Children, Families and the State

Seminar 1
History matters: Child protection in context

School of Government, Victoria University of Wellington
August 9th, 2019
“A Second Chance for a Revolution”

School of Government, Victoria University of Wellington
9 August 2019
Judge Sharyn Otene
Family Court Judge, Hamilton District Court
INEQUALITIES IN THE CHILD PROTECTION SYSTEM: TRENDS, CONCEPTS, AND ORIENTATIONS

Emily Keddell
Social and Community Work programme
University of Otago.
BROAD TRENDS IN CHILD PROTECTION

❖ Notifications are constant
❖ Reports of concern are down
❖ Substantiations are down (driven by large reduction in emotional abuse and neglect)
❖ Hospital admissions are down (by @25% over the last ten years)
❖ Entries to care are down (by 10% 2013 – 2018)
BUT

Exits from care are down even more (by 34% 2013 – 2018)

 Increases in children in care – especially children under ten (+23% 2013 – 17)

Babies particularly concerning (+33% 2015 - 2018)

Māori disproportionality and disparities increasing.
CHILD ABUSE SUBSTANTIATIONS IN AOTEAROA NZ, 2013 - 2017
MĀORI AND NON-MĀORI RATES PER 10000 OF BABIES REMOVED WITHIN 3 MONTHS OF BIRTH 2015 - 2018
WHAT ARE CHILD PROTECTION INEQUALITIES?

“Systematic and chronic disproportionality of any group suggests that social inequalities contribute to this (disproportional) pattern. Child welfare inequalities can be defined as “unequal chances, experiences and outcomes of child welfare that are systematically associated with social advantage/disadvantage…

Little recent research into either the extent or the underlying causes of child protection inequalities, and “a reluctance to describe differences as inequalities or to propose action on the underlying social determinants” (Bywaters 2013, p. 4-6).
EVIDENCE ON INEQUALITIES...CHANCES

Babies removed (in fact all children removed) show stark and increasing ethnic disproportionality for Māori (compared to population) and disparities (differences between ethnic groups)

Social gradient shows a strong relationship between child protection system contact and deprivation (Keddell, Davie & Barson, 2019)

Inverse intervention law? Some evidence for placement

Intersecting inequalities of ethnicity and deprivation – deprivation increases rates for all – $\frac{1}{2}$ of all findings in the most deprived quintile, where a third of Māori and half of Pacific children live

BUT disparities REDUCE as deprivation increases (Keddell, Davie & Wyeth, forthcoming)

Location variations and site differences (Keddell & Davie, 2018)
DOES A SOCIAL GRADIENT EXIST? YES

Rate per 100,000 children for each point of system contact, by decile

Per 100,000 children

Deprivation deciles
Inverse Intervention? Kind of.. Average Child Protection Outcomes per 100,000 Children in the Most Deprived Quintiles (NZDep9-10) by Categories of Region-Level Deprivation
NUMBER OF CHILDREN BY ETHNIC GROUP (TOTAL RESPONSE) AND QUINTILE
PLACEMENT RATES BY DEPRIVATION QUINTILE AND ETHNICITY (TOTAL RESPONSE)
DO ETHNIC INEQUALITIES REDUCE AS DEPRIVATION INCREASES? YES

Total Māori: Total Pākeha rate ratios, by deprivation

- Substantiation
- FGC
- Placement

NZ Deprivation index quintiles
HOW CAN WE UNDERSTAND INEQUALITIES?

➢ Risk/need = over-exposure to stressful social contexts increases harm (10x hospital admissions in NZDep10)

➢ Biases = exposure, reporting, direct, ratchetting (esp through care history and DV). Māori children perceived as more ‘at-risk’ (Keddell & Hyslop, 2019).

BUT these can’t explain it all…

➢ Demand and supply – nature, location, distribution, cultural appropriateness, conceptual basis and fit of services

➢ All affected by policy change so…
TRACING POLICY AND PRACTICE CHANGES

What has changed in the risk/bias/demand/supply/interactions? = ORIENTATION

1. Increase in protectionist, child-focused orientation, reduction in child welfare/family support orientation (Gilbert et al., 2011).

= tightening criteria for entry, ‘safe and loving homes at the earliest opportunity’ with little attention to drivers of risk/need, (poverty, housing) amelioration of risk, (adult community and family services) or reduction of biases.

= continued emphasis on risk management rather than promotion of child and whānau health

2. Changing conceptual landscape, especially in relation to trauma, domestic violence, risk across the lifespan, (social investment, subsequent child), children as individuals, constructions of ‘parenting’.

❑ This combination separates both children AND causes of harm from their social contexts — so would always have a classed and racialised effect in combination, due to the deep inequalities in system contact.
WHAT SHOULD WE DO?

Child welfare or family support orientation needed to address causes – also more aligned with Māori and Pacific concepts of whanau/aiga - not child protection

Need balance with plenty of services (adult, family and community) and social protections located OUTSIDE of the statutory system especially in the most deprived quintile (NGO and Iwi)

Debate the expanding definitions of child abuse, and how they should be considered in risk and safety assessments eg domestic violence

Safety oriented and power-sharing ways of practicing are imperative – not surveillance and power over

Research risk and bias, and inverse intervention systematically and address each cause

Collaboration between the state and Māori at the highest levels – need to share resources
WANT TO CHAT? GET SLIDES?

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CHILDREN, FAMILIES &
THE STATE

SOME BROAD BRUSH ANALYSIS

IAN HYSLOP, AUGUST 2019.
Child and family welfare, and child protection practice specifically, is emotive and complex.

It is also politically located in a context of structurally reproduced inequality:

Class, race and relative poverty coalesce around those who become clients of the child protection system.

State welfare systems of recent times are now implicated in institutional abuse which has left a painful legacy.
PUAO TE ATA TU 1988:

Named racism as the key obstacle to the advancement of Māori people:

“The evocative realization was that racist social work practice actively contributed to intergenerational alienation and creeping cultural genocide. It was the fall-out associated with this message that most affected the shape of the CYP&F Act, 1989” (*now the OT Act)

(Hyslop, 1997, p. 62)
The legal framework of the CYP and F Act, 1989 pivoted around the belief that whanau, hapu and iwi would provide adequate care for their children if furnished with respect, authority, information and support in terms of financial and social service assistance.

The latter part of this bargain has never been adequately delivered …
Some Reflection ...

- Between 1989 and 2015 the racialized child protection narrative transformed from a focus on the damage done to Māori children by state violence to the cost visited upon the state and wider society by ‘dangerous families’
POLICY CONTEXT:

Neoliberal austerity, responsibilisation and targeting:

- 90s Blitzkrieg
- 2000s Social Development
- 2010s Social Investment
- ? Social Well-Being
EXPERT PANEL:

- **Social Investment Umbrella** – individualized future cost to the state: proposed target of reducing forward liability associated with poor outcomes for Māori by 25-30% within 5 years (Final Report).

- Watering down of commitment to whanau-centric decision-making / greater focus on child-centric trauma-informed care and early permanency.
A new system ostensibly focused on safety, care, recovery and healing: Love is the Answer.

Away from crisis intervention and family reintegration to the concept of early and intensive intervention.

“*If a child has to enter care they will be placed with caregivers who can love and support them for life*” – Foreword, Pg. 3

Timely permanent removal - where not possible for ‘birth families’ to provide the requisite love and care
POST-PANEL LEGISLATIVE REFORM

- Process contested and outcome confused

Panel legacy:

The following goal is now encoded within the central purposes of New Zealand’s child protection law: “... ensuring that, where children and young persons require care under this Act, they have - (i) a safe, stable and loving home at the earliest opportunity; and (ii) support to address their needs.”
Many commentators predicted that the Expert Panel Modernisation process would lead to more small children (disproportionately Māori) entering permanent state care – the writing has been on the wall since 2014!

Māori-led resistance and calls for change!
FULL CIRCLE?

The over-representation of tamariki Māori in the A-NZ child protection system is largely a product of how the historic legacy of colonisation, structural inequality and institutional racism continues to play out in the lives of children and families:

THE STATE IS DONKEY DEEP IN ALL OF THIS!

- Much is to be done – systemic change, getting closer, respect, risk in perspective, practitioner discretion, survivor voices, local responses.

  ➢ Power, authority, resources and mana to Māori, not just responsibility.

  ➢ Decent housing, income security, education, health as universal rights.
CHILDREN, FAMILIES AND THE STATE

Grant Bennett- Chief Social Worker, Oranga Tamariki
Oranga Tamariki interacts with many tamariki - only a small proportion enter care.

Distinct Children at different stages of the Oranga Tamariki System | F2018

- Reports of Concern: 64,950
- Reports of Concern that Required Further Action (FARs): 34,700
- Substantiated Abuse or Neglect findings: 11,650
- Care and Protection FGCs: 6,150
- Entries into care: 1,900
Tamariki enter care due to a number of factors
Rates of entry into care have decreased 25% over the last 10 years.
Whānau placements have increased 57% over the last 10 years.

Placement type share over time

- Family/Whānau Placement
- Child and Family Support Services (Approved under S396 of CYPF Act)
- Other supported accommodation
- Non Family/Whānau Placement
- Family Home Placement
- Residential Placement
It will take a combined effort to shift the disparities that cause tamariki to come into care.
Seminar 2: Current system changes: Ambiguous and uncertain outcomes

Friday September 20th
12:30-1:30pm
Old Government Buildings Lecture Theatre 1

Speakers:
- Paula Tesoriero, Disability Commissioner
- Tania Blythe Williams, Family Court Lawyer (Ngāti Pukenga, Te Arawa (Tapuika and Waitaha))
- Erin Judge, Oranga Tamariki, Chief Legal Officer
- David Hanna, Wesley Community Action, Director