

If having child-centred policy is the answer, what's the question?

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This paper argues that having child-centred policy is not the straightforward matter it might seem. After presenting some historical snap-shots to demonstrate that children have frequently been the victims of policies aimed at addressing needs or perceived problems which are not child-centred, the author argues that contemporary policies frequently leave out significant variables, and the impact of culture is one of these. Focusing on the Australian-Asian region, the author notes the dominance of family and community over individual rights in many countries in our region. The likelihood is that family and children's services in Asian countries will conceptualise services to families and children in non-western ways, in spite of the fact that the principles underlying child protection which they espouse are frequently western in orientation (that is, they have a child's rights focus). Using these insights as a lens through which to look back at Australia, it is possible to see Australia as having 'cultural' traditions which also value family and community over the rights of children. It is argued in conclusion that future policy needs to take such realities more firmly into account, and given the increasing presence of and influence of cultures with a family-centred focus in Australia, greater attention also is needed to our international context.

Addressing the topic of child-centred policy, which was suggested to me as a subject for this conference, sounds easy in the abstract. It has, in fact, already been done – see, for example, the United Nations Convention on the Rights of the Child (<http://unicef.org/crc> - accessed 18/2/2010). Together we could develop a check-list of the requirements for such a policy in no time.

But it is not that easy, and what I want to do in this paper is to reframe both the question and the answer. 'Do we need child-centred policy?', as obvious as the question and answer are, only partly addresses the issues we have in child welfare. So if we do need more child-centred policy, developing it requires the issues it should address to be more clearly identified.

In addressing the topic, I will focus broadly. While our main concern at this conference is on children who need to live away from home, those children have a past, as well as a present and a future. Their past usually consists of abuse and/or neglect in their family of origin, a history with welfare and other services, a history with child protection, and a history of out-of-home care. Developing child-centred policy for children already in this system is far too late for many of them (though it has potential for mitigating some of their circumstances); indeed starting when they are born may also be too late.

I begin my paper with a historical survey. The generalisations I make here should be qualified by the fact that both past and the present family and child welfare measures have been colony-based and are now state-based. This is not to say they have not shared (and increasingly

share) common features, but the detail of this is a matter for comparative analysis outside the scope of this paper.

I will then move to a consideration of one issue shaping present and future child care policy in this country: the nature and implications of cultural difference.

DO WE NEED CHILD-CENTRED POLICY? AN HISTORICAL PERSPECTIVE

Why do we not have more child-centred policy? Part of the reason lies in our history, and how we recreate some historical traditions. In that history, children have always been, and frequently still are, the victims of policies intended to address other issues. Other presenters are addressing history at this conference; I will simply point to a few historical 'snapshots' to underline how important history is, and how children have been, and continue to be, ignored in favour of other policy priorities.

Our first child welfare crisis followed white settlement. Child offenders were transported, there were some children of the marines who guarded them, and children born of other liaisons between prisoners or prisoners and the militia en route. The driving force, of course, was a policy context aimed at solving England's burgeoning prison population, though not all the child victims were offenders. Our first strategy was not to develop an institution, as one might suspect looking back from the present. We tried a form of foster care (Liddell 1993). This was not the last time child welfare solutions failed because they did not fit the social and economic conditions of the times. Starvation in the colony was rife for years, and where were the intact and available individuals and families to provide care? We then

tried another typically inappropriate solution – an out-of-sight, out-of-mind institution on Norfolk Island. That still was not enough; the first institution in Sydney was set up in 1802 – for boys. The first girls' institution was set up in 1819 (Liddell, Max 1993, 2003). So gender distinctions were also early traditions though it is not easy, looking back, to see whether it was the girls or the boys who were affected the most.

A thorough history of child welfare is yet to be written, but it is pertinent to briefly note some of the many historical examples of child care which were certainly not child-centred. The early dominance of the churches (especially Anglican and Catholic) in providing institutional care was implemented partly through allocating religion to children who entered care with no identified religion; six children would be nominated as Anglican and the seventh as Catholic. This preserved the religious balance in the colony, a strategy aimed at a head count of the souls saved for each denomination but not at the broader interests of the children themselves.

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A range of 'preventive' strategies were tried from the 1850s on; but note we still do not have a comprehensive prevention and support system. Strategies aimed to control the street activities of children and their wayward parents, as did Victoria's earliest child protection legislation in 1864. That was typical of the times; the introduction of compulsory education in the 1870s, for example, was substantially driven by the desire to control the street behaviour of children, not the need for their protection.

So-called Protectors were created to care for the stressed indigenous people, but their role gradually metamorphosed into intervention into the lives of the indigenous community in ways which, for all their apparent early sympathies for the indigenous people, seemed ignorant that children were part of and affected by the policies they attempted to implement. As the century progressed, officials, influenced by the popular Darwinian theory, waited for the expected and presumed inevitable demise of the indigenous community, while continuing to exploit the labour of adults and children.

The labour of the non-indigenous children in care was also deliberately utilised, initially from the age of five, though gradually that age was lifted. But our earliest decades show that children's needs were subjugated to other priorities. The introduction of compulsory education in the various colonies

around the 1870s was clearly aimed at clearing the streets of 'street urchins'.

The twentieth century also provides some extraordinary examples of the misuse of children in care. Some authorities have claimed the use of children, frequently babies, in children's homes to test vaccines, notably the possibly contaminated Salk anti-polio vaccine, in the 1960s. Whatever the benefits to the community of such testing of drugs, the needs and rights of children in care were clearly not given priority. One might also note the alleged intrusion of the eugenics movement, via the use of the long-acting contraceptive Depo-Provera on adolescent girls in homes (Liddell, Margaret 2003).

We could add to these uses or abuses of children events such as child migration from England, and more recently the victimisation of children (and adults of course) as part of political manoeuvring over boat-people. Again, the priorities are hardly the needs of children. And the growth of inter-country adoption has mixed motives; involving positive motivation to assist children in disadvantaged countries but also carrying the problems associated with removing them from their familiar culture. However one views this, inter-country adoption is a drop-in-the-bucket solution to huge international problems.

Then there have been the long-standing and multiple swings from foster care to institutional care and back, usually for reasons which could not stand logical scrutiny. And just when it seemed in the 1970s and 1980s that we might be putting together a broader range of child and family welfare services, along came managerialism, the hand-maiden of economic rationalism. Managerialism, with its fetish for narrow programs and budgets, outcome indicators and commercial practices, reinforced by bureaucratic structures designed to control these separate components, effectively set in concrete what we now have. This is a set of pieces of a child welfare jigsaw which do not fit together, has missing pieces, but which, because of the timing of managerialism, never had a chance to evolve into what it needed to be (Liddell, Max 1993; 2003).

The interests of children have been, and still are, downgraded as other priorities dominate. Perhaps, excesses such as those perpetrated against indigenous children and boat people aside, our mainstream child welfare system is more humane than it used to be – if we ignore evidence such as continuing abuse of children in out-of-home care, multiple placement changes, lack of prevention and support, and failure to do more than the minimum to improve the life chances of these children and their families.

In conclusion, there is ample evidence even from our limited history that we lack, and need, a more child-centred policy framework, and that children have sometimes been both the witting and unwitting victims of policies aimed at other issues. This history equally argues that we lack family

support as well. But I have suggested that this still does not adequately identify the issues, and I need to demonstrate why. Since this is a huge topic I will concentrate on one greatly neglected dimension; the nature and implications of cultural differences.

IS CHILD-CENTRED POLICY RELEVANT OR SUFFICIENT? CULTURAL DIFFERENCES AND THEIR IMPACT

Some of the issues associated with differences between various cultures in how childhood and family life are viewed have been buried in law and policy for years. The *Children and Young Persons Act 1989* introduced the need for cultural sensitivity. But what does this mean and how do you act on this prescription (Liddell & Liddell 2000)? And then there is the Aboriginal Child Placement Principle which anecdotal evidence, supported recently by inquiries in several states, shows, is frequently not adhered to in practice. Having a policy does not automatically resolve issues.

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As an aside to what follows, we must acknowledge that there are many variables impacting on the effectiveness of a child-centred policy. There are general injunctions in law about protecting children and the primacy of their rights, but we know clearly that issues such as staff turnovers, shortages of expertise, shortages of staff, unallocated cases and the like, do not ensure these rights are protected. There is the buried issue of gender, and a study of a random sample of 63 young women from the late 1990s showed most were returned to abusive, frequently sexually abusive, family situations. While one could identify practice problems in some of these cases, more significant factors were the lack of alternatives and the sometimes inexplicably pro-parent stance of the Children's Court which has sometimes seemed relaxed about the return of the child to highly abusive families (Liddell, Margaret 2003). Having a policy to protect children and to ensure their rights are primary, then, does not automatically resolve issues.

With regard to culture and its impact, insights can be gained from an examination of culture in other countries. Five years ago, Monash University Department of Social Work commenced teaching social work in Singapore, an opportunity to step outside our context and reflect on it and other contexts. Given my interest in child protection, I have examined this field in Singapore. Some things stand out starkly. Singapore, with a population roughly the same as

Victoria, had less than 300 reports to its child protection system last year; Victoria had over 41,000. We know that this Victorian statistic includes a multitude of variables, but this is still a staggering difference, particularly since the principles in the laws in both countries are virtually identical. Other countries in the Asian region either have introduced, or frequently are in the process of introducing, legislation which is essentially western; that is, it primarily focuses on children's rights and their need for protection. Obvious a development as this might seem to be, it is occurring in countries in which these rights are also subjugated to the rights of others – that is, the rights of families and communities. Having a policy, I repeat, does not automatically resolve issues because policy operates at many levels and culture as a policy priority may be dominant yet also implicit.

There are possible explanations of these matters, but little formal verification is possible because of the lack of research in the Asian region. But certain things do stand out – and here I am going to make some generalisations about which we need to be careful. Cultures vary. (A brief selection of sources which support the following conclusions includes Abu Baker & Dwairy 2003; Chakkarath 2005; Desai 2009; Fahrudin & Durin 2009; Gabel & Kamerman 2009; Lee & Law 2009; Lowe & Ong 2007; Mostafa 2007; Ng 2008; Qiao & Chan 2008; Segal 1996; Sharma & Gupta 2004; Simkhada 2008; Tseng & Hsu 1970.)

- The cultures in many countries in our region emphasise the importance of the family and community over individual rights. Traditions of hard work, loyalty, harmony, respect for authority, and filial piety dominate at both family and community levels.
- The consequences for children are many. Children in some cultures may well be thoroughly indulged in their early years, but strictly disciplined later, especially from the school years on. The emphasis on filial piety is such that some writers – examples from India and China come to mind – suggest there is little or no adolescence in such cultures. Clearly they do not mean to imply there is no physical maturation. Rather they are saying that adolescence as a time of transition to independence is relatively unknown because of the conformity with parental views strictly enforced in such cultures. It is hardly surprising that people from such cultures may experience conflict between parents and children if they migrate to Australia.
- A further factor is the emphasis in some cultures on strong physical punishment as a means of discipline. The fact that this is acceptable in some Asian cultures is probably one reason why reports to child protection are sometimes less frequent than here, though it is far from clear that Singapore, for example, is more tolerant of extremes of physical abuse than is Australia.

- Gender is a contentious issue in the region, even more so than it is in Australia. While florid examples exist – such as killing of female children in some countries, child brides, use of foreign domestics, and trafficking of female children into the sex trade – the general subjugation of women is widespread and an accepted norm.
- There are other forms of abuse less familiar to us – child soldiers, and the underground exportation of Pakistani children to the United Arab Emirates to be jockeys in camel races come to mind.
- All this happens in the context of very minimal welfare states in many of these countries. And it happens in contexts in which conceptions of family life and children's rights clearly vary considerably. Understandings of childhood, and therefore the notion of child-centred policy, may be neither familiar nor comfortable for people from such cultures.
- It comes as little surprise therefore that the 'discovery' of child abuse in some of these countries has only happened in recent years.

This is a brief overview of complex issues. Again I warn that it risks stereotyping if applied indiscriminately to every culture in every country in our region. Many countries – China, India and Singapore come to mind – are not culturally homogenous. But we are still left with that conundrum; why do such countries develop child protection policy and legislation which is clearly at odds with their collectivist culture, and in any case seem not to be implemented in the way they would be in a western country?

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We are not enlightened much by the international comparative research. Australia and New Zealand feature in such research in a very limited measure, and our other neighbours almost not at all. The international comparative research focuses on North America, Europe, the United Kingdom, and Scandinavia – regions whose cultures vary considerably from countries in our region (see, for example, Creighton 2006; Freymond & Cameron 2006; Gabel & Kamerman 2009; Gilbert 1997; Hearn et al. 2004; Kamerman et al. 2003; Khoo, Hyvonen & Nygren 2002; Liddell et al. 2006; May-Chahal et al. 2006; Nybom 2005; UNICEF 2003, 2009; Waldfogel 1998). So we do not know

a lot about how culture is understood and acted on in Asian countries, whether it be in policy, legislation or practice. We are short of knowledge about what welfare practitioners really do. What follows then is speculative, and partly based on observation, but presented with the aim of raising for discussion issues which are rarely, if ever, on the Australian agenda for debate.

DOES CULTURE MATTER IN POLICY FORMATION?

Does this matter? Is not most of what I have been referring to about what is happening over there, overseas? And are not such countries in a process of evolving away from their traditional cultures anyway? Are not their traditional caring practices, such as the obligations of children to care for ageing parents, gradually changing as the demographic and other characteristics of those cultures change? The answer to these questions is certainly 'yes', but I suggest the issues do matter to us in Australia. Some of the reasons are:

- Many of the children's issues we deal with in Australia have global, or at least international, implications. As evidence, we can cite civil strife in countries in our region, the arrival here by boat of children, the arrival of other refugees, international trafficking, and inter-country adoption.
- Our cultural mix is increasingly diverse. Increasingly we are populated by people from countries in the region and elsewhere, particularly from cultures which emphasise the rights of communities and families rather than children. We can predict that our cultural mix will diversify even further in future. So our policy and practice knowledge needs to be broader than it used to be, but we know little about how our workers understand and implement cultural understandings in practice. Having a policy does not automatically resolve issues or give one a prescription for action.
- As well as the emotional scars and different cultural beliefs brought here by many of our new arrivals, maybe we are importing other problems too. As well as the problems of boat people, the admittedly scanty evidence suggests that not only do we have children being trafficked into Australia, the problem may well be increasing.
- Whatever one thinks of tough border protection, then, it is an inadequate solution to global problems of the nature and size we are talking about.
- So we can no longer ignore our international context; we are affected by international problems as well as issues within our own borders. Child-centred policy in the future must respond globally as well as locally.

We can take out of this admittedly limited review the notion that culture is important in policy, law and practice. Looking at Australia through the lens of culture, which is not what we normally do, what kind of philosophies or culture currently

govern our policy legislation and practice in Australia? We do share similarities with other countries in our region, albeit for different historical and socio-political reasons. We share with them a priority on the rights of families, a reluctance to intervene, and a reluctance to intervene extensively or proactively. The rights of children are not the highest priority, as surveys have shown. And Australia, like many countries in the region, has a welfare state which is relatively minimalist in scope, increasingly reliant on being in work and on individual responsibility, and tending to intervene after problems develop – not proactively or preventatively.

That said, does it matter even if citizens of neighbouring countries do increasingly settle here? Will not one set of children's policies, procedures and programs suffice for Australia? As obvious and simple as this seems, the limited evidence we have is that in practice we do not and simply cannot operate with such blunt policy and practice implements. Nor, apparently, do they in other countries either. Responding to culture, then, may well defy current policy parameters.

We cannot expect a child protection or out-of-home care-led revolution in these matters. And I would suggest we cannot expect substantial improvement in our overburdened child protection or out-of-home care systems until we take seriously the need for child, family and community support at the grass-roots primary levels. The evidence around the western world daily is that western systems, driven by child rights-oriented child protection interventions and mandatory reporting, are collapsing under the weight of numbers. We know they are in Australia. In consequence, they do not deliver on their child rights mandate either. This is not an argument against having either mandatory reporting or strong child protection systems, though some have argued they should be dispensed with. Rather it is an argument against leaving such systems exposed on the front-line, like welfare shags on rocks, without developing the preventive and supportive context they need to survive.

FINALLY, THE KEY QUESTION – WHOSE RIGHTS SHOULD BE PROTECTED BY POLICY?

All this is why, to return to my starting point, I questioned both what the solution was and what the question should be. At the primary level, where the lives of all children and families exist, I think one can reasonably argue that the needs and rights of children, families and communities are indivisible and need integrated, coordinated and simultaneous development.

But we are struggling with 200 years of history, as well as many other barriers, if we are to achieve this goal. There is no point in being naïve about the way our society has developed and been socialised, and for how long. Further, if we do not have child, family and community policies in place when the child is born – and preferably earlier – can we make a good fist of such policy by the time the child has

progressed to the out-of-home care system? This is not an argument against reflecting the voices of children and young people, in care or leaving care, in policy. It is simply saying that concentrating there, without attention to the needs of people at other points in the life-cycle, will be ineffective. In essence, the result will be a policy which will put the cart before the horse.

One of the traditions we have inherited is that one policy size fits all. Clearly this view must change if we are to chart a better future.

As well, as I have said, we are still implementing western notions in a country which, while certainly essentially western, has a community which has moved beyond that narrow stereotype of what it is like. And further, our community, family and child issues must increasingly be seen within the regional and broader international context; some of our problems stem from overseas. While our politicians sometimes play a modern version of King Canute, commanding the international waves to go back, the impact of international problems continues and increases. We must, therefore, do more to address the problems where they originate, as well as address them at home. So a child-centred policy for the future must be both local and international and foreign policy is part of the solution. Foreign policy is not just an exotic animal far divorced from our concerns. And therefore we require a greater understanding of international conditions, the cultures within which the issues develop, and the way culture affects both our new arrivals and also the rest of us. One of the traditions we have inherited is that one policy size fits all. Clearly this view must change if we are to chart a better future. ■

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