

# CHILD PROTECTION POLICY IN VICTORIA PART 2\*

## INTRODUCTION

In an earlier article, the developments which occurred in child protective policy in Victoria during the nineteen sixties and seventies were described.<sup>1</sup> This article examines the current policy as expressed in the relevant government legislation and the policies of the Department for Community Welfare Services. The current policy is then compared with the previous policies.

## CURRENT POLICY The Context

The Victorian Government's child protection policy developed within the context of the "operational philosophies" and practices of the Community Welfare Services Department. The Department has sought to develop a state-wide co-ordinated network of child and family welfare services through regionalization of its own services, and by providing subsidies to voluntary agencies to carry out interventive and preventive child care programmes. These values and policies were given impetus by the Family and Community Welfare Services Programme which was first announced by the Minister for Community Welfare Services (then known as the Social Welfare Minister) on 27th April, 1977. This involved a state-wide process of consultation with individuals, organisations, government and local authorities as well as opinion surveys concerning the goals and future direction of community welfare in Victoria.

The results of this consultation process are presented in the government's White Paper on Social Welfare in Victoria, which was presented to the Victorian Parliament on 28th November, 1978. The White Paper (1978) describes the government's philosophy on social welfare as follows:

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"the Social Welfare system of the future must be capable of providing for early intervention in situations of need. It must provide both preventive and developmental services. In the past the emphasis has been too much on remedial services."

The principles of this philosophy are expressed legislatively in the Community Welfare Services Act, parts of which were proclaimed in July, 1979. The new philosophy reflects a change from a professional problem solving approach to a more developmental approach. This is reflected in statements contained in the White Paper emphasising the importance of focussing on local situations and the need for community participation. In the White Paper it is suggested that the Social Welfare system of the future should:

"recognize that all people have certain needs which must be met if they are to be able to function in our society and support the family unit as the basic unit of social organisation. The Social Welfare system should be concerned to improve the conditions under which all people live by gearing services to meet the needs of individuals, people, families and communities. At the same time it should seek to protect the rights and meet the needs of minors and minorities within the community. The system should place particular emphasis on the importance of involving people at

all levels in the planning and provision of services which affect them and especially the role of the local government in promoting community involvement." (Appendix 8: Victorian Government White Paper on Social Welfare, 1978.)

A developmental approach is implicit in the government's child protection policy which will now be described.

## Components

The government's position on child maltreatment was developed by a committee which was set up in 1977. It included representatives of the Departments of Health and Social Welfare after it became apparent that "the problem of child protection was beyond the scope of any one Department". (Departmental Draft Document, Child Maltreatment Programme, 1978.) The policy was developed taking into consideration the recommendations of three reports: the Report of the Consultative Council on Pre-School Development (1973), the Report of the Committee of Inquiry into Child Care (1976) and the Report of the Child Maltreatment Workshop (1976).

The new policy was publicly outlined by the Minister for Community Welfare Services in a Ministerial Statement given at a meeting sponsored by 'WECARE' in December, 1978. He described child protection policy as being a component of the government's all-embracing services for children. He said that family and community services would focus on families, which were seen as "natural" units around which to build a network of services which would embrace the full capacities of the Departments of Health and Social Welfare. (This was contrary to the recommendation of

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the Report of the Child Maltreatment Workshop which recommended that the Health Department should have an overall co-ordinating role.) The Minister said that the government planned to contract voluntary agencies to provide supportive and formal and interventive services claiming that

"voluntary agencies and the local community are best able to inspire the trust and confidence essential to working with families under stress." (Ministerial address to 'WECARE' 1978.)

Under the new policy child protection would be an area of special responsibility of the Child Development and Family Services Council, which would also advise the Minister for Community Welfare Services and the Assistant Minister of Health on matters relating to social development. A further innovation was that the Department for Community Welfare Services' activities in child maltreatment were to be co-ordinated by a special Co-ordinator of Protective Services.

The Minister announced that interventive protective services were to be contracted to the Children's Protection Society, with the Department for Community Welfare Services providing regulation and co-operative standard setting in conjunction with the Health Department. The long term plan was to provide regional protective teams in each region of the State with the Children's Protection Society undertaking responsibility for initial intervention and assessment, and the Community Welfare Services Department providing post-interventive, post-court services. Under the policy announced by the Minister, both the Department for Community Welfare Services and the Children's Protection Society were seen as working alongside and in co-operation with other regional, community and family welfare services. (Personal communication, Director of Regional Services December, 1978.)

The principles of the new policy were tried out in a pilot project in the Barwon region of the State. In this region, a network of services was already in existence, and a fair amount of preparatory work had been undertaken by agencies to plan a co-ordinated network of services.



Funds were provided to enable the Children's Protection Society to establish a central co-ordinating unit and to cover the costs of a medical assessment unit and an emergency foster care project. Additional funds were provided to fund child development officers and for an evaluation of the project after the first year. The Minister in his address to 'WECARE' in 1978 described the role of the child protection team as receiving voluntary notifications of suspected maltreatment, helping

identify children at risk and helping families meet problems which led to maltreatment. The format of the Barwon project was consistent with the government's policy of developing a network of services in a region, and in playing a key role in co-ordinating and standard setting while funding voluntary agencies to carry out the interventive and preventive work. This was described by one administrator from the Department for Community Welfare Services as involving the process of "taking

existing services and bolstering or adding to them". (Personal communication December 1978.)

### Legislative Provisions

The government's new protection policy is expressed legislatively in the Community Welfare Services Act (1978). Under this legislation children are defined as being in need of care and protection if they are in any of the following situations:

- "(a) neglect situations which involve all facets of the child's existence including education, physical and emotional well-being, medical care, environment and public morality.
- (b) abuse either physical, emotional or sexual.
- (c) exploitation of children in employment, entertainment, domestic labour and/or the market place.
- (d) abandonment — through the death or desertion of caring adults". (Address to 'WECARE' by Minister for Community Welfare Services, December, 1978.)

The new Act explicitly locates child protective policy within the context of family and child welfare services. Child abuse is defined broadly and includes specific reference to both sexual and emotional abuse. An important change in the new legislation is that a child is not to be admitted to the care of the Department for Community Welfare Services unless the court is satisfied that reasonable steps have been taken to enable the child to remain in the care of his family. This represents a distinct change from the judicial orientation of the Social Welfare Act (1970) to a greater emphasis on 'needs' and prevention. Under the new Act also child protection is seen as encompassing a broad range of services for children including school attendance, refugee children, informal placement of children under five years, street trading and children's employment and entertainment.

The new Act takes some account of the criticisms made in the Child Maltreatment Workshop (1976) concerning provision of increased protection for those giving evidence in child abuse cases. Voluntary notification is retained, but persons who voluntarily notify cases of

suspected maltreatment are protected against breaches of professional ethics, action for damages, giving unauthorised evidence in court proceedings, the inappropriate compulsion to appear in court proceedings and public disclosure. The Director General of the Community Welfare Services Department is required to annually review the situations of all children admitted to guardianship, and it requires that he not continue his guardianship unless he is satisfied that it would be in the best interests of the children to do so. The Act further provides that the police must consult the Director General of the Department, or his delegate, before taking out criminal proceedings against a parent or caretaker. (Section of the Act not yet proclaimed.) Changes to the Children's Court Act (1973) are still under consideration by a committee which was established by the Attorney General following the Report of the Child Maltreatment Workshop (1976).

### Recent Initiatives

Since the official child protection policy was first announced, certain developments and modifications have occurred. The Minister for Community Welfare Services has now been designated as the Minister with primary responsibility for all matters relating to Child Maltreatment. The Government also has made additional funds available to enable the Children's Protection Society to set up services in ten regions of the State. This involved a staged implementation during 1980 and 1981 in order to "... allow time for proper community development efforts and also for the Children's Protection Society to institute an appropriate training sequence for senior unit workers." (Ministerial Address to WECARE 30th July 1980 by the Minister for Community Welfare Services.)

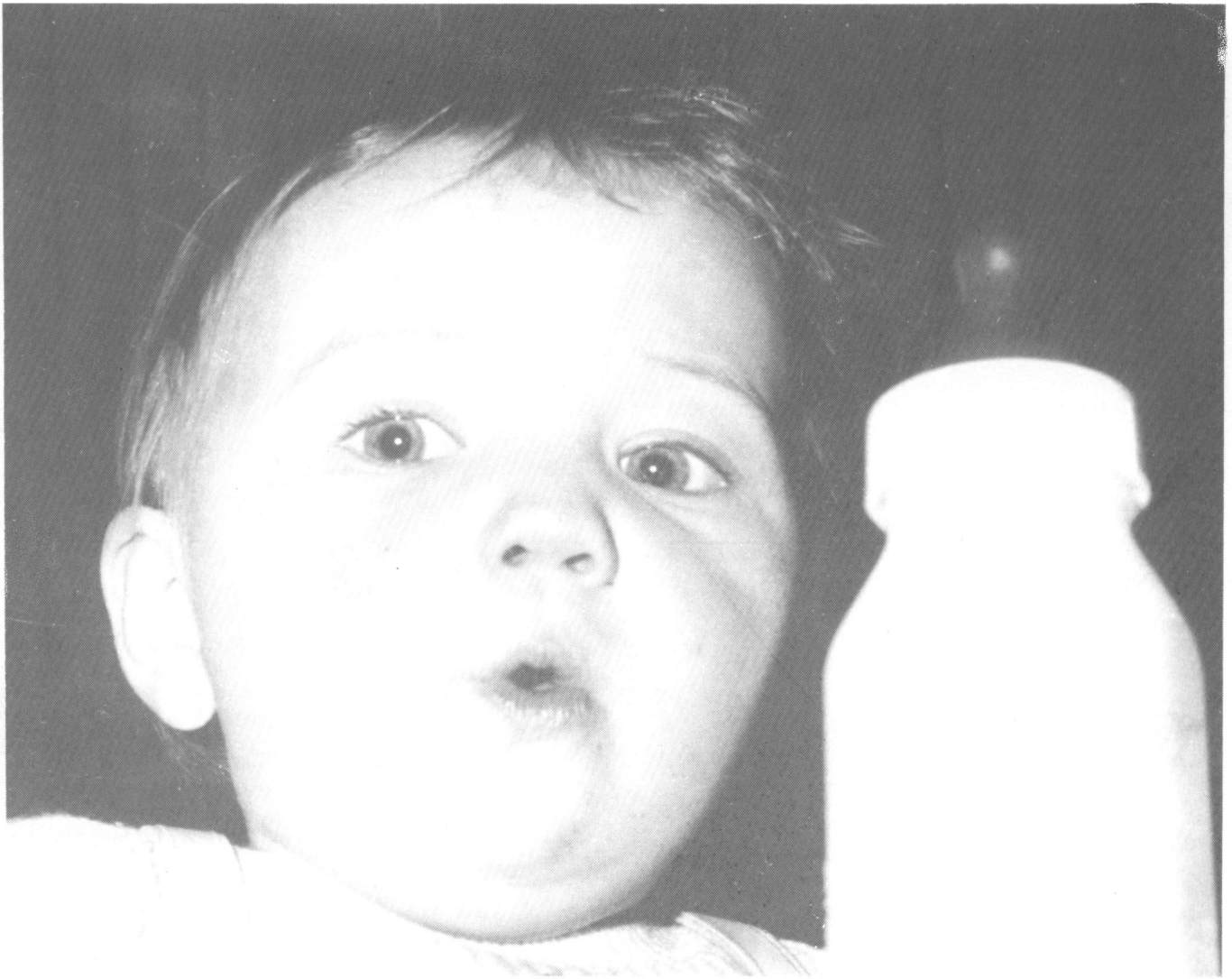
In a recent policy statement the Minister for Community Welfare Services stressed the importance of co-ordinating at a regional and local level through the F.A.C.S. programme. (Ministerial Address to 'WECARE' 1980.) Provision has been made for a regional officers' group in each region which would comprise representatives of relevant departments and authorities to facilitate the co-ordination of

activities and programmes. A further aspect of this policy is that the regional consultative committees will assume responsibility for advising the Minister on issues relevant to child protection policy through the Cabinet Sub-Committee on Social Development.

The other main change concerns the development of improved advisory mechanisms to assist the monitoring and development of child protection policy. In his 1980 address to 'WECARE' the Minister announced the development of an expanded inter-departmental committee on child maltreatment which will report to the Cabinet sub-Committee on Social Development. The departments represented now comprise Community Welfare Services, Police and Emergency Services, Law, Education and the Health Commission. The committee's role is to advise on the development and planning for the expanded community information and community education services, as well as suggesting ways by which there can be improvements in the utilization of existing services both governmental and non-governmental. The Minister also foreshadowed that once the Child Development and Family Services Council is formed a sub-committee will be formed to provide advice specifically on child maltreatment. (Ministerial address to 'WECARE', 1980.)

### CONCLUSION

An analysis of the Victorian Government's official child protection policy suggests that a distinct change in emphasis and direction has occurred since the sixties. New procedures requiring that the court be satisfied that reasonable steps have been taken to help children remain with their families before they are admitted to care are indicative of a professional "problem-solving" approach to child protection. A concern with treatment and prevention is implicit in the concept of regional protection teams. The general philosophy of the Community Welfare Services Department concerning child and family welfare services is developmental, and this is reflected in the child protective policy by the stress placed on meeting local needs and for community involvement and participation. Although the



legislative definition of children in need of care and protection has not radically changed, it does include categories of abuse not specifically referred to in the Social Welfare Act (1970).

The Victorian Government's new child protection policy is still in its infancy, and the principles upon which it is based remain to be tried, tested and developed in practice. The formal articulation of the philosophy and principles upon which this policy is based is significant in itself. Ultimately, the effectiveness of the new policy will depend on the continued availability and allocation of sufficient resources in the form of personnel, facilities and educative, preventive and remedial services. ●

#### REFERENCES

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