

# **THE FAMILY GROUP CONFERENCE 14-YEAR JOURNEY: CELEBRATING THE SUCCESSSES, LEARNING THE LESSONS, EMBRACING THE CHALLENGES**

**Shannon Pakura, Chief Social Worker  
New Zealand Department of  
Child, Youth and Family Services  
Wellington, New Zealand**

Plenary Speaker, Saturday, 5 March 2005

Paper presented at the American Humane Association's  
Family Group Decision Making Conference and Skills-Building Institute,  
6–9 June 2004, in Harrisburg, Pennsylvania, USA

## *Introduction*

Historians will probably reflect on New Zealand society in the 1970s and 1980s as a time of renaissance and revolution on a number of fronts. Certainly it was a period of intense social and economic debate and change:

- There were a number of traditionally dormant constituencies demanding the right to be heard and to influence their futures;
- There were marked shifts in social policy and monetary practice in the 1980s, which called into question the continued viability of New Zealand's extensive system of welfare support<sup>1</sup>;
- There was a re-assertion of the values articulated by early settlers in the colony—individual, family and community responsibility for people's well-being and the lessening of the dependency on the state to provide.



**Shannon Pakura**

While many prospered under this 'new' philosophy, there is little doubt that many did not. For some 'hardship was worsened by the structural disadvantages that could derive from race or region'.<sup>2</sup> These changes were accompanied by an articulation of civil rights through both the feminist movement and what can only be described as a political and cultural revolution amongst Maori, based on the mandate of the Treaty of Waitangi. While given less prominence overall, children's rights also began to be asserted in a new and different way, perhaps as a result of the focus on children during the 1979 International Year of the Child, and almost certainly by an increase in child legal advocacy. Arguably, the renaissance that was to have the most impact on child welfare services was that relating to Maori, resulting as it did in a highly influential document called 'Daybreak—Puaote Ata Tu'.<sup>3</sup> The report revealed major concerns about New Zealand child welfare services.<sup>4</sup> It stated that:

- The centrality of the child in previous child welfare legislation was not in keeping with Maori understandings of family. The welfare of the child could not be set apart from the well-being of the family and children belonged to their *whanau* (or extended family) and not just their parents.
- A large number of Maori children in institutions and in foster homes were 'lost' to their extended families. Many had been placed by social workers who were ignorant of the ways in which the kinship network provided support to family members in difficulty.
- The placement of Maori children in the care of non-Maori families or in institutions provoked concern that the cultural needs of children were not being met.

The report called for a new system, one that would recognize, acknowledge and utilize Maori customs, values and beliefs, and importantly, would employ Maori methods of decision making in relation to services for Maori children and their families. Based on a steadfast commitment to *whakapapa*, Maori vision embraces several key concepts about the role of *whanau*, *hapu*, *iwi* in the life of a child. These are that:

- Extended families know their members best and are usually the best sources of expertise on what should be done about their children;
- Children are usually best cared for within their extended kin network;
- Extended families can create the sort of therapeutic conditions necessary in the rebuilding of damaged lives;

- Extended families are responsible for their offending young and have a responsibility, which they cannot delegate to professionals, to redress wrongs with the families of crime victims.

The Children, Young Persons and their Families Act 1989 that followed emphasizes the importance of family and cultural identity in handling matters relating to the care of children. Our act significantly proclaims the ideal that child welfare is primarily a private rather than a state concern.<sup>5</sup> For Maori children, the Act recognizes that a child's family is *whanau, hapu, iwi*. The placement principles set out in s13 of the act require that a child's *whanau, hapu, iwi* be the network with whom social workers engage to achieve appropriate decisions about a child and that social workers must first search for a suitable placement within *whanau, hapu, iwi* for children who cannot leave with their parents. Given the size of most *iwi*, it was thought to be almost inconceivable that a Maori child would be placed outside his or her kinship network. The act proposes a comprehensive set of services to support *whanau, hapu, iwi* and family groups in all cultures in New Zealand to care for their own:

- Services are to give recognition to the social, economic and cultural values of all groups; and
- Have 'particular regard to the values, culture and beliefs of Maori people'.<sup>6</sup>

The Children, Young Persons and their Families Act 1989 introduced the family group conference as the central process for decision making in statutory civil actions relating to the care or protection of children. In this process, extended families are encouraged to plan for safe outcomes for their children following full information from professionals about the nature of their concerns. Families are invited to work within their own cultural and familial milieu and the state agency and its professionals are expected to give effect to the family's process by supporting plans they formulate and 'by the provision of such services and resources, and the taking of such action and steps as are necessary...' unless to do so would be 'clearly impracticable or clearly inconsistent with the principles [of the act]'.<sup>7</sup> Thus there is a strong presumption that the agency that has the responsibility for preventing any re-occurrence of abuse will follow the lead of the extended family in such matters. A similar construct was put in place to address situations where children offended against the law.

Regarding the origins of this development, let me emphasize that the law changed primarily because Maori were dissatisfied with the way professionals made decisions about them. Maori were distressed

about the impact on them of these decisions and were no longer prepared to tolerate legal or professional systems that gave little weight to Maori customs, values and beliefs. Maori are significant peoples in New Zealand society. We are the *tangata whenua*, the people of the land, the indigenous peoples of Aotearoa. Maori *iwi* enjoy treaty status with the British Crown, which places them in a unique position with the New Zealand Government. Maori are a collection of tribal peoples. When they talked with one voice, when they connected their situations of need and deprivation to the existence of institutional racism, and when they articulated new ways based on traditional problem solving and family-based solution processes, they became a force which led, not followed, legislative reform.

While Maori provided the force to challenge mono-cultural law that impacted negatively on them, it did not in return impose its own unique processes on peoples of other cultures. What we have is a piece of law that recognizes the legitimacy of the customs, values and beliefs of every culture in New Zealand's multi-ethnic community and provides a mechanism—the family group conference—that enables these to find expression in the way decisions are made about children and their families.

How do we translate Maori aspirations and beliefs into the professional context? As professionals we know that our beliefs systems anchor our practice. Understanding the belief system underpinning a family-centred approach to decision making in child welfare and monitoring practice against this understanding is crucial to the success of the approach. There is a danger that over time we focus on what we are doing rather than why we are doing it. Children and their parents are nested in a family system that has a history, unique ways of functioning and is a source of support and help. All families have strengths—it is rare for entire family systems to be simultaneously in a state of crisis. Strengths are essential elements in resolving concerns. Family criminality, drug abuse or violence may limit options for the safe placement of children in families but do not disqualify families from planning and committing to safe outcomes for their children. Families know themselves best and are more likely to consent to plans they develop themselves than those imposed by others. Families have a right to professionals who help them achieve their potential and who respect their right to central involvement in decisions about themselves.

Social work is about change. Families in the notice of statutory child welfare and child protection agencies are there because of some type of crisis, and not changing the way they function will have disastrous repercussions for them. They cannot, however, be changed by external compulsion. Decades of professional activity that

produced little positive result is testimony to that. Just as we know as individuals that we must consent to change if change is to occur in our lives, so is it for families. How we position families to make these choices is the key to strengths-based practice. Our learning is that families see their choices most clearly and are able to respond most effectively when they are within a familiar social and cultural context, which precludes the involvement of professionals in active leadership or participation.

### *The Context in which the FGC Was Implemented*

During the 1990s Maori faced some formidable odds in mapping out a future for themselves. The acceptance of their right to a different way coincided with neo-liberal economic reform in New Zealand, which had a hugely negative impact on Maori:

- Parents both working in couple-based households, high rates of solo parenthood and the damaging effects of poverty and unemployment resulted in a weakening of kin-based support systems already under threat because of urbanisation;
- Many Maori no longer live in their traditional *hapu* areas and are more likely to live in nuclear families with lesser ties to *whanau* than once existed. For many, *hapu* involvement has declined and much cultural knowledge and wisdom has been lost;
- The need to maintain income streams and economic viability has transformed traditional care practice within extended family networks.

Services to support Maori and others in need of them were disrupted:

- State sector reforms—an element of the economic restructuring of the country I referred to earlier—saw state agencies that had formerly collaborated to meet child welfare need retreat to service silos. The notion that government was purchasing outputs, rather than outcomes, resulted in the destruction of co-operation, as no over-arching child welfare goals were established for agencies such as education, health, welfare and housing;
- Entire family support services either disappeared (the family benefit) or were significantly diminished (the Plunket Nurses neo-natal home visiting);
- The state child welfare agency endured a decade of restructuring and fiscal constraint leading to high turnover of staff and ongoing difficulties in recruitment and in building a qualified workforce.

- Child abuse panic associated with some high profile failures of social work, and cross-agency protection of children resulted in huge workload increases for an already stretched state child welfare agency.

All of this, and more, did tarnish the dream somewhat, and it was probably only the fact that the process of family group conferencing is legislatively entrenched that has enabled it to survive. Some of the harmful effects of that period:

- Care options within extended family networks were often limited because of the need to maintain income streams and economic viability. One of the major disappointments for Maori is that only 53 percent of their children currently in the care of the state are placed within *whanau*, *hapu*, *iwi* networks—clearly a failure of legislative intent;
- After an initial major drop in numbers in care, some of which was the result of unrealistic optimism that families would manage on their own, the latter part of the 1990s decade saw a steady increase. This has been largely attributable to the lengthening of average care duration, but reflects also the difficulties families were having in coping with hard-to-manage young people at a time when state resources to support them were diminishing;
- There has been some retreat from full Maori process in family group conferences with Maori. There are fewer such meetings held on *marae*, for example, and this can diminish the role and status of tribal leaders (*kuia* and *kaumaatua*) in the problem-resolution process;
- Fiscal imperatives and professional and organisational agenda have been seen to drive outcomes rather than quality family processes—elements of the colonisation of family-led decision making referred to yesterday;
- While the family group conference is dealing with the hard end of youth offending in New Zealand, and there is a creditable 38 percent non-appearance rate following a first FGC<sup>8</sup>, it is worrying that 12 percent of young persons have 6–12 subsequent appearances and another 11 percent have 12 or more.<sup>9</sup> FGC practice can prove impervious to hard-core persistent offenders unless they are accompanied by extensive support for families and extensive service options that address such things as substance addictions and mental health disorders, services that were stripped out of the system during economic restructuring. Too many young Maori still progress through the youth justice system to adult courts and penal institutions.

*What We Might Do Differently If We Were Starting Afresh*

Organisationally, we made some mistakes in the process of implementing the new law and its procedural requirements. This is hardly surprising—there were no existing models to study. However, our way forward must at least address these failings of the past. If we were at the starting point again, I would do the following:

*Ring-fence the funding allocation for convening family group conferences.* All of our practice experience tells us that better plans emerge from family group conferences when family members attend in significant numbers. For most of the families involved with the statutory child welfare system, poverty or low income is a significant issue. We can expect then that levels of attendance will be dependent on the availability of resources to assist families to travel and be away from work, sometimes for days on end. Our failure to recognize this, and to ensure that funds for convening conferences were protected and grew over time, has had a significant negative impact on the process;

*Preserve and build the funds available for the plans emerging from family group conferences.* Our failure to do this resulted in transfers of funding to support the increasing costs of care. This happened almost imperceptibly as field managers struggled to remain within budget targets. That became, of course, a vicious cycle—as families were denied appropriate resources to implement their plans, more and more children entered the care system as social workers increasingly perceived this to be the only sure way of securing services for the children with whom they were working. Once an order was in force, managers had less discretion about whether they would fund it. This taught us the lesson that significant ideological and practice changes need to be buttressed by re-conceptualized support systems.

*Keep a focus on building core capacity.* During the 1990s the department sought to build its resource base but usually had to accept new or tagged responsibilities with the new funding. There was insufficient attention paid to building core capacity to respond to increasing awareness about abuse and neglect in communities, and this has cost us dearly. In these circumstances, capacity migrates to managing intake or even deflecting intake, at the cost of sustained and intensive work with families already engaged in the system.

*Recognize that kinship care needs its own policy, services and resources framework.* Trying to accommodate kinship care within a framework designed for care by strangers has placed significant barriers in the path of legislative intent.

*Manage our approach to establishing a co-ordinator service differently.* Early decision making around the salary and seniority status of co-ordinators placed them in a markedly different and higher or-

ganisational band to social workers. Rectifying this over subsequent years to ensure that social workers and co-ordinators were equal and complementary professionals, each with important but different roles in the statutory process, was managed badly and has been perceived by co-ordinators as an erosion of their status and importance. Again, the failure to think through adequately the nature of the new position, its relationship to the statutory social work position and the importance of ongoing alignment between the two resulted in a problem of our own making that need never have been. Co-ordinators continue to find it difficult to forgive us for that. Recent research confirms this.<sup>10</sup>

*Ensure there are sufficient co-ordinators to manage more public functions.* The department's funding problems throughout the 1990s meant that the creation of additional positions to meet case demand was not possible. This has resulted in the co-ordinator's role reducing somewhat from legislative intent. Co-ordinators are engaged more or less full-time in case-related activity, and the public-education and community-building roles we envisaged for them have suffered as a consequence. Co-ordinators acquire and build important knowledge from family group conferences about what sorts of services and supports families need in local communities. Co-ordinators need time to work with communities to build these support options.

### *Something About Our Successes*

Despite the difficult social context for Maori, the limitations on resources, and the stresses and strains evident in the professional system, I can confidently assert that the integration of family decision making into the protection, care and youth justice processes has occurred and is producing significant, meaningful results:

- The Crown has recognized that there is more than one worldview. The Crown recognizes *whakapapa* as central to the identity of our indigenous people. *Whakapapa* is the means of connecting oneself with or differentiating oneself from others. Maori are not one people but rather each expresses their identity in their kinship and tribal origins;
- Fewer children live outside the care of their extended family networks;
- Arrangements for protection and care have mostly been better;
- Fewer young people enter the formal criminal justice system and its potential to enhance the development of offending careers;
- The percentage of Maori children having a youth justice FGC is falling—from 41 percent in 1995 to 37 percent in 2002<sup>11</sup>;
- Family resolutions are practical, cost-effective and respect Maori and Pacific peoples' cultural norms;



- Provided that family representation is wide enough, family decision making is usually better than decisions taken by social workers alone. The fear that ‘dysfunctional’ families would use the law in dangerous and abusive ways has proved to be a myth;
- Courts and police support the process, which now forms a vital part in any judicial involvement in protection, care or youth justice matters.

### *Has the FGC Been Good for Maori?*

Maori support for the philosophy and principles underpinning family group conferences remains high, although, not surprisingly, they have some rather biting commentary from time to time on how the process is managed. The act is a major piece of social legislation, and as it embodies so much of what Maori value and believe about children and families, it is dear to them and they embrace it. The act and its processes have had a part to play in arresting the breakdown of *whanau, hapu, iwi* and, as a result, have strengthened trust between Maori and the child welfare agency I work for. While the dispersal of Maori away from their tribal areas is a reality, the FGC process has actively built up links between *whanau, hapu, iwi* members throughout the country. For people of all cultures, the process of physically bringing family members together does break down geographical barriers and contributes to family building and healing. Modern technology has helped connect families where members are unable to travel. The FGC has empowered Maori to take an active role in decision making about their children, something they once had to endure as passive witnesses. This has strengthened family ties and in some cases has led to family reunification and a reawakening of the importance of cultural connections. Children have had beneficial experiences of the way their extended families have gathered for them.

Despite some evidence of organisational colonisation, the FGC has had a definite moderating effect on both the behaviour and the influence of child welfare and other professionals. They now have to articulate and account for their views and opinions in front of families. This has considerably sharpened the focus of professional action. They have also had to learn to play a part in the decision-making process rather than dominate it as they once did.

The process recognizes the value and strength of communities and is able to utilize community resources to help children and their families. When families have a central role in defining their service needs, their local communities are able to respond with service configurations unlike anything that existed prior to 1989. Maori play an active role in service provision, and a number of *iwi*-based social services organisations have

developed or are in the process of development. Some have reached the capability of being genuine alternatives to state child welfare and protection services within their *iwi*.

The family group conference process has been accepted and is part of the New Zealand way of decision making, and for Maori families it is the only way. Most children and their families have only one FGC, and their issues are dealt with outside of courts and formal processes, in respectful and private ways. For Maori, faith and optimism in the family group conference process remain.

#### *Where We See Our Challenges for the Future.*

While faith and optimism do remain, it will always be the challenge of the state agencies and their practitioners to produce the kind of results that sustain and justify them. There have been attempts since the mid-1990s to rectify some of the more damaging effects of economic restructuring. Administrative structures, such as 'Strengthening Families', have been introduced to encourage collaboration, and inter-sectoral linkages have been re-established. As the economy has improved and continues to perform well, money has been re-invested in the child welfare sector by the commissioning of Family Start services, based on the successful Hawaiian home-visiting programme and the introduction of school-based social workers aimed at early identification of, and intervention with, families in difficulty. New efforts have been made to provide wrap-around services for adolescents with major personal and social difficulties. There is still plenty we need to do:

*We need to guard against ideological drift.* Research<sup>12</sup> being conducted by Marie Connolly at the University of Canterbury is raising this as a real risk. The corruption of family empowerment philosophy into something that is organisationally and professionally more comfortable can happen almost without anyone being aware of it. As I ponder Marie's findings, I wonder about the need to take our whole system back to its roots in *Puao te Ata tu*, to revisit core philosophies and principles and to re-invigorate our staff in their meanings. Staff turnover rates have ensured that few staff in frontline positions today experienced the radicalism of these changes firsthand. I am pondering also what role Maori might have in this process. *Puao-te Ata tu* engaged the traditional leadership structures in Maoridom—the *kaumatua* and *kuia* networks of tribal groupings. There is an additional new and different leadership emerging in Maoridom today, one that is increasingly urban, female, middle class, educated and professional. There are exciting prospects in engaging with this new leadership in a re-visioning process.

*We need to make sure that the money flowing back into the system is used creatively.* There is a renewed commitment of government to

give new life to this process. Our challenge is to use this in ways that deliver on legislative intent and to really think through anew how the systems and structures of our professional bureaucracy can best support that intent. For example:

1. There is new money for convening family group conferences. This gives us the opportunity to return to first principles of strengths-based practice and widen considerably the decision-making forum.
2. There is new money for the plans emerging from FGC. We need to encourage the use of well-resourced FGC plans as the option of choice rather than involving children and their families with the state care apparatus.
3. There is a need to review and revitalize our approach to the support and financing of kinship care arrangements.

*We need to do better in responding to the serious or persistent young offender.* Restorative youth justice practice needs to be buttressed with a sophisticated services response, where young persons are showing signs of marked personal and family disorder. New funding is allowing us to think more creatively about service packages tailored to individual needs identified by families, rather than funding a menu of options designed by service providers with which families must fit their needs. We have embarked also on some 'Reducing Youth Offending' projects using Multi-Systemic Therapy techniques developed in the United States.

*We need to address the negative effects of managerialism that alienated workers and their managers during the 1990s.* Creating the sort of practice environment described by Mike Doolan<sup>13</sup>, where social workers and co-ordinators are empowered to work creatively and flexibly with families in the design and support of service responses to their needs, will be a major challenge, but one for which things seem to be coming into alignment. There is new awareness and knowledge about what needs to happen, there is political and managerial will to make it happen, and there are the resources to do it properly. That is enough to make even the staunchest cynic just a touch envious!

### *Conclusion*

I said earlier that there is always a risk that when we focus on the process of implementing family-led decision making, we can forget why we are doing it. We must never forget who this is all about. For me, this is an intensely personal issue.

When we are working with families and pondering professional and legal imperatives, we need to be aware constantly that what we are doing will bear upon the future of a child.

If the child at the centre of the intervention you are responsible for was the most important person in your life—your son, your daughter, your nephew or niece, your best friend’s child, or your *mokopuna*—you would want, as a minimum, for that child to remain connected with those whom they know and love, and that their sense of belonging would never be compromised. We can intervene in families’ lives but we do not control that family’s life—that is not our job and can never be our job.

I have a three-year old grandson. He is the love of my life. He is a handsome wee man, he has sandy hair, and a Maori nose. He is naughty, he has been known to throw the odd tantrum, and there is no denying he is very spoilt.

My plea to you as a fellow professional is:

Should my Caleb ever come to your attention, should you ever have a professional role to play with him, should you be a social worker, or a lawyer or a co-ordinator or a judge—this is what you must do:

- You must find his Nana;
- You must find his aunts and uncles, cousins and friends;
- You must find his *hapu, iwi*—even if he does not know them, they will know him;
- You must make sure he is surrounded by those who love him and are connected to him;
- You must not send him to strangers without our consent and involvement.
- You must move heaven and earth to protect him, remembering he is mine not yours.

This is your job. This is the professional role. This is the role of the state!!!

My people communicate our values through oral narratives and proverbs. I want to conclude with the proverb that spans tribal and *hapu* boundaries in New Zealand:

*Mehemea ka patai mai koe he aha  
te mea tino nui, ka whakahoki ahau,  
he tangata! he tangata! he tangata!*

You ask me what is the most  
important thing in all the world

I will answer you.

It is people! It is people! It is people!

### References

- Connolly, M. (2004). Fifteen years of family group conferencing: Coordinators talk about their experiences in Aotearoa, New Zealand. Unpublished research report. Christchurch, NZ: University of Canterbury.
- Dalley, B. (1998). *Family Matters: Child Welfare in 20<sup>th</sup> Century New Zealand*. Auckland, NZ: Auckland University Press.
- Doolan, M (2004) The family group conference: A mainstream approach in child welfare decision-making. Paper presented at the 2004 Conference on Family Group Decision Making, Harrisburg, PA, USA, 6-9 June 2004, American Humane Society.
- Department of Social Welfare (1998). *Puao te Ata Tu (Daybreak): Report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare*. Wellington, NZ: Department of Social Welfare.
- Ernst, J. (2001). Culture and Child Welfare: Insights from New Zealand. *International Social Work*, 44, 2, 163-178.
- Maxwell, G., Robertson, J., Kingi, V., Anderson, T. and Lash, B. (2001). *The Family Group Conference: A New Paradigm for Making Decisions about Children and Young People*. Wellington, NZ: Institute of Criminology.
- Preston, D. (2003). The family group conference: What have we learned? Unpublished paper presented to the Department of Child Youth and Family Services. Wellington, NZ: Department of Child Youth and Family Services.

### Endnotes

- <sup>1</sup> Dalley, 1998
- <sup>2</sup> Dalley, 1998
- <sup>3</sup> DSW, 1998
- <sup>4</sup> Walker, et al.
- <sup>5</sup> Ernst, 2001
- <sup>6</sup> CYP&F Act 1989, s7
- <sup>7</sup> CYP&F Act 1989, s34
- <sup>8</sup> Maxwell, et al., 2001
- <sup>9</sup> Preston, 2003
- <sup>10</sup> Connolly, 2004
- <sup>11</sup> Preston, 2003
- <sup>12</sup> Connolly, 2004
- <sup>13</sup> Doolan, 2004