

Family Group Conferences

PART TWO

Putting the 'family' back into child protection

Paul Ban & Phillip Swain

This is the second of two articles examining the establishment of Family Decision Making in Victoria. The first 'Family Group Conferences – Part One : Australia's first Project in Child Protection' was presented in the previous edition of Children Australia. This article builds upon the first by presenting an overview of the evaluation of the Victorian Family Decision Making Project, and pointing to practice and other implications of the development of this Project for child welfare services generally.

The evaluation of the Family Decision Making Project

Like the New Zealand model of family conferencing, upon which the Victorian Project was based (Maxwell & Robertson 1991; Patterson & Harvey 1991; Swain 1993a), the implementation of family group conferences in Victoria incorporated an explicit commitment to evaluation of at least the first year of the Project. The evaluation incorporated several dimensions, including:

- a review of the New Zealand program & documentation;
- an examination of the population of families who utilized the family conferences in Victoria;
- a comparison with the general child protection population in Victoria;
- feedback from referrers, information sources and family members themselves, as to the usefulness of family group conferences; and
- preparation of an interim report on the implementation of the Project, and an evaluative report at the end of the first year of the Project (Swain 1993b).

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During the period from January 1993 (when the Project began) to August 1993 there were 19 FGCs held regarding 13 families and 23 children (Swain 1993b:19). The 19 FGCs were attended by 220 persons, of whom 116 (52%) were family members, and 104 (48%) agency or professional staff. Whilst feedback on the experience of attending and participating in FGCs was sought from **all** these attendees, not all were able to respond. In all, feedback was obtained from: all the workers who referred to the Project during this period; eighteen of the nineteen senior case planning staff at the Victorian Health and Community Services Department (H&CS); the majority of agency representatives and professional staff who attended FGCs; and 87% of those family members who were available to be involved. In all, 128 participants of the 155 available were able to be interviewed as part of the evaluation process (Swain 1993b, Sections 4 & 5).

In each instance, feedback was sought by personal contact between the evaluation consultant and the person concerned, either by personal or telephone interview. Responses were sought from all attendees on issues such as:

- the purpose of FGCs;
- the adequacy of information provided to family members by agency representatives and child protection intervenors;
- who should attend the FGC?
- the usefulness of the private stage of the FGC process;
- who really made the decision?

- level of satisfaction with the outcome and the process;
- the comparison of FGCs with other forums experienced, including formal case planning meetings.

The rationale for the evaluation and its findings are covered in detail in the two reports produced as part of the process (Swain 1993a, 1993b).

Summary of key findings

Although new in Victoria, the Project attracted very strong support across the range of participants in relation to both the philosophy and practice of family group conferences. The Project, in its first year, was able to demonstrate that:

- families can (and will, given the opportunity) make protective arrangements for their children, and will draw upon the reservoir of supports within the extended family network;
- families can develop appropriate protective arrangements for children, even in circumstances of long-standing physical or sexual abuse;
- the overwhelming majority of family members, with strong support for other participants in family group conferences, perceive that the process allows them much greater control over, and input into, decisions regarding their children;
- children in non-relative care can, with the supports generated through the family group conference, be assisted to leave formal substitute care to be placed within the extended family.

It is too early to surmise on the longer-term implications of adopting family group conferences into the child protection system in Victoria. In particular, it would be premature to claim any of the resource savings which have been attributed to this approach in New Zealand, where striking reductions in the demand for substitute care have been attributed to the family conferencing approach (Maxwell & Morris 1992).

Nevertheless, the very strong perception of participants – especially family members – was that children would be better off, and that more adequate and sustainable plans would be achieved, with family participation in and control over planning processes.

The clear message from family members was that, overall, the FGC process enabled them to make a real contribution to the planning for their children. Family members found FGCs to be generally a considerable improvement upon their experience of other planning forums with statutory agencies, notably statutory case planning meetings, and over 80% of family members expressed satisfaction with both what took place and the outcomes of the FGC they attended.

... with everyone there they [the agencies] couldn't fob you off... it had to be the truth and they had to look you in the eye and commit themselves. We got six months work done in one meeting because everyone was there and willing to make a commitment... (Swain 1993b:45)

(A family member's comment on the FGC she attended)

Practice issues arising from the Victorian project

The development and implementation of family group conferences within the Victorian child welfare system has, like the New Zealand approach (Swain 1993a:23–4), suggested a number of practice and ethical issues, which child welfare practitioners will need to address.

These include the following:

- **The size of the family group conference**

Family group conferences varied in size from 4 to 30 participants, the latter of which included 20 family members. This raises practical and time considerations to ensure that large family groups are given the time and space to enable real contribution and participation in planning. It also highlights the need for

those chairing family group conferences to have skills in managing and mediating large groups.

- **The questions of power and the willingness of statutory decision-makers to relinquish control over decision making**

The essence of the family decision making concept is that **families** can and should make decisions. But even within a FGC process there remains potential for the family to be surreptitiously coerced toward a preferred outcome, despite the rhetoric of family participation and ownership of decisions made. A minority of family members involved in this Project remained of the opinion that statutory agencies retained ultimate control, but families generally felt that involvement in a FGC gave them much greater input into and control over the decisions made.

... at the case planning meeting [statutory agency] decided and what we said didn't matter. If it was just up to [statutory agency] they could put my grandson anywhere. But at least after the FGC he's with family, and we know where he is...

(Swain 1993b:42)

(A family member's comments on the outcome of the FGC)

Family decision making involves a fundamental move away from professional decision making **for** families, to a scenario in which families decide themselves upon appropriate protective arrangements for children, and upon the role, if any, to be played by professional agencies and workers in supporting the family in the implementation of those arrangements.

Still, there are valid statutory obligations and accountability mechanisms which have to be met, and protective interveners and the wider community need to be reassured that the child at risk **really** will be safe. These obligations and concerns may permit a process which looks like family decision making but is in reality statutory decision making under the veil of participation, where power arrangements remain firmly within the grasp of statutory protective interveners. For a minority of family members who participated in the Victorian Project, this remained a concern.

- **The enforceability of the decision**

If family group conferences are to be recognized as a useful and worthwhile forum, the decisions which result need to be enforced and enforceable. As

the FGC Project applied only to families who had been notified to statutory interveners, recourse to legal action remained should family members not follow through with commitments made. But if power over family lives is really to be shared between family and professionals alike, the latter too need to ensure that their undertakings are seriously made and are acted upon. What happens if an agency doesn't follow through with agreements and commitments made at the family group conference?

Unless statutory agencies are prepared to really relinquish unfettered control over decision making, the implicit threat of further protective or court intervention can remain a powerful incentive for families to comply, to not question or suggest alternatives.

- **Are family group conferences applicable to all families?**

The Victorian Project targeted families and children where protective concerns had already been notified to statutory interveners. Given this, the question arises – is a family based approach always appropriate, regardless of the nature of the abuse or family difficulties? What of situations where abuse has been hidden from some family members (raising confidentiality and privacy issues), where open disclosure of the abuse will bring embarrassment for some members, or where a family member has a reputation for violence?

The New Zealand program evaluation (Patterson & Harvey 1991) suggested that family decision making ought to be the norm, and that it ought to be the exception rather than the rule to exclude families from the process, whatever the nature of protective concerns or family dysfunction. The Victorian Project has, during its first year, reached a similar conclusion – the FGCs held were able, with very few exceptions, to make protective arrangements for children, acceptable to both protective interveners and family alike, including in situations in which long-standing, sexual or drug abuse were contributing factors. Project staff, together with some agency representatives, expressed some reservation that the FGC approach may not be possible where threats of violence had been made, where the family denied that there was a protective concern at all, or where the family involved opposed wider family participation.

• The distinction from case planning meetings

In Victoria, the 'case planning meeting' is generally seen as the principal forum within which decisions about arrangements for children subject to protective intervention are made. The case planning meeting is often marked by absence of extended family involvement.

For families involved in this Project, the experience of case planning meetings was that the formal meeting to which they were invited was frequently a forum for ratification of what had already been determined, by the allocated case worker, to be the appropriate plan, rather than a forum to decide what that plan ought to be.

... at a case planning meeting there's hardly any of your family there, and you don't get much say - the worker really makes the decision for you, and you just have to go along with it... (Swain 1993b:43)

[A family member's comments]

The anecdotal experience of the majority of the families referred to the Victorian Project, was that formal case planning meetings provided little opportunity for involvement in decision making.

It needs to be asked, however, whether the family group conference is just a case planning meeting by another name? Are the two compatible?

...case planning meetings make families feel threatened. The family has no power - or feel that way - and no rights... (Swain 1993b:83)

[An agency worker's comments]

The legislative framework in New Zealand makes the use of family group conferences mandatory in a variety of child protection situations, whereas in Victoria, no such legislative base exists. Indeed, in the present Victorian legislation there is no mention, in a formal sense, of family group conferences or any other means by which plans may be devised. The legislation requires that a case plan be determined within specified time limits, but the means to be used to that end are to be determined by the allocated case worker. The absence of a requirement to utilise family-based decision making, nor even the formal requirement that families necessarily be included in post-court decision-making, entails in Victoria the potential for family-based decisions to be over-riden. It also, in practice, generally requires that family group conferences be designated as, or

followed by, a formal case planning meeting in order to meet existing practice guidelines.

• Cultural issues

Is the family group conference, as developed in New Zealand, more suited to particular cultural conceptions of family and kin, and unlikely therefore to readily translate to Victoria? The experience of the Victorian Project was that the approach does not need to be reserved for families from particular cultural or ethnic groups. Included within the Project were Aboriginal, Tongan, Macedonian and Vietnamese, as well as Anglo-Australian, families - for the majority of whom the central issue was the importance of looking first to the family, regardless of cultural background.

Is FDM 'good' for children?

If families are able to make decisions about protective care arrangements for children 'at risk', will the outcome be that children are protected within their families? Will families support decisions they have made themselves?

The New Zealand experience is that such decisions are more likely to be sustained over time, and high participation and agreement rates for families included within family group conferences were reported (Patterson & Harvey 1991).

Despite its short history, the Victorian Project, in its first year, produced anecdotal evidence that plans arrived at through family group conferences were lasting longer than would otherwise have been expected. The Project reported very substantial participation and agreement rates regarding the FGCs held and the plans which developed from them.

In evaluating whether family conferences are 'good' for children, one needs to ask over what period of time children need to be retained within the family for 'success' to be claimed? What of questions of the quality of care received within the family? And should reduction in the need for substitute care facilities be the principal criterion of a 'successful' program?

Whether the approach enables more children to be cared for within their family networks, will need to be assessed over a longer time frame. Nevertheless, the perception of family members that the FGC allowed greater participation and control over

decision making, is itself an outcome of worth.

...it [the FGC] was better even though it took a long time to reach a decision, but at least WE had a chance to decide what was best our daughter... (Swain 1993b:92)

[A parent's views]

What of the future - is there life after FDM?

Part of the attractiveness for government of the family decision making approach lies in the potential, as seen in the New Zealand experience, to reduce the demand for state-provided substitute care facilities and protective intervention (Maxwell & Morris 1993).

However, the New Zealand experience also demonstrates that if families are to be empowered to care for their children, then provision of accessible resources and supports is essential. It is not sufficient to simply withdraw substitute care facilities without a commensurate re-allocation of resources to preventive and supportive services. In spite of the New Zealand experience, the direction of the welfare sector across Australia is already toward reduction of funding and resources in these areas, notwithstanding the explicit commitment, in most Australian States, that statutory intervention be avoided whenever possible (Brewer & Swain 1993:7-8). Despite Australia's commitment in this regard, it is still true that:

... the great irony [of child welfare] ...is that our system tends to spend more on children the farther they have moved from parental care...

(Taksas 1992:8)

Whilst Scott (1993), in analyzing the development of family preservation services, argues (at p.9) that:

... it would not be clear sighted of us to build a new intensive family service while the rest of the child welfare system... were (sic) dismantled around it.

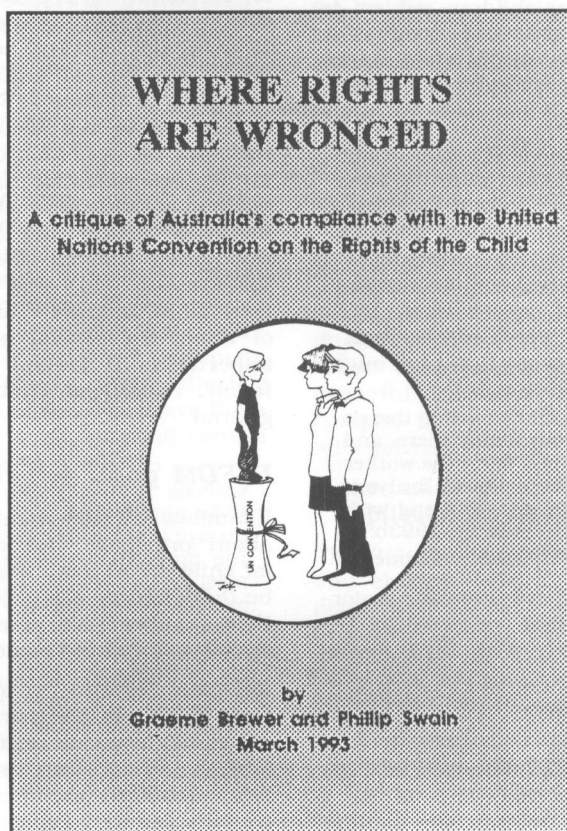
Against the cost in time, resources and personnel of family group conferences, must be balanced the potential for children to be supported within their kin network, as has happened in New Zealand. The insights from New Zealand suggest that families do need continuing community supports and services. In this respect, the interest in family decision making in Victoria, given the context of significant reduction in funding for community supports for families, may prove to be driven by cost rationalisation.

Family decision making sits comfortably with the philosophy of the Victorian child welfare legislation, and also with the United Nations Convention on the Rights of the Child, to which Australia is a signatory. The Convention, in Articles 5 and 7, acknowledges that children should primarily be in parental care unless best interest considerations dictate otherwise (Brewer & Swain 1993:3).

It makes good sense to ask families to take responsibility for deciding how best to care for their children, and for implementing those decisions. Family decision making has the potential to transform case planning as it is usually experienced by families, so that it becomes participatory in reality. If the New Zealand experience is our guide, the approach could significantly alter the shape of our child welfare system. Time, and the willingness of the statutory child welfare system to relinquish control over families' lives, will tell if this potential can be realized. ♦

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Where Rights are Wronged:

A critique of Australia's compliance with the United Nations Convention on the Rights of the Child.

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