

The Three R'S in Child Welfare — Rights, Responsibilities and Rhetoric

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ABSTRACT

This paper is an edited version of an address given at a seminar on 'Future Directions in Child Welfare' held at Monash University in May 1985. The seminar's aim was to facilitate discussion of the Victorian Child Welfare Legislation and Practice Review Report (The Carney Report).

THE PRINCIPLES OF THE REVIEW

This report is beyond doubt a major contribution to thinking about Child Welfare issues and as such warrants wide reading both in Victoria and beyond. Moreover, its format and clear presentation should act as a model for future government reports of this kind. The report's value clearly lies in the fact that it does not simply offer a set of pragmatic responses to difficult issues but instead articulates a fine set of philosophical propositions from which policy proposals are then developed.

In that respect, it is worth drawing attention to the seven principles which flow from this philosophy and which the report identifies

as the foundation for the child and family welfare system that it wishes to promote. These are:

- a commitment to social justice and equity;
- a commitment to support families;
- a commitment to increasing the resourcefulness, independence and self-efficiency of individuals and families;
- a commitment to maximum accountability to children and families as well as to the broader community;
- a commitment to protecting cultural differences;
- a commitment to voluntary participation in the use of services;
- a commitment to foster and promote the development of communities.

These principles on first reading appear to be so virtuous that it is difficult to see how they might be criticized. Yet there are some questions that must be asked. What, for example, is 'social justice and equity'? Indeed the Committee responsible for the Report has, in citing such a principle, been either remarkably audacious or politically and morally arrogant.

This is because scholars across the centuries have tried and failed to define the concepts of social justice and equity to any real degree of satisfaction. It is worth remembering that one person's sense of social justice may be seen by another as social injustice and similarly what is equitable for one person may be viewed as inequitable by someone else.

There are similar difficulties with the next principle the report identifies, namely 'a commitment to support families'. Clearly such a notion has lain behind most, if not all, previous Child Welfare Legislation in Victoria, and elsewhere, although (occasionally) the consequences of progressive legislation has been the unintentional diminishment of support for families rather than the enhancement of this. It is worth linking this suggested commitment to support families to the earlier mentioned principle of social justice and equity in order to point out that people with widely differing views of social justice and equity would argue that in promoting their own beliefs on this matter, they were seeking to support families. Both Ronald Reagan with his



push towards individual self-sufficiency, and Margaret Thatcher with her wish to return to a purer if somewhat mythical set of family values, are firmly of the view that they are pursuing policies which represent a commitment to support families. Yet it is unlikely that the members of the Carney Committee would view those policies from that perspective. The same comments could be offered in regard to the third principle in the report, namely 'a commitment to increasing the resourcefulness, independence and self-sufficiency of individuals and families'.

Therefore, it is appropriate to suggest that the seven elegant principles that the Report sets out need to be treated with a degree of caution. Furthermore, what is really important is not the principles per se, but how they might be translated, not only into policy, but into actual face to face practice with children and families. In fact, it is easier to state first principles, however vaguely, than to use such principles positively as guidelines for policy development, service programme design, and the actual pragmatics of direct practice.

Of course all of the Report's seven principles, come out of the strong religious — humanitarian — liberal traditions that have always shaped Child Welfare Legislation and practice in the past. In that respect the Report carries on a tradition and does a valuable job in restating these in contemporary terms. But it must be emphasised that these principles are in no way new. In articulating these principles and translating them into contemporary terms the Report promotes a set of high expectations of governments, both Federal and State, in terms of their responsibility for allocating resources to enable the Report's proposals to be enacted. Indeed, it can be suggested that these expectations are utopian; a point which is given some succour when the Report, in the sociological jargon of the sixties refers to 'affluent societies; as if the economic crises of the seventies and eighties had never happened. This is shown also when the Report proposes a five year programme of spending to meet the total needs of all Victorian children, families and communities. Again, it is as if the first law of economics, that 'economics is about the allocation of scarce resources to competing ends' had never been stated. On the other hand the Report can be seen as an eloquent plea for a change in the allocation by Governments of scarce resources in favour of the welfare of children and families.

In spite of all of these debatable points, the Report is an important attempt to remove some outdated practices and statutes from the law books and to move to a more logical and less discriminatory position on such items as child employment; school attendance, especially in regard to penalties for truancy; police cautioning, and amongst others, the serving of summonses. Indeed, it might be argued that the real strength of the Report is in the way it proposes a series of legislative develop-



ments which will tidy up the current scene. But even under these recommendations it can be seen, for example, with the issue of allowing or otherwise, children to sell newspapers on the street, how difficult it is to work through into practice, the principles on which the Report is based. The principle 'a commitment to protecting cultural differences' which is obviously worthy of applause, even though the Report fails to state which differences should be protected, suddenly gets sullied when linked to the issue of newspaper selling. This is because parents from different cultures and classes may well view the proposed prohibition of such practices by children as an interference with their parental rights or the imposition of cultural standards on them which they view as alien. Indeed, in this proposed child protection, is this what is meant by the protection of cultural differences, or is it simply a manifestation of the standards or values of a narrow section of the Victorian community that may not have much relevance in the context of child protection? Nothing apparently is quite so simple as it first appears!

The Report does, in spite of all these reservations, contain some splendid ideas, three of which warrant some comments. Firstly the proposed 'Family and Community Development Council' as an advisory body to the Minister for Community Services deserves support. Such a Council could be a valuable monitoring and accountability tool. More needs to be known about its constitution, membership and terms of reference however, before it

can be properly evaluated. Then the proposed Welfare Audit is worthy of mention.

For far too long the level of accountability in the human services has been too low. The Welfare Audit may assist with this issue although such an audit is capable of being a two edged sword. Experience elsewhere has shown that criteria, other than financial items, which alone are insufficient guidelines for audits of this type, are difficult to develop. That these criteria have to be found is now fairly evident and also entirely in harmony with the present striving for greater scrutiny of community services. Finally, it is worth applauding the proposal for a 'Residential Review Board' which should also offer a useful mechanism for supervising and monitoring the consequences of custodial orders imposed on juvenile offenders. This type of mechanism is by now well tried, especially in some European countries, although whether such a Board should be headed by a Judge is something which may require further study.

Finally, it is worth underlining the cautionary note adopted in the Report towards the idea that has been canvassed elsewhere of an 'Integrated Human Services Administration'. However attractive that development might be in organisational terms, the emergence of such a department, spanning a vast range of services and problem areas, must be regarded with a considerable element of caution. Large scale organisations which such an administration would be, are by now notorious for their inflexibility and insensitivity to the needs of people. We may pay a price in

terms of poor co-ordination between services as a consequence of the current fragmented responsibility for human services across several departments. That price, however may be worth paying if it results in some manoeuvrability and choice for those who seek such services. A 'Ministry for People' which is what an integrated human services administration might become, may just be too Orwellian to even contemplate.

INTERNATIONAL TRENDS

It is worth considering the Report against a backdrop of international trends in the Child Welfare field. Eight trends, in no order of priority, are comparability. These are:

Trend: A move away from a primarily welfare approach to Child Welfare towards a rights/justice model of practice.

Report: The proposed Children's Charter is in keeping with this trend.

Trend: Governments of all political persuasions are cutting budgets.

Report: The demand for a five year spending programme runs counter to this.

Trend: Governments are withdrawing from providing direct service into regulatory, planning, co-ordinating and funding roles, (often on a fee for service basis).

Report: The report seems to push the State further into the direct service provider role, possibly, as far as Victoria is concerned, from a different baseline of provision than in some other places.

Trend: Where Governments are cutting budgets and withdrawing from direct service, new relationships are emerging with the voluntary, and not for profit sector, with services also in some instances being privatized and/or de-professionalized.

Report: The report is contradictory on these issues. Some de-professionalization moves might occur as a consequence of the thrust towards greater community involvement. Private services get no mention, whilst the Children's Protection Society, a voluntary body, has its functions radically revised.

Trend: Along with these major trends go two significant social movements, the de-institutionalization movement and permanency planning developments.

Report: The report is less than explicit about these issues, possibly because they have received attention in earlier enquiries. The proposed Residential Review Board is clearly a mechanism in line with the de-institutionalization movement.

Trend: There are moves towards the use of volunteers. Notions of social

networking abound and represent an attempt to shift back to families and communities responsibility for the support of vulnerable individuals and/or social problems. This trend is based on an assumption that cost savings will be achieved.

Report: From a different set of philosophical premises the report concurs with these developments, although the cost cutting outcome is not a feature of the argument used to promote this approach.

Trend: There is increased competition between systems: health care, education, social welfare and criminal justice, for resources. Allied to this is a cross sector shift in the responsibility for vulnerable individuals or families from social welfare to education to health care to criminal justice and from public to private facilities (which increase very significantly in availability).

Report: No reference is made in the report to this phenomena in spite of the fact that the Report was issued at almost the same time as the Report of the Ministerial Review of Post Compulsory Schooling (The Blackburn Report) which is clearly arguing for additional resources for the Education system.

Trend: A growth in services for adolescents is evident, especially in regard to various forms of group care which permit this section of the community to live away from the parental home during the transitional years from adolescence to young adulthood.

Report: Reference to the adolescent issue is made in the Report, especially as this relates to adolescent girls, but the range of service developments that are possible and desirable, receive little attention.

Given this backdrop of international trends it does look as if the Report is running against the main tide of events, which is possible a good thing. However, it does raise the question, can Victoria, given the current resource constraints, do this successfully? Political will and philosophical commitment are fine, but in hard terms can the additional resources required to implement the Report's recommendations be found? That remains an open question. It is however, against these sorts of trends that we have to consider both the report and the future of child welfare.

OMISSIONS FROM THE REPORT

A further question is to what extent does this Report provide us with a direction for the future. Does it offer us some new conception of Child Welfare or does it merely offer us more of the same? If all that is

offered is more of the same then we may find ourselves travelling down the well worn paths, which have led internationally to the trends outlined. Is that where we want to be in ten years time, or maybe even before then?

Earlier in this paper the difficulties associated with the principle of social justice and equity were referred to. It is also worth drawing attention to other central notions in the Report which create, by their usage, problems in acceptance of the proposals. For example, the Report relies heavily on the concepts of 'family' and 'community'. Yet it does so whilst offering no definition of these concepts, and proceeds as if they were simple notions, the meaning of which was commonly agreed. In fact, they are exceedingly complex concepts which have defied adequate definition and are certainly not commonly understood.

It is also worth raising the issue of the term 'family' and how it is used in the Report. What does it mean? Medical technology through various techniques such as artificial insemination by donor (AID), artificial insemination by husband (AIH) and in-vitro fertilization (IVF) is confronting us with the need for a new understanding of the term 'family'. These techniques, and the consequences which flow from their usage, are likely to make us rethink the notion of 'family'. This will have an impact on the child welfare field in the coming years, and it is a disappointment that the Report did not offer at least some initial thoughts on this matter.

Finally, the implicit assumption in the Report's proposals is that given adequate resources, communities will be able to provide appropriate support services to families and children. What constitutes community remains vague. The move to return power to communities in this way, which sounds like a euphemism for returning power to people is attractive, but it is still necessary to ask if we have the evidence to support the view that such ill-defined entities can do this job, or are we being asked to indulge in an act of faith? Certainly for this to happen and for the clear principles and policy the Report sets out to have any meaning, then significantly different modes of practice to those currently in use will have to be forged. On this issue, of the new modes of practice, the Report is largely silent, yet it is at a practice level where face to face contact with children and families takes place, that the results of the Report's proposal will be tested. How different practice at that level might look in ten years time as a consequence, is a matter for speculation.

So it will not be the glorious rhetoric of this Report that will matter in the end. Instead, it will be what happens in practice and for that we all have some responsibility; the State, practitioners and those children and families whose rights we are soon keen to respect.