

Consumer groups in child protection

Enhancing the accountability of the system

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The theme of this paper is the central role of consumer groups in promoting greater accountability in child protection systems. In recent years, numerous Australian authors have drawn attention to the failings of our State child protection systems. Particular concern has been expressed about the potential 'systems abuse' of children in care, and the failure of statutory systems to engage or adequately consider the perspectives of biological parents. One of the principal reasons for these deficits appears to be the absence of formal consultation mechanisms with consumers of protection services. This paper considers the recent rise of consumer groups of both young people in protection and care, and their parents/caregivers, in relation to the above concerns, with particular reference to Victoria. Attention is drawn to both the strengths and weaknesses of the better known groups such as the Australian Association of Young People in Care and their State affiliates, and the Parent Inquiry into Child Protection. The author believes that the role of consumer groups as a 'watchdog' will become even more important with the intended privatization of some State child protection systems.

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Over the past five years, a number of child protection consumer groups have emerged in Victoria and other States. Many authors believe that such peer support groups have a central role to play in ensuring the accountability of protection systems to those they are intended to serve and protect (Australian Catholic Social Welfare Commission 1997, p. 45; Australian Law Reform Commission 1997, p.157; Bagshaw 1997, p.16; Cashmore & Castell-McGregor 1996, p.138; Mason 1993, pp.89-90).

The establishment of these groups appears to have been sparked by increasing concerns about the effectiveness of our State child protection systems. In particular, concern has been expressed by the recent Australian Law Reform Commission report into Children and the Legal Process that children in care are subjected to 'systems abuse' – that is to 'insensitive, neglectful or exploitative practices within government and non-government agencies set up to assist and protect children' (ALRC 1997, p.422).

Examples of systems abuse cited by the ALRC and other authors include:

- the physical, sexual or emotional abuse and neglect of children by substitute caregivers (Australian Association of Young People in Care 1996, p.1; Bessant & Hill 1997, p.25; Cashmore & Paxman 1996, pp.43-49);
- a disproportionate propensity for wards to enter the juvenile justice system (Community Services Commission 1996; Wynhausen 1998);
- experience of numerous and unstable placements often leading to stunted emotional growth and identity

formation, and/or homelessness (Auditor-General 1996, p.129; ACSWC 1997, p.28; Fredman & Green 1994, p.viii; Szwarc 1992, pp.123-124);

- little encouragement or support to children to maintain contact with biological parents (Fernandez 1996, p.3);
- little or no assistance provided to young people on leaving care (Cashmore & Paxman 1996, pp.86-89; Jones 1997).

In addition, evidence has been provided of the systematic physical and emotional abuse and medical exploitation of thousands of Victorian wards of state in non-government institutions in the 1950s and 1960s (Ryle & Hughes 1997a; Ryle & Hughes 1997b).

CONSUMER GROUPS IN CHILD PROTECTION: AN HISTORICAL SURVEY

The period of the 1970s and early 1980s was the heyday of self-help and consumer groups, particularly in Victoria. Groups were formed to represent consumers from virtually all areas of the social welfare spectrum including sole parents, housing, drugs and alcohol, disability, unemployment, and many others (Australian Council of Social Service 1979; Tenenbaum 1977; Tenenbaum 1979; Green 1984, p.19).

Surprisingly, few if any groups were formed to represent consumers of child protection services who arguably constituted one of the most powerless and disadvantaged groups in the country. Some of the reasons for this omission could include:

- the powerful stigmatization experienced by parents of children in care as alleged child abusers;
- the total dependence of wards of state on the goodwill of caregivers and protection workers, and their perceived powerlessness to challenge acts of abuse (Lindsay 1991, p.437);
- the highly transient nature of wardship and involvement with the protection system;
- the lack of public or media interest in the efficacy of child protection systems (as opposed to child abuse per se) prior to the last decade.

The first Victorian self-help group for 'child-abusing parents', Parents Anonymous, was formed by Ro Bailey in 1973. Parents Anonymous soon acquired funding through a charitable trust, and later from the Victorian and Federal Governments.

Over time, Parents Anonymous came to operate a 24 hour telephone service, a home visiting service, weekly parent support groups, and short term fostering. Parents Anonymous was also represented on various Victorian Government consultative committees (Bailey 1977, pp.27-28; Bailey 1981, pp.184-187).

Another self-help/advocacy group, Community Child Care, also became involved in the child protection debate on behalf of parents. Community Child Care lobbied for the provision of voluntary rather than statutory protection services, and strongly opposed the proposed introduction of mandatory reporting of child abuse in Victoria (Floyd 1982; Green 1984, p.19; Mountjouris 1991, pp.4-8).

However, neither Parents Anonymous nor Community Child Care represented the rights of children and young people in care. Nor did they formally claim to represent parents involved with the child protection system.

The first specific Australian self-help group for young people in care appears to have been formed in NSW in 1979. The group was formed as the outcome of a three-day camp modelled on a similar gathering of young people in care in Britain (National Children's Bureau 1977).

The purpose of the camp (jointly organized by the NSW Department of Youth and

Community Services and the Association of Child Caring Agencies) was 'to give the young people an opportunity to share with each other their thoughts, feelings and experiences of life in care, and to encourage them to accept the responsibility of considering how they themselves could take positive steps to overcome difficulties they saw in the care system'. The young people subsequently published a report of their experience which recommended the establishment of an advocacy group for young people in care (NSW Association of Child Caring Agencies 1980, p.62).

In Victoria, the much heralded Carney Child Welfare Review (released in 1984) made numerous recommendations concerning the lack of accountability of the system, and the need for greater consultation with consumers.

For example, Carney noted that:

The child welfare system has seen little constructive attempt to utilise the knowledge, experience and wisdom of those individuals who have used, or are using, its services (Carney 1984, p.64).

Carney recommended the establishment of an advisory body to be called the Family and Community Development Council which would provide 'a voice to consumers who might otherwise be left unheard'. Carney suggested that the Collective of Self Help Group nominate a representative to this Council on behalf of 'service users' (Carney 1984, pp.510-511).

The Carney Report inspired the introduction of a number of measures designed to make the Victorian child protection system more accountable including the holding of regular case planning and review conferences. However, little (if any) action was taken to implement the recommendations concerning greater consumer consultation.

To be sure, a number of parents' rights groups emerged in both urban and rural locations for varying lengths of time. Some even received small amounts of funding from the Victorian Government (CSHG 1989, p.139; Liddell & Goddard 1993, pp.3-4). Yet no consumer groups were formed to represent the rights of children and young people in care.

During this period, the author worked as a Post-Court Guardianship Worker in Community Services Victoria for 18 months from 1987-88, supervising

children in long-term care. His memories from this period confirm many of the concerns later cited regarding the 'systems abuse' of children in care.

In particular, the author recalls the incredible instability of placements. For example, one 14 year old boy who had been in care since the age of two years had experienced 13 different placements including foster care, emergency reception, extended family, and family group homes. In this and other cases known to the author, there was also little or no attempt made to promote family reunification, and extensive contact with the juvenile justice system.

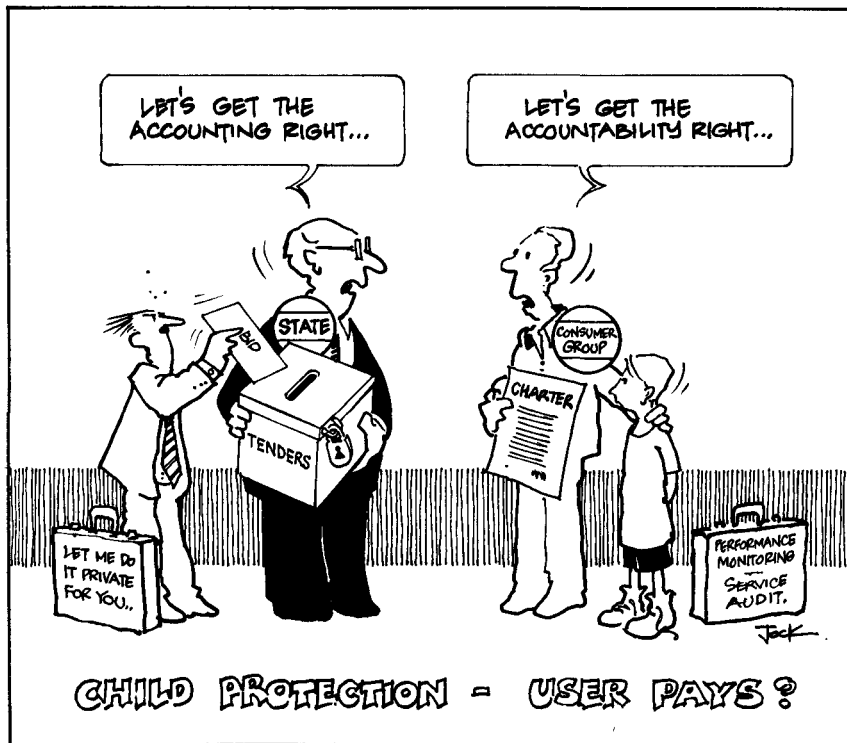
Subsequent reports by Justice Fogarty on the Victorian child protection system exposed numerous deficits including the failures of the existing dual track system, the absence of a 24 hour response service, and inappropriate caseload controls (Fogarty & Sargeant 1989; Fogarty & Sargeant 1990).

However, these criticisms focused primarily on the inadequacies in the child protection investigation service, whilst ignoring concerns relating to the 'systems abuse' of children already in care. Nevertheless, the introduction of the *Children & Young Persons Act* in 1989 and other reforms recommended by Fogarty did at least serve to make the system more accountable to consumers (Fogarty 1993, pp.20-21).

THE EMERGENCE OF CONSUMER GROUPS IN THE 1990S

Over the last five years, a number of consumer groups for children in care and their parents have been established in Victoria and other States. In the opinion of the author, the emergence of such groups can arguably be attributed to a number of factors:

- Awareness of the establishment of similar groups overseas such as Parents Against Injustice (PAIN) and the National Association of Young People in Care in Britain, and Victims of Child Abuse Laws (VOCAL) in the USA, and the related increase in concerns about possible false allegations of child abuse (Besharov 1987, p.8; Hodgkin 1986; Jenkins 1992, p.143; Lindsay 1991, p.435; Marshall 1988, p.20; Sharron 1987; Wimberly 1994).



- The ever-increasing media emphasis on the failures of child protection systems which has empowered previously silent or intimidated consumers to speak out (Goddard 1996, pp.307-308).
- The introduction of market/contract models in Victorian human services which have arguably eroded the capacity of service providers to advocate for the rights of consumers, but have also (at least in principle) placed a greater emphasis on services being made more accountable to consumers (De Carvalho 1994, p.32). For example, Yehudi Blacher, the Director of Youth & Family Services, has emphasized the importance of 'gauging consumer satisfaction regarding the quality of services delivered' (Blacher 1996, p.14).

To be sure, the Victorian Government has been more willing to recognize the legitimacy of (and also fund) consumer groups for children and young people, rather than those representing parents, for reasons to be discussed in a later section.

The Australian Association of Young People In Care (AAYPIC)

AAYPIC was formed in 1993 by a group of young people in care with the assistance of a seeding grant from a private charitable trust. There are now State branches of

AAYPIC in NSW, Victoria, Queensland, Western Australia and South Australia. All but the Commonwealth and WA Governments have provided financial support.

Since its formation, AAYPIC has organized several State Conferences and a national conference, published a newsletter and national magazine, contributed to a number of government inquiries and campaigns, and provided training and skills development programs for young people (ALRC 1997, pp.145-146; Hatch 1997, pp.45-47).

In addition, AAYPIC published a book detailing the tragic lives of 15 people in the substitute care system. According to this publication:

... the voice of consumers of child protection systems has been missing. To have a system which is truly and fully responsive to consumers requires that system to listen to and act upon the views of those young people (Owen 1996, p.215).

AAYPIC has developed a 7 Point Plan to protect children and young people in care now and in the future. The plan emphasizes the need for a range of substitute care options including foster care, residential care, and independent living designed to

'meet the needs of children, rather than the children having to fit the available options' (AAYPIC 1996).

This is an important concern which needs to be addressed since recent budgetary-driven changes in the Victorian placement and support system were identified by the Auditor-General as directly contributing to the 'systems abuse' of children in care (Auditor-General 1996, p.129).

Another AAYPIC initiative involved the co-organization, with the Child & Family Welfare Association of Australia, of a 'Face to Face' Conference to explore cooperation between service providers, government and consumers, and to establish benchmarks for out-of-home-care (CAFWAA 1997, pp.1 & 4).

State branches of AAYPIC

The Victorian Association for Young People in Care (VAYPIC) has also initiated a number of activities, including the running of induction courses for child protection workers talking about 'what it's like for young people in the care system', and addresses to conferences (Children's Welfare Association of Victoria 1997, p.14).

In addition, VAYPIC has established a considerable media profile, commenting on a range of issues including placement instability, the impact of the 1996 Victorian child protection strike, inadequate education for children in care, the role of the media, the need for uniform standards in child welfare, and past abuse of wards of state (*The Age*, 1996-1997).

In South Australia, the Future Echoes Group has devised a Charter for Children and Young People in Care in conjunction with the Department for Family & Community Services. The Charter 'provides clarity for children/young people, staff and caregivers about what can be expected from the care relationship. It provides a basis for monitoring practice, establishing service agreements, and the auditing of service delivery' (Future Echoes 1997, p.1).

In NSW, the State Network of Young People in Care (SNYPIC) produces a regular newsletter for young people, and has also published a report recommending improved grievance resolution mechanisms for children in foster care and their carers (SNYPIC 1996; SNYPIC 1997).

Evaluation

The brief summary of the history and activities of AAYPIC and its State branches outlined above would suggest that these groups have made significant gains (despite limited funding and resources) in terms of representing the needs and interests of young people in care.

Nevertheless as AAYPIC becomes better established, research will need to be conducted to ascertain how effective the AAYPIC model is in addressing 'systems abuse' and other problems related to the accountability of child protection systems. In addition, it is possible that AAYPIC (being based principally on a membership of older teenagers and those who have already left care) may be judged to best meet the needs of adolescents in care, rather than the needs of younger children.

Other professional advocacy structures may, therefore, be required to complement AAYPIC and so protect the rights of younger children. They could potentially include the establishment of a Children's Commissioner, a network of community advocates, and the introduction of a national advocacy advice line for children (ALRC 1997, pp.141-158).

CONSUMER GROUPS FOR PARENTS

The parents and extended families of children involved with protective services have also expressed the need for a consumer group to advocate for and represent their interests.

For a variety of reasons, the major parent support groups which have emerged in Victoria – Parent Inquiry into Children under Protection (PICUP) and Hands Off our Kids (HOOK) – have received neither official recognition nor funding, and can, therefore, be classified as outsider lobby groups (Matthews 1989, p.212).

The most obvious reason for denial of access by government to these groups is that their activists often express indiscriminate anger at the Victorian protective services system – either for placing their children into care for what they believe were illegitimate reasons, or alternatively for failing to remove their children or grandchildren from what they consider to be unsafe living situations.

As with such lobby groups overseas, they offer some valid criticisms of the

protection system, but also tend to exaggerate the faults of the system to the point where implementation of their recommended reforms would almost certainly undermine the ability of the system to protect children (Myers 1994, p.25).

PICUP, for example, was formed in 1993 as a 'support group for parents and family members who had reported child abuse, but because of inadequate investigation their child had remained unprotected, or had had children removed from them for unjust reasons' (PICUP 1994).

Many of PICUP's criticisms of the protection system are quite reasonable, and would be shared by other independent observers. For example, PICUP call for more extensive training and education for protection workers, and for the recruitment of workers with greater life experience and maturity (PICUP 1994).

However, other criticisms are highly indiscriminate and contentious, if not offensive. For example, PICUP claims that child protection staff include a disproportionate number of homosexuals, radical feminists, and persons from disturbed backgrounds, but provide no evidence to support these assertions (PICUP 1994, p.6). Similarly, PICUP allege that promotion within the Department of Human Services is based on sexuality and nepotism, rather than on the basis of merit, and that money is being embezzled within the Department (PICUP 1994, pp.16 & 18).

Hands Off Our Kids (HOOK) was also formed in 1993, and specializes in providing support to the parents of teenage runaways. According to HOOK, 12-17 year olds who do not wish to obey reasonable family limits are being encouraged by the Department of Human Services to leave home, instead of support being provided by the Department to help maintain the family unit (Groves 1993; HOOK 1993; HOOK 1994).

As with PICUP, many of the concerns raised by HOOK are legitimate. For example, research confirms that many of the adolescents who are placed in care (sometimes as a result of relatively minor conflict with caregivers) end up in arguably far worse situations, being exposed to alcohol and drugs, criminal activities, and/or homelessness (Auditor-General 1996, pp.268-270).

But equally, some of HOOK's recommendations would directly reduce the capacity of protective services to intervene in families where children/young people are being severely abused and neglected.

Noting the inadequacies of PICUP and HOOK as they are presently constituted does not in itself obviate the need for a formally recognized (and preferably funded) parents' rights support group. Many parents do feel unreasonably intimidated and powerless when confronted by the removal, or threat of removal of their children (Fernandez 1996, pp.200-201; Mason 1989, p.5).

The author's own experience as a post-intake protective services worker for the Department of Human Services from 1992-1995 would confirm that on some occasions (despite the many accountability procedures now in place), parents' rights are abused. He can recall at least one case of damaging over-intervention in which two young brothers were both placed on a Protection Application by Apprehension despite only minimal evidence of emotional abuse in the case of the older boy, and no direct evidence of concerns regarding the younger boy.

Fortunately, this particular case was concluded by the Court in favor of the defendants, and this does seem to be the outcome in most statutory cases where the protection authorities cannot provide verifiable evidence of significant harm (Mendes 1996, p.33). However, even a non-proven Court case can be extremely damaging and stressful for parents. It would clearly be beneficial if a credible parent support group was available to provide advice and support in such situations.

THE FUTURE OF PROTECTIVE SERVICES: DEFENDING CONSUMER RIGHTS IN A PRIVATIZED SYSTEM

Recently, the Victorian Government stated its intention to outsource the case management of post-Court statutory clients to the non-government sector (DHS 1997, pp.10 & 15). This decision has provoked a number of concerns relating to the accountability of protective services:

- That outsourcing will make it more difficult for the public or media to monitor the effectiveness of such services (Goddard quoted in Pegler

1997). This concern is raised in the context of what we know about the treatment of wards of state by non-government institutions in the 1950s and 1960s, and the difficulties involved in accessing information from potentially a number of different agencies rather than one single government department;

- That any tendering process involved will be likely to emphasize cost savings rather than the quality of the service offered (People Together Project 1997; 1998); moreover, that tendering is about meeting government policy concerns, rather than the needs of clients (De Carvalho 1994, p.32; Hughes 1996, p.11).

In response to such concerns, the government might well argue that the outsourcing of post-Court statutory clients only formalises the existing situation whereby a number of agencies are already contracted to provide specific supports to individual clients. However, there is clearly a difference between outsourcing case management of all post-Court clients to the non-government sector, as opposed to a situation where the government contracts out some functions for individual clients, but retains ultimate case management responsibility.

To be fair, the Victorian Government has constantly stressed its commitment to prioritizing client needs and outcomes under any new tendering arrangements (Blacher 1996, p.11; Blacher 1997, p.35). In the author's opinion, the best way for the government to meet this commitment would be to provide formal recognition of consumer groups for both children/young people and their parents, and acknowledge their right to participate in the formulation of child protection policies and standards.

CONCLUSION

This paper has explored the role played by consumer groups in promoting accountability in child protection systems.

Concern has been expressed about the deficits of existing systems including the 'systems abuse' of children in care, and the failure to adequately consider the perspectives of biological parents. The lack of formal consultation mechanisms for consumers of protective services is argued to be a key contributing factor towards both deficits.

A formal and recognized role for consumer groups for both children/young people and their parents is proposed to facilitate greater accountability of protection systems to those they are intended to serve. □

REFERENCES

- The Age*, 7 January, 22 March, 10 June & 5 September 1996; 13 February & 24 April 1997.
- Auditor-General (1996), *Protecting Victoria's Children*, Victorian Government Printer, Melbourne.
- Australian Association of Young People in Care (1996), *7 Point Plan*, Brisbane.
- Australian Catholic Social Welfare Commission (1997), *The Heart of Our Nation: Towards A National Commitment to Caring for Children and Young People*, Canberra.
- Australian Council of Social Service (1979), *The Self-Help Movement in Australia*, Sydney.
- Australian Law Reform Commission (1997), *Seen and Heard: Priority for Children in the legal process*, AGPS, Canberra.
- Bagshaw, D. (1997), 'Service Delivery to Families and Children in Australia: Constraints and Challenges' in CWAV 'The Cutting Edge' Conference Proceedings, Melbourne, 12-17.
- Bailey, R. (1977), 'Parents Anonymous' in *We Have The Strength*, ed J. Tenenbaum, VCOSS, Melbourne, 27-28.
- Bailey, R. (1981), 'Participant Observation of Organisation and Individual Development Within Parents Anonymous' in *Proceedings of Second Australasian Conference on Child Abuse*, 184-187.
- Besharov, D. (1987), 'Contending with Overblown Expectations', *Public Welfare*, Winter, 7-11.
- Bessant, J. & Hil, R. (1997), 'Moral anguish and systemic failure: Notes on state child care and protection in Australia', *Children Australia*, 22(4), 22-26.
- Blacher, Y. (1996), 'The Redevelopment of Youth and Family Services', *Keynote Address to CWAV Seminar: Strategic Management in the Contract State*, Melbourne.
- Blacher, Y. (1997), 'Outsourcing: Opportunity or Threat: Nine Misconceptions About Competitive Tendering' in CWAV 'The Cutting Edge' Conference Proceedings, Melbourne, 35-45.
- Carney, T. (1984), *Child Welfare Practice and Legislation Review, Volume Two*, Victorian Government, Melbourne.
- Cashmore, J. & Castell-McGregor, S. (1996), 'The Child Protection and Welfare System' in *Citizen Child: Australian Law and Children's Rights*, ed K. Funder, Australian Institute of Family Studies, Melbourne, 113-147.
- Cashmore, J. & Paxman, M. (1996), *Longitudinal Study of Wards Leaving Care*, Social Policy Research Centre, Sydney.
- Child & Family Welfare Association of Australia (1997), *Cafnet Bulletin*, August.
- Children's Welfare Association of Victoria (1997), *85th Annual Report*. Melbourne.
- Collective of Self Help Groups (1989), *Directory of Self Help Groups, Fifth Edition*, Melbourne.
- Community Services Commission (1996), *Turning Victims into criminals: The drift of children in care into the juvenile justice system*, Surrey Hills.
- De Carvalho, D. (1994), 'Does Charity Begin at the Marketplace?', *Quadrant*, December, 29-33.
- Department of Human Services (1997), *The Redevelopment of Victoria's Youth & Family Services*, Victorian Government, Melbourne.
- Fernandez, E. (1996), *Significant Harm: Unravelling Child Protection Decisions and Substitute Care Careers of Children*, Avebury, Aldershot.
- Floyd, F. (1982), 'Protecting children: Is compulsory reporting the answer?', *Ripple*, December, 12-16.
- Fogarty, J. & Sargeant, D. (1989), *Protective Services for Children in Victoria*, Victorian Government, Melbourne.
- Fogarty, J. & Sargeant, D. (1990), *One Year Later: Review of the redevelopment of CSV's protective services for children in Victoria*, Victorian Family & Children's Services Council, Melbourne.
- Fogarty, J. (1993), *Protective Services for Children in Victoria*, Victorian Government, Melbourne.
- Frodman, J. & Green, S. (1994), *In Whose Care?*, Missions to the Streets and Lanes, Melbourne.
- Future Echoes (1997), *A Charter For Children And Young People In Care*, Department for Family and Community Services, Adelaide.
- Goddard, C. (1996), 'Read all about it. The news about child abuse', *Child Abuse Review*, 5(5), 301-309.
- Green, D. (1984), 'Questions of abuse', *Australian Society*, 1st February, 18-20.
- Groves, M. (1993), 'Parents lose out in equal rights with their children', *Sunday Herald*, 17 October.
- Hands Off Our Kids (1993), *Submission to Health & Community Services*, Belmont.
- Hands Off Our Kids (1994), *Submission to the House of Representatives Standing Committee on Community Affairs' Inquiry into Aspects of Youth Homelessness*, Belmont.
- Hatch, J. (1997), 'Hearing Their Stories: Finding out about Individuals' and Families' Experiences and Perceptions of Child Protection Intervention in their Lives', Unpublished Bachelor of Social Work Honours Thesis, University of Melbourne, Melbourne.

