

Child neglect and the *Little Children are Sacred* report

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Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred': Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, which has come to be known as the 'Little Children are Sacred' Report, was released in late June 2007 (Wild & Anderson 2007). The Report has received little analysis. Rather it is the response by the Commonwealth Government to the Report's findings that has dominated debate. Despite repeated accounts of child neglect provided to the Inquiry, these accounts seemed to be viewed as the landscape in which child sexual abuse occurs, rather than a significant and urgent issue in their own right. The relegation of child neglect to background mirrors what research elsewhere tells us about what happens to child neglect referrals; lacking the sense of immediacy and danger of child sexual abuse, they are frequently minimised or overlooked.

This paper is an attempt to refocus attention on the Report itself through a lens of child neglect, and suggests that in limiting the terms of reference to child sexual abuse, the Report missed the opportunity to engage with the significant issue of child neglect and the practice of child protection work in cases of child neglect.

Neglect is arguably the most damaging type of child maltreatment with regard to the long-term consequences for the child's cognitive, socio-emotional and behavioural development and is particularly detrimental if it occurs early in life (Hildyard & Wolfe 2002; Howe 2005). Such research highlights the importance of early identification, clear timescales and a child focus (Horwath 2007). This 'neglect of neglect' (Wolock & Horowitz 1984) is not only longstanding and cross-national, but is particularly problematic in the Northern Territory. The *Little Children are Sacred* Report is replete with examples of inadequate care provided by parents, and many Aboriginal informants cited inadequate parental supervision of children, and lack of parental availability to children, as significant contributors to children's vulnerability to child sexual abuse.

Based on admittedly flawed child protection data (given that the data records child protection *activity* in different jurisdictions with different legislation and thresholds rather than reflecting levels of child maltreatment), the most serious and significant issue facing Aboriginal children may not be child sexual abuse, but child neglect (Australian Institute of Health and Welfare [AIHW] 2007). Of additional concern, the Report also raises the issue that while the number of notifications to the statutory child protection service has increased, proportionately fewer investigations have been carried out (Wild & Anderson 2007:240). The Report questions whether 'the system has reached capacity', and, if this is the case:

... it is likely that workers have raised the threshold for investigation such that case concerns must now be assessed as more severe to be allocated for investigation (Wild & Anderson 2007:240).

Research elsewhere would suggest that if this is the case, it is child neglect cases that would be more likely to be 'screened out' in this way (Buckley 2000:255).

Further, although one of the terms of reference was to 'consider practices, procedures and resources of NT government agencies with direct responsibilities in this area (FACS and Police)', the Report does not explore in any depth the *practice* of child protection work in contexts of cultural difference and social disadvantage (Wild & Anderson 2007:4). Research elsewhere suggests that child protection workers find child neglect a particularly difficult

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area of practice (Buckley 2003; Horwath 2005). Had the Report expanded its terms of reference to issues of child neglect, and the practice of child protection in cases of child neglect with Aboriginal families, the authors may have contributed to much needed debate about 'where to draw the line' (Gough & Stanley 2006:1) in child protection practice, clarified the role and parameters of statutory intervention in Aboriginal communities, and assisted in the prevention of child sexual abuse.

This paper does not attempt to minimise the seriousness of child sexual abuse. Rather, it seeks to address the 'neglect of neglect' (Wolock & Horowitz 1984) in the *Little Children Are Sacred* Report. It argues that clarifying the issues around the practice of child protection work in cases of child neglect will not only protect children from the debilitating effects of neglect (Perry 2002), but also assist in protecting children from the serious issue of child sexual abuse.

THE NEGLECT OF CHILD NEGLECT

The immediate event which appears to have triggered the *Little Children are Sacred* Report was the *Lateline* interview with Dr Nanette Rogers on 15 May 2006 (www.abc.net.au/lateline/) in which a number of cases of sexual abuse of Aboriginal children were brought to the public's attention. However, prior to this interview, the then Minister for Indigenous Affairs' original concerns for Aboriginal children centred on issues of child neglect, and the proposal, in April 2006, to quarantine some proportion of welfare payments received by parents who neglect their children. Whilst child sexual abuse is under-reported, research elsewhere indicates that child neglect, even when reported, is minimised and frequently not taken as seriously as other forms of child maltreatment so the figures for child neglect are likely to underestimate the true incidence (Horwath 2005). Physical and sexual abuse are more likely to trigger an investigation in child protective services because they carry less ambiguity, and possess a sense of urgency and danger that requires an immediate response (Jones 1993). In a manner which mirrors what frequently happens to child neglect cases within the child protection system (Buckley 2003; Horwath 2005), the issue of child neglect was overtaken in the media, and the public's attention, by child sexual abuse.

Despite being a common form of notification to child protection agencies, child protection workers find child neglect a particularly difficult area of practice (Horwath 2005). Wolock and Horowitz (1984) suggest that neglect is marginalised in practice because professionals believe that:

- neglect does not have as serious consequences as other forms of child maltreatment;
- it is inappropriate to judge parents involved in poverty related neglect;

- the issues associated with child neglect are insurmountable; and
- neglect is a vague and ambiguous concept.

Child neglect, research suggests, leaves social workers either overwhelmed by the enormous and seemingly impervious problems presented by child neglect, or underwhelmed to the point of normalising neglect (Horwath 2005).

The complex nature of child neglect poses a challenge to the incident-based approach of most child protection systems. The NSW Child Death Review Team found that case workers dealing with these complex situations are 'party to the common misconception that each neglectful incident is trivial' (Department of Community Services [DoCS] 2006:9), and frequently these discrete incidents are not combined to give a coherent picture of what is happening for a child (Ayre 1998). Buckley (2000), in a UK study, found that 76% of neglect referrals were filtered out of the child protection system.

[A case] history of poverty and neglect tended to lessen the possibility the referral would be endorsed ... influenced by a combination of pessimism about the value of intervention and ambivalence about the boundaries of poor quality care and 'neglect' in a context of general adversity (Buckley 2000:255).

In addition, some writers have noted the difficulties child protection workers have with assessing 'good enough parenting' in situations where the history of involvement with a particular cultural group and the child protection agency is characterised by mistrust and/or is highly politicised (Cemlyn 2000). This is particularly so with child neglect, and work overseas by Cemlyn (2000) and Buckley (2000) indicates that 'cultural relativism', that is, the belief that members of one culture have no right to criticise members of another culture by importing their own standards of judgement, exerts a powerful influence on worker decision making (Dingwall, Eekelaar & Murray 1983). There is a lack of Australian research in this area, particularly around neglect, and in relation to specific cultural groups or cultural issues (Higgins et al. 2005). In the Northern Territory, Sutton (2001:141) suggested:

more neglect is tolerated for some Australian children than others, notably Aboriginal children in the more isolated settlements.

According to Sutton (2001:131):

[one of the] most difficult issues this country is now grappling with is the profound contradiction between liberal democratic support for cultural diversity ... and a seeming difficulty in facing and dealing with the very reality of that diversity on the ground.

As a consequence, agencies, including child protection agencies, struggle on the ground with knowing whether to apply 'mainstream standards' to assess Indigenous

behaviour and/or to define something as a social problem, or whether, in doing so, they are revealing assimilationist tendencies (Sutton 2001).

WHAT IS CHILD NEGLECT?

Different definitions of child maltreatment are required depending on purpose and role (Aber & Zigler 1981). While narrow definitions are required for statutory intervention in order to protect the rights of the family, broader definitions are required when the intention is to focus on all families or at risk families, and/or to provide families with suitable services across the range of government and non-government health and community services. These broader definitions focus our attention on the structural causes of child neglect such as unemployment, poverty and racism (Kasinsky 1994). Ecological frameworks illustrate that families are nested in other contexts, such as the neighbourhood, the larger community and the broader social structural context, and that any family's capacity to provide care is also a function of these broader influences (Bronfenbrenner 1979). The *Little Children are Sacred* Report highlights the importance of the broader social context, and the ways in which the provision of, or lack of, support services impacts on parental ability to care for their children. The Report also noted that:

many parents (and communities as a whole) required some form of parenting education to ensure they were better equipped to care for their children – and so that they had a better understanding of what could be considered good quality parenting (Wild & Anderson 2007:158).

Statutory definitions of child neglect are used to make decisions about whether child neglect has occurred, whether coercive action is necessary, and what sort of intervention goals are required to address the failure to provide care. Most definitions see neglect as the failure of the parent, or carer, to act to provide an adequate standard of care (Zuravin 1991). Further, this failure is generally taken to be persistent, rather than a one-off lapse in adequate care.

Defining neglect is difficult because of differing cultural and community standards. Neglect is the failure to receive socially acceptable standards of care (Straus & Kantor 2003); however, the way that care is expressed and organised is not the same everywhere. It is apparent that neglect is, in part, culturally determined (Smith & Fong 2004). In addition, although there now exists a large body of evidence about child development, and the milieu in which health, emotional and physical development can be promoted, we struggle to formulate a clear definition to describe the absence of such a milieu (Daniel 2005). Neglect is somehow about the inability to 'see' frequently enough, to the appropriate degree, what is required to provide physical care for a child and to develop a nurturing relationship with

a child. As a consequence, a child's physical, emotional and cognitive potential is diminished.

A further difficulty with defining neglect is that it is not an either/or phenomenon; neglect is more than the absence of completing tasks of care, and it is rarely the complete absence of undertaking tasks. While some children do die from neglect – and that this occurs is increasingly being recognised – most do not. Recent reports from the Victorian Child Death Review Committee (2006) and the NSW Child Death Review Team (2003) highlight the significant contribution of child neglect to child deaths, and, in the case of New South Wales, have led to the development of specific policy on child neglect in child protection cases.

Hutchinson (1990:63) argues that child welfare workers:

[cannot] ethically engage in coercive interventions in family life without a clear sense that they represent social standards rather than individual practitioner, professional, institutional or administrative agendas,

and that they must be able to inform involuntary clients:

... of the thresholds at which coercive action will be initiated.

... the acknowledgement that a family is poor is not a sufficient explanation to assist in understanding why this child in this family is being neglected.

There is considerable ambiguity about the concept of child neglect which makes this level of transparency difficult, if not impossible, to achieve.

Legally, a child in the Northern Territory shall be said to have suffered neglect where:

... he has suffered serious physical impairment evidenced by severe bodily malfunctioning, because of his physical surroundings, nutritional or other deprivation, or the emotional or social environment in which he is living, or where there is substantial risk that such surroundings, deprivation or environment will cause such deprivation [Community Welfare Act 1983 4(3)(c)].

In practice, like elsewhere, this legal definition has been translated into signs and symptoms of neglect. There is no universally agreed upon specific standard by which to measure these signs and symptoms.

The *Little Children are Sacred* Report describes a number of situations which would generally be included in definitions of neglect: not feeding children, children wandering the streets unsupervised, not being given clean clothes to wear,

parents preoccupied with gambling and unresponsive to the needs of their children, or parents intoxicated and unable to care for their children (Wild & Anderson 2007:160). The question child protection workers must answer is: what is the threshold for statutory intervention? The question of threshold is critical: research shows that neglect cases tend to be given a low priority within child protection systems (DoCS 2006; Stone 1998), that information about neglect is rarely combined to provide a coherent picture of what is happening for a child, making an agency response less likely (Ayre 1998), and that:

the harm these [neglected] children may suffer from years of chronic neglect can be more damaging and pervasive than bruising and broken bones (English 1998:53).

The *Little Children are Sacred* authors were told that many children who had been sexually abused 'had been "neglected" by their own families' (Wild & Anderson 2007:62) before they were sexually abused, increasing their vulnerability to exploitation and abuse; and yet this picture of abuse, if reduced to a series of 'incidents', may not meet thresholds for referral or for intervention.

NEGLECT AS A FAILURE OF THE STATE, OR A CHILD PROTECTION MATTER?

Given our society's presumption that the family's autonomy and privacy should only be intruded upon by the state in extreme circumstances, it is frequently the case that 'harm to the child' is the benchmark to justify state intervention. However, in the case of child neglect, this is problematic. The outcomes of child neglect are not always obvious, and waiting for evidence of harm may leave children vulnerable (Dubowitz 1999). Harm from neglect is cumulative, with harm accumulating based on the extent and type of omissions in care, the child's age or developmental level, and the length of time the child has experienced the omission (Dubowitz et al. 1993). Further, children suffering from other forms of maltreatment, or who have not been maltreated, but who have experienced a significant life event (such as the death of a parent) may exhibit the same 'symptoms' of child neglect (Smith & Fong 2004).

The recommendations in the *Little Children are Sacred* Report, which focus on family support services and other 'upstream' factors which contribute to poor child health and wellbeing outcomes, will have an impact on issues around child neglect. They will change the landscape of parenting for the better. They will not of themselves assist children who are being neglected today. The Report acknowledges this. However, the Report does not provide guidance to child protection workers responding to notifications of child neglect involving Aboriginal children. In fact, in the Report's focus on 'upstream' factors, the Report appears to regard poverty and child neglect as synonymous, asking, but not answering, the question of how to assess child neglect,

that is *parental omissions in care*, in situations of socio-economic disadvantage. This question is critical. Much of the research indicates that child protection workers struggle with this issue – Horwath (2007:1) quotes a social worker who says:

I always feel guilty about the child neglect cases. It seems so harsh making judgements about parents living in abject poverty.

The Report suggests that it is not 'fair' to assess parents as neglectful if they are living in impoverished circumstances; this is not helpful advice for workers in the field struggling to reconcile their feelings of 'not being fair', and yet obliged to do something.

What is the relationship between child poverty and the harms we observe in neglected children? How much of poverty and its consequences can be mediated by good parenting? Some jurisdictions specifically exclude from neglect definitions 'needs not met' through no fault of the parent, arguing that it is only where a parent does not make use of assistance to address a problem (such as lack of food) that the situation should be considered neglect (Zuravin 2001). These latter endeavours presume that it is possible to disentangle the situation sufficiently to apportion responsibility either to parental omissions or state neglect for the purpose of child protection 'gate-keeping'.

... the Report highlights the concerns ... that inadequate care and supervision of children heighten vulnerability to child sexual abuse.

Although the 'popular image of neglect is virtually synonymous with poverty' (Swift 1995:9), Minty (2005) points out that the vast majority of families who live in material poverty have not been, and will not be, assessed as having neglected their children. It is difficult to disentangle the debate on poverty and child neglect because, at least in the case of physical neglect, poverty is 'embedded in the definition of neglect' (Stone 1998:17). Poor children are, on this reckoning, neglected by definition. There is substantial evidence that poverty is associated with child maltreatment (Zuravin 1989), and that chronic neglect is associated with financial disadvantage (Drake & Pandey 1996). According to the United States Research Council (United States Department of Health and Human Services 1999), poverty is the main risk factor for child neglect. In a review of research on the effects of poverty on children, Brooks-Gunn and Duncan (1997) found that children who live in extreme poverty or who live below the poverty line for multiple years

appear to suffer the worst outcomes. The timing of poverty appears to be important; children who experience poverty during their early years are more affected.

Studies indicate that the Indigenous people of Australia suffer a life expectancy disadvantage greater than differentials found between Indigenous and non-Indigenous populations of other developed countries (Hill, Barker & Vos 2007); a lower gross household income of around 59% of non-Indigenous counterparts (Australian Bureau of Statistics [ABS] & AIHW 2005); are less likely to have finished high school or have a non-school qualification; and are more likely to live in overcrowded and/or substandard housing (ABS & AIHW 2005). These, and other, indicators of disadvantage have led the Secretariat of National Aboriginal and Island Child Care (SNAICC) (2005:8) to conclude that:

poverty and disadvantage are the major cause of child removal from ATSI families – not inappropriate parenting or the abuse of children.

In some ways, neglectful families highlight a broader issue, that is, the way in which the problems and difficulties of individuals and families are seen and understood and to what they are attributed. Although some writers suggest eliminating poverty as a key tool in eliminating child neglect (Pelton 1981), others such as Crittenden (1999:66) suggest that poverty may be an outcome rather than a cause of child neglect because:

both poverty and child neglect may be the effects of learning to process information in distorting and limiting ways.

Crittenden (1999) suggests that if this is the case, much parent education and assistance may be a futile exercise. Parents who neglect their children block out information that is necessary for action, and teaching parents new responses may prove useless because they are unlikely to identify correctly the occasions on which to use the newly learned behaviours.

Whether Crittenden (1999) is correct or not, her theory highlights the importance of sound assessment. Most poor families do not neglect their children (Gaudin 1993; Minty 2005) and so the acknowledgement that a family is poor is not a sufficient explanation to assist in understanding why *this* child in *this* family is being neglected.

It is clear that reducing the number of structural risk factors is key. However, whilst all children living in 'socially toxic environments' (Garbarino 1995) face risks imposed by that environment, they do not do so equally. Not all Aboriginal children are destined to be abused or neglected, to have parents whose drinking or other substance abuse issues make them unavailable to attend to their children's needs, to fail to attend school, or to fail at school. Simply put, some parents do a better job than others. Some parents pose a bigger threat to their children's wellbeing, and others fail to protect their

children from the harmful actions of others. Whilst all children living in poverty might be seen to be 'at risk' in some way, and/or to be 'suffering' from societal neglect, how should child protection workers respond to allegations of child neglect when they involve children from disadvantaged Aboriginal families? Analysis and acknowledgement of structural disadvantage is important, but the role of a child protection worker must include assessing the care provided to individual children in the context of their family, that is, it involves an assessment of the ways in which individual parental agency is exercised to the benefit or detriment of children. It requires a focus on the child, and the ways in which the child's physical, socio-emotional and cognitive potential is compromised.

The *Little Children are Sacred* Report does attempt to elucidate what are minimal parental responsibilities (Wild & Anderson 2007:15) – ensuring that children attend school; they are fed; they wear clean clothes; they do not wander the streets unsupervised; they learn traditional law and culture; and they obey both Aboriginal and European law. The Report does not, however, make any attempt to clarify the degree to which failure to undertake these parenting tasks should trigger statutory intervention. The authors note that some parents are failing to accept these responsibilities, and that such parents need to be provided with education and 'persuaded' to take responsibility (Wild & Anderson 2007:16), as well as communities being provided with better housing and other infrastructure, and services to respond to issues of substance abuse and gambling. Having raised the issue of poverty and disempowerment as clear causal factors which need to be addressed in order to prevent child maltreatment, and suggested that the situation will not improve for at least fifteen years (Wild & Anderson 2007:6), the Report offers little guidance for child protection workers responding to notifications today.

CHILD NEGLECT AND CHILD REARING PRACTICES

The *Bringing Them Home Report* (Human Rights and Equal Opportunity Commission [HREOC] 1997) suggested that cultural bias in child protection agencies contributed to high rates of Indigenous children in child protection data. This report singled out neglect because it is 'more subjective and culturally particular' as influencing these high numbers (HREOC 1997:453). Historically, the issue of child neglect has had an enormous influence on Aboriginal people, and the *Bringing Them Home Report* provided evidence of the ways in which, historically, an Aboriginal child was seen as synonymous with being a neglected child. The allegation is that child protection workers apply standards that do not take account of differences in child rearing in ways that acknowledge that 'different' does not equal 'not good enough'. Whilst work exploring this issue in Australia is scarce, ethnographic accounts have pointed out differences

in child rearing practices between Indigenous and non-Indigenous people (Hamilton 1981; Malin, Campbell & Agius 1996), highlighting where differences may be interpreted unfavourably by the dominant culture. One of the key differences highlighted is the degree of autonomy given to Aboriginal children (Hamilton 1981; Malin, Campbell & Agius 1996).

What if there are traditional ways that place children at risk in modern circumstances? The Report tentatively explores this issue in relation to the alleged greater degrees of autonomy granted Aboriginal children, suggesting that if such autonomy is not provided within a context of 'consistent care', the 'children become highly autonomous and eventually rebel against later intervention'. The Report states that:

generally speaking, autonomy is promoted in children from an early age in Aboriginal culture. Once children are old enough to walk around they are often pushed out into their wider peer group. They then become accustomed to making their own decisions and setting their own course in life. ... This 'traditional practice' involves a fine balance between individuality and connectedness to the group and can be a good thing if balanced with proper care ... Problems begin to occur when one of these things starts to outweigh the other. When this consistent care is not present, the children become highly autonomous and eventually rebel against later intervention (Wild & Anderson 2007:90)

What here is called a lack of 'consistent care' might also be called child neglect. Practices that made sense and evolved in response to the demands of earlier times may no longer make sense today, and may, in fact, place children at greater risk. An approach to child rearing that permits children as young as three to wander about unsupervised (Hamilton 1981) is not compatible with the risks of modern day living, and not compatible with living on communities where, on the account of the *Little Children are Sacred* Report, alcohol, and its dis-inhibiting effects, are significant problems, and major contributors to child sexual assault.

The Inquiry is aware of incidents where inadequate supervision of children by parents who are inebriated and gambling has increased a child's vulnerability to being sexually abused by an opportunistic offender (Wild & Anderson 2007:201).

The Report recommends that dialogue needs to occur to determine the strengths and weaknesses of traditional child rearing practices, since many practices that evolved in response to a different time may no longer serve the purpose of teaching and protecting children today. Such dialogue is important. But for a child protection worker responding to the needs of an individual child today, dialogue may not achieve the goal of protection quickly enough. Is intervening, and assessing as neglectful an individual's approach to parenting that is continuous with traditional parenting practices, assimilationist?

CONCLUSION

Child neglect is a significant issue for Aboriginal children in the Northern Territory (AIHW 2007) and research illustrates that child protection workers struggle with this area of child protection practice, particularly in cross cultural contexts and situations of social disadvantage (Horwath 2005). The issue of child neglect has particular resonance in child protection work with Aboriginal peoples where historically child neglect, seemingly defined as Aboriginality, was the justification for removal of large numbers of Aboriginal children (HREOC 1997). Clarifying where to 'draw the line' is important (Gough & Stanley 2006).

Whilst one of the goals of the Report was to examine the practices and procedures of the child protection agency, little attention was paid to the actual *practice* of child protection work. As a result, there was no acknowledgement of some of the dilemmas and practice issues involved in this work with Aboriginal communities, and thus no guidance provided to child protection workers struggling to identify and assess child neglect for the purposes of statutory intervention. The failure to grapple with the concept of child neglect, especially in the context of social and economic disadvantage and cultural difference, was a missed opportunity. This is particularly important because the *Little Children Are Sacred* Report highlights the concerns expressed by community members that inadequate care and supervision of children heighten vulnerability to child sexual abuse.

The authors of the *Little Children are Sacred* Report state:

Our terms of reference required us to enquire into the protection of Aboriginal children from sexual abuse. We will, no doubt, receive some criticism for appearing to stray well beyond that limited brief (Wild & Anderson 2007:6).

In straying beyond that brief, or perhaps in not straying far enough, the Report failed to take account of all they found; that is, they failed to make sense of the repeated stories of child neglect that they heard during the consultations. Early identification and intervention in situations of child neglect is important because of the serious consequences of child neglect. It is also important because these may be the very same children, according to the community informants who spoke to the authors of the *Little Children Are Sacred* Report, who are at risk of child sexual abuse. The community rightly accepts the importance of protecting children from the serious crime of child sexual abuse. One of the ways we might do that is to stop 'neglecting neglect'. ■

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