

Professional credibility and public trust in those working with young people

Judith Bessant

As the embarrassment and shame around the 'resignation' of our last Governor-General indicates, the abuse of children and young people has become a major public issue. An increasing body of Australian research reveals a history of violence against young people while media reports reveal a history of serious physical and sexual abuse and exploitation of young people by professionals responsible for their care and protection.

Moreover much of this systemic abuse took place in educational and welfare sectors that were and are relatively unregulated in respect to the professionalisation of workers. While there are now formal professional registration processes affecting teachers and psychologists, there is no equivalent for youth workers, social workers or community development workers.

The disclosures of abuse and neglect revealed the suffering and harm experienced by young people, and in turn seriously damaged the professional standing of those working with young people, as well as the public trust traditionally conferred on professions and institutions.

I argue that restoring public trust in the institutions and services where abuse took place, and indeed may still be happening, is an issue of considerable importance.

I critically review the conditions necessary for restoring public trust. Those conditions include improved governance and systematic improvements in the intellectual and professional education of youth workers to ensure that they have the requisite capabilities such as critical insight, advocacy skills and political resolve. The value of establishing a code of professional practice ethics is also considered.

Finally it is argued that advocating for young people's rights is another means of securing their well-being and workers' professional standing. I point out, however, that the rights option is somewhat limited because, although it obligates, it does not specify who owes the obligation, and for this reason rights talk too often remains ineffectual because it's abstracted. I suggest that the identification of obligations is also necessary for securing public trust and young people's well-being because, unlike rights, they specify who is bound and to whom the obligation is owed.

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Can the public put trust in those responsible for the well-being of young people? Nothing suggested that this is an important question so much as the imbroglio that led to the resignation of Dr Peter Hollingworth, Australia's Governor-General, in 2003. More generally this concern has evolved over the past decade against a backdrop of mounting evidence pointing to a disturbing history of violence and abuse directed at young people. That history points to serious physical and sexual abuse and exploitation of young people by professionals and volunteers alike responsible for their care and protection. While church-based services have figured extensively in these cases of neglect and abuse, the allegations have left no sector of child care, education or welfare unscathed (CREATE, 2003). Besides the loss of trust resulting from the widely publicised abuse scandals, that ignominy alone was not entirely responsible for the erosion of public trust. Other influences have also meant public trust has been sorely tested.

Heightened public sensibility about civic ethics relates also to a series of recent high profile cases involving the conduct of eminent public figures. Whether the cases were disproven or verified to some extent is irrelevant, what made the difference to public trust is the fact that the issues became embarrassing public controversies. Some of those cases include:

- In September 2001 the former Commonwealth Minister for Health, Dr Wooldridge, diverted \$5 million dollars from asthma and rural specialist programs to the Royal Australian College of General Practitioners (RACGP) to support that organisation's proposal to bring all GPs under the one roof in Canberra. Soon after, the RACGP employed the then retired Minister, Dr Wooldridge, as a consultant. While the Commonwealth government overturned the decision to fund the RACGP, Michael Wooldridge was cleared of allegations of conflict of interest by the Auditor General.
- Senator Bill Heffernan relied on falsified records to attack High Court Judge Michael Kirby under parliamentary privilege, claiming Justice Kirby used government cars to pick up male prostitutes. Senator Heffernan later admitted the claims were false and was required to apologise.
- The former president of the USA, Bill Clinton, was accused of having 'affairs' and sexually harassing a number of women. In 1998 Clinton was impeached for perjury and obstruction of justice, but not removed from office. He was also involved in

'dubious' fund raising activities, and just prior to his retirement from office he used his presidency to pardon a friend, Marc Rich, who was charged with tax evasion and racketeering.

- In 2002, in the context of a build-up to federal elections, Prime Minister of Australia John Howard and Defence Minister Peter Reith reaped considerable political vantage by using photographs and official reports to claim asylum seekers used their children as political pawns by throwing them overboard from the HMAS Adelaide into the ocean. Some time later it was revealed the reports were false. It was 'discovered' that asylum seekers were in fact instructed by Commander Banks of HMAS Adelaide to enter the waters after the boat sank on 6 October 2002 (*Australian*, 27 March 2002).
- Former Member of Parliament Andrew Theophanous was officially charged and found guilty of corruption, bribery and defrauding the Commonwealth.
- In 2003, leaders in countries like the USA, the UK and Australia used claims that Iraq had 'weapons of mass destruction' to justify war against that nation. After the war those claims were open to very serious criticism.

This has taken place in a social context preoccupied with fear, 'risk' and risk management that keeps us forever vigilant and in a near constant state of high anxiety about the wisdom of trusting others (Glassner, 1999). Paradoxically, as I explain later in this paper, at the time of this heightened sensibility about the trustworthiness of experts and complex expert systems, we are now more than ever reliant on them (Giddens, 1991).

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Why does trust matter? What can and should be done to restore and build trust in our systems of expert intervention that 'target' young people? Given the indispensability of trust to the social well-being of our community, to the effective operation of key social institutions, and to the professional standing of those working with young people, I ask, what conditions are needed to build trust? Drawing on the work of contemporary moral philosophers (O'Neill, 1989; Gaita, 1999) and criminologists (Cohen, 2001), I consider those conditions. Amongst other things, they include the implementation of effective preventative strategies, tighter management strategies and professional registration. Other conditions relate to the citizenship status

of young people which entails a discussion of the rights and obligations which young people currently do not enjoy.

WHY TRUST MATTERS

The issue of trust is a matter of enormous social significance.

Discussion about the role of trust in social activity and organisation has come relatively late to social sciences. While Luhmann (1979) offers a substantial treatment, writers like Elster (1986), Giddens (1991), Beck (1992), Fukuyama (1996) and Boden (1994) have treated trust as a fundamental precondition for social organisation and human interaction. It is now increasingly accepted that trust is a fundamental ontological precondition for any form of social interaction or any kind of social organisation.

Trust is both an *a priori* concept and an ontological precondition for social life. As Luhmann (1979:25) argues, all forms of social co-operation depend on trust, and when that co-operation is complex, as it is in large, pluralistic and multi-cultural societies like Australia, the importance of public trust is compounded. As Deidre Boden (1994: 178) observes:

As humans we expect each other to be reasonable. Without such an assumption, everyday social life would be impossible. Indeed ... we hold each other 'unremittingly' responsible for attentive, meaningful and collaborative activities. Through them, we solicit and reciprocate the fullest range of social solidarity ... *We trust each other to act and react reasonably and morally* (my emphasis).

Demonstrating the empirical existence of trust is difficult, if not impossible. As Luhmann (1979) pointed out, all forms of social co-operation and social interaction require a relationship and expectation of trust exists, yet trust does not exist in the same way a tangible object like a chair exists. As Luhmann (1979:25) observes, decisions to trust do not and cannot depend on appropriate empirical knowledge. We can only validate the existence of trust when people act in ways that demonstrate it forms a primary basis of their action. Whether that trust was well and wisely invested depends on whether it was honoured or violated. Given this it is disputable whether trust fits easily into an empirical category.

Barbalet (1998: 49) argued that trust belongs to a category that the social sciences have generally overlooked and found difficult to acknowledge and research – namely emotions. According to William James (1956/1897), trust belongs to a range of human 'cognitive' dispositions which are experientially and emotionally grounded and available to us in the stream of our consciousness. In the experience of human action we mostly choose, or act (and interact) on the basis not of certain knowledge, but rather on the basis of expectations, many of which belong to this category of 'trust'.

Often to manage risk or escape a dangerous situation, we have to execute a dangerous leap of faith – sometimes to avoid an even greater danger (James 1956). The success of that act can depend on our confidence or trust in various factors. As Barbalet (1998: 48) argues:

If engaged by the emotions of confidence and hope, the climber is likely to perform a feat which would otherwise be impossible. Fear and mistrust on the other hand are likely to lead to hesitation, and this will increase the probability of the climber missing their foothold and falling to their death.

Theorists of ‘modernity’ like Giddens (1991) argue that among the many preconditions for the modern expert systems (like public transport, credit systems or health services) is trust enacted abstractedly. This means, for example, that when we go to hospital for treatment, or catch a plane, we do not rely on people we actually know personally on a face-to-face basis to do their job properly, rather we trust in systems of rationality or expertise. Contemporary education systems and welfare are such expert systems. We trust in these expert systems largely because their authority is derived from claims to a specific knowledge and skill base sanctioned by formal educational and training credentials.

Public trust is also conferred on these and like systems by virtue of the fact that those experts and professionals are employed in organisations that are formally accountable to the state, and thus ‘the public’, for guaranteeing that all of their functions are technically and ethically competent and practically effective.

Giddens (1991) offers a useful discussion about the various levels of sociability from interaction taking place on a face-to-face basis to the most abstracted basis. Across all these levels of social interaction Giddens points to the central role of trust as a fundamental precondition in either face-to-face or abstracted social action. Giddens also argues that ‘modernity’ involves an historical shift in the nature of sociability itself. This shift involves moving away from life constituted in the small scale, face-to-face modes characteristic of pre-modern farming villages, towards more complex and increasingly abstracted relationships that take place across the increasingly spread out dimensions of time and space provided, for example, by modern systems of communications like the Internet or television in which face-to-face and what we have conventionally known as intimate relationships diminish.

The central place Giddens gives to trust across all levels of social interaction is well made. Like Luhmann’s (1979) emphasis on the way *trust acts as a bridge to the future*, Giddens suggests trust is shown to be warranted when our family, friends, colleagues, or when our encounters with more impersonal systems or organisations, demonstrate an ability to meet the expectations which verify trust. This is

critical for public trust in youth professionals and their associated organisations.

Boden (1994) observes that complex or large-scale business, public or community sector organisations are sites of particular kinds of social interaction in which the people observe their social world, select among options, interpret ambiguity, make decisions and act mutually. For modern organisations, Boden (1994: 180) suggests:

... togetherness matters profoundly to what ‘decision-making’ is or ever can be ... quite routine organisational action entails what might be called a necessity of choice, which is to say a bias towards action creating structure rather than the reverse.

Throughout, we treat each other as actors in just this sense as active participants, and as competent collaborators.

This observation may be true when observing the interactions within an organisation involving colleagues. It may however be more complex when we examine the interactions between those who administer the expert systems and/or who deliver expert services to other people defined either as ‘clients’, ‘customers’, ‘inmates’, or ‘students’, and where *power and authority* can seriously affect judgments that trust has either been honoured or broken.

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In regard to our children and young people, trust takes on an emotionally charged significance. This is because any moves to set up welfare and educational practices and institutions involve a partial or total surrender by parents and guardians of their children and young people into the hands of people who we expect will exercise a normal range of caring, nurturing and protective responsibilities associated with being a parent or guardian. That is, as we allow the movement towards non-family based systems of care or education, those people to whom we surrender the normal rights and obligations of parenthood are expected to work *in loco parentis*. With the assumption of an *in loco parentis* responsibility, the normal expectations of fiduciary duty (ie, the duty of due care and diligence) applied to these professional activities tend if anything to be raised.

THE FIDUCIARY DUTY OF THE STATE

In common law a fiduciary relationship exists in any relationship which gives one of the parties an opportunity to

exercise power to the detriment of the other party who depends on that person to act in their interest. That is, a 'fiduciary relationship' is one where the 'fiduciary' undertakes to act *on behalf of and in the interest of* another person.

A fiduciary duty is therefore an obligation to act in good faith toward someone for whom responsibility has been accepted in such a way as to confer a benefit on that person. This means the power of the stronger party ought *not* to be exercised to the detriment of the weaker party. The notion underlying fiduciary obligations is inherent in the relationship between the state, workers and the young people.

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This can be seen for example in educational institutions. The state legally compels all young people aged 5 to 16 to attend school. The young people whose parents/guardians have placed them in the care of the state trust workers to act *in loco parentis*. This is a fiduciary relationship. The same applies to young people who are under state guardianship, who are placed in care, protection or in some form of custody. The fiduciary (ie, the state and/or its representative staff) is obliged to act in the interest of the young person to the exclusion of the fiduciary's own interest. Further, persons subject to this duty are not expected to profit from the relationship, or to put themselves in a position where the fiduciary obligation and personal interest may conflict (*Butterworth's Australian Legal Dictionary*, 1997: 471). Fiduciary obligations recognise the position of disadvantage or vulnerability on the part of the weaker party which causes that person to rely on the other and requires the protection of equity acting upon the conscience of the other (Batley, 1997, pp.50-55).

It is in this regard that the state, as well as non-government organisations (NGOs) and community/church groups, have an obligation to consider and act in ways that safeguard the well-being of the young person in their charge before their own – particularly given the relative vulnerability of young people. The interests needing protection in fiduciary relationships are those of the weaker party, and as Batley explains, these interests include freedom from sexual exploitation by parents, physicians and priests (1997, p.51).

What is required are very clear definitions of the interests of vulnerable parties. Minimally interests can be confined to protecting the well-being of the young person and for that definition to be confined to a reasonable expectation of the vulnerable party. Finn points out that:

What must be shown ... is that the actual circumstances of the relationship are such that one party is entitled to expect that the other will act in his [sic] interests in and for the purpose of the relationship. Ascendancy, influence, vulnerability, trust, confidence and dependence doubtless will be important in making this out, but they will be important only to the extent that they evidence a relationship suggesting that entitlement. The critical matter in the end is the role the alleged fiduciary has, or should have, in the relationship. It must so implicate the party in the other's affairs or so align him [sic] with the protection or advancement of that other's interests that the foundation 'fiduciary expectation' follows (Finn, cited in Batley, 1997: 51).

This is not to place the onus only on the organisation and individual worker. While they do indeed have fiduciary duties, the state as the over-riding sovereign authority has the ultimate fiduciary obligation. It is a salutary reminder of the issues at stake that much of this systemic abuse of young people at the hands of carers took place in educational and welfare sectors that were, and to some extent continue to be, affected by policies that underwrite a pattern of shrinking real diminishing resources for youth services. I refer here to inadequate services made worse by cut-backs inspired by economic liberal policies of local, state and federal government. Reductions in services include not only specific youth services, but also family and social security services and education (Davidson, 2003, O'Neil, 1994). Thus the failure on the part of government to financially support services for young people is itself a failure to act in accordance with their fiduciary obligations.

CONDITIONS OF TRUST

A fiduciary relationship exists when young people are placed in institutions at the behest of the state. They are entitled to expect the state to act in their interests. The same applies in less obligatory contexts when, for example, young people engage in organisation and with workers on a voluntary basis. Vulnerability, trust, confidence and dependence entitle the young person to have the state act in their interest even if this is restricted to the protection of their basic rights. Yet young people's fundamental rights are regularly abrogated. For example, young people are currently actively excluded from a full range of social, economic and democratic practices, and their rights are routinely denied or abrogated. This includes fundamental democratic and human rights such as free speech, the right to petition, or the right to freedom of movement. For example, the United Nations Convention on the Rights of the Child (UNCROC) (1989) clearly articulates young people's right

to participate, yet local, state and federal government practices regularly breach the UNCROC of which Australia is a signatory (eg, Article 12: the right to express an opinion and to have that opinion taken into account in any matter or procedure affecting them; Article 13: the right to freedom of expression; Article 14: the right to freedom of thought; Article 15: the right to association and assembly; Article 17: the right to appropriate information; Article 29: the right to an education which will encourage responsible citizenship).

What are some of the ways that a fiduciary duty might be converted into particular actions or attitudes? One way to specify answers to this question requires that we spell out the conditions of the trust that apply when we invest in the people or the systems with whom we interact.

Among the key conditions, I identify five key expectations:

- a capacity to demonstrate honesty. This requires the worker and organisation to relate to people and 'the community' honestly, providing accounts of their intentions or activities which meet basic tests of truth;
- a demonstration that the organisation and the worker have good and authentic intentions in relation to people and the community;
- co-operation between the worker and the person accessing the service, while avoiding violations of that person's agency, body or psychological integrity. This includes an expectation of humane treatment which violence, abuse or exploitation contravenes;
- recognition of the person's legitimate needs, and evidence of a willingness to meet those needs;
- a demonstrated capacity to make and keep to agreements entered into between the worker and the people requiring and/or depending on the service.

Violations of any or all of these expectations constitute an abuse of trust or breakdown of the conditions in which trust can thrive. This has serious implications for both the professional credibility of workers and the well-being of young people.

In regard to the histories of abuse and exploitation suffered by children and young people in Australia, the evidence points to breaches of all of these conditions upon which trust can thrive. It is not my intention in this paper to re-establish the circumstances which numerous inquiries and legal processes have now recognised. The authors of just one report produced by the Queensland Commission of Inquiry into the Abuse of Children in Queensland Institutions (1999: iv) must 'stand in' for the many cases in which trust was abused. These authors observed that:

Many children historically have been the victims of the systems designed to provide care and protection for them.

For this Commission of Inquiry surveying ninety years of Queensland's state child welfare system, the essential problem of trust was disclosed in its discovery and documentation of nine decades of systematic abuse of and violence to young people placed in a variety of state and community organisations, ostensibly established to care for, educate and protect children and young people.

According to that Commission, children need care, protection and nurturing in an environment where there is trust and support. Instead, however, many institutions were austere places, staffed by people lacking the training and in some instances the personal capacity to provide the warmth and nurturing necessary (Commission of Inquiry, 1999).

The systematic brutality, psychological humiliation, corporal punishment and the use of solitary confinement, unnecessary incarceration of children whose only 'crime' was their parents' poverty, Aboriginality, sexual abuse, and poor standard of food and hygiene, provide clear evidence. Proof that these breaches took place lies in the research literature as well as the many legal cases and government inquiries (Wood Commission, 1997; Commission of Inquiry, 1999; Briggs, 1996).

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THE PROBLEM OF MIS/TRUST AND THE PROFESSIONAL CREDIBILITY OF THOSE WORKING WITH YOUNG PEOPLE

The disclosures of systematic abuse, violence and exploitation of young people by those working with them was important because it entailed public acknowledgement of the pain, suffering and hurt which those practices brought to many young people. The disclosures also severely undermined the public trust conferred on those professions and institutions whose moral legitimacy and very reason-for-existing was to help secure young people's well-being. This should register as a problem for the state, professional associations and individual workers concerned with the implications of such a loss of public confidence.

In establishing the problem of public trust caused in part by discoveries of long-standing patterns of violence and abuse

affecting young people, I am not claiming, nor will I seek to show, that there is an 'empirically' measurable problem of trust. There is plentiful evidence, in opinion polls, editorials, letters to the editor, correspondence to state education departments, and petitions to Parliament, of widespread public concern and outrage about the actions of perpetrators of abuse and exploitation of young people and their employing organisations. This evidence can be used to establish the extent to which the problem of trust has been registered.

The reactions of Australia's criminal justice systems, for example, in pursuing and punishing perpetrators, indicate a recognition of the issues in question. Decisions by state governments like the Queensland government to appoint a high level Commission of Inquiry (1999) in 1998 into the abuse of children in Queensland institutions indicates the level of apprehension on the part of governments about the seriousness of the issue. The reaction of institutions like the Catholic and Anglican churches in establishing formal inquiries, in generating new codes of conduct, in providing counselling and support to victims, along with financial reparations and formal apologies, similarly points to the seriousness of the issue.

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WHAT CAN BE DONE TO RESTORE AND BUILD PUBLIC TRUST?

If it has been established that the fundamental conditions of trust have been too frequently breached in organisations ostensibly intended to educate and care for our young people, and that rebuilding that trust is critical both for the well-being of young people and the professional credibility of those working with them, then the question remains, what can be done?

Among the ways we can begin to restore trust, several things stand out.

To begin, an acknowledgement and undertaking to make reparations by the agencies responsible for the wrong-doing is needed. Beyond recognition of the misconduct, this entails an apology, reparation and restitution, as well as a

preparedness to listen to the victims of the hurt and suffering.

Secondly, and no less important, are practical measures designed to bolster the capacity of institutions to ensure effective management techniques such as improved accountability practices and monitoring strategies, effective training of staff in handling ethical issues, and instituting formal policy measures designed to give effect to the organisations' fiduciary duties and obligations to young people (O'Neill, 1989).

Thirdly, restoring and building public trust in those working professionally with young people requires the systematic improvement of their intellectual and professional education. Undergraduate and in-service education and training with graduate outcomes that specify basic ethical and intellectual capability and critical insight are essential. Indeed any group aspiring to develop their professional credibility can only be trusted if the education of its members is taken seriously. In this respect there are some issues youth work needs to address.

We trust these expert systems principally because they have an expertise and authority that results from a specific knowledge and skill base that has been approved and certified by formal educational and training credentials. Thus public trust and professional credibility is conferred on youth experts and allied systems with an expectation that workers are technically competent, and practically and ethically effective. Given the importance of what can be lost if such expectations are dashed, and given the reality that such a small percentage of youth workers have formal credentials (Chew, 1995), then the question of quality education and formal credentials is vital for the credibility of youth workers.

Undermining the legitimacy of youth workers' claim to professional standing is a history of anti-intellectualism, and reluctance to appreciate the importance of ideas. This ethos can be traced to the identity of youth work as a practical, 'hands-on' applied, 'working class vocation' that had little if any need for the 'irrelevant distractions' of an education that was 'too academic' and which included a familiarity with disciplines such as history, sociology, social theory, ethics or politics (Chew, 1995: 61).

The community, youth workers and our young people need much more than competency-based training models with a focus on 'skill development'. Graduates require a vocabulary of ethical insight, skills and attributes to be a competent youth worker. Critical to their professional credibility and public trust in youth work is the ability of graduates to see the ethical dimensions of the situations they enter into, to be able to reflect on the issues and make informed and ethical judgments about their actions (Argyris & Schön, 1974).

A code of ethics and a national professional youth work association

Would a professional code designed for those working with young people assist in restoring or building public trust? Given that codes are typically developed to protect service users and to guide practitioners, it is possible they would help re-build public trust.

These are long-standing, hotly debated and vexed issues that rest on assumptions that, if a code of practice was developed, workers would actually have a working knowledge of the code, and use it when making decisions about their practice (Hamilton-Smith & Brownell, 1973; Sercombe, 1998:18-23; Sercombe, 1997:17-21; Stuart, 2001,34-39; Banks, 1999; Bessant, Sercombe & Watts, 1998). There is also the question whether such a code would actually help secure an occupational identity by clarifying a shared set of values. Can there be a consensus amongst such a diverse group of workers? And on a practical note, how could a code of practice be regulated?

Given the degree of responsibility youth workers assume in securing the well-being and future of young people, it is surprising that *relatively* little attention has been given to their practice when compared to other professions such as medicine, law or psychology. This is not to overlook the research literature addressing the issue of ethical practice and youth work, but simply to argue a case for more discussion and debate, given the critical importance of the issue (see, Sercombe, 1998:18-23; Sercombe, 1997:17-21; Stuart, 2001:34-39; Banks, 1999; Bessant, Sercombe & Watts, 1998).

If the question of ethical practice has not been as prominent in youth work as it has in other professions, then why has this been so? One reason may lie in the fact that, unlike medicine, law and psychology, youth work does not have a statutory authority or well organised national professional body that requires formal registration and governs the conduct of members. At the moment anyone can practice as a youth worker. While accepting that professional registration cannot fully guarantee high quality practice, it does none the less have the capacity to help regulate conduct, improve the knowledge and skill base of practitioners and enhance the professional credibility of members.

In the context of revelations of sexual abuse, concerns about 'risk management' and possible litigation, and greater community sensibility about public ethics, the question of ethical youth work practice is once again on the agenda. Responses include renewed discussions about standards of conduct to be expected from people in relationships where the appropriate use of power is critical, and reflection on what constitutes good practice.

While an explicit framework of principles and guidelines may be helpful, I suggest that this option has serious limitations unless accompanied by specific mechanisms that give it material effect. To be successful, codes need to be regulatory and enforceable by an organisation that adjudicates complaints of breaches of the code. Without the backing of legislative mandating, and proper sanctions (including the power to strike off practitioners for misconduct), the effectiveness of a code of conduct can only be minimal.

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While not suggesting that professional integrity can be enforced through a code of conduct, it does none the less enable some disciplinary procedures to be realised. It also offers an accountability mechanism for 'service users' and the public more generally, and it has a role, albeit limited, in preventing misconduct on the part of workers.

A single national statutory authority with the power to require qualified professionals to register before they can practice is critical if youth workers are to build their professional identity and status and if public trust is to be developed.

For youth workers to realise professional standing, a national professional association is imperative. As just mentioned, such an organisation is vital for developing and enforcing a professional code of conduct. Similarly registration of practitioners will have major benefits in securing appropriate education for practitioners. This of course needs to be handled intelligently, due to the large numbers of practitioners in the youth sector without formal youth work qualifications. What is required is a long transition period that gives existing workers who are without credentials plenty of time to qualify. To be administered fairly, this process would also require that appropriate prior learning credits be given for 'field experience'.

If well organised, such a professional body can also have considerable political clout. This has implications not only for improved wages and conditions, but also for the quality of youth work education. It would mean, for example, that if an educational institution wants to establish a youth studies program, accreditation would be required. This can be

beneficial for the education of youth workers. It would mean, for example, that universities, colleges of TAFE and other service providers would have to comply with the requirements of the professional body.

At the moment universities virtually have free rein in respect to establishing youth work/studies programs, in developing a youth work curriculum, in specifying the qualification requirements of teaching staff, in resourcing the library, and staffing/student ratios, etc. And, although the National Training Board provides some regulation of the VET and of private providers, that regulation is minimal and limited to 'competencies' – which on their own are inadequate for educating youth workers.

A professional youth work association could help determine important matters like student/staff ratios, the curriculum and research. Moreover, if youth work programs are threatened by 'cutbacks' or other interventions that threaten the quality of the teaching program, a professional body can require 'certain' standards to be met.

A single national statutory authority with the power to require qualified professionals to register before they can practice is critical if youth workers are to build their professional identity and status and if public trust is to be developed.

RIGHTS AND OBLIGATIONS

The issue of rights and obligations is fundamental to both the well-being of young people, and the task of building trust and professional standing. This is however a very large topic and considering it fully would require a paper in its own right. There is after all a long tradition of youth rights work which has recently been extended into discussions about youth participation (Wierenga et al, 2003; Banks, 1999; Matthews, Limb, Harrison & Taylor, 1998/9: 1631; Matthews, Limb & Taylor, 2000: 135-144; Hart, 1992). Given that the central themes of this paper are professional credibility and trust, it is appropriate to acknowledge, albeit briefly, the role of rights and obligations.

Critical to building public trust is the establishment of a clearly articulated set of rights (ideally anchored in legislation) which reflect young people's diverse needs and capacity to think and act competently. In other words, the kinds of rights claimed for young people should vary according to the needs and interests of the particular groups and individual young people for whom rights claims are made.

On their own, however, an appeal to fundamental human rights is not enough. The rights option is difficult to realise in isolation because, *by implication it obligates, yet does not specify who owes the obligation*, and this is why rights talk often remains rhetorical. Given this, I argue that a fully developed theory of obligation in tandem with a theory of young people's rights is required to help prevent moral failures in relations between adults, youth experts and other adults. Universal obligations, for example, may include the obligation to refrain from misconduct like abuse. Obligations are needed because they specify who is bound and to whom the obligation is owed. Such a theory can involve universal and specified obligations so that those who have responsibility for the care of young people such as youth workers are subject to obligations to those young people and they have rights to care and protection. As O'Neill observed, a theory of obligations is required because it acknowledges that obligations are owed by all adults to all young people and can help make clear where specific obligations lie (O'Neill, 1989).

Thus, to begin the task of building trust and the professional standing of youth workers, certain principles which spell out rights and obligations need to be developed and these have to be clearly linked to professional practice.

CONCLUSION

It has been argued in this paper that public trust in workers and institutions responsible for the well-being of young people is a significant public issue. This is a concern heightened by recent revelations of a disturbing history of violence and abuse directed at young people, combined with a more general sensibility about public ethics.

The question of why trust matters was answered by considering its indispensability to the social well-being of our community and the effective operation of key social institutions. How that trust can be restored and developed involved identifying the conditions needed to build and maintain public confidence in youth experts and particularly youth workers. Those conditions included effective preventative strategies, tighter management strategies and professional registration, as well as a set of legislatively mandated rights and obligations that are tied to youth work practice. The importance of a fiduciary relationship where workers act *on behalf of and in the interest of* another person was discussed, along with other key expectations.

Acknowledgement of wrong-doings in conjunction with a preparedness to take responsibility for reparation, an apology, restitution and a willingness to listen to those hurt by neglect or misconduct were identified as conditions for building trust. Equally important are practical measures like effective management techniques and policies that give effect to the workers' and organisations' fiduciary duties and obligations to young people.

I argued that improvements in the professional education of those working with young people are critical to the professional standing of youth workers and restoration of public trust. Specifically it was argued that the graduates' ability to understand the ethical dimensions of situations they find themselves in, and their capacity for reflectivity and ethical judgments are critical.

The value of a code of practice was considered, along with questions about whether workers would actually know about and use such a code in their practice.

If youth workers are to develop their professional identity and build public trust, then the establishment of a single national professional youth work body with statutory authority is essential. The political influence of a well organised professional association can have positive outcomes in terms of regulating conduct, and increasing bargaining power industrially.

A national youth work association could also play an invaluable role in influencing educational institutions by securing the quality of curriculum, resources (including staffing), and the general intellectual standard of programs. Finally I considered the issue of rights and obligations, pointing out how they are a critical to the well-being of young people and the professional standing of youth workers. □

REFERENCES

- Argyris, C. & Schön, D. (1974) *Theory in practice: Increasing professional effectiveness*, San Francisco: Jossey-Bass.
- Banks, S. (ed) (1999) *Ethical Issues in Youth Work*, London: Routledge.
- Barbalet, J. (1998) *Emotion, Social Theory and Social Structure*, Melbourne: Cambridge University Press.
- Batley, P. (1997) 'The State's Fiduciary Duty to the Stolen Generation', in *The Stolen Generation: A Legal Issues Paper for Lawyers and Other Advisers*, PIAC (ed), Public Interest Law Clearing House, Sydney, pp.50-61.
- Beck, U. (1992) *Risk Society*, San Francisco: Sage.
- Bessant, J., Sercombe, H. & Watts, R. (1998) *Youth Studies: An Australian Perspective*, Melbourne: Addison Wesley Longman.
- Boden, D. (1994) *The Business of Talk*, Cambridge: Polity Press.
- Briggs, F. (1996) *Child Sexual Abuse: Confronting the Problem*, Sydney: Allen and Unwin.
- Butterworth Australian Legal Dictionary* (1997) P.E. Nygh & P. Butt (eds), Sydney: Butterworths.
- Chew, P. (1995) *Report of the Minister of the training of youth workers in Victoria, to the Minister Responsible for Youth Affairs, The Hon Vin Heffernan*, OAM, MP, August.
- Cohen, S. (2001) *States of Denial: Knowing about Atrocities and Suffering*, Cambridge: Polity Press.
- Commission of Inquiry into the Abuse of Children in Queensland Institutions (1999) *Report of the Commission of Inquiry into the Abuse of Children in Queensland Institutions*, (Leneen Forde AC, Chairperson), Brisbane: GOPRINT.
- CREATE (2003) *Report Card* (<http://www.kids.nsw.gov.au/exchange/12/create.html>)
- Davidson, P. (2003) *How to raise a teenager on \$85 a week*, paper delivered to the Social Policy Research Centre, University of New South Wales, July, Sydney.
- Elster, J. (ed) (1986) *Rational Choice*, Oxford: Blackwell.
- Fukuyama, F. (1996) *Trust: The Social Virtues and the Creation of Prosperity*, New York: Free Press.
- Gaita, R. (1999) *A Common Humanity: Thinking about love and truth and justice*, Melbourne: Text.
- Glassner, B. (1999) *The Culture of Fear: Why Americans are afraid of the wrong things*, New York: Basic Books.
- Giddens, A. (1991) *Modernity and Self identity*, Cambridge: Polity Press.
- Hamilton, E. & Brownell, D. (1973), *Youth Workers and Their Education*, Youth Workers Association of Victoria, Melbourne.
- Hart, R. (1992) *Children's participation: From tokenism to participation*, International Child Development Centre, UNICEF, Florence.
- James, W. (1956/1897) *The Will to Believe*, New York: Dover Books.
- Luhmann, N. (1979) *Trust and Power*, New York: Wiley and Sons.
- Matthews, H., Limb, M., Harrison, L. & Taylor, M. (1998/9) 'Local places and the political engagement of young people', *Youth and Policy: The Journal of Critical Analysis*, 62, pp.16-31.
- Matthews, H., Limb, M. & Taylor, M. (2000) 'Young people's participation and representation in society', *Geoforum*, 30, pp.135-144.
- O'Neil, J. (1994) *The Missing Child in Liberal Theory: Towards a Covenant Theory of Family, Community, Welfare and the Civic State*, Toronto: University of Toronto Press.
- O'Neill, O. (1989) *Constructions of Reason: Explorations of Kant's Practical Philosophy*, New York: Cambridge University Press.
- Sercombe, H. (1997) 'The youth work contract: Professionalism and ethics', *Youth Studies Australia*, 16(4), pp.17-21.
- Sercombe, H. (1998) 'Power, ethics and youth work', *Youth Studies Australia*, 17(1), pp.18-23.
- Stuart, G. (2001) 'Are you old enough? Research ethics and young people', *Youth Studies Australia*, 20(4), pp.34-39.
- Wierenga, A., Wood, A., Trenbath, G., Kelly, J. & Vidakovic, O. (2003) *Sharing a new story: Young people in decision-making*, Working Paper 23, June, Australian Youth Research Centre, University of Melbourne, Melbourne.
- Wood Commission (1997) *Royal Commission into the NSW Police Service, Final Report, Volume 1vL: The Paedophile Inquiry*, NSW Government.