



Australian  
National  
University

# Capacity Building in Child Protection Projects

Valerie Braithwaite



## Set of studies

- Mary Ivec: Interviews with parents and carers of Indigenous children in care
- Sharynne Hamilton: Survey of NGO service providers
- Nathan Harris: Interviews with parents after their first contact with child protection
- Valerie Braithwaite: Survey of third parties working alongside child protection



Gal, Tali. 2011. *Child Victims and Restorative Justice: A Needs-Rights Model*. New York: Oxford University Press.

UN Convention on the Rights of the Child has 4 principles:

- Non-discrimination
- Survival
- Best Interests
- Participation

To put these principles into practice, the needs of children must be recognized and heard with genuine respect for a child's world view



## The data underpinning this research show that:

- Children are in trouble and their circumstances are not necessarily improved through child protection intervention, particularly those of Indigenous children
- Child protection systems are in crisis



# Voices from Mary Ivec's interviews with parents and carers of Indigenous children in care

*(One son, aged nine) missed a year of school in (foster care) – he went two times a week to school for an hour a day...(Other son, aged ten) had no schooling during this time. (Interviewee 28)*

*Child protection stuffed twelve months of my children's education. The kids went to bed with one set of carers and woke up with other carers...(There was) a substantiated case of abuse while in care. (They have had) behavioural problems since being in care. (**Interviewee 2**)*



*When I took my grandson to the doctor the Department said "you took him to the Doctor's without our permission. You have no right to take him to the Doctor". (When I challenged them) I was told "lose your attitude. Don't you make demands on me" by the caseworker. (**Interviewee 27**)*



*[CPS] let the young teenagers go into hostels. They went to ruin since being under [CPS]. I haven't seen them so bad. They've been in more danger since they've been under [CPS]. (I'm) writing a letter to the Ombudsman. They're in juvenile detention now – got into trouble with ice and stuff. (Interviewee 7)*

*All the kids in juvenile detention (here, two-thirds) are Indigenous kids. (There's) no Indigenous worker – (each of) those kids have had child protection involvement. (The path) is [CPS] to juvenile justice to adult corrections - that's the training, I'd bet my life on it. (Interviewee 13)*



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## Australian Government

Human Rights and Equal Opportunity Commission (HREOC). 1997. *Bringing Them Home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Sydney: HREOC.

## Western Australia

Ford, Prudence. 2007. *Review of the Department for Community Development. Final Report*. Perth: Government of Western Australia.

Hope, Alastair. 2008. *Coroner's Report into Twenty-Two Deaths in the Kimberley*. Western Australia: Western Australian Coroner's Court.



## Queensland

Forde, L. (1999) *Commission of Inquiry into Abuse of Children in Queensland Institutions*. Brisbane: Queensland Government.

Crime and Misconduct Commission. 2004. *Protecting Children: an Inquiry into Abuse of Children in Foster Care*. Brisbane: Queensland Crime and Misconduct Commission.

## Australian Capital Territory

Vardon, Cheryl. 2004. *The Territory as Parent - Review of the Safety of Children in Care in the Australian Capital Territory and of Australian Capital Territory Child Protection Management*. Canberra: ACT Government.



## Northern Territory

Wild, Rex, and Anderson, Patricia. 2007. "Ampe Akelyernemane Meke Mekarle Little Children are Sacred" *Report of the Northern Territory Board Of Inquiry Into The Protection Of Aboriginal Children From Sexual Abuse*. Northern Territory: Northern Territory Government.

Bamblett, Muriel, Bath Howard, and Roseby, Rob. 2010. "Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children", *Report of the Board of Inquiry into the Child Protection System in the Northern Territory*. Northern Territory: Northern Territory Government.



## **New South Wales**

Wood, James. 2008. *Report of the Special Commission of Inquiry into Child Protection Services in New South Wales*. Sydney: State of New South Wales

## **Victoria**

Protecting Victoria's Vulnerable Children Inquiry: Call for submissions by Victorian Government on February 2011, chaired by Hon. Philip Cummins

## **Tasmania**

Parliamentary enquiry into child protection, due to report October 2011



## South Australia

Mullighan, Ted. 2008. *Children in State Care Commission of Inquiry: Allegations of Sexual Abuse and Death from Criminal Conduct*. Adelaide: Office of the Commissioner.



# Third Party Survey: How Well is the System Performing?

The Australian Government announced a set of principles for developing and evaluating the child protection system in 2009.

We gave respondents 11 principles and asked for a rating for each one on how well the system was performing using a scale from 1 (extremely well) to 7 (extremely poorly).



On the rights of children: How many respondents were positive about the system's performance?

32% "to grow up in an environment free of neglect and abuse"

30% "to improve the safety and well-being of children"

29% "to uphold children's rights"

18% "to participate in decisions affecting them"



On social inclusion of families: How many respondents were positive about the system's performance?

25% "to participate in decisions affecting them"

20% "to work in partnership with families in their caring responsibilities"

17% "to communicate to families they are valued and supported in their caregiving responsibilities"





On best practice: How many respondents were positive about the system's performance?

35% "to re-unite children with natural parents"

32% "to use out-of-home care as a last resort"

28% "to base interventions and policies on evidence"

24% "to base interventions and policies on experience of best practice"



# Can Restorative Justice help ?

In theory yes, in practice it has been difficult



- The problem is not a lack of good intentions
- Good intentions are not actioned
- Webs of control dominate webs of dialogue



# Good Intentions of Statutory Child Protection Staff on Empowerment and Inclusion

Over 90% agreed that:

Parents should be involved in making decisions about their children

Parents should be given a chance to show that they can be good parents

Children should have a say in decisions that affect them

The support of the family is critically important in child protection



## BUT ...

Only 54% agreed that only by understanding a parent's perspective can workers be effective



# Good Intentions of Statutory Child Protection Staff on Rights

Over 90% agreed that they should:

Act as a child advocate

Act without prejudice towards families

Engage in practice guided by principles of respect and human dignity



## BUT ...

Only 52% agreed that they should adapt their ways of working to align with the values of families



# Perceptions of Parents' Good Intentions

Most of the time child protection authorities are dealing with families who want to do the right thing

From child protection staff: 52%

From third parties: 55%





# Shared Values

Effective outcomes can be achieved between authorities and clients when negotiation, accommodation and communication are part of the relationship

From child protection staff: 89%

From third parties: 90%



# Third Party Survey: Can you Trust Child Protection Authorities?

Do they ...

14% Keep their word

14% Can be relied upon to do what they say they will do

23% Are open and honest in their dealings with people

21% Do not mislead people

30% Can be trusted to administer child protection laws and rules fairly

28% Take advantage of people who are vulnerable

50% Fail to deliver on responsibilities to community



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- Good intentions are not actioned
- Webs of control dominate webs of dialogue



## Types of webs of influence

- Webs of control: hierarchy of power, system of rules, enforcement of rules, accountability translates into consistency, protocols, assessment tools
- Webs of dialogue: empowerment of participants, identification of shared values, persuasion as to how values are translated into action, recognition of needs, assistance and support

J. Braithwaite and P. Drahos (2000) *Global Business Regulation*, Cambridge University Press.



*They walk in and leave your life in pieces...turn your life upside down...they fight you in court then leave you and say "go and see your psychiatrist" (Interviewee 1)*

*My whole life was wrecked. Had a great job, lost it. Felt I was treated like an animal. (Interviewee 13)*



*They (CPS) should talk it through. Not say "we're going to do this and this is our job". They talk about themselves, not listen to parents; (they just) listen to themselves, their job's inside their mind. They only understand what they have to do, not understand what the human being inside the parent wants. Do they have children of their own? Do they know how it feels? I bet they don't. It's like they've got no heart. They rub their heart out. (Interview 11)*



# Survey of Service Providers (pilot)

Needs of clients?

Advice on child protection/human rights law, lawyers

Frightening cost implications for resource poor

Surely we can do better