

## 'CHILD MALTREATMENT POLICY — VICTORIAN STYLE

or

### CAN THE TORTOISE-CRAB HYBRID EVER BE CHANGED INTO A MORE FUNCTIONAL ANIMAL?

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#### INTRODUCTION

Some people may wonder at the alternative title of this paper. I selected it after considering a number of specimens of the animal world. I could have used the sloth which seems to spend its life hanging upside down, asleep; or I could have used the analogy of any one of the dinosaurs which, as you know, tended to be huge and died when they could not adapt to changing environments. I chose a hybrid made up of tortoise and crab . . . the tortoise because it is clumsily slow and has a hard, seemingly impenetrable shell; the crab because it moves sideways on and has a tendency to devour its parents.

I hope that you will find substance in my paper, which supports the choice of my hybrid as being an appropriate one on my part.

#### GOVERNMENT POLICY

This paper is about Victorian government policy, not just the current government but governments of the past — at least since 1967 when the child maltreatment debate in Victoria first was raised at official level. A brief account of developments in the debate and the policies adopted has been provided recently by E. Hiskey (Australian Child and Family Welfare, Vol. 5, No. 3; 1980 and Vol. 6, No. 1, 1981), and I will not therefore deal with that history here.

If one makes a comparison with the late sixties or even early seventies, then I would admit we have made some progress, though we would have to be highly selective with the indices we would use for making that comparison. If, however, we use 1976 as our basis — that is the year which saw the publication of the Child Maltreatment Workshop Report for Victoria, still a document worth referring to — then we would be less likely to chart substantial progress. I opened that Report at random whilst preparing this paper and read this extract from Mr. Justice Ashe's proposed model legislation on maltreatment:

'It shall be the duty of the Director General (Social Welfare) to take positive action and such steps under this (model-proposed) Act as in his opinion may assist in preventing children or young persons from being exposed to unnecessary suffering or deprivation . . .' (p.72) and again, on proposals for management structure:

' . . . some form of central organization is necessary to co-ordinate an overall approach to child maltreatment and to achieve this we have recommended the establishment of a new division, to be known as the Child Maltreatment Division in the Health Department, to carry out this responsibility and to maintain the necessary links between the government and the regional and local levels.' (p.68)

We have seen no progress on the matter of statutory requirement, and the 'form of central organization' established to date is a half-starved resource headed by a secretariat which has experienced three changes of leadership in the course of less than two years — some form of central organization, that!

The result, at least to November, 1982, 'has been disastrous, with each group staggering and lurching blindly in a fog of confusion and uncertainty. The source of the dilemma can be traced back to the failure to clearly identify roles, confront the issues and act accordingly.'

These words are not mine, they are taken from a paper presented by Chief Inspector Baker, Staff Officer to the Deputy Commissioner, Victoria Police, to a seminar in Melbourne in November, 1982. Inspector Baker went on to say that he had been analysing inquest briefs concerning the deaths of maltreated children since 1979 with the aim of identifying defects in the system, initiating remedial action and developing a more effective structure to prevent similar tragedies. This analysis was into the deaths of 29 children during this period, including 10 in the 10-month period immediately prior to the seminar, i.e. during most of 1982. (Baker, 1982) He had no difficulty in identifying defects in the system. Since that date, i.e. during 1983, we have had further evidence of such deaths, from press reports.

In addition, we have a disturbingly high number of children admitted to hospitals. At the Royal Children's Hospital, between 1 July - 16 September, 1983, 38 children were admitted, confirmed as maltreated; and 158 referred to the Social Work Department as 'at risk' cases. But, of course, that is only the tip of the iceberg. We have no centralised data gathering system in Victoria — no-one has responsibility for such a thing so no-one does it. Each agency, government or non-government, which deals with child maltreatment keeps its own statistics, no doubt, but we may be double-counting or even quadruple-counting. We know that the Children's Protection Society investigates some 1,200 cases annually from a consultation rate of about 2,000, and has 400 active cases on its books at any one time. A data gathering system, set up

via Welstat at Social Security in Canberra, should now be on its way, but it is not operating yet. In the meantime all States except Victoria are able to publish their child maltreatment statistics . . . but then these States, with the exception of Western Australia, have mandatory reporting systems which facilitate the collection of data.

And while we are talking about child maltreatment or, as some prefer to call it, child abuse and neglect, it is salutary to bear in mind that neither term finds any place in the legislation governing child protection in Victoria. The law does not recognise child maltreatment as such, whilst it recognizes ill-treatment and neglect. (Community Welfare Services Act 1970-79, sec.31) I can only echo the sentiments of Dr. T. Carney, who is currently heading up the Child Welfare Practice and Legislation Review, when he says, 'Victoria has a child welfare system which has proved to be uncommonly resistant to change.' (Carney, 1982)

#### DEVELOPMENTS IN POLICY

As I said, there has been progress, nonetheless, but it has been piecemeal and I fear unplanned, or when planned it has not been carried through to a successful conclusion. In 1979 we had the commencement of the much heralded pilot maltreatment programme in the Barwon Region, co-sponsored by the Department of Community Welfare Services and the Health Commission. It was a programme that would bring together a number of agencies in the region, involved in tackling maltreatment — Children's Protection Society, Mercy Family Care, Early Childhood Development Programme, Geelong Hospital and a number of other agencies, with a Case Consultancy Committee to act as channel, if not controller. What has happened to the Barwon programme? It was evaluated and an interim report on it had a limited circulation (Barwon Interim Report, 1980), but no final report has yet emerged, at least it has not been made available, so we don't know what we can say about progress there.

About two years ago Community Welfare Services heavily funded the Children's Protection Society to act as the 'authorised person' parallel with the police, as investigator of reported maltreatment cases. With the funding went a detailed mandate of required functions. Children's Protection Society subsequently substantially enlarged its operations with the aim of operating eventually in all 18 regions of Community Welfare Services. Absence of statute-based requirements had meant that Children's Protection Society has been kept out of certain regions, but I do not

propose to comment on that matter. What has happened, however, is that Children's Protection Society's future must now be in some jeopardy owing to a policy recommendation from the State government Child Maltreatment Inter-Departmental Committee that: 'The Children's Protection Society should not establish additional regional protective units at this stage' (Rec. 3); and 'the important role of the police in protecting children from abuse and neglect should be acknowledge and enhanced' (Rec. 4) (I.D.C. Report, 1983). The I.D.C. itself is a product of recent developments in the child maltreatment field. It was set up before the establishment of the Child Maltreatment Sub-committee of the Child Development and Family Services Council. The Child Maltreatment Sub-committee, established early in 1982, worked on a submission to the aforementioned Child Welfare Practice and Legislation Review, which will be addressed later in the paper. Suffice it to say that the Minister of Community Welfare Services Department suspended the Council and with it the Child Maltreatment Sub-committee . . . which now leaves the I.D.C. as the only advisory body on child maltreatment to the government, i.e. the government's advice comes from its own bureaucratic sources. In fact its advice seems to be taken because in a recent Report the I.D.C. made some significant recommendations concerning the appointment of co-ordinators to be located in a number of regions, who would as their role titles imply, act as links between the various bodies concerned with dealing with child maltreatment, including the police. I have attached the statement of their role to this paper (Appendix 1). Although referred to as co-ordinators, these people go under the title of Supervisor of Protective Services, at least in the Report. The I.D.C. Report opted for co-ordination of existing family and community services to have priority over the establishment of legal intervention services. There is no doubt that co-ordination of existing services is vital but has been badly lacking — a point commented on time and again in various quarters. There are in fact so many agencies, both government and non-government, which can be involved in child maltreatment that the new co-ordinators will have their hands or in-trays full.

One important and generally welcomed theme in the child maltreatment debate has been the gradual expansion of a host of preventive and treatment services provided at various levels of government and non-government. These facilities were not all necessarily planned with the aim of tackling and abating child maltreatment, they are part of a more general, national and State-wide policy of giving support to families at one or other of the conceptual preventive levels. They have however been called up in aid of specific maltreatment measures and, given direction and comprehensive planning, could become a potent force for

good. These services range from counselling, outreach and engagement, family aides, residential schemes and group approaches, through to services to ethnic groups, information, parenting skills and other education-based services and sexual abuse treatment programmes.

There is little that I can see wrong in all or any of these services, and I strongly believe that we need a widespread and finely meshed network of them throughout Victoria . . . but what we need above all is that proper direction is given to their development so that there are enough of them in the right places where people can have access to them. So far as I know no-one has a map of where they are, nor information on who runs them and/or for whom they are meant. The V.C.O.S.S. Social Services Directory which was produced painstakingly a few years ago would have provided us with a



basis for doing that, but the project was killed under the Fraser government's razor-gang cost-cutting programme. There is therefore a big job of management to be undertaken, and I think it is the State government's responsibility to see it done.

Another quiet development which has been taking place is the emergence of regional Child Maltreatment Action Groups comprised of interested community and agency representatives. Such groups concern themselves with worker education, case consultation processes, service needs, information dissemination and practice guidelines. These groups are made up of concerned people who know their localities, networks and needs but they have received no directives from the State department which is commonly assumed to take a dominant interest in child maltreatment. (Melbourne City Council, 1982) No doubt the co-ordinators will be expected to put all that right. In 1981 there were sixteen

such groups reported in Victoria. (Gray, 1981)

The Action Groups are, in a sense, nerve centres which can and no doubt will play an increasingly important role; they do add one more strand in the skein of organizations which make up the maltreatment field. Action Groups, Children's Protection Society, Community Welfare Services Department, Health Commission, police, hospitals, education services — teachers and special services, a host of non-government agencies, to say nothing of various self-help groups, all can be involved in that field and it is probably not uncommon to have two or three or more dealing with a case.

They should work together but, professionals and bureaucracies being what they are, they often do not and in fact there is no requirement that they do so; furthermore

whilst there may be internal accountability, i.e. in an agency — a worker is accountable to his/her agency, the agency is not accountable to anyone outside. (There are one or two exceptions to this rule.) A child maltreatment case need not even have to be investigated. The investigating agencies — Children's Protection Society and police — have authority to do so, but are not required by statute to do so. There is no duty to report a case and no obligation to monitor or review a case where a voluntary report has been made — so that in any one of the cases noted by Inspector Baker, no-one outside the Coroner was in any way obliged to pick up the reports and say 'we had better see what went wrong; which agencies were involved; where did the system fail'.

The Child Maltreatment Sub-committee, which I mentioned before, took a hard look at the present set-up and found it lacking in these and other respects. The majority view of the Committee was that the present

system is a weak system which fails to grapple with the many issues of child maltreatment. What is needed is a strong and visible system. At least two of the States have such strong systems — South Australia and Tasmania; and New South Wales surely will have to strengthen its management system if the recommendations of Professor Lawrence, following his inquiry into the Montcalm case, are accepted. (Lawrence Report, 1982)

I present here an extract from the Committee's submission which outlines what a strong management system could look like: (Child Maltreatment Sub-committee submission, 1983)

'A Child Protection Board (C.P.B.) should be set up. It should be semi-autonomous, in that it should come directly under the Premier and be located at least initially in the Premier's Department or in the Department of Community Welfare Services. We suggest the Premier's Department largely because such a Board would have to work closely with a number of government and other agencies engaged in maltreatment activities.

If, however, it was considered preferable for the Board to be located in the Department of Community Welfare Services, there would have to be an assurance that the Board would retain its semi-autonomous status, i.e. have direct access to the Premier and retain its identity (legislative backing for its composition and functions should ensure this).

The Child Protection Board should:

- a) be created through legislation and have its main functions also set out in legislation;
- b) possibly work under the general guidance of an advisory committee;
- c) be the body with accountability for child maltreatment in Victoria: for that reason other agencies — governmental and non-governmental — should be obliged to work to any directions given by the Board in relation to child maltreatment cases that have been notified to it (any directions given would need to be subordinate to any directions given by a court);
- d) work closely with the Department of Community Welfare Services, Health Commission, Education Department, police and other involved agencies;
- e) have the power to delegate certain of its functions to those government bodies and voluntary agencies and local child protection panels most closely involved in child maltreatment work (local child protection panels could be formed in part out of those local structures which are already in existence and which should in any case include strong, as distinct from token, local community representation);
- f) have the power to make representations to requisite funding bodies con-

cerning funding of agency functions in their maltreatment work;

- g) have its own staff, headed by a senior officer with preferably a dual training in welfare and law;
- h) have its own identifiable budget.

The functions of the Board should include the following:

1. to take responsibility for receiving notifications of maltreatment, but with power to delegate this responsibility to the investigating agencies;
2. to advise the Premier as to the professionals who, if any, are to be mandated to notify cases;
3. to cause investigation to be made of all notifications so received (but allowing for an element of discretion in cases of unwarranted notifications);
4. to establish a central register of notified cases; to advise on the issue of regulations to govern the maintenance of the register, in particular who should go on the register; to provide for removing names from the register and who should have access to it (it will be necessary to set up an appeals system so that people can have an avenue for complaint about being on the register);
5. to monitor and review all cases on the register so as to ensure that cases are being dealt with appropriately and not lost on the 'welfare referral roundabout';
6. to undertake a co-ordinating function for all agencies involved in child maltreatment work and lend support to local community groups involved with preventing maltreatment;
7. to advise on the making of regulations and the setting of standards concerning child maltreatment;
8. to furnish an annual report to Parliament on its work and on child maltreatment generally in Victoria;
9. to sponsor professional and community education and devise or assist with guidelines and protocols for agencies and hospitals;
10. to sponsor publicity re child maltreatment;
11. to compile and maintain statistical data in relation to maltreatment and carry out or assist in research and evaluation of programmes relating to maltreatment.'

You will note that the Sub-committee had to grapple with a number of thorny issues in its proposal — issues such as the nature of notification and central registers. Views on both of these have been widely discussed in the literature and split the helping, welfare and health-based professions down the middle.

So far as my own personal views go, these issues go hand-in-hand with a strong, visible management system in which the lines of accountability are clearly indicated, which can give direction, and above all can

demand certain action to be taken where otherwise some organisational snarl-up would occur, which can point to its statutory duties and say 'this is what the people of Victoria expect of its child maltreatment programme' and which can demand resources to do it. It might involve more control than is exercised at present over the various sections and fragments that make up the child maltreatment management system because the new Board may have to say to any agency that it is by law required to do certain things. I justify that stance through my belief that since we are dealing with the protection of vulnerable children we may have to act with more toughness than we have shown to date.

It would take time for a new system to establish credence and confidence in the professional sector and with the public. It would not of itself guarantee that every case of child maltreatment would be adequately or appropriately dealt with. It would not be able to compensate for human, as distinct from systems, failure. It would still have to rely more on the carrot than on the stick, but it should provide a proper framework for work in this complex field and hopefully it could reduce the appalling child casualty rate incurred through human folly and ignorance. (It could turn our hybrid into a more functional animal.)

The economic climate at present does not allow us to be too optimistic, of course, but the government is showing signs of willingness to expend a few more resources on maltreatment functions. The current minister for Community Welfare Services is also known to take a personal interest in child maltreatment. Government luminaries like John Cain, Tom Roper, Steve Crabb and Ian Cathie, as well as influential backbenchers like Alan Lind, Bill Landeryou and David White were members of the 1978 State Parliamentary Labor Party Committee of Inquiry into Child Maltreatment, so these people can be expected to take an interest in these matters. We can also expect the Child Welfare Practice and Legislation Review Discussion Paper to address itself to matters raised in my paper.

If I have learned anything in my nine years of work in the maltreatment field in Victoria, it is that it is necessary to keep the pressure on to get changes in policy and practice; there has been some success but I believe that what we need now is a more radical approach.

## APPENDIX

Extract from I.D.C. Report, 23 May 1983  
'E. Role of the Supervisor of Protective Services

The functions of this position would include:

- a) to support and encourage maltreatment interest groups.
- b) to ensure the establishment of protocols and referral procedures between agencies.

- c) to assist the establishment of case consultancy panels and to monitor their use within regions.
- d) to encourage appropriate community and professional use of Police for the protection of children.
- e) to oversee the establishment of effective links between Police and community services.
- f) to advocate on behalf of families who are denied services essential to the maintenance of the child's safety at home.
- g) in conjunction with other appropriate agencies, to identify service gaps within the region and document the need for such services.

The Supervisors of Protective Services

would not themselves act as consultants, legal intervenors or service providers to individual clients. Their task would be to address the regional systems and improve their efficiency and effectiveness.'

#### REFERENCES

- Barwon Pilot Child Maltreatment Programme, 1980 — unattributed to author or publisher.
- Baker, R. 'Child Protection Legislation in Victoria' *Working Together for the Future — Child Maltreatment and the Law — Seminar, Melbourne*, 5 November 1982.
- Carney, T. 'Recent Developments in Child Welfare in Victoria' in *Recent Developments in Family Law (1982)*, Monash Continuing Education, Faculty of Law, 36.
- Gordon, M. *Families Under Stress — Children at Risk*, Melbourne City Council, April, 1982.

Gray, L. 'Networking in Victoria's Child Maltreatment Action Groups' in *Proceedings, Second Australasian Conference on Child Abuse*, Brisbane, Sept. 1981.

Hiskey, E. 'Child Protection Policy in Victoria' (Part I) in *Australian Child and Family Welfare*, Vol. 5 No. 3, 1980, *ibidem* (Part II) Vol. 6, No. 1, 1981.

Lawrence, R.J. *Responsibility for Service in Child Abuse and Child Protection*, Report to the Minister for Youth and Community Services, New South Wales, October, 1982.

Child Maltreatment Sub-committee of the Child Development and Family Services Council, Victoria; *Submission to the Child Welfare Legislation and Practices Review*, 1983.

*Report of the Child Maltreatment Workshop, 1976*, Melbourne. Report to the Minister for Community Welfare Services on the Future Directions for Victoria in the Provision of Services to Abused Children and their Families, 23 May 1983.

