the population aged 0–17 years (table 15A.8).

Nationally, 13 268 Indigenous, 27 531 non-Indigenous and 163 children of unknown Indigenous status were on care and protection orders at 30 June 2012. The rate of children on care and protection orders per 1000 children in the target population aged 0–17 years was 54.9 for Indigenous children and 5.6 for non‑Indigenous children (table 15A.8).

Further information regarding children on care and protection orders is included in the attachment tables. Table 15A.6 identifies the number of children admitted to and discharged from care and protection orders by Indigenous status in 2011-12. Table 15A.7 identifies the number of children on care and protection orders by type of order and Indigenous status at 30 June 2012.

*Out-of-home care*

Out-of-home care is one of a range of services provided to children and families where there is a need to provide safe care for a child. Children are placed in out‑of‑home care as a last resort when it is not in their best interests to remain with their family (for example, because there is no one to provide care). Where children are placed in out-of-home care, placement with the extended family or community is sought where possible, particularly in the case of Indigenous children (AIHW 2006). Continued emphasis is placed on improving case planning and case management processes to facilitate the safe return home of children in out-of-home care and to maximise case workers’ contact time with children and families.

Nationally, 39 621 children were in out-of-home care at 30 June 2012. The rate of children in out-of-home care per 1000 children in the population aged 0–17 years was 7.7 (table 15A.17). The number and rate of children aged 0–17 years in out‑of‑home care has increased since 2008. At 30 June 2008, 31 166 children were in out-of-home care. This represented a rate of 6.3 per 1000 children in the population aged 0–17 years (table 15A.17).

Nationally, 13 299 Indigenous children and 26 127 non-Indigenous children were in out-of-home care at 30 June 2012. The rate of children in out-of-home care per 1000 children in the target population aged 0–17 years was 55.1 for Indigenous children and 5.4 for non-Indigenous children (table 15A.17).

Further information on children in out-of-home care is included in the attachment tables. Table 15A.18 identifies the number of children in out-of-home care by Indigenous status and placement type at 30 June 2012. Table 15A.19 identifies the number of children in out-of-home care by Indigenous status and whether they were on a care and protection order at 30 June 2012. Table 15A.20 identifies the number of children in out-of-home care by Indigenous status and length of time in continuous out-of-home care as at 30 June 2012. Table 15A.21 identifies the number of children who exited care during 2011-12, by Indigenous status and length of time spent in care.

**Framework of performance indicators for child protection and   
out-of-home care services**

The Child protection and out-of-home care services performance indicator framework outlined in figure 15.2 identifies the principal child protection and   
out-of-home care services activity areas considered in the 2013 Report. Data for Indigenous people are reported for a subset of the performance indicators and are presented here. It is important to interpret these data in the context of the broader performance indicator framework. The framework shows which data are comparable. For data that are not considered directly comparable, the text includes relevant caveats and supporting commentary.

Indicator boxes presented throughout the chapter provide information about the reported indicators. As these are sourced directly from the 2013 Report, they may include references to data not reported for Indigenous people and therefore not included in this Compendium.

The Report’s statistical appendix contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics, including age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (including Indigenous and ethnic status) (appendix A).

Figure 15.2 Child protection and out-of-home care services performance indicator framework

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| Figure 15.2 Child protection and out-of-home care services performance indicator framework  More details can be found within the text surrounding this image. |

*Source*: 2013 Report, figure 15.4, p. 15.19.

**Child protection and out-of-home care services reporting for Indigenous Australians**

*Out-of-home care — children aged under 12 years in home-based care*

‘Children aged under 12 years in home-based care’ is an indicator of governments’ objective to provide services which meet the needs of recipients (box 15.2).

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| Box 15.2 Children aged under 12 years in home-based care |
| ‘Children aged under 12 years in home-based care’ is defined as the number of children aged under 12 years placed in home-based care divided by the total number of children aged under 12 years in out-of-home care.  A high or increasing rate for this indicator is desirable. This indicator should be interpreted in conjunction with other placement indicators.  Placing children in home-based care is generally considered to be in their best interests, particularly for younger children. Children will generally make better developmental progress (and have more ready access to normal childhood experiences) in family settings rather than in residential or institutional care environments.  Data reported for this indicator are comparable.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, the proportion of all children aged under 12 years in care who were placed in home-based care at 30 June 2012 was 97.5 per cent. In most jurisdictions, the proportion of Indigenous children aged under 12 years who were placed in home-based care was similar to that of non-Indigenous children (figure 15.3).

Figure 15.3 Proportion of children aged under 12 years in out‑of‑home care who were in a home-based placement, by Indigenous status, 30 June 2012a

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a See source table for detailed footnotes.

*Source*: AIHW data collection (unpublished); table 15A.24; 2013 Report, figure 15.9, p. 15.34.

*Out-of-home care — placement with extended family*

‘Placement with extended family’ is an indicator of governments’ objective to provide services that meet the needs of recipients (box 15.3).

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| Box 15.3 Placement with extended family |
| ‘Placement with extended family’ is defined as the proportion of all children in out-of-home care who are placed with relatives or kin who receive government financial assistance to care for that child.  A high or increasing rate for this indicator is desirable. Placing children with their relatives or kin is generally the preferred out-of-home care placement option. This option is generally associated with better long term outcomes due to increased continuity, familiarity and stability for the child. Relatives are more likely to have or form long term emotional bonds with the child. Placement with familiar people can help to overcome the loss of attachment and belonging that can occur when children are placed in out-of-home care.  Placement with extended family needs to be considered with other factors in the placement decision, placements with extended family may not always be the best option. Long standing family dynamics can undermine the pursuit of case goals such as reunification, and the possibility of intergenerational abuse needs to be considered. In addition, depending on the individual circumstances of the child, it may be more important to have a local placement that enables continuity at school, for example, rather than a distant placement with relatives.  Data reported for this indicator are comparable.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Figure 15.4 shows the proportion of children placed with relatives or kin by Indigenous status. The proportion of children placed with relatives or kin at   
30 June 2012 was greater for Indigenous children than for non-Indigenous children in most jurisdictions (figure 15.4).

The Aboriginal Child Placement Principle gives considerable emphasis to the placement of Indigenous children with extended family. This principle is discussed in box 15.4.

Figure 15.4 Proportion of children in out-of-home care placed with relatives/kin, by Indigenous status, 30 June 2012**a**

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a See table 15A.22 for detailed footnotes.

*Source*: AIHW data collection (unpublished); table 15A.22; 2013 Report, figure 15.10, p. 15.36.

*Out-of-home care — placement in accordance with the Aboriginal Child Placement Principle*

‘Placement in accordance with the Aboriginal Child Placement Principle’ is an indicator of governments’ objective to protect the safety and welfare of Indigenous children while maintaining their cultural ties and identity (box 15.4).

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| Box 15.4 Placement in accordance with the Aboriginal Child Placement Principle |
| ‘Placement in accordance with the Aboriginal Child Placement Principle’ is defined as the number of Indigenous children placed with the child’s extended family, Indigenous community or other Indigenous people, divided by the total number of Indigenous children in out-of-home care. Data are reported separately for children placed (i) with relative/kin, (ii) with a non-relative Indigenous carer or in Indigenous residential care, and (iii) not placed with relative/kin, a non-relative Indigenous carer or in Indigenous residential care.  A high or increasing proportion of children placed in accordance with the principle is desirable. This indicator needs to be interpreted with care as it is a proxy for compliance with the principle. This indicator reports the placement outcomes of Indigenous children rather than compliance with the principle. The indicator does not reflect whether the hierarchy was followed in the consideration of the best placement for the child, nor whether consultation was had with appropriate Indigenous individuals or organisations.  Placing Indigenous children in circumstances consistent with the Aboriginal Child Placement Principle is considered to be in their best interests. However, it is one factor among many considerations for the child’s safety and wellbeing that must be carefully considered in the placement decision. In the application of this principle, departments consult with and involve appropriate Indigenous individuals and/or organisations. If the preferred options are not available, the child may be placed (after appropriate consultation) with a non-Indigenous family or in a residential setting. The principle does not preclude the possibility that in some instances, placement in a non-Indigenous setting, where arrangements are in place for the child’s cultural identity to be preserved, might be the most appropriate placement for the child.  Data reported for this indicator are comparable.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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According to the Aboriginal Child Placement Principle (NSW Law Reform Commission 1997) the following hierarchy of placement options should be pursued in protecting the safety and welfare of Indigenous children:

* placement with the child’s extended family (which includes Indigenous and non‑Indigenous relatives/kin)

• placement within the child’s Indigenous community

• placement with other Indigenous people.

All jurisdictions have adopted this principle in both legislation and policy.

Nationally, at 30 June 2012, 52.4 per cent of Indigenous children in out-of-home care were placed with relatives/kin (38.2 per cent with Indigenous relatives/kin and 14.1 per cent with non‑Indigenous relatives/kin). A further 16.4 per cent of Indigenous children in out-of-home care were placed with other Indigenous carers or in Indigenous residential care (figure 15.5).

The proportion of Indigenous children in out-of-home care at 30 June 2012 who were placed with Indigenous or non-Indigenous relatives or kin or with another Indigenous carer or in Indigenous residential care varied across jurisdictions (figure 15.5).

As noted above, the placement of Indigenous children in out-of-home care is a proxy measure for compliance with the Aboriginal Child Placement Principle. The proxy measure reports the placement outcomes of Indigenous children rather than compliance with the hierarchy of placement options to be considered when finding suitable out-of-home care environments for Indigenous children. Work is underway to develop a more robust measure of compliance with the Aboriginal Child Placement Principle as part of the *National framework for protecting Australia’s children: Second three year action plan, 2012-15* (Commonwealth of   
Australia, 2012).

Figure 15.5 Placement of Indigenous children in out-of-home care, 30 June 2012**a, b, c, d**

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Relative/Kin = Placed with relative/kin. Other Indigenous = Placed with other Indigenous carer or Indigenous residential care. Other = Not placed with relative/kin, other Indigenous carer or Indigenous residential care. a Excludes Indigenous children living independently and those whose living arrangements were unknown. b Data for Tasmania and the ACT relate to a small number of Indigenous children. c In Tasmania, it was not possible to confirm the Indigenous status of all carers, as such it is likely that the ‘Other Indigenous’ category was under-counted and the ‘Other’ category correspondingly over-counted. d See source table for detailed footnotes.

*Source*: AIHW data collection (unpublished); table 15A.23; 2013 Report, figure 15.11, p. 15.39.

**Youth justice services** **— service overview**

Youth justice systems are responsible for attending to young people (predominantly aged 10–17 years) who have committed or allegedly committed an offence while considered by law to be a juvenile. In so doing, youth justice systems aim to promote community safety and reduce youth offending, by assisting young people to address their offending behaviour and take responsibility for the effect their behaviour has on victims and the wider community.

Responsibility for the provision of youth justice services in Australia resides with State and Territory governments. The relevant department in each State and Territory responsible for funding and/or providing youth justice services in 2011‑12 is listed in box 15.5. Each jurisdiction has its own legislation that determines the policies and practices of its youth justice system. While this legislation varies in detail, its intent is similar across jurisdictions.

The Australasian Juvenile Justice Administrators (AJJA) is responsible for national coordination of youth justice services and is a committee of the Standing Council on Community, Housing and Disability Services (SCCHDS), which in turn provides support to the Community, Housing and Disability Services Ministers’ Conference (CHDSMC).

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| Box 15.5 Government departments responsible for the delivery of youth justice services | |
| *NSW* | Department of Attorney General and Justice |
| *Vic* | Department of Human Services |
| *Qld* | Department of Justice and Attorney-General |
| *WA* | Department of Corrective Services |
| *SA* | Department for Communities and Social Inclusion |
| *Tas* | Department of Health and Human Services |
| *ACT* | Community Services Directorate |
| *NT* | Department of Justice and Office of Children and Families |
|  | |
|  | |

*Clients of youth justice agencies*

*Numbers and rates of young Indigenous Australians subject to youth justice supervision*

The daily average number of Indigenous Australians aged 10–17 years detained in youth justice detention centres was 454 in 2010‑11, compared with 396 non‑Indigenous Australians aged 10–17 years (table 15A.186). Nationally, the daily average detention rate for Indigenous Australians aged 10–17 years in 2010-11 was 437.5 per 100 000 Indigenous Australians aged 10–17 years, compared with 18.2 per 100 000 non-Indigenous young people (table 15A.186). The over‑representation of Indigenous Australians aged 10–17 years in detention across jurisdictions in 2010-11 is shown in figure 15.6.

In 2011, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released the report *Doing Time — Time for Doing: Indigenous youth in the criminal justice system*, which highlighted that, although 20 years have passed since the *Royal Commission into Aboriginal Deaths in Custody Report* (Commonwealth of Australia 1991), the incarceration rate of Indigenous Australians, including Indigenous youth, has worsened (Commonwealth of Australia 2011). Indigenous young people are far more likely to come into contact with the criminal justice system and to be incarcerated than non‑Indigenous young people, despite Indigenous people representing approximately 2.5 per cent of the Australian population.

Figure 15.6 Average daily rate of detention of Indigenous and non‑Indigenous young people aged 10–17 years, per 100 000 young people aged 10–17 years, 2010‑11**a, b, c**

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a The ACT rate for Indigenous young people should be treated with caution due to the small Indigenous population in the ACT. b These data should be interpreted with caution, particularly for jurisdictions with small Indigenous populations. The Indigenous and non-Indigenous rate ratio in table 15A.188 should also be taken into account. c Refer to table 15A.186 for detailed footnotes.

*Source*: AIHW 2012, *Juvenile justice in Australia 2010–11,* Juvenile justice series no. 10, JUV 10, Canberra: AIHW; WA and NT governments (unpublished); table 15A.186; 2013 Report, figure 15.19, p. 15.66.

Indigenous young people are also over-represented in community-based supervision (figure 15.7). The daily average number of Indigenous young people aged   
10–17 years supervised in the community was 2125 in 2010-11, compared with 3043 non-Indigenous young people aged 10–17 years (table 15A.187). Nationally, the daily average rate of Indigenous young people aged 10–17 years subject to community-based supervision in 2010‑11 was 2045.8 per 100 000 Indigenous young people aged 10–17 years, compared with 139.5 per 100 000 non-Indigenous young people aged 10–17 years (table 15A.187).

Figure 15.7 Average daily rate of Indigenous and non‑Indigenous young people aged 10–17 years subject to community supervision, per 100 000 young people aged 10-17 years, 2010‑11**a**

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a Refer to table 15A.187 for detailed footnotes.

*Source*: AIHW 2012, *Juvenile justice in Australia 2010–11,* Juvenile justice series no. 10, JUV 10, Canberra: AIHW; WA and NT governments (unpublished); table 15A.187; 2013 Report, figure 15.20, p. 15.67.

**Framework of performance indicators for youth justice services**

The Youth justice services performance indicator framework in figure 15.8 identifies the principal youth justice activities included in the 2013 Report. Data for Indigenous Australians are reported for a subset of the performance indicators and are presented here. It is important to interpret these data in the context of the broader performance indicator framework. The framework shows which data are comparable. For data that are not considered directly comparable, the text includes relevant caveats and supporting commentary.

Indicator boxes presented throughout the chapter provide information about the reported indicators. As these are sourced directly from the 2013 Report, they may include references to data not reported for Indigenous people and therefore not included in this Compendium.

The Report’s statistical appendix contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics, including age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (including Indigenous and ethnic status) (appendix A).

Figure 15.8 **Youth justice services performance indicator framework**

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| Figure 15.8 Youth justice services performance indicator framework  More details can be found within the text surrounding this image. |

*Source*: 2013 Report, figure 15.22, p. 15.70.

**Youth justice services reporting for Indigenous Australians**

*Diversion — group conferencing outcomes*

‘Group conferencing outcomes’ is an indicator of governments’ objective to divert young people from the youth justice system and address their offending needs (box 15.6).

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| Box 15.6 Group conferencing outcomes |
| ‘Group conferencing outcomes’ is defined as the number of young people who receive group conferencing and who as a result reach an agreement, as a proportion of all young people who receive group conferencing.  Typically, a group conference involves the young offender and victim (or victims) and their families, police, and a youth justice agency officer, all of whom attempt to agree on a course of action required of the young offender to make amends for his or her offence. Group conferences are decision-making forums that aim to minimise the progression of young people into the youth justice system, and provide restorative justice.  Data for this indicator should be interpreted with caution as the provision of group conferencing differs across jurisdictions in relation to: (a) its place in the court process (for example, whether young people are referred by police before court processes begin, or by the court as an alternative to sentencing), (b) the consequences for young people if they do not comply with the outcome plans of a conference, and (c) eligibility.  A high or increasing rate for this indicator is desirable.  Data reported for this indicator are not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, 96.8 per cent of all concluded group conferences resulted in an agreement, with proportions varying across jurisdictions (figure 15.9).

Figure 15.9 Proportion of young people who receive group conferencing and reach an agreement, by Indigenous status, 2011-12**a, b, c, d**

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a Queensland data could not be disaggregated by Indigenous status for the number of group conferences resulting in an agreement. Therefore, proportions are calculated only for the total number of group conferences resulting in agreement, and with the exception of the total Queensland proportion, Queensland data are excluded from national totals. b Data were not available for WA or SA. c Queensland and Victoria count the number of group conferences resulting in an agreement, as a proportion of all concluded group conferences, as distinct from young people who receive group conferencing and reach an agreement. d Refer to table 15A.191 for detailed footnotes.

*Source*: State and Territory governments (unpublished); table 15A.191; 2013 Report, figure 15.23, p. 15.72.

*Rehabilitation — education and training attendance*

‘Education and training attendance’ is an indicator of governments’ objective to provide program interventions in education and training to rehabilitate young offenders and increase their chances of successfully re-integrating into the community (box 15.7).

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| Box 15.7 **Education and training attendance** |
| ‘Education and training attendance’ is defined by two measures:   * the number of young people of compulsory school age in detention attending an education course, as a percentage of all young people of compulsory school age in detention * the number of young people not of compulsory school age in detention attending an education or training course, as a percentage of all young people not of compulsory school age in detention.   Compulsory school age refers to specific State and Territory governments’ requirements for a young person to participate in school, which are based primarily on age (see chapter 4 School education for further information). Education or training course refers to school education or an accredited education or training course under the Australian Qualifications Framework.  A high or increasing percentage of young people attending education and training is desirable.  Exclusions include young people not under youth justice supervision (for example, in police custody) and young people whose situation might exclude their participation in education programs (including young people who are: on temporary leave such as work release, medically unable to participate, in isolation, and on remand or sentenced for fewer than 7 days).  Data reported for this indicator are comparable.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, 97.8 per cent of young people of compulsory school age in detention were attending an education course in 2011-12, while 96.5 per cent of young people in detention notof compulsory school age were attending an accredited education or training course (figure 15.10). Proportions varied across jurisdictions.

Figure 15.10 Proportion of young people in detention attending an accredited education or training course, by Indigenous status 2011-12**a**

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| **(a) Proportion of young people of compulsory school age in detention attending an accredited education or training course**  **(b) Proportion of young people not of compulsory school age in detention attending an accredited education or training course** |

a Refer to table 15A.193 for detailed footnotes.

*Source*: State and Territory governments (unpublished); table 15A.193; 2013 Report, figure 15.24, p. 15.78.

*Safe and secure environment — escapes*

‘Escapes’ is an indicator of governments’ objective to ensure that youth justice agencies provide a safe and secure environment for young people in custody, and the community (box 15.8).

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| Box 15.8 **Escapes** |
| ‘Escapes’ is defined by two measures:   * the number of escapes from a youth justice detention centre, as a proportion of all young people in custody * the number of escapes during periods of escorted movement, as a proportion of all periods of escorted movement.   An escape from a youth justice detention centre is defined as a breach of a secure perimeter or defined boundary of a youth justice detention centre by a young person under the supervision of the centre.  A period of escorted movement is defined as a period of time during which a young person is in the custody of the youth justice agency while outside a detention centre. The period of escorted movement ends when the young person is returned to the detention centre, or is no longer in the legal or physical custody of the youth justice agency. An escape from an escorted movement is defined as the failure of a young person to remain in the custody of a supervising youth justice worker or approved service provider during a period of escorted movement. An escape is counted each time a young person escapes. For example, if a young person escapes three times in a counting period, three escapes are recorded. If three young people escape at the same time, three escapes are recorded.  A zero or decreasing escape rate is desirable.  Data reported for this indicator are comparable but not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, there were 20 escapes from youth justice detention in 2011-12, which was equivalent to 0.6 escapes per 10 000 custody nights in 2011-12 (table 15.1). The number of escapes from detention varied across jurisdictions.

Table 15.1 Number and rate of escapes from youth justice detention centres, by Indigenous status, 2011-12**a, b**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of escapes** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | – | – | 4.0 | – | – | 9.0 |
| Non-Indigenous | – | – | – | – | 4.0 | 2.0 | – | – |
| Unknown | – | 1.0 | – | – | – | – | – | – |
| Total | – | 1.0 | – | – | 8.0 | 2.0 | – | 9.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | – | – | 3.9 | – | – | 6.7 |
| Non-Indigenous | – | – | – | – | 3.5 | 3.0 | – | – |
| Unknown | – | 3333.3 | – | – | – | – | – | – |
| Total | – | 0.2 | – | – | 3.6 | 2.6 | – | 6.5 |

a Victoria’s high rate of escapes from youth justice detention for young people of unknown Indigenous status is the result of having very few young people in detention of unknown Indigenous status. b Refer to table 15A.194 for detailed footnotes. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.194; 2013 Report, table 15.7, p. 15.80.

Nationally, there were six escapes from escorted movements in 2011-12 (table 15.2). The number of escapes from escorted movement varied across jurisdictions.

Table 15.2 Number and rate of escapes from escorted movement, by Indigenous status, 2011-12a

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of escapes** |  |  |  |  |  |  |  |  |
| Indigenous | 3.0 | – | – | na | – | – | na | – |
| Non-Indigenous | 1.0 | 1.0 | – | na | – | 1.0 | na | – |
| Unknown | – | – | – | na | – | – | na | – |
| Total | 4.0 | 1.0 | – | na | – | 1.0 | na | – |
| **Rate per 10 000 periods of escorted movement** |  |  |  |  |  |  |  |  |
| Indigenous | 12.5 | – | – | na | – | – | na | – |
| Non-Indigenous | 3.5 | 7.2 | – | na | – | na | na | – |
| Unknown | – | – | – | na | – | – | na | – |
| Total | 7.4 | 6.4 | – | na | – | 18.9 | na | – |

a Refer to table 15A.194 for detailed footnotes. **na** Not available. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.194; 2013 Report, table 15.8, p. 15.81.

*Safe and secure environment — absconds from unescorted leave*

‘Absconds from unescorted leave’ is an indicator of governments’ objective to appropriately manage young people while they are in the legal custody of a youth justice detention centre (box 15.9). Management of young people includes the provision of appropriate assessment, planning and supervision to enable young people to undertake unescorted temporary leave from detention centres. Unescorted leave may be undertaken for the purposes of providing rehabilitation interventions and activities such as education, training and employment.

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| Box 15.9 Absconds from unescorted leave |
| ‘Absconds from unescorted leave’ is defined as the number of young people who have unescorted temporary leave and fail to return to custody, as a proportion of all young people who have unescorted temporary leave.  A zero or low, or decreasing rate of absconds from unescorted leave is desirable.  Data reported for this indicator are comparable but not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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One young person absconded from unescorted leave in 2011-12 (table 15.3).

Table 15.3 Number and rate of absconds from unescorted leave, by Indigenous status, 2011-12**a, b, c**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of escapes** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | .. | na | – | – | na | – |
| Non-Indigenous | 1.0 | – | .. | na | – | – | na | – |
| Unknown | – | – | .. | na | – | – | na | – |
| Total | 1.0 | – | .. | na | – | – | na | – |
| **Rate per 10 000 periods of escorted movement** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | .. | na | – | – | na | – |
| Non-Indigenous | 0.5 | – | .. | na | – | – | na | – |
| Unknown | – | – | .. | na | – | – | na | – |
| Total | 0.3 | – | .. | na | – | – | na | – |

a Data were not available WA and the ACT. b Queensland does not currently use unescorted leave. c Refer to table 15A.195 for detailed footnotes. **na** Not available. – Nil or rounded to zero.

*Source:* State and Territory governments (unpublished); table 15A.195; 2013 Report, table 15.9, p. 15.82.

*Safe and secure environment — assaults in custody*

‘Assaults in custody’ is an indicator of governments’ objective to provide a custodial environment that is safe and secure in order to rehabilitate young offenders and reintegrate them into their community (box 15.10).

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| Box 15.10 Assaults in custody |
| ‘Assaults in custody’ is defined by two measures:   * the rate of detainees and staff (by Indigenous status) who are seriously assaulted (that is, sustain an injury that requires overnight hospitalisation and any act of sexual assault) due to an act perpetrated by one or more detainees, as a proportion of the number of detainees in custody * the rate of detainees and staff (by Indigenous status) who are assaulted (that is, sustain an injury, but do not require hospitalisation) due to an act perpetrated by one or more detainees, as a proportion of the number of detainees in custody.   A zero or low, or decreasing assaults in custody rate is desirable.  Data reported for this indicator are not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, 10 detainees were reported as injured in custody due to a serious assault in 2011‑12 (table 15.4). Nationally, no staff were reported as injured due to a serious assault in 2011‑12. The proportion of young people injured in custody due to a serious assault varied across jurisdictions.

Table 15.4 Number and rate of young people injured as a result of a serious assault, by Indigenous status, 2011-12**a**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of young people injured as a result of a serious assault** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | 1.0 | na | na | – | – | 6.0 |
| Non-Indigenous | – | – | 1.0 | na | na | – | 2.0 | – |
| Unknown | – | – | – | na | na | – | – | – |
| Total | – | – | 2.0 | na | na | – | 2.0 | 6.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | – | – | 0.3 | na | na | – | – | 4.4 |
| Non-Indigenous | – | – | 0.5 | na | na | – | 3.8 | – |
| Unknown | – | – | – | na | na | – | – | – |
| Total | – | – | 0.4 | na | na | – | 2.4 | 4.3 |

a Data were not available for WA and SA. **na** Not available. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.196; 2013 Report, table 15.10, p. 15.83.

Nationally, 79 detainees were reported as injured in custody due to an assault in 2011‑12 (table 15.5). Proportions varied across jurisdictions.

Table 15.5 Number and rate of detainees injured as a result of an assault, by Indigenous status, 2011-12**a, b**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of detainees injured as a result of an assault** |  |  |  |  |  |  |  |  |
| Indigenous | 5.0 | na | 10.0 | na | na | np | 2.0 | 48.0 |
| Non-Indigenous | 7.0 | na | 6.0 | na | na | np | – | – |
| Unknown | 1.0 | na | – | na | na | – | – | – |
| Total | 13.0 | na | 16.0 | na | na | np | 2.0 | 48.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | 0.8 | na | 3.2 | na | na | np | 6.5 | 35.5 |
| Non-Indigenous | 1.1 | na | 3.2 | na | na | np | – | – |
| Unknown | 4.2 | na | – | na | na | – | – | – |
| Total | 1.0 | na | 3.2 | na | na | np | 2.4 | 34.7 |

a Data reported for this indicator are not comparable and need to be interpreted with caution. Methods of data collection vary across jurisdictions (for example, manual case file review compared to the collation of electronic incident reports) and jurisdictions’ ability to report on this measure is dependent on relevant incidents having first been documented. b Data were not available for Victoria, WA, and SA. **na** Not available. **np** Not published. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.197; 2013 Report, table 15.11, p. 15.84.

Nationally, 47 staff were reported as injured due to an assault while supervising detainees in 2011-12 (table 15.6). Proportions varied across jurisdictions.

Table 15.6 Number and rate of staff injured as a result of an assault, by Indigenous status, 2011-12**a, b, c**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of staff injured as a result of an assault** |  |  |  |  |  |  |  |  |
| Indigenous | na | na | 8.0 | na | na | – | – | – |
| Non-Indigenous | na | na | 18.0 | na | na | – | 2.0 | 2.0 |
| Unknown | 17.0 | na | – | na | na | np | – | – |
| Total | 17.0 | na | 26.0 | na | na | np | 2.0 | 2.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | na | na | 2.6 | na | na | – | – | – |
| Non-Indigenous | na | na | 9.7 | na | na | – | 3.8 | 66.0 |
| Unknown | 71.7 | na | – | na | na | np | – | – |
| Total | 1.3 | na | 5.2 | na | na | np | 2.4 | 1.4 |

a Data reported for this indicator are not comparable and need to be interpreted with caution. Methods of data collection vary across jurisdictions (for example, manual case file review compared to the collation of electronic incident reports) and jurisdictions’ ability to report on this measure is dependent on relevant incidents having first been documented. b Data report the Indigenous status of staff who were reported as injured due to an assault. c Data were not available for Victoria, WA, and SA. **na** Not available. **np** Not published. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.197; 2013 Report, table 15.12, p. 15.84.

*Safe and secure environment — self-harm and attempted suicide in custody*

‘Self-harm and attempted suicide in custody’ is an indicator of governments’ objective to provide a custodial environment that is safe and secure in order to rehabilitate young offenders and reintegrate them into their community (box 15.11).

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| Box 15.11 Self-harm and attempted suicide in custody |
| ‘Self-harm and attempted suicide in custody’ is defined by four measures:   * the number of incidents of self-harm or attempted suicide in custody requiring hospitalisation * the number of incidents of self-harm or attempted suicide in custody not requiring hospitalisation * the number of detainees who self-harmed or attempted suicide in custody requiring hospitalisation * the number of detainees who self-harmed or attempted suicide in custody not requiring hospitalisation.   An incident of self-harm or attempted suicide is counted each time a young person self‑harms or attempts suicide. For example, if one young person self-harms or attempts suicide three times in a counting period, three incidents are recorded. Therefore, the number of incidents of self-harm or attempted suicide and the number of detainees who self-harm or attempt suicide will differ when one detainee has self‑harmed on two or more occasions, as each occasion will be counted as a separate incident.  A zero, low, or decreasing self-harm and attempted suicide in custody rate is desirable.  Data reported for this indicator are not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, five detainees in five separate incidents were reported as having self‑harmed or attempted suicide in custody requiring hospitalisation in 2011-12. Proportions varied across jurisdictions (table 15.7).

Table 15.7 Number and rate of detainees who self-harmed or attempted suicide in custody requiring hospitalisation, by Indigenous status, 2011‑12**a, b**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of detainees who self‑harmed or attempted suicide in custody requiring hospitalisation** |  |  |  |  |  |  |  |  |
| Indigenous | 1.0 | – | – | na | na | – | – | 1.0 |
| Non-Indigenous | 1.0 | 1.0 | – | na | na | – | – | – |
| Unknown | 1.0 | na | – | na | na | – | – | – |
| Total | 3.0 | 1.0 | – | na | na | – | – | 1.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | 0.2 | – | – | na | na | – | – | 0.7 |
| Non-Indigenous | 0.2 | 0.2 | – | na | na | – | – | – |
| Unknown | 4.2 | na | – | na | na | – | – | – |
| Total | 0.2 | 0.2 | – | na | na | – | – | 0.7 |

a Data were not available for WA and SA. b Refer to table 15A.198 for detailed footnotes. **na** Not available.   
‑ Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.198; 2013 Report, table 15.13, p. 15.86.

Nationally, 49 detainees were reported as having self-harmed or attempted suicide in 65 separate incidents during 2011-12, none of which required hospitalisation (tables 15.8 and 15.9). Proportions varied across jurisdictions.

Table 15.8 Number and rate of detainees who self-harmed or attempted suicide in custody not requiring hospitalisation, by Indigenous status, 2011‑12**a, b**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of detainees who self‑harmed or attempted suicide in custody not requiring hospitalisation** |  |  |  |  |  |  |  |  |
| Indigenous | 14.0 | – | 1.0 | na | na | – | 1.0 | 7.0 |
| Non-Indigenous | 12.0 | 1.0 | 4.0 | na | na | – | 1.0 | – |
| Unknown | 8.0 | na | – | na | na | – | – | – |
| Total | 34.0 | 1.0 | 5.0 | na | na | – | 2.0 | 7.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | 2.2 | – | 0.3 | na | na | – | 3.3 | 5.2 |
| Non-Indigenous | 1.9 | 0.2 | 2.2 | na | na | – | 1.9 | – |
| Unknown | 33.7 | na | – | na | na | – | – | – |
| Total | 2.6 | 0.2 | 1.0 | na | na | – | 2.4 | 5.1 |

a Data were not available for WA and SA. b Data reported for this indicator are not comparable and need to be interpreted with caution. Methods of data collection vary across jurisdictions (for example, manual case file review, the collation of electronic incident reports) and jurisdictions’ ability to report on this measure is dependent on relevant incidents having first been documented. **na** Not available. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.198; 2013 Report, table 15.14, p. 15.87.

Table 15.9 Number and rate of incidents of self-harm or attempted suicide in custody not requiring hospitalisation, by Indigenous status, 2011‑12**a, b**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Number of incidents of self‑harm or attempted suicide in custody not requiring hospitalisation** |  |  |  |  |  |  |  |  |
| Indigenous | 14.0 | – | 1.0 | na | na | – | 1.0 | 22.0 |
| Non-Indigenous | 12.0 | 1.0 | 4.0 | na | na | – | 2.0 | – |
| Unknown | 8.0 | na | – | na | na | – | – | – |
| Total | 34.0 | 1.0 | 5.0 | na | na | – | 3.0 | 22.0 |
| **Rate per 10 000 custody nights** |  |  |  |  |  |  |  |  |
| Indigenous | 2.2 | – | 0.3 | na | na | – | 3.3 | 16.3 |
| Non-Indigenous | 1.9 | 0.2 | 2.2 | na | na | – | 3.8 | – |
| Unknown | 33.7 | na | – | na | na | – | – | – |
| Total | 2.6 | 0.2 | 1.0 | na | na | – | 3.6 | 15.9 |

a Data reported for this indicator are not comparable and need to be interpreted with caution. Methods of data collection vary across jurisdictions (for example, manual case file review compared to the collation of electronic incident reports) and jurisdictions’ ability to report on this measure is dependent on relevant incidents having first been documented. b Data were not available for WA and SA. **na** Not available. – Nil or rounded to zero.

*Source*: State and Territory governments (unpublished); table 15A.198; 2013 Report, table 15.15, p. 15.87.

*Statutory responsibilities — pre‑sentence reports completed*

‘Pre‑sentence reports completed’ is an indicator of governments’ objective to ensure that accurate and timely advice is provided to courts to inform decision-making (box 15.12).

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| Box 15.12 **Pre‑sentence reports completed** |
| ‘Pre‑sentence reports completed’ is defined as the number of written reports provided by youth justice agencies to a court in response to a request for a pre‑sentence report, as a proportion of all court requests to youth justice agencies for written pre‑sentence reports.  A pre‑sentence report is a written report that provides a court with pertinent information about the assessed factors that contributed to a young person’s offence and explores programs and services that could be provided to address a young person’s offending behaviour. A pre‑sentence report is prepared when ordered by a court after a young person has pleaded or been found guilty of an offence.  A high or increasing percentage of pre‑sentence reports completed is desirable.  Data reported for this indicator are comparable but not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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The percentage of pre‑sentence reports completed varied slightly across jurisdictions (figure 15.11). Nationally, in 2011-12, 99.9 per cent of all court requests for pre‑sentence reports were completed.

Figure 15.11 Proportion of pre-sentence reports completed by youth justice agencies, by Indigenous status, 2011‑12**a, b, c, d, e**

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a Victoria was not able to provide the numerator or denominator for this indicator and instead provided a total proportion based on a survey of managers. Victoria’s data are excluded from the national total. b WA data could not be disaggregated by Indigenous status. c SA was not able to provide the numerator or denominator for this indicator and instead provided a total proportion by Indigenous and non-Indigenous status. As a result, a total proportion could not be calculated for SA and SA data are excluded from the national total. d The proportion of pre‑sentence reports completed by youth justice agencies in Tasmania includes some cases where the report was not provided by the initial request and the court extended the required date of the report. e Refer to table 15A.190 for detailed footnotes.

*Source*: State and Territory governments (unpublished); table 15A.190; 2013 Report, figure 15.25, p. 15.89.

*Statutory responsibilities — case plans prepared*

‘Case plans prepared’ is an indicator of governments’ objective to ensure that youth justice agencies support young people to minimise the likelihood of re‑offending by addressing their offending-related needs (box 15.13).

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| Box 15.13 **Case plans prepared** |
| ‘Case plans prepared’ is defined as the number of eligible young people who had a documented case plan prepared or reviewed within 6 weeks of commencing:   * a sentenced detention order, as a proportion of all young people commencing a sentenced detention order * a sentenced community-based order, as a proportion of all young people commencing a sentenced community-based order.   An eligible young person is one who is serving a sentenced order that requires case management.  A high or increasing rate of case plans prepared is desirable.  Data reported for this indicator are comparable but not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, 84.0 per cent of case plans were prepared within 6 weeks of commencing a sentenced community-based order in 2011-12 (figure 15.12(a)). Nationally, 91.6 per cent of case plans were prepared within 6 weeks of commencing a sentenced detention order in 2011-12 (figure 15.12(b)). Proportions varied across jurisdictions.

Figure 15.12 Proportion of case plans prepared within 6 weeks of commencing sentenced detention orders and sentenced community-based orders, by Indigenous status, 2011-12**a, b, c, d**

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| (a) Proportion of case plans prepared within 6 weeks of commencing a sentenced  community-based order  (b) Proportion of case plans prepared within 6 weeks of commencing a sentenced  detention order |

a For community-based case plans, WA could not disaggregate the numerator by Indigenous status. Therefore, a proportion is only calculated for the total number of case plans prepared in WA. b Data were not available for SA and Tasmania. c In the NT, case plans for young people on community-based orders are prepared within 8 weeks of order commencement. Community-based data for the NT have been manually collated and data integrity cannot be assured. d Refer to table 15A.200 for detailed footnotes.

*Source*: State and Territory governments (unpublished); table 15A.200; 2013 Report, figure 15.27, p. 15.91.

*Statutory responsibilities — completion of community-based orders*

‘Completion of community-based orders’ is an indicator of governments’ objective to rehabilitate young offenders (box 15.14).

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| Box 15.14 Completion of community-based orders |
| ‘Completion of community-based orders’ is defined as the proportion of sentenced community-based supervision orders successfully completed. An order is counted as successfully completed where the earliest order expiry date or the order termination date is reached and breach is neither pending nor finalised.  A high or increasing proportion of orders successfully completed is desirable. However, where offenders are non-compliant and pose a risk, breach action (an unsuccessful completion) may be warranted. As a result, a completion rate less than 100 per cent may not necessarily indicate poor performance, and may reflect appropriate supervision of young people on community-based supervision orders.  Data reported for this indicator are comparable but not complete.  Data quality information for this indicator is at www.pc.gov.au/gsp/reports/rogs/2013. |
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Nationally, 83.0 per cent of community-based orders were successfully completed in 2011-12. The proportion of community-based orders successfully completed varied across jurisdictions (figure 15.13).

Figure 15.13 Proportion of community-based orders successfully completed, by Indigenous status, 2011-12**a, b**

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a Data were not available for the ACT due to information system limitations. b Refer to table 15A.199 for detailed footnotes.

*Source*: State and Territory governments (unpublished); table 15A.199; 2013 Report, figure 15.26, p. 15.93.

### Definitions of key terms and indicators

**Child protection and out-of-home care services**

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| **Care and protection orders** | Care and protection orders are legal orders or arrangements which give child protection departments some responsibility for a child’s welfare. The scope of departmental involvement mandated by a care and protection order is dependent on the type of order, and can include:   * responsibility for overseeing the actions of the person or authority caring for the child * reporting or giving consideration to the child’s welfare (for example, regarding the child’s education, health, religion, accommodation and financial matters).   Types of care and protection orders:   * Finalised guardianship or custody orders – involve the transfer of legal guardianship to the relevant state or territory department or non-government agency. These orders involve considerable intervention in a child’s life and that of his or her family, and are sought only as a last resort. Guardianship orders convey responsibility for the welfare of a child to a guardian (for example, regarding a child’s education, health, religion, accommodation and financial matters). Guardianship orders do not necessarily grant the right to the daily care and control of a child, or the right to make decisions about the daily care and control of a child, which are granted under custody orders. Custody orders generally refer to orders that place children in the custody of the state or territory, or department responsible for child protection or non-government agency. These orders usually involve the child protection department being responsible for the daily care and requirements of a child, while his or her parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child. * Finalised third party parental responsibility orders – transfer all duties, powers, responsibilities and authority parents are entitled to by law, to a nominated person(s) considered appropriate by the court. The nominated person may be an individual such as a relative or an officer of a state or territory department. Third party parental responsibility may be ordered when a parent is unable to care for a child, and as such parental responsibility is transferred to a relative. ‘Permanent care orders’ are an example of a third party parental responsibility order and involve the transfer of guardianship to a third party carer. It can also be applied to the achievement of a stable arrangement under a long-term guardianship order to 18 years without guardianship being transferred to a third party. These orders are only applicable in some jurisdictions. * Finalised supervisory orders – give the department responsible for child protection some responsibility for a child’s welfare. Under these orders, the department supervises and/or directs the level and type of care that is to be provided to the child. Children under supervisory orders are generally under the responsibility of their parents and the guardianship or custody of the child is unaffected. Finalised supervisory orders are therefore less interventionist than finalised guardianship orders but require the child’s parent or guardian to meet specified conditions, such as medical care of the child. * Interim and temporary orders – generally cover the provision of a limited period of supervision and/or placement of a child. Parental responsibility under these orders may reside with the parents or with the department responsible for child protection. Orders that are not finalised (such as an application to a court for a care and protection order) are also included in this category, unless another finalised order is in place. * Administrative arrangements – are agreements with relevant child protection departments, which have the same effect as a court order in transferring custody or guardianship. These arrangements can also allow a child to be placed in out-of-home care without going through the courts.   Children are counted only once, even if they are on more than one care and protection order. |
| **Child** | A person aged 0–17 years. |
| **Child concern reports** | Reports to departments responsible for child protection regarding concerns about a child, where there is no indication that a child may have been, or is at risk of being, harmed through abuse or neglect. This may include concerns about a child’s welfare related to the quality of his or her home environment or the standard of care that he or she is receiving. |
| **Exited out‑of‑home care** | Where a child does not return to care within 60 days. |
| **Family group homes** | Family group homes are care settings that provide care to children in a departmentally or community sector agency provided home. These homes have live-in, non-salaried carers who are reimbursed and/or subsidised for the provision of care. |
| **Foster care** | Care of a child who is living apart from his or her natural or adoptive parents in a private household, by one or more adults who act as ‘foster parents’ and are paid a regular allowance by a government authority or non-government organisation for the child’s support. The authorised department or non-government organisation provides continuing supervision or support while the child remains in the care of foster parents. Foster parents are chosen from a list of people registered, licensed or approved as foster parents by an authorised department or non-government organisation. |
| **Foster parent** | Any person (or such a person’s spouse) who is being paid a foster allowance by a government or non-government organisation for the care of a child (excluding children in family group homes). |
| **Guardian** | Any person who has the legal and ongoing care and responsibility for the protection of a child. |
| **Indigenous person** | Person of Aboriginal or Torres Strait Islander descent who identifies as being an Aboriginal or Torres Strait Islander and is accepted as such by the community with which he or she lives. |
| **Investigation** | An investigation of child abuse and neglect that involves identifying harm or risk of harm to the child, determining an outcome and assessing protective needs. It includes the interviewing or sighting of the subject child where practicable. |
| **Length of time in continuous out‑of‑home care** | The length of time for which a child is in out-of-home care on a continuous basis. Any break of 60 days or more is considered to break the continuity of the placement. Where a child returns home for less than 60 days and then returns to the former placement or to a different placement, this does not affect the length of time in care. Holidays or authorised absences (less than 60 days) in a placement do not break the continuity of placement. |
| **Notification** | Contact with an authorised department by persons or other bodies making allegations of child abuse or neglect, or harm to a child. Notifications can be counted at different points in the response to a report, ranging from the point of initial contact with the source of the report to the end of a screening and decision making process. |
| **Out-of-home care** | Overnight care, including placement with relatives (other than parents) where the government makes a financial payment. Includes care of children in legal and voluntary placements (that is, children on and not on a legal order) but excludes placements solely funded by disability services, psychiatric services, youth justice facilities and overnight child care services.  There are five main out-of-home care placement types:   * Residential care – where placement is in a residential building with paid staff. * Family group homes – provide care to children in a departmentally or community sector agency provided home. These homes have live-in, non-salaried carers who are reimbursed and/or subsidised for the provision of care. * Home-based care – where placement is in the home of a carer who is reimbursed (or who has been offered but declined reimbursement) for expenses for the care of the child. This is broken down into three subcategories: (1) *relative/kinship care* – where the caregiver is a relative (other than parents), considered to be family or a close friend, or is a member of the child or young person’s community (in accordance with their culture) who is reimbursed (or who has been offered but declined reimbursement) by the State/Territory for the care of the child. For Aboriginal and Torres Strait Islander children, a kinship carer may be another Indigenous person who is a member of their community, a compatible community or from the same language group; (2) *foster care* – where the care is authorised and carers are reimbursed (or were offered but declined reimbursement) by the state/territory and supported by an approved agency. There are varying degrees of reimbursement made to foster carers; (3) *other* – home-based care which does not fall into either of the above categories. * Independent living – including private board and lead tenant households. * Other – includes placements that do not fit into the above categories and unknown living arrangements. This includes boarding schools, hospitals, hotels/motels and defence force. |
| **Relatives/kin** | People who are family or close friends, or are members of a child or young person’s community (in accordance with their culture) who are reimbursed (or who have been offered but declined reimbursement) by the State/Territory for the care of a child. For Aboriginal and Torres Strait Islander children, a kinship carer may be another Indigenous person who is a member of their community, a compatible community or from the same language group. |
| **Substantiation** | Notification for which an investigation concludes there is reasonable cause to believe that the child has been, is being or is likely to be abused, neglected or otherwise harmed. It does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management is, or is to be, provided. |

**List of attachment tables**

Attachment tables for data within this chapter are contained in the attachment to the Compendium. These tables are identified in references throughout this chapter by a ‘15A’ prefix (for example, table 15A.3 is table 3 in the Protection and support attachment). Attachment tables are on the Review website (www.pc.gov.au/gsp).

|  |  |
| --- | --- |
| **Table 15A.5** | Child protection notifications, investigations and substantiations by Indigenous status |
| **Table 15A.6** | Number of children admitted to and discharged from care and protection orders by Indigenous status |
| **Table 15A.7** | Number of children on care and protection orders by type of order and Indigenous status, at 30 June |
| **Table 15A.8** | Children in notifications, investigations and substantiations and children on care and protection orders: number and rate per 1000 children in the target populations by Indigenous status |
| **Table 15A.16** | Children with documented case plans, by Indigenous status, at 30 June |
| **Table 15A.17** | Children in out-of-home care: number and rate per 1000 children aged 0–17 years by Indigenous status |
| **Table 15A.18** | Children in out-of-home care by Indigenous status and placement type, 30 June (number) |
| **Table 15A.19** | Children in out-of-home care by Indigenous status and whether on a care and protection order, 30 June (number) |
| **Table 15A.20** | Children in out-of-home care by Indigenous status and length of time in continuous out-of-home care, 30 June (number) |
| **Table 15A.21** | Children who exited care during the year by Indigenous status and length of time spent in care (number) |
| **Table 15A.22** | Children in out-of-home care placed with relatives/kin by Indigenous status, 30 June |
| **Table 15A.23** | Indigenous children in out-of-home care by relationship of caregiver, 30 June |
| **Table 15A.24** | Children aged under 12 years in out-of-home care and in a home-based placement by Indigenous status, 30 June |
| **Table 15A.29** | Intensive family support services: number of children aged 0–17 years commencing intensive family support services by Indigenous status and gender |
| **Table 15A.32** | Target population data used for annual data, December ('000) |
| **Table 15A.33** | Target population data used for end of financial year data, March ('000) |
| **Single jurisdiction data NSW** | |
| **Table 15A.35** | Child protection notifications, investigations and substantiations by Indigenous status, NSW |
| **Table 15A.36** | Number of children admitted to and discharged from care and protection orders by Indigenous status, NSW |
| **Table 15A.37** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, NSW |
| **Table 15A.38** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, NSW |
| **Table 15A.42** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, NSW |
| **Table 15A.43** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, NSW |
| **Table 15A.44** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, NSW |
| **Table 15A.45** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, NSW |
| **Table 15A.46** | Number of children who exited care during the year by Indigenous status and length of time spent in care, NSW |
| **Table 15A.47** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, NSW |
| **Table 15A.48** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, NSW |
| **Table 15A.49** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, NSW |
| **Single jurisdiction data VIC** | |
| **Table 15A.53** | Child protection notifications, investigations and substantiations by Indigenous status, VIC |
| **Table 15A.54** | Number of children admitted to and discharged from care and protection orders by Indigenous status, VIC |
| **Table 15A.55** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, VIC |
| **Table 15A.56** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, VIC |
| **Table 15A.60** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, VIC |
| **Table 15A.61** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, VIC |
| **Table 15A.62** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, VIC |
| **Table 15A.63** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, VIC |
| **Table 15A.64** | Number of children who exited care during the year by Indigenous status and length of time spent in care, VIC |
| **Table 15A.65** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, VIC |
| **Table 15A.66** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, VIC |
| **Table 15A.67** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, VIC |
| **Single jurisdiction data QLD** | |
| **Table 15A.71** | Child protection notifications, investigations and substantiations by Indigenous status, Qld |
| **Table 15A.72** | Number of children admitted to and discharged from care and protection orders by Indigenous status, Qld |
| **Table 15A.73** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, Qld |
| **Table 15A.74** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, Qld |
| **Table 15A.78** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, Qld |
| **Table 15A.79** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, Qld |
| **Table 15A.80** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, Qld |
| **Table 15A.81** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, Qld |
| **Table 15A.82** | Number of children who exited care during the year by Indigenous status and length of time spent in care, Qld |
| **Table 15A.83** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, Qld |
| **Table 15A.84** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, Qld |
| **Table 15A.85** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, Qld |
| **Single jurisdiction data WA** | |
| **Table 15A.89** | Child protection notifications, investigations and substantiations by Indigenous status, WA |
| **Table 15A.90** | Number of children admitted to and discharged from care and protection orders by Indigenous status, WA |
| **Table 15A.91** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, WA |
| **Table 15A.92** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, WA |
| **Table 15A.96** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, WA |
| **Table 15A.97** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, WA |
| **Table 15A.98** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, WA |
| **Table 15A.99** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, WA |
| **Table 15A.100** | Number of children who exited care during the year by Indigenous status and length of time spent in care, WA |
| **Table 15A.101** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, WA |
| **Table 15A.102** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, WA |
| **Table 15A.103** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, WA |
| **Single jurisdiction data SA** | |
| **Table 15A.107** | Child protection notifications, investigations and substantiations by Indigenous status, SA |
| **Table 15A.108** | Number of children admitted to and discharged from care and protection orders by Indigenous status, SA |
| **Table 15A.109** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, SA |
| **Table 15A.110** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, SA |
| **Table 15A.114** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, SA |
| **Table 15A.115** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, SA |
| **Table 15A.116** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, SA |
| **Table 15A.117** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, SA |
| **Table 15A.118** | Number of children who exited care during the year by Indigenous status and length of time spent in care, SA |
| **Table 15A.119** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, SA |
| **Table 15A.120** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, SA |
| **Table 15A.121** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, SA |
| **Single jurisdiction data TAS** | |
| **Table 15A.125** | Child protection notifications, investigations and substantiations by Indigenous status, TAS |
| **Table 15A.126** | Number of children admitted to and discharged from care and protection orders by Indigenous status, TAS |
| **Table 15A.127** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, TAS |
| **Table 15A.128** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, TAS |
| **Table 15A.132** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, TAS |
| **Table 15A.133** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, TAS |
| **Table 15A.134** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, TAS |
| **Table 15A.135** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, TAS |
| **Table 15A.136** | Number of children who exited care during the year by Indigenous status and length of time spent in care, TAS |
| **Table 15A.137** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, TAS |
| **Table 15A.138** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, TAS |
| **Table 15A.139** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, TAS |
| **Single jurisdiction data ACT** | |
| **Table 15A.143** | Child protection notifications, investigations and substantiations by Indigenous status, ACT |
| **Table 15A.144** | Number of children admitted to and discharged from care and protection orders by Indigenous status, ACT |
| **Table 15A.145** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, ACT |
| **Table 15A.146** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, ACT |
| **Table 15A.150** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, ACT |
| **Table 15A.151** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, ACT |
| **Table 15A.152** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, ACT |
| **Table 15A.153** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, ACT |
| **Table 15A.154** | Number of children who exited care during the year by Indigenous status and length of time spent in care, ACT |
| **Table 15A.155** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, ACT |
| **Table 15A.156** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, ACT |
| **Table 15A.157** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, ACT |
| **Single jurisdiction data NT** | |
| **Table 15A.161** | Child protection notifications, investigations and substantiations by Indigenous status, NT |
| **Table 15A.162** | Number of children admitted to and discharged from care and protection orders by Indigenous status, NT |
| **Table 15A.163** | Number of children on care and protection orders at 30 June by type of order and Indigenous status, NT |
| **Table 15A.164** | Children in notifications, investigations and substantiations and children on care and protection orders: Number and rate per 1000 children in the target populations by Indigenous status, NT |
| **Table 15A.168** | Children in out-of-home care at 30 June: number and rate per 1000 children aged 0–17 years, by Indigenous status, NT |
| **Table 15A.169** | Number of children in out-of-home care at 30 June, by Indigenous status and placement type, NT |
| **Table 15A.170** | Number of children in out-of-home care at 30 June, by Indigenous status and whether on a care and protection order, NT |
| **Table 15A.171** | Number of children in out-of-home care at 30 June, by Indigenous status and length of time in continuous out-of-home care, NT |
| **Table 15A.172** | Number of children who exited care during the year by Indigenous status and length of time spent in care, NT |
| **Table 15A.173** | Children in out-of-home care at 30 June placed with relatives/kin, by Indigenous status, NT |
| **Table 15A.174** | Indigenous children in out-of-home care at 30 June by Indigenous status and relationship of caregiver, NT |
| **Table 15A.175** | Children aged under 12 years in out-of-home care in a home based placement at 30 June, by Indigenous status, NT |
| **All jurisdiction data** | |
| **Table 15A.186** | Daily average number and rate of Indigenous young people aged 10–17 years in detention |
| **Table 15A.187** | Daily average number and rate of Indigenous young people aged 10–17 years subject to community-based supervision |
| **Table 15A.188** | Average rates of detention and Indigenous rate ratio, young people aged 10-17 years in juvenile detention, per 100 000 people |
| **Table 15A.189** | Custody nights, by Indigenous status |
| **Table 15A.190** | Proportion of pre-sentence reports completed by youth justice agencies, by Indigenous status |
| **Table 15A.191** | Proportion of group conferences resulting in an agreement, by Indigenous status |
| **Table 15A.192** | Deaths in custody, by Indigenous status |
| **Table 15A.193** | Young people in detention attending education and training, by Indigenous status |
| **Table 15A.194** | Escapes from detention and escorted movement, by Indigenous status |
| **Table 15A.195** | Absconds from unescorted leave, by Indigenous status |
| **Table 15A.196** | Serious assaults in custody, by Indigenous status |
| **Table 15A.197** | Assaults in custody, by Indigenous status |
| **Table 15A.198** | Self-harm and attempted suicide in custody, by Indigenous status |
| **Table 15A.199** | Completion of community-based orders, by Indigenous status |
| **Table 15A.200** | Case plans prepared/reviewed within 6 weeks of commencing a sentenced order, by Indigenous status |

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