

Social Work Now

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THE COVER DESIGN: The four sections of the front cover represent the four cornerstones of the Māori concept of health: te taha tinana, te taha hinengaro, te taha wairua and te taha whānau. If these faculties are adhered to and kept in balance then life will be in balance. Also appearing in the design is a stylised face with eyes at the top, nostrils in the middle and mouth represented by four "teeth" at the bottom. The kanohi is representative of all who work in the varying fields of the Children, Young Persons and Their Families Service.



Practitioners at the podium

It has been a good year for conferences. The Twelfth International Congress on Child Abuse and Neglect and Youth Justice in Focus were perhaps two of the highlights and both attracted widespread interest within CYPFS and the wider communities. While this issue of *Social Work Now* focuses on CYPFS papers presented at ISPCAN, this editorial considers some of the issues raised at the Youth Justice in Focus conference held in Wellington in October and reflects on the value of these international gatherings.

It was pleasing to see the interest in family group conferences (FGC) from overseas participants and fascinating to hear more about the Australian systems being developed and adapted from our FGC process. Many Australian states routinely research their FGC proceedings and, hopefully, their research focus will continue beyond the developmental stage.

Many speakers highlighted the potential of the FGC process but we were also reminded that practice is sometimes less than ideal. Chief District Court Judge Ronald Young was particularly critical of aspects of current practice and questioned the timeliness and quality of conference preparation, in particular the number of entitled members in attendance. He also expressed concern about certain social work reporting practices and the lack of status accorded to Youth Aid Officers.

The challenge for us is to acknowledge criticism where it is valid and to address these issues as we move toward a youth services model. Of particular interest was the call for the underlying issues associated with offending to be addressed rather than focusing purely on consequences for the offender.

One of the common research themes which emerged from the conference was that it is possible to identify at-risk children and young

people early on and that intervention programmes must be tailored to the needs of particular communities. A programme that works in one community will not necessarily succeed when transplanted to another. Of particular significance for CYPFS was the clear message from the US experience that early intervention is great but it is also never too late to start working with youth. We are keen to follow up on the research of Professor David Hawkins, from the University of Washington in Seattle, which offers a methodology of programme evaluation as well as a database of programmes that have been rigorously tested and shown to work.

Common features which have been identified in successful programmes include bonding with a significant other (not necessarily a family member) and the importance of culture in providing young people with a sense of identity and belonging. Providing opportunities for employment, education or meaningful alternatives were also clear factors in discouraging offending behaviour.

We were also challenged to meet the potential for truly bicultural practice. Former Principal Youth Court Judge Mick Brown spoke passionately about the long way still to go before the true intent of the Children, Young Persons, and Their Families Act would be realised. Dr Pita Sharples, from Auckland University, reinforced this message and highlighted the alarming (and increasing) rate of incarceration among Maori. He said imprisonment was an ongoing, expensive failure and he called upon the Government to give Kura Kaupapa-based alternatives an opportunity to reverse this trend.

Youth Justice practitioners had the opportunity to meet in specialist workshops in preparation for a panel discussion. Although it was disappointing not to be able to spend a

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longer time with our colleagues, this limited opportunity emphasised the need for us to spend more time together to talk about our difficulties and successes and to share strategies about what works and why.

Attending international conferences is clearly beneficial to practitioners with their wealth of academic thought and research. But it can also be all too easy for the voices of experienced practitioners and workers at the coal face to be lost in the crowd, so we must collectively ensure we are given the opportunity to be heard. Practitioners must take the podium and be encouraged to do so.

As well as this international arena, local and area initiatives which discuss practice and resource needs for youth offending are equally important. Each has distinct merits and both must be fostered and encouraged if New Zealand wishes to remain at the forefront of creative youth justice practice. The conference process is no longer novel or unique to New Zealand. We must continue to encourage creativity, to think outside the square and to dig deep to maintain our energy levels and commitment to the principles of our legislation.

We wish season's greetings to our colleagues throughout the country and we look forward to resuming discussions at the coordinators' hui in the New Year. ■

Brett Compton,

Youth Justice and Care and Protection
Coordinator, CYPFS Rural South

Justin Sim,

Youth Justice Coordinator, CYPFS Dunedin City

Social Work Now goes ISPCAN

The Twelfth International Congress on Child Abuse and Neglect attracted hundreds of delegates and speakers from around the world and its four days of stimulating, leading edge and thoughtful discussion provided a challenging and exciting forum for debate. Its staging in Auckland in September meant many CYPFS staff from around the country were able to attend not only as delegates but as active participants in the many and varied excellent poster displays and workshops as well as speakers in the main programme. However, if you couldn't get to the conference, you won't have to miss out. *Social Work Now* is pleased to bring you a range of some of the papers presented by CYPFS people at ISPCAN in two special conference issues – this issue and April 1999.

The DSW library also has a full set of all ISPCAN papers available for loan to CYPFS staff on request. If you have a special interest in the child development work of Dr Bruce Perry, copies of his papers are available online at: <http://www.civitas.org>

While *Social Work Now* has traditionally run shorter rather than longer articles, in this issue we launch a new column, *In Depth*, to accommodate material of the lengthier kind. As an occasional column, *In Depth* will cater more for research-orientated, historical or statistical material.

NB: In the last issue of *Social Work Now*, the article on CYPFS Critical Incident Stress Debriefing discussed the seven stages of the CISD model and described the "thought phase" as asking participants what they "felt" during an incident. This should have read, participants in this phase are asked what thoughts they had during the incident. ■

Claire O'Brien

Editor

Koi Patu Koi Mamae: Disciplining Māori children

Sharon Rickard takes an historical look at child rearing practices and examines attitudes today

Craig Manukau, Delcelia Witika and Anaru Moke are names synonymous with child abuse. Examples of physical abuse by Māori appear to be accentuated in the media. Recent child abuse statistics highlight that Māori children are 12 times more likely to be admitted to hospital with injuries caused by abuse than other New Zealand children (*New Zealand Herald* 24.9.97). Media attention to such statistics and these high profile cases has contributed to public perceptions that violence is intrinsic to Māori culture.

This article offers an historical perspective on child-rearing practices and also looks in-depth at a study on the attitudes and responses of six Māori to physical discipline and, in particular, the motivation and reasoning behind the use of physical punishment. While the study addressed physical discipline and not physical abuse per se, the boundaries between physical discipline and physical abuse are often blurred, and what begins as discipline can lead to abuse. The perception that Māori are more likely to physically abuse their children leads to the contention that Māori are also more likely to adopt harsh physical disciplinarian tactics. However, there is a considerable body of literature that shows physical abuse, as well as physical disciplining, occurs across cultures.

Historical perspectives

Western society

In ancient times, corporal punishment of children was considered appropriate and natural. Greek, Roman, Egyptian and Arabic cultures were obsessed with filial obedience

and it was referred to in early Egyptian and Biblical texts. For example, “beloved of God is obedience, disobedience is hated by God” and “chasten thy son while there is hope, and let not thy soul spare for his crying”. King Solomon continued this tradition by warning that parents should not spare the rod.

Child discipline was brutal and included beating, flogging, imprisonment, starvation, mutilation and death by hanging. These earlier civilisations rationalised this as the best way to instil obedience in children and prepare them for later life. Fortunately by the 19th century a more humane view began to emerge. In 1889 the British parliament passed a law to protect children from cruelty and in 1895 the Society for Prevention of Cruelty to Children received its royal charter.

Since this time numerous child protection laws and child welfare agencies have been established. As a result, physical punishment is now prohibited in education and care institutions in most of continental Europe, the United Kingdom and New Zealand. As well, Sweden, Denmark, Norway, Finland and Austria have outlawed its use by parents.

“Traditional” Māori society

Early European accounts of Māori society pay little attention to children. In general, information relating to children comes from secondary sources (for example, missionary diaries) or is based on peripheral observations¹. Although sparse, the literature presents a view of children that is strikingly different to the treatment of children in

western societies.

Māori society was structured into three main groupings, the iwi, hapū and whānau. The concept of the nuclear family as we know it today was unheard of and children were not the sole responsibility of their biological parents.

The whānau was the basic social unit of Māori society and normally consisted of three generations. Its main function was the procreation and nurture of children.

Children were desired and carefully nurtured, mostly by kuia and kaumātua who were seen as storehouses of knowledge and the minders and mentors of children, according to Ranginui Walker². In this way parents were free to tend to other tasks and activities essential to the livelihood of the group.

Much of the child's teaching concerned the dynamics of group living. Children learnt progressively by observing and becoming involved in all marae activities.

According to Makereti Papakura³, this style of life led to a carefree existence where physical punishment was both unnecessary and absent. Historian Anne Salmond⁴ also notes that:

Compared to Europe, Māori domestic life was relatively free of domestic violence, children were not hit and any harm to them was likely to provoke muru (plundering) raids from their kinsfolk.

While Mead¹ explains further:

If children who had ancestor names, for example, were hit, it was interpreted as the hitting of that ancestor and therefore the damaging of the mana of that ancestor.

Early historical accounts by Pākehā settlers describe parents as indulgent and affectionate, and children as happy, playful and very active. It appears that in this type of communal society, children took part in most activities, and the aphorism "children should be seen and not heard" was not applicable.

The chiefs take their children from their mother's breast to all their public assemblies,

where they hear all that is said upon politics, religion, war, etc. by the oldest men. Children will frequently ask questions in public conversation and are answered by the chiefs. I have often been surprised to see children sitting amongst the chiefs and paying close attention to what was said. The children never appear under any embarrassment when they address a stranger whom they never saw. In every village the children, as soon as they learned any of our names, came up to us and spoke to us with the greatest familiarity.

Papakura suggests children were not physically disciplined in order to develop and nurture their fearless and adventurous spirit – a valued characteristic. As well, missionary Samuel Marsden⁵ observed:

The New Zealanders do not correct their children lest they should abate their courage or subdue their passions hence the children are in no subjection

Many researchers see physical discipline as an act of violence and often a precursor to child physical abuse.

to their parents.

Physical punishment theories

Many researchers see physical discipline as an act of violence and often a precursor to child physical abuse⁶. Many theories concerning physical punishment overlap with and are relevant to physical abuse⁷.

Method

Six Māori people, two men and four women, from 21 to 67 years, were interviewed about their experiences of physical punishment. A semi-structured interview schedule was used and each interview was approximately three hours. Previous conversations with participants resulted in the development of an interview guide, which covered the rationale for the use of physical punishment, the origins of physical punishment, differences between Māori and Pākehā styles of child discipline and strategies that prevent the use of physical discipline.

Analytical process

A thematic analysis was used to identify the most prominent themes across texts and organise them into manageable chunks for further intensive study. Each transcript was checked with each participant for his or her approval of the identified themes. The themes were then compared across texts and categorised into separate sections. The sections were then subject to further scrutiny.

Analysis

The following summarises the themes that were evident in all participants' interviews.

Teaching children right from wrong

A prevalent theme was the common-sense assumption that it is a parent's right and duty to correct children's behaviour. More

explicitly, parents said they used physical punishment as a way of teaching children right from wrong. However, further probing highlighted other reasons that precipitated the use of physical punishment, including the alleviation of stress, frustration and anger. Although the teaching discourse is widespread and firmly entrenched in the common-sense thinking of most people, within this study it was often displaced with a competing theme of catharsis. This finding was consistent with other research in this area.

Cycle of abuse

The cycle of abuse is a popular discourse concerning physical punishment. At first participants drew on this discourse to explain Māori disciplinary practices. However, it later became clear that some participants had not been hit by their parents.

For example, one participant stated that his style of disciplining could have been a result of his mother being a strict disciplinarian. However, his mother's upbringing could not be described as authoritarian or violent because she had not been physically punished. Instead, she was brought up in a rural Māori community in which multiple parenting and absence of violence was the norm. Further

exploration of this participant's text revealed other emotions often preceded his use of physical discipline, such as frustration and anger.

The reasons for using physical discipline were more related to problems associated with being Māori than the cycle of abuse. In this way, social learning theory falls short of explaining why participants use corporal punishment, because it relays no information about the types of situations that elicit the use of physical punishment.

Racism

One issue identified in studies concerning physical punishment in African-American families which is also relevant to Māori

experience is the topic of racism. Black child-rearing practices have been described as authoritarian by white standards.⁸ However, it has also been noted that this type of child

rearing produced many black girls and women who were independent, assertive and possessed skills and abilities to survive in a non-supportive society.

Participants in this study continually referred to the racist labels and stereotypes that are consistently applied to Māori people. Furthermore, they indicated that racism impacted on their methods of child discipline. For example, one participant said:

I used to hit my children for not being clean and tidy, 'cause Māoris were known to be dirty people... I wanted my children to be clean so that Pākehās wouldn't call them dirty stinkin' Māoris. I thought as long as my children were clean, didn't do anything wrong and were educated, then they would walk tall and no-one could criticise them, no Pākehās on this earth could criticise them.

Giles-Sims et al found that African-American mothers used physical punishment more than other ethnic groups included in their sample. They attribute this difference to being African-American and poor, factors

Participants continually referred to the racist labels and stereotypes that are consistently applied to Māori people.

they said added stress to the parenting experience because of discrimination and restricted economic opportunity. Similarly, Māori as a group are mainly located in the lower socio-economic bracket. Consistent with lower socio-economic backgrounds is a lower level of housing, health and education. The move from rural to urban communities is also a factor relevant to the use of physical punishment. A breakdown in Māori networks has left many Māori isolated in urban settings without support. Participants mentioned all these aspects as reasons for using corporal punishment.

Some research suggests that Māori use strict forms of corporal punishment to instil respect. This notion was not entirely consistent with participants' discourse. In general, it is expected that young Māori will respect their elders. However, participants revealed that this type of "in whanau" respect is not instilled through corporal punishment. Instead, physical punishment appears to be reserved for when children show disrespect for an authority figure or system outside the whanau, such as a schoolteacher. Therefore, physical punishment is used as a method of protection and way to deter future misbehaviour outside the home.

Participants reiterated this message. For instance one participant explained her reason for hitting her 10-year-old daughter as:

I just try and make her fit in and I growl or hit her and make her do the right things for Pākehā society, so she will do it the Pākehā way, cause she will never look Pākehā. I don't want them to pick on her just because she's dark skinned, they are just gonna assume that she's just a Māori and doesn't know any better, I don't want people to think of her like that. If I discipline her now or if I'm hard on her now, it will make her better or stronger for these people that might pick on her.

The impetus for disciplinary practices is driven by the belief that this will guarantee the child a better life or position in society. This concept is not unlike that which Comer⁹ identifies in African-American families. He explains that during slavery and other

repressive periods, black parents felt a need to control their children in an attempt to prevent them from getting into trouble. He further states:

This child-rearing practice has persisted over time, to the extent that some black parents still believe that they can beat the badness out of their kids.

Other types of misbehaviour, such as cheekiness and mischievousness, appear to be viewed in a different light by participants. They indicated they would not necessarily physically punish children for this type of behaviour.

If he was cheeky or poking his tongue out I used to think it was cute. I might give him a little growling but really I thought it was funny.

They both tend to be on the tutu side, you know always getting up to something, but I don't hit for that.

It is evident then that the type of discipline used by parents is dependent on the places or situations in which the transgression occurs.

Māori hit – Pākehā talk

Māoris are more apt to hitting their kids, Pākehās are more likely to sit down and talk. Hitting is more prevalent amongst Māoris.

This was a regular theme throughout the interviews. In general, Māori have been characterised as violent, authoritarian or stricter in their use of physical discipline than Pākehā. McCreanor notes a number of stories about Māori that arise from Pākehā discourse, including those that describe violence as an essential part of the Māori character. Given New Zealand society is dominated by Pākehā ideology and that ideologies infiltrate the core of the individual's personality it is no surprise that Māori think of themselves as naturally violent.

This notion was made more salient by some of the participants' contradictions. For instance, questioning around this issue resulted in some participants revealing that they had never been subjected to physical abuse as children, yet they initially drew on the popular

construction that is often used to depict Māori. The following extract explains this further.

My grandmother brought us up, we lived on the Waikato River in a simple little house; we slept on the floor. She never hit us, she never even growled. She was typically Māori, her whole family was, they were all nice people. When I really look at it, I never saw the old people or people hitting kids it was a different world. I s'pose really the difference was we lived in a Māori world or maybe I was just brought up that way.

This text refers to non-violent parenting and it talks about a “different world”, where people were “typically Māori”. It does not characterise Māori as naturally violent, but rather describes them as “nice people”.

Furthermore, it suggests that a difference between the Māori world and the Pākehā world is the absence of violence towards children.

Origins of violence

Participants were asked where they thought the use of physical punishment originated. Initially, when asked to compare themselves to Pakeha, they seemed quite clear that Māori were violent and Pākehā were not. However, further probing resulted in all participants tracing the use and acceptance of child physical punishment back to religious roots. Participants were adamant that child physical punishment came with Pākehā, the Bible and missionaries.

Changing child-rearing practices

An important part of this study was to challenge existing assumptions so participants could suggest ways to change or desist from using physical punishment as a form of discipline. By identifying the ways Māori have changed through colonisation, some participants were able to challenge some of their disciplinary practices.

Overall, participants wanted to stop conforming to Pākehā norms, and value themselves as Māori, to identify and use the positive aspects of Māori culture. Participants

indicated they had been deprived of their culture and language and in many ways this had eroded their self-esteem and pride in themselves as Māori. The following extract summarises participants' views on how to change existing disciplinary techniques.

We have to start looking at our culture...to see ourselves or recognise that we are successful. We need to lose some of those Pākehā values that we have come to accept and taken on ...Māori should know how they have come to be in the position they're in. Historical education, knowing about what we once had or what our ancestors were like, maybe learning that history will make us want to be what we once were.

Participants also identified aspects of Māori culture that should be strengthened and viewed as positive. Te Kōhanga Reo and Kura Kaupapa Māori were suggested as starting points for doing this. The maintenance

A difference between the Māori world and the Pākehā world is the absence of violence towards children.

of whānau links was acknowledged as a necessary aspect of Māori culture because it acts as a network that provides support and assistance to caregivers. It is important to note that the income of participants is less than \$24,000 per annum. Therefore, the whānau in many ways is necessary not just to relieve the pressures of child rearing but for survival in general.

Conclusion

While it is acknowledged that the research group sample was small, in general, participants' experiences concerning physical punishment were consistent with findings of other studies in this area, particularly research on African-American families.

Participants suggested changing their disciplinary techniques by challenging their assumptions concerning discipline and by involving themselves in Māori initiatives such as Te Kōhanga Reo.

Overall, these ideas for change are optimistic. However, moving towards Māori initiatives will not change parenting styles if parents' thoughts and ideas about themselves

and their culture remain the same. If Māori continue to take on the dominant ideological and hegemonic influences of wider society, such as the negative social constructions of Māori and violence, it makes it difficult to envisage a move away from physical disciplinary measures to more non-violent means. To this end, this study urges Māori to challenge the dominant ideologies that we perhaps unknowingly reproduce in our thoughts, discussions, and actions. ■



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Notes

1. Mead L T (1996) *Nga aho o te kakahu matauranga: The multiple layers of struggle by Māori in education* Unpublished Masters thesis, University of Auckland, Auckland.
2. Walker R (1990) *Ka Whawhai Tonu Mātou: Struggle without end* Auckland, Penguin Books.
3. Papakura M (1986) *Makereti: The old-time Māori* Auckland, New Women's Press.
4. Salmond A (1991) *Two Worlds: First meetings between Māori and Europeans 1642–1772* Auckland, Penguin Books.
5. Marsden S (1932) *The Letters and Journals of Samuel Marsden 1765–1838* Dunedin, Coulls, Somerville Willie and A H Reed.
6. Giles-Sims J, Straus A and Sugarman D (1995) 'Child, Maternal and Family Characteristics Associated with Spanking', *Family Relations* 44 170-176; Leach P (1993) 'Should Parents Hit Their Children?' *The Psychologist* May 216-221 and (1994) *Children First* London, Penguin Books; Ritchie J and Ritchie J (1997) *The Next Generation: Child rearing in New Zealand* Auckland, Penguin Books; Straus M A (1994) *Beating the Devil Out of Them: Corporal punishment by parents and its effects on children* Boston, Lexington Books.
7. Gough B and Reavey P (1997) 'Parental accounts regarding the physical punishment of children: Discourses of dis/empowerment', *Child Abuse and Neglect* 21 (5) 417-430; Kaufman J and Zigler E (1987) 'Do abused children become abusive parents?', *American Journal of Orthopsychiatry* 57 186-191; and Leach (1993 and 1994), Ritchie and Ritchie, and Straus as above.
8. Baumrind D (1972) 'An exploratory study of socialisation effects on black children: Some black-white comparisons', *Child Development* 43 261-267.
9. Comer J (1993) *Raising Black Children* Colorado, American Humane Association.

Ed note: Due to space considerations, the full list of references has been omitted and is available on request from the editor at *Social Work Now*.

Domestic violence and child abuse

Kathy Fielding and **Heather Scott** develop a workshop approach to enhance case management and learning

All forms of child abuse are essentially abuses of power, and stopping abuse at either an individual or a societal level requires clarity about the nature of the power being exercised, and about who is exercising power in particular situations. If the mother can be blamed for the failure to protect the child, it is easier to avoid examining the nature of power relationships within the family which maintain domestic violence, as well as the reasons for society's failure effectively to protect women and children from that violence.

Maureen O'Hara 1994

Statutory social workers are becoming increasingly aware of domestic violence as a child protection issue. This growing awareness is reflected in recent international literature which also identifies the impact of domestic violence on children's emotional, psychological and social well-being following exposure to family violence.

The Domestic Violence Act (1995) and the Risk Estimation System (RES) introduced by the Children, Young Persons and Their Families Service (CYPFS) in 1996 have both named domestic violence as an issue affecting the safety and well-being of children and young people.

However, from a social work perspective, intervening in families where domestic violence is present can be dangerous for the social workers who are aiming to protect the children. This danger can, in turn, affect their ability to respond effectively to potential care and protection issues. This article describes

our experience of reviewing cases featuring domestic violence and looks at the workshop approach we developed to deal with this issue and to enhance case management and learning.

The impetus for this arose after we reviewed a case where domestic violence was a major concern and staff safety had been compromised. After the case closed some social workers, supervisors and managers continued to experience a range of feelings including anger, frustration, fear and betrayal. There were also differing views and perceptions as to how the case had been approached and managed. This led us to design a workshop to identify the learning from the case and to help the workers with closure. Participation was voluntary since we believed the workers' willingness to attend would increase their involvement and learning. This workshop later formed the basis for a training model we used at our sites on cases where domestic violence featured.

Noting domestic violence

In our role as practice consultants we have come across many cases where the presence of domestic violence was noted and recorded. However the contribution of domestic violence to overall care and protection safety issues was often not further addressed. Sometimes, because of the tendency to adopt a single incident focus, the full extent of potential abuse was not assessed. In other cases indicators of domestic violence were noted, yet no further exploration or checks were made. There were also frequent renotifications of abuse and/or neglect which meant that family

members – particularly women and children – were potentially exposed to ongoing harm.

We were struck by the apparent optimism of some social workers about the mothers' capacity for protective action, yet this would turn to anger and blame if a mother was subsequently unable to protect her children by leaving an abusive partner.

On occasions, we noted that social workers did not interview family members on their own nor did they speak to or challenge offenders. More often than not mothers were interviewed in the presence of their abusive partner or family member which made it impossible for them to give a true account

of their safety and that of their children. Children were frequently either not interviewed, or the interview occurred in the presence of the alleged perpetrator. It

is a requirement of CYPFS policy that children and young people are either interviewed independently or with a support person present.

Risks to social workers

We also noted that women social workers frequently faced the threat of emotional, psychological and physical danger when visiting homes in which domestic violence was occurring. Because they were usually alone or had no experienced male co-worker with them, their safety was compromised along with the safety of the family members.

Occasionally, social workers and supervisors have overly deferred to other professionals who, in turn, may not have knowledge or experience of domestic violence issues. This has resulted in key safety issues not being addressed. We believe that aspects of "accommodation" and "denial" can occur in cases in which domestic violence feature.

The workshop approach

In designing the workshops it was critical to create a safe learning environment to maximise participation and to encourage

learning. While we sought to expand the social workers' understanding of the experience of each family member, it was also important to keep their focus on their statutory social work role.

The workshops aim to acknowledge and utilise the personal and professional knowledge and experience of the participants, as well as developing their conceptual and analytical thinking to encourage a more critically reflective assessment response. It has also been a challenge to integrate relevant theories and frameworks which enhance practice learning and development within the time constraints

of a workshop. It was important for social workers to leave with effective strategies and increased confidence in their own capacity to respond.

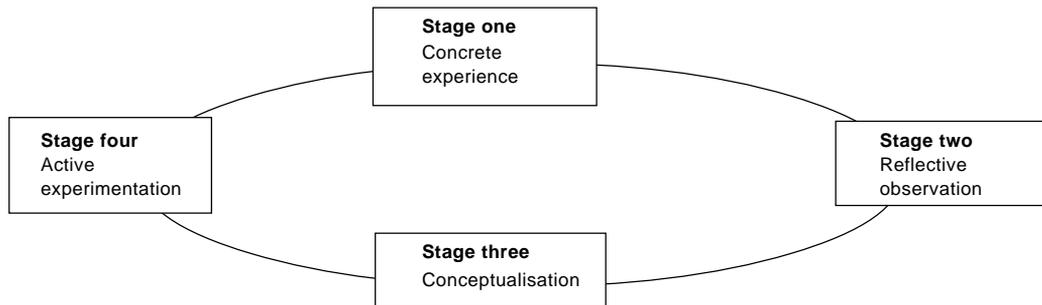
Kolbs learning cycle

Because we were looking for an empowerment approach to encourage workers to recognise and build on their own strengths, capacities and understanding of the client's reality, we selected Kolb's Learning Cycle (see figure one) as the framework for the workshop design. The Learning Cycle and the Empowerment Model both emphasise strengthening capacity through validation, ownership and group participation and are based on principles of "do with" rather than "do to".

Since Kolb's model is based on adults learning from their experience, it requires activity in all of its four stages to be effective. Learning stages are sequenced so participants can use a variety of learning styles and integrate them into a meaningful whole. The first two stages bring together concrete experience, where participants involve themselves fully and openly, with reflective observation, where they are helped to step back and reflect on that experience. Next comes integration of their observations into a logically sound framework, with the final stage encouraging active experimentation so that they can test their new learning/hypotheses and use them as the base for decision making,

The contribution of domestic violence to overall care and protection safety issues was often not further addressed.

Figure one: Kolb's Learning Cycle



problem solving and action.

This workshop design also allows for movement across the cycle, for example from *experience* to *conceptualisation*.

Knowledge of a range of concepts, frameworks and theories were relevant and necessary in the workshops. These included:

- the effects of domestic violence on women and children, including the relationship between domestic violence and other abuse types
- the power and control cycle
- group processes
- transactional analysis (contracting, ego states, Karpman Triangle, transference, counter-transference and parallel process)
- professional dangerousness and accommodation syndrome (Tony Morrison)
- hostage theory
- adult learning theories
- personal and organisational stress
- knowledge of legislation – The Children, Young Persons, and Their Families Act 1989 and the Domestic Violence Act 1995.

Setting the ground

Acknowledgement of the emotive component of domestic violence was a key to the effectiveness of the workshop process. After ground rules were agreed, participants were encouraged to introduce themselves with a comment, question or response to the words “domestic violence”. This provided key initial information, for example, around the

participants’ current awareness of the issue since it was likely that some had personal experience of domestic violence. Safety checks were put in place such as identifying a support person to talk to after the workshop if required. As the workshop facilitators, we also made ourselves available as a resource for support or discussion, if required, and since we had a direct working relationship with many of the participants this also enhanced overall trust and credibility.

Case presentation

Prior to the workshop we selected a case where domestic violence had been noted and used this as the basis to develop a one-page written case synopsis. Client names and details were changed. Case records were edited by selecting entries which described some of the experiences around abuse issues of the key family members. The recorded observations of the social workers were also included. Some of these entries were very powerful, especially the recorded words of the mother and children. In one example a mother said that she loved her husband and always would. The social worker observed that the woman’s front teeth were missing. The mother then acknowledged this resulted from injuries inflicted by her husband.

This family system was presented on a white-board in the form of a genogram with the social worker visually represented alongside. After reading the case synopsis participants were asked to reflect on the experience by naming the actions, thoughts, beliefs and feelings of each family member and the social worker. These responses were presented to the group and recorded on the genogram. Participants were frequently struck

by the absence of the child's voice. Children were often described as silent, possibly through fear. One learning was that the social workers' experience often paralleled that of the mother and children. For example, a social worker may have planned a visit when the father was known to be away from the home. They may also have been worried about their personal safety and experienced feelings of fear and uncertainty. These responses highlight the need for adequate knowledge, skills and practice methodologies to manage these powerful forces.

Conceptualisation

Small groups were then selected to focus on:

- the children
- the mother
- the father
- the social worker.

Each small group was given the task of reading the relevant research articles (previously selected by us) and then compiling a presentation to the whole group based on the material. The focus of the presentations was on key learnings for the development of social work practice when domestic violence features generally and with the case specifically. We encouraged groups to be creative in their method of presentation, such as using posters or songs. As well as encouraging empathy and understanding of the experience of key players, social workers took on board new frameworks and research findings to aid practice.

The articles used in the workshop, along with written presentation material, were later compiled into team folders which also included a list of local resources and agencies working in the area of domestic violence.

Managers' participation

Managers were invited to attend the small group presentations to increase their awareness of the significance of the issues and the impact of domestic violence on social workers, as well

as their role and responsibilities in supporting workers involved in dangerous situations cases. The wider issue of resourcing was also highlighted.

When discussing behavioural processes underlying transfer of training, Broad and Newstrom (1992) have identified managers as the most powerful role models due to the reward, expertise and referent power they possess in conjunction with their accessibility to the employee. They are also a potential source of positive reinforcement.

Tools for safety questionnaire

When dealing with dangerous situations, social workers can experience an overwhelming sense of disempowerment and feel unable to do the job required of them. Stanley and Goddard (1993) suggest that workers tend to minimise the level of violence in abusive families and intervention is often non-provocative, with this behaviour operating at a largely unconscious level.

We believed that one way of supporting workers was to help them become more aware of the tools – such as the key social work practices and processes – available to them. For example, role clarity, peer support, supervision, office protocols and cultural consultation. Having identified this, we designed a self-administered questionnaire for social workers directly involved in a case to assess how each of the social work tools contributed to safe practice, using a five-point scale (see figure two).

Figure two: *Social work tool: Co-working*

1	2	3	4	5
Very positive contribution to safety		Neutral effect		Very negative contribution to safety

We anticipated that as workers moved through the questionnaire their awareness of the range and nature of the tools at their disposal would be enhanced. As reviewers we were interested in both the individual and collective responses, also what tools were working well and which required development.

We also asked for suggestions on how the effectiveness of particular tools could be improved. Overall, we believe that the use of the questionnaire encourages self-efficacy, reflection and self-care practice.

Outcomes

At the start of the workshops, many social workers said domestic violence had not featured in any of their cases. Yet many now give increased professional recognition and attention to domestic violence as a care and protection issue as part of their assessment of a case. We have also seen a greater awareness by social workers of the issues facing non-abusing mothers as well as the need to work closely with them to protect their children.

One of the most important roles child protection agencies and individual workers can play in the process of escaping violence is to help widen the options open to children and non-abusing mothers.

Maureen O'Hara

One social worker adapted the workshop process when providing information to whānau at a family group conference. The parents of the baby were caught up in a cycle of domestic violence which raised both current and future care and protection concerns. The family group conference process was used to break down the isolation experienced by this mother and her baby, to increase the participants' understanding of the abuse cycle as well as the requirements for successful intervention, and to confirm a safe placement within the whānau until specific changes occurred.

Another benefit of this approach has been that the quality and number of referrals to agencies providing violence intervention services has improved. At one office there has been an increased awareness of the need to co-work and to deploy experienced workers when allocating cases where domestic violence is a feature. Overall, there has been a sense of increased managerial support with staff participating in creating effective solutions.

Suggested applications

The workshop approach and the tools for safety questionnaire can be adapted and applied

to a range of social work, training and review settings. For example: individual case supervision; case consultations; case reviews with social work teams; peer or group supervision; briefing and updating new social workers; reviewing processes and procedures such as the intake process; briefing outside consultants such as counsellors, cultural consultants and the police; and as a framework at family group conferences to increase family members' understanding around safety issues.

It is equally relevant for experienced and less experienced workers. ■



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Notes

1. Due to space considerations the references have been omitted but are available on request from the editor at *Social Work Now*.
2. The Tools for Safety Questionnaire is available on request from the authors. CYPFS National Office, Private Bag 21, Wellington, phone 04 916 3100 or CYPFS Wellington Area, PO Box 50049, Porirua phone 04 916 2159.

Creating magic moments for children and families

Care and protection coordinators can be the catalyst for true child-centred decision making as **Diana Bush** and **Barbara O'Reilly** explain

The provisions for shared decision making in family group conferences (FGCs) have resulted in an impressive level of agreement on the protection of children between families and social workers from the Children, Young Persons and Their Families Service (CYPFS). In 1997, about 90 per cent of conferences reached agreement. To be fully effective in protecting children's rights, FGC decisions and plans must be practical and address all care and protection needs. For parents and the wider family this frequently means and requires significant personal change, renewed commitment and, in most cases, continuing involvement with the Service.

In theory, family strengths, family responsibility and a flexible process are all part of the philosophical base of the Children, Young Persons, and Their Families Act governing the FGC process. In practice, FGCs bring together a number of people who are likely to be in conflict with one another and with social work professionals; there will be differing values, differences in perceptions and levels of cultural awareness and uncertain power balances.

The challenge for CYPFS care and protection coordinators is to create and manage a multi-phased process which builds cooperation, increases understanding and commitment to children and delivers child-centred decisions for their care and protection. The process must accommodate disparate levels of understanding, skills in problem

solving and conflict resolution.

This article discusses the development of FGC processes using family therapy and dispute resolution models to design strategies for child-centred decision making.

Social workers and FGC coordinators can work within their statutory roles to open the way to positive change within families during the various phases of the conference process. FGC planning should include not only the families but also be integrated with social work and contributions from other professionals, particularly in health and education.

While FGCs are considered primarily to be a decision-making process and not therapeutic, they do also contain all the ingredients for therapeutic change. Attention and care in managing an FGC process can maximise its possibility and when these possibilities arise they become "magic moments".

Research

Recent research on care and protection FGCs in New Zealand has identified a number of questions and difficulties in the process, some of which we have attempted to explore in practice.¹

This article is based on our own speculation and anecdotal evidence as well as drawing on our experiences with families and colleagues involved in the FGC process. It brings together a number of concepts, models, techniques and thinking strategies for decision making which will hopefully stimulate

discussion and encourage creativity. We also pay tribute to the depth of knowledge and wisdom we have encountered in the struggles of ordinary people to cope with extraordinary circumstances.

How it works

The FGC is an opportunity for all parties concerned – the family and professionals, as well as the community in some cases – to participate in decision making for children and young people. Its underlying philosophy acknowledges that families and whānau have strengths which they can draw upon to overcome their difficulties; that both the family and the child or young person have the right to be involved in making decisions; and that solutions found within the family are likely to be better than externally imposed decisions.²

FGC processes have several phases: referral to CYPFS; preparation of family and professionals; the conference itself (including giving information, family discussion and negotiating plans); follow up; and monitoring.

Its functions – legally defined under the CYP&F Act are to consider all matters relating to the care or protection of the child or young person and to make decisions, recommendations and plans, or to review earlier decisions and their implementation.

The problem and challenge for the facilitator of this process – the care and protection coordinator³ – is to develop a process that is consistent with the principles and objects of the legislation and in consultation with key family members.

However, although the Act defines the coordinator's duties and responsibilities, it does not prescribe a fixed role for them. Responsibility lies with the referring agent, in most cases a CYPFS social worker, to ensure that FGC decisions will safeguard the child or young person. But even though the care and protection coordinator does not ordinarily have a role in determining decisions, there is a

responsibility to ensure they are consistent with the legislation.

The legislation and its application is geared to families working with coordinators and social workers with most FGCs reaching agreement (88 per cent in the 1997/98 fiscal year). Coordinators have a high level of success in achieving positive outcomes with family satisfaction over the process being frequently reported.

A real strength of the process has been the flexibility enshrined in the legislation to convene conferences in accord with cultural and family traditions and styles. When put into practice, this can create a sense of familiarity, rightness and authenticity for the occasion. Strong cultural identity and links with tradition usually enable immediate organisational and procedural questions to be

Strong cultural identity and links with tradition usually enable immediate organisational and procedural questions to be easily resolved.

easily resolved, such as who should attend, where the conference will be held, who should speak, how information will be given and possibly the manner of making and recording decisions.

In reality, FGCs are “multicultural” events in the sense of the culture of the family meeting the culture of the child protection agency as well as the organisational and professional cultures of the health and education systems. It is not unusual for these meetings to become competitive and for disagreements and struggles for dominance to arise. From a family perspective, members may feel pressured to agree with what the professionals want and it is important that the coordinators address such concerns. Since FGCs are often held in situations of conflict, conceptualising the conference as a specialised disputes resolution process can help determine what process might be relevant for a particular situation. Several process models are available:

- *Part arbitration.* The coordinator must consider and evaluate the evidence for the care and protection concern as presented by the referrer.

- *Part conciliation.* The conference brings together a variety of viewpoints and bits of knowledge, theories about life and living, values and ethics. The coordinator enables these views to be articulated throughout all phases of the conference process.
- *Part mediation.* The coordinator facilitates discussion to help all parties to reconcile their views, values, beliefs and interests to come to agreed decisions.
- *Part-assisted negotiation.* There may be negotiable positions, for example, a social worker may be able to agree to a plan if some amendment can be made to a family proposal.
- *Part conflict management process.* This may work to defuse conflicts either within the family or between professionals and family members.
- *Part educative process.* Used in its truest sense, this can uncover and bring out knowledge from within the family to create change.

In contrast to the conventionally understood roles of mediators, conciliators and arbitrators, the care and protection coordinator is not a neutral third party. The legislation precludes this. The coordinator's role is to keep the process directed to the desired ends. FGCs are essentially facilitated consensus decision-making processes.

Creating "good process"

The research suggests that there is some scope for process development. In recent years little attention appears to have been given to developing and formalising the processes intrinsic to the FGC.

Some writers consider that the essential factor for a successful conference, since the process is concerned with empowerment, is the ability of the coordinator to shift the balance of power away from the professionals to the family. However, while the philosophical basis of the process is that families can accept

responsibility for their children and can be involved in decision making, the actual extent to which they can really be empowered is debatable. The "power balance" in decision making is absolutely weighted in favour of the referring agent, since it is they who must agree that family decisions will protect the child. In essence, the referring agent has a right of veto. In negotiating terms, this is a position from which one can exert maximum leverage for compromise and agreement.

Family empowerment will occur when there is a genuine partnership between the family and the professionals. Within this partnership there can be some balancing of power inequities since both parties contribute to the

Family empowerment will occur when there is a genuine partnership between the family and the professionals.

completeness of understanding, accept responsibility for bringing about changes, and weigh up and select appropriate options. The task of the coordinator is to

establish or enhance the family partnership with a clear child-centred focus.

This child-centred focus is maintained by creating "good process", that is, a process that respects the strengths, skills, abilities and traditions of those involved. A good process adds value and helps to ensure beneficial, safe and learning experiences that will extend beyond the moment. So for each set of people – family, professionals and the community – the good process must be flexible enough to both conform to, and liberate itself from, the letter of the law and build on family traditions and styles.

The coordinator's responsibility extends to the conduct of the conference. Each conference will present a unique set of circumstances. Acceptance of this responsibility means creating and managing a process which considers:

- how people will communicate and express themselves
- how issues will be approached
- how people will treat one another
- how agreements and plans will be expressed.

A critical factor for success is the process design which involves:

1. The actions which result in the conference, that is, setting up and engaging the respective parties and the actual convening of the conference.
2. The means and methods employed within these actions to present and discuss the issues that led to the action. How these issues are communicated and presented is crucial.

An approach to process design

Family therapy constructs lead easily into a process design approach. Family therapy is a way of thinking about the interconnectedness of behaviour relationships and events. From this starting point a conference process can be created which works with the needs and strengths of families and uses their experiences to understand the presenting problems.

Ideally, coordinators need an understanding of family dynamics, a knowledge of “systems” theory and how one person’s communication patterns – overt or hidden – impacts on the other members of the family or group. They need to know about cybernetics and feedback loops, about circular causality and the often unconscious rules and values that govern family and whanau.

In addition, they also need to know how any solutions which have already been tried can become “the problem” and how families can become stuck at various stages in the life cycle of their particular family. It is useful to understand “second order” change and that changing a belief system can bring about many apparently spontaneous changes.

This knowledge, combined with sound skills in dispute resolution and conflict management, will allow coordinators to consciously direct the conference process and to strategise throughout its phases to bring about positive change. Magic moments can

happen at any time.

The beginning of magic

The prerequisites for success are not surprising. Within the child protection service there is a strong organisational culture of professional collaboration and cooperation. Professional boundaries need to be clear and respected. Strong, productive professional relationships and links with educational, health and community welfare agencies must be nurtured and maintained. A continual striving for excellence in skills to manage communication and information systems must also be maintained.

Strong, productive professional relationships and links with educational, health and community welfare agencies must be nurtured and maintained.

Coordinators must have an understanding of the issues of professional dangerousness⁴, enmeshment of the worker with the family, and minimisation and collusion both within the family and among the professionals

around the issues of abuse and neglect.

The middle of magic

Within the Service, coordinators and social workers must work comfortably as a team with clear and agreed roles and responsibilities and freely shared information from investigation and assessment. Each group should encourage consultation, analysis and questioning. Coordinators must be well trained and knowledgeable in conflict and disputes resolution with an appreciation of, and respect for, the knowledge of fellow professionals. It helps to share a fascination and wonder at the variety and richness of the experiences of the families with whom they work, respecting their strength and spirit. Above all, they must be realistically compassionate.

The new beginning

At the moment when a conference creates the potential for change, there is often a recognition that this is the time when the family-professional partnership will be tested

and for real empowerment between partners to mean the difference between success and failure and change or no change for children.

Good plans involve family activity with appropriate supports put in place. The family's ability to sustain effort and to maintain its commitment to a plan is taken into account during the FGC so realistic timeframes and processes for the future review of decisions and plans can be set. ■



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Notes

1. Gilling, Patterson and Walker (1995) 'Family Members Experiences of the Care and Protection Family Group Conference Process', Research Unit, Social Policy Agency, Wellington.
2. 'An Evaluation of the Organisation and Operation of Care and Protection FGC', DSW, Wellington, 1991.
3. Care and protection coordinators are appointed under s324 of the CYP&F Act. They must be suitably qualified by reason of personality, training and experience to exercise powers and functions as defined in the legislation. The duties are set out in s424 and include receiving reports and referrals, convening conferences, consultation, recording decisions, providing copies of plans for entitled persons, and reviewing conference decisions from time to time.
4. Tony Morrison (1990) 'The Emotional Effects of Child Protection Work on the Worker' *Practice* 4 (4).

Ed note: This article is the first of a two-part discussion looking at the role of care and protection coordinators in the family group conference process. Part two will be published in issue 12 of *Social Work Now*, due out in April next year, and will look at the creative processes of two care and protection case studies.

Assessing the sexually offending child

Jeannette Shennan discusses a brief assessment protocol for children and young people with sexually offensive behaviour

For many adult sexual offenders the pattern of sexually offensive behaviour has usually begun in adolescence or even in earlier childhood (Groth et al, 1982). Interventions with adult perpetrators of sexual offences are difficult and costly, as the behaviour is firmly established and accommodated in their lifestyle and thought patterns (Marshall et al, 1991). Interventions generally only begin after a lengthy custodial sentence has been applied, by which time many victims may have been assaulted.

Earlier intervention is not only likely to be more effective (Barbaree et al, 1993) but also reduces the number of potential victims. (The terms sexually offensive or sexualised behaviour are used to include behaviour exhibited by those too young to be offenders insofar as they are outside the justice system.)

Children and young people identified as perpetrators of sexual abuse need to be assessed specifically in relation to the sexual behaviour, in addition to whatever social work assessment is done in response to the original notification.

The following brief assessment process reflects the comprehensive assessment guidelines and protocols developed by Jonathon Ross (1988) and Michael O'Brien (unpublished) for adolescent sexual offenders in residential and community treatment programmes respectively, and by Toni Cavanagh Johnson (Johnson and Berry, 1989; Johnson and Gil, 1993) for younger children with problem sexual behaviour. It is designed to inform initial contact with young people over a wide range of ages and severity of

sexualised behaviour. It is not a full psychological assessment, as some aspects of functioning are not explored in-depth. Its focus is threefold.

1. To assess the immediate degree of risk to the victim. This may involve recommendations for placement or supervision.
2. To assess the risk of further sexually offensive behaviour, and the most appropriate mechanism(s) for stopping the behaviour or reducing the risk.
3. To attempt to identify any source for the behaviour that may require further action, for example, prior sexual victimisation or exposure to sexually explicit material.

The Manitoba Risk Assessment System (Sigurdson and Reid, 1996) is an assessment instrument for social work decision making in cases of child abuse and neglect. It was introduced and modified for New Zealand social work practice in the Children, Young Persons and Their Families Service (CYPFS) where it is known as the Risk Estimation System (RES) while the computer programme which records the assessments is known as CARES (Child Abuse Risk estimation System). CARES records data around three components of risk: vulnerability, likelihood of future harm and severity.

Is it sexually offensive behaviour?

When there is clear evidence or report of sexualised behaviour of an abusive nature, it is generally easy to decide at intake or allocation whether a notification requires the response of a sexual behaviour assessment. There are,

however, many cases when this decision is not straightforward, for example, if the behaviour occurs between peers or if it is in the context of close-sibling exploratory play, and there is no indication of coercion.

The guidelines offered by Toni Cavanagh Johnson (1996) for assessing the degree of concern to attach to such behaviours include a useful general principle. If the behaviour is within the range of acceptable or normal and age-appropriate behaviour between peers and there is no suggestion of coercion or non-consent, it need not be regarded as sinister, unless it persists after appropriate boundaries and discipline have been established by parents or by the school. However, it may not be possible to get an accurate picture at first contact. Discussing the appropriateness of a possible referral with the psychologist or other specialist is wise.

It is important not to confuse intent with abusiveness. For example, an intellectually slow young person may prefer the company of younger children and, in the context of that interaction, may participate in sexual exploration that would be unremarkable with a same-age consenting peer, but is abusive for the younger child, because of their reduced ability to withhold consent from the older person. In this case, there is no malevolent or abusive intent, but it is abusive behaviour that must be stopped, and should be assessed.

Preparation for assessment

As much detailed information as possible needs to be documented about the sexual behaviour prior to assessment – the assessment is not to gather such information. Obtain verification, corroboration and detail if the information available is hearsay, vague or non-specific, or from a dubious source. If the behaviour has occurred at school, for example, gain direct information from there. The purpose of the assessment is not to establish the truth or falsity of the allegations made, nor to establish guilt or innocence.

In addition to the young person, their current caregiver should also be seen. If they

have recently changed their living situation (for example, because of concern about the safety of a victim child) then it is helpful also to see their previous primary carer. This enables a credibility check of such matters as personal responsibility or other problem behaviour about which the young person may give falsely positive information. It may also provide important information about family attitudes to discipline, violence, women and sexual material.

The process

It is useful to think of the assessment process as a weighing in the balance, in which the assets or protective factors are weighed against the risk factors. The following areas need to be assessed.

Family relationships

Protective factors here are a supportive, emotionally functional family, good boundaries and appropriate parent-child and between-

sibling interactions. A good relationship with at least one parent is a major asset. A major risk factor is violence within the family, either between parents or parent to child, or serious, persistent sibling bullying.

Family culture

Protection is afforded where there is age-appropriate responsibility, monitoring and oversight of the young person's behaviour. This includes an unobstructive attitude to assessment and a willingness to be incorporated into therapeutic intervention. Risks include tolerance towards pornography and violence, exposure to age-inappropriate sexually explicit material and attitudes that denigrate women.

Social competence

The ability to make and sustain peer friendship is protective. This needs to be differentiated from social skills in general, as some young people can be socially competent with adults but isolated from their peers, and therefore at risk. Leadership style may also be relevant,

It is important not to confuse intent with abusiveness.

with leaders at less risk than followers. A history of aggressive behaviour either at home or at school is a risk.

Self-esteem

If a young person is able to describe any areas in which they have competence, this is a protective asset, unless it is solely related to physical dominance. Risk is greatest where children regard themselves as failures, or are regarded as failures by their parent(s). Evidence of parental emotional abuse is a significant risk.

Emotional expression

Ability to report feeling a range of both positive and negative emotions, and to describe situations where these occur and have been appropriately expressed, is an asset. Expectations should, of course, reflect the young person's developmental age. Young people who either report only anger or no emotional responses at all are at risk, as are those for whom expression of anger is violent.

Personal responsibility

Appropriate questions here relate to:

- Age-appropriate chores and self-care and the extent to which the young person undertakes these without reminders or direction. For example, ability to complete dishwashing duties and homework without parental control constitutes an asset.
- The young person's acceptance of their own (general, not specifically sexual) behaviour and their attitude to discipline. For example, if they get into trouble for fighting at school and blame it on being provoked by others, and view the punishment for this as unfair, this constitutes an element of risk.

Nature of sexualised behaviour

Assessment of this behaviour is limited by the quality of the information available prior to contact, as in only rare cases will young people volunteer significant further information about

their behaviour. Highly significant factors are:

- a history of sexualised behaviour, especially early onset
- evidence of planning or grooming
- targeting of young or otherwise vulnerable victims
- coercion or threat for compliance
- coercion or threat for secrecy
- violence
- compulsivity
- extent and severity, for example, penetration.

It is important to note that while the presence of any of the above increases risk, the absence of any does not constitute an asset, as it may only reflect limited information.

Attitude to sexualised behaviour

In younger children, acknowledgement of the behaviour may occur, especially if there is no history of

Young people who either report only anger or no emotional responses at all are at risk.

excessive physical punishment. More commonly, especially with older age groups, minimising or denial are more likely and constitute a risk. Confrontation and challenge are not helpful at this point as they may consolidate denial; acceptance of whatever explanation is offered, with a comment regarding the discrepancy between their and your information, is safe and allows for a more accessible confrontation during therapeutic intervention. An attempt to identify a source of the behaviour is appropriate, especially for pre-adolescents. Questions regarding prior sexual victimisation and exposure to sexually explicit material should be asked, although the probability of gaining disclosures of significance is low other than in the young or the significantly intellectually delayed.

Risk synthesis

The data assembled above can be grouped in clusters.

Vulnerability

In the context of sexualised behaviour or sexual offending, vulnerability represents the

susceptibility to or ease of continuing the behaviour. Components are:

- Access to potential victims. These reflect exposure within and outside the family.
- The young person's ability to manage their own behaviour. For young children, there is little expectation that they will manage their own behaviour without external control. For older adolescents, the extent to which they can manage their behaviour reflects their wish to do so and other factors such as substance abuse, developmental delay, or compulsivity.
- The presence of a caregiver who takes responsibility for appropriate management of the inappropriate behaviour.

Risk

Relevant factors include:

- Attributes of the current incident – age of the victim, degree of coercion, threat or violence; premeditation and planning; persistence or compulsivity; secrecy (see comments below regarding accuracy of information).
- The young person – their level of personal responsibility, tendency to aggressive or violent behaviour, ability to empathise, ability to express a range of emotions appropriately.
- Attitude to incident(s) – denial or minimising; anger or blame towards victim or others.
- Socialisation – the extent to which their peers, family or other community affects the young person's behaviour.
- The milieu – the family of origin and current caregiver(s), especially their attitudes to sexuality and the presence of violence; peer attitudes (especially for adolescents).

Severity

Data relating to severity is often limited by the information available prior to contact with the young person, in that only rarely will a young person disclose either the severity of the current incident or prior perpetration of

similar behaviour, unless the assessor indicates their knowledge of these. Factors affecting severity include:

- Current incident – the nature of the behaviour as described above.
- Trend – where there has been an identified prior history, any persistence of the behaviour constitutes a major risk. A common pattern is for occasional minor incidents during pre-adolescent years to escalate in frequency and severity in adolescence.

Summary of risk

It is helpful for recipients of the assessment to have a single descriptor level of risk such as low, moderate or high. This may be qualified by provisos such as improved supervision. It is a subjective view, which, while based on objectively verifiable data, depends on the assessor's knowledge, understanding, experience and clinical judgement. Because of this subjectivity, the data on which risk estimation is based needs to be presented in the assessment report.

In making recommendations for placement changes, the level of risk to potential or actual victims needs to be considered and weighed against the better prognosis for change afforded by a supportive family environment for the young person exhibiting the behaviour.

Recommendations for intervention are also affected by the availability of services. For low risk children or young people, individual input (with a psychologist, counsellor or therapist with specialist knowledge and expertise in the area of sexualised behaviour), to give education and information to the young person and their caregiver, may suffice.

A recommendation for either individual or age- and ability-appropriate group intervention is often the most appropriate option for more serious risk, and should be made even if no service is available: services are not provided until the need is shown.

Recommendations regarding supervision, non-exposure to sexually explicit material and increased peer socialisation should be made explicit. The need to address prior

victimisation should be noted, but attending to sexual offending or inappropriate behaviour should be addressed as a priority.

Implementation

Points to be noted in the use and limitations of this assessment format are:

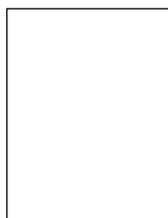
- The extent to which the initial data, and therefore the risk, is modified during the course of subsequent intervention, assessment and therapy.
- The importance of the family/placement context in estimating risk. This is of greatest significance to psychologists or other practitioners who may be asked to assess the young person.

Youth justice and community interventions

Wherever possible, youth justice procedures should be incorporated into the intervention. Generally this will occur after the initial assessment and prior to beginning an offender programme. There is a useful discussion of the importance of the youth justice family group conference as a mechanism to mandate treatment, and the compliance and outcome benefits that mandated treatment affords, in Lambie and McCarthy (1995).

In some areas, health services, child and family or mental health agencies offer therapeutic interventions for children with sexualised behaviour. Involvement with family or caregivers is an essential aspect of intervention with younger children, as age-appropriate external behaviour management and adherence to supervision or contact recommendations is part of the risk management.

Assessment is an ongoing process in any effective intervention with children or adolescents with sexually offensive behaviour. This brief assessment provides a starting point or direction pointer only; subsequent contact with the young person continues the assessment process with further disclosure, any formal psychometric evaluation and changes in placement, supervision and personal responsibility with the increasing age of the young person. ■



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References

- Barbaree H E, Marshall W L and Hudson S M (eds) (1993) *The juvenile sex offender* New York, Guilford Press.
- Groth A N, Longo R E and McFadin J B (1982) 'Undetected recidivism among rapists and child molesters', *Crime and Delinquency* 28 450-458.
- Johnson T C (1996) *Understanding children's sexual behaviours: What's natural and healthy?* Toni Cavanagh Johnson PhD, 1101 Fremont Ave Suite, 101 South Pasadena, California 91030 US.
- Johnson T C and Berry C (1989) 'Children who molest: A treatment programme', *Journal of Interpersonal Violence* 4 185-203.
- Johnson T C and Gil E (1993) *Sexualised children: Assessment and treatment of sexualised children and children who molest* Rockville, Launch.
- Marshall W L, Jones R, Ward T, Johnston P and Barbaree H E (1991) 'Treatment outcome with sex offenders', *Clinical Psychology Review* 11 465-485.
- Lambie I and McCarthy J (1995) 'The nature of adolescent sexual offending: Part three. Treating adolescent offenders and their families', *Social Work Review* June 18-25.
- O'Brien M (undated) *The PHASE manual: Assessment and treatment of adolescent sex offenders* PHASE, 1600 University West Suite 305 St. Paul MN 55104-3825 US.
- Ross J E (1988) *Risk assessment/interviewing protocol for adolescent sex offenders* Johnathon E Ross MA, PO Box 428, Mt Pleasant SC29465, US.
- Sigurdson E and Reid G (1996) *The Manitoba Risk Estimation System Reference Manual* (version 4.8). Sigurdson, Reid and Associates Ltd 72 Niagara St Winnipeg Manitoba R3N OT9 Canada.

A Pacific Islands perspective

Tuakeu Pilato, Tagaloa Su'a and Yvonne Crichton-Hill challenge the legacies of colonialism and their impact on practice and Pacific Islands families

Good child protection practice must be culturally responsive. It requires acknowledgement of cultural relevance, family involvement, and a collaborative approach and community partnership. The life experiences, beliefs, values and attitudes of practitioners influence their practice, and a colonial mindset inhibits acknowledgement of the value and significance of cultural relevance when working with Pacific Islands families.

Case studies and anecdotal accounts of case management approaches to working with Pacific Islands families highlight areas of concern. These include the clouding of issues, inappropriate use of power and control, non-compliance with cultural advice and protocols, alienation of children and young persons from their family and disenfranchisement of families. Conversely, there is evidence of good and effective case management practices which have not only achieved desirable outcomes, but have left the family socially, emotionally and culturally strengthened.

This article provides some social and historical background to help practitioners avoid a colonial mindset and bring an awareness of the importance of cultural factors to ensure the delivery of effective outcomes.

Introduction

The term Pacific Islands is commonly accepted as including all islands in the Pacific Ocean collectively referred to as Melanesia, Micronesia, and Polynesia. Debate continues over what term to apply to people of the Pacific, but the indigenous people of the Pacific know who they are – the people of each

particular Pacific Island nation. The potential for confusion arises when attempts are made to classify them under one all encompassing name. Difficulties lie with each nation's determination to preserve their specific identity, and the huge cultural diversities.

In this article, Pacific Island nations will refer to the people of six Pacific Island nations of Polynesia – Samoa, Cook Islands, Tonga, Niue, Fiji and Tokelau. While there are many more islands in Polynesia, Pacific peoples in New Zealand predominantly come from these six nations.

Pacific Island nations' people, as with other ethnic immigrants, are faced with many challenges in establishing a new home and future in a foreign country. It takes courage, tenacity and commitment to a dream or vision to take up roots and replant in foreign soil.

Pacific Islands people settled in New Zealand full of enthusiasm and ambition, mindful of the sacrifices made. Possessing a desire to quickly establish a place of belonging, and carrying a strong sense of hope for acceptance within their new community, they set about tirelessly working toward achieving their goals. In spite of many challenges and setbacks, they continue in their belief of achieving a brighter and better future for themselves in New Zealand and for acknowledgement and recognition for present and future generations.

Brief history

Since the 16th century, Western explorers, scientists, poets, artists, missionaries and commercial entrepreneurs have been interested in the Pacific Islands. In the 20th

century this international interest has continued: their strategic positioning and the increasing demand for land and resources has drawn the attention of “colonial” nations on the Pacific rim.

Spanish explorers searching for riches and eager to promote Christianity were the first Europeans to explore Polynesia, followed by Dutch, British and French explorers. European missionaries and trading companies were established on many of the Islands in the 18th and 19th centuries. By the late 19th century the major European powers had established colonial powers of influence and trade throughout the Pacific.

While there was strong resistance to European intervention and influence in almost all Polynesian Islands, such movements were brief. Hence, European intervention strongly and progressively influenced the social and political structure of the Pacific Island nations.

The colonial powers governed with authority modified to a degree by local circumstances. Thus Britain reproduced in the Islands the pattern of crown colony government which originated from its own political development, that is, a governor who represented the king or queen and a council of senior officials or administrators. The administration was adapted to include the appointment of chiefs or persons of high status or influence as senior officials or administrators, which assisted in the implementation of a smooth and effective administration.

Following the two world wars, the colonial powers accepted that independence or self-government was the aim of their rule. Governments were reorganised to give indigenous people a part, and many Pacific Island nations achieved independence or a degree of self-government. The movement toward a limited degree of internal autonomy and increased political participation by indigenous people continued into the 1960s and 70s. By 1980 the Pacific Islands had

achieved independence, with most remaining within the British Commonwealth.

Cultural diversity

While similar structures may exist between one Islands group and another, each Pacific Islands group is a nation in its own right, with its own unique culture, customs, languages, beliefs and traditions.

The popular image of Pacific Islands culture is of a blissfully simple and easy way of life without extremes lived on islands of great beauty and natural abundance – in effect, the opposite of western culture. In reality this image is wide of the mark. Pacific Islands culture is both complex and highly specialised,

and contains extremes of all types.

Pacific Islands cultures tend to be best represented and preserved on Islands that retain a majority indigenous population. In most

European intervention strongly and progressively influenced the social and political structure of the Pacific Island nations.

instances, indigenous cultures have blended with European and American cultures or those of the nations of which they are provinces and integrated societies have evolved.

In most Pacific Island nations, missionary activity during the 19th century resulted in the destruction of statues, carvings, rituals, handicrafts, religious sites and the abandonment of dances, songs and ceremonies that existed in pre-European times. People identified with and readily adopted Christian teachings, which paralleled some of their own spiritual beliefs. This meant relinquishing past activities such as inter-tribal wars and traditional beliefs, and changed personal behaviours. Christian religions continue to play a significant role in the lives of Pacific Islands families.

Independence and tourism have led to the re-emergence of indigenous costumes, dances, rituals and handicrafts, all of which are attractions to visitors, though in many places their original religious meanings have been lost. Despite the cultural resurgence, accessibility to the Islands and the

technologically advanced Western culture continue to increasingly impact on traditional Islands lifestyles. In addition, as traditionally mobile people, Pacific Islanders have increased their movement in and out of their homelands as economic opportunities arise.

Family and kinship

A Pacific Islands family is an extended family consisting of more than just parents and their children, living close to the senior male's family and tracing descent through the male line. It consists of a senior male and perhaps two or three generations of his male descendants and their children.

The preservation of family unity, integrity and credibility is of paramount importance to Pacific Islands people. Family members are viewed in the context of family, not in isolation from it.

The prevailing belief of Pacific Islands people is that individual achievements are directly related to the nurturing and support of the family.

Adoption, a common custom among Pacific Islands people, introduced additional children into the extended family, and these children behaved towards their adopted parents and siblings as they would toward their own. Such arrangements were an accepted part of custom and did not necessitate legal or official endorsement and approval.

Social hierarchy

There are two main types of descent groups in Pacific Islands society. The most common is represented in the form of a multi-branched tree. There is a senior line of descent in which descent passes from first-born son to first-born son and is traceable back to a mythological ancestor. Junior sons produce further branches off this main line and these branches in turn produce further branches. The main line has a direct path to the gods and therefore carries maximum traditional prestige. It follows that each branch is ranked according to its proximity to the main line.

The other major form of kinship-based descent group is the descent line. Passed down through the descent lines are titles each of which has rank and prestige attached to it. Conferment of titles is not confined to the eldest born son, but can be given to both male and female in the descent line. Each descent line holds a number of titles which enables it to participate in certain ways within society.

A characteristic of the descent-line system is its flexibility. Depending heavily on myth and tradition for validation of status and title, it is natural that ambitious title-holders advance the prestige of their titles through wealth, power or display of consistent, unconditional service to the community. Differences in status and development of social classes became more clearly defined over time in terms of rights, duties, behaviour and general lifestyle.

Pacific Islands cultures tend to be best represented and preserved on Islands that retain a majority indigenous population.

The chief, in ancient times, was the person of highest status. He could not appropriate the land of his people or followers, nor be

too interested in increasing his own group's holdings at the expense of the neighbouring groups. He was the keeper of sacred power for the group, a symbol of its tie with the past, and the means by which this tie could be preserved for coming generations. However, it was still possible for other men to rise in prestige by giving gifts, holding feasts or displaying military prowess.

Migration

From post-World War II until the mid-1970s, Pacific Islands people began migrating to New Zealand. A boost in the world economy, and New Zealand's policies for developing industrialisation and full employment led to a shortage of unskilled labour, which caused employers to look outside New Zealand to meet their labour needs.

With exposure to Western cultures, the perceived need for better educational and occupational opportunities, and the vision of a

better future for their family and future generations, Pacific Islands people saw New Zealand as the land of opportunity. They migrated to New Zealand, choosing to settle in the main cities. Cities provided greater opportunities for employment, enabled them to be close to other members of their nation and was where churches were located.

Adaptation

Successful integration into New Zealand society demanded that Pacific Islands families and individuals adapt to new social and political standards, learn a new language and conform to a different lifestyle while remaining committed to preserving their own culture, customs, language, beliefs and traditions. The effort required to maintain this balance demonstrated their resilient and persistent nature and capacity for commitment to the achievement of goals.

Pacific Islands people maintained an attitude of openness to learning and understanding the idiosyncrasies of European culture. They learnt to identify and access resources, established support networks and developed confidence and skills to advocate for their rights.

Although some individuals and families have integrated the European values, most maintain close links with the Islands from which they or their forebears came. A high level of commitment remains to keeping their language, values and beliefs alive and practising the culture of their homeland.

Some Pacific Islands families have not successfully adapted to their new cultural environment. This is due to difficulties in attaining social acceptance, difficulty in language fluency, changing social and economic trends, diminishing demand for unskilled labour (hence rising unemployment), low-rental accommodation shortages (contributing to multiple families living in cramped conditions), rising costs of living and competition for diminishing resources.

Second and third generation Pacific Islands people face a major dilemma in performing their dual role. This role requires particularly young, New Zealand-born Pacific Islanders and those with one parent not of

Pacific Islands descent to understand the values of Pacific Islands and European cultures and to appropriately demonstrate certain behaviour and conduct in both.

These challenges leave families vulnerable to potentially compounding social and economic difficulties. While they endeavour to advance the interests and welfare of their children, diminishing resources tend to hinder and, at times, discourage their efforts. Parents can therefore carry an increasing burden of guilt. Pacific Islands families and their cultural communities collectively strive to advocate and provide for the needs and welfare of their children and young people, as they normally would traditionally. Faced with declining resources, Pacific Islands families and communities reluctantly seek assistance from outside their own networks.

There is growing awareness of the uniqueness of Pacific Island nations' cultures and people. The commitment of Pacific Islands people to self-determination is becoming increasingly evident in their advocacy for a place of significance in the multicultural society of New Zealand. While the Government is now recognising the need to value cultural diversity, progressing this initiative requires patience and perseverance.

Conclusion

The Children, Young Persons, and Their Families Act 1989 has objects and principles concerned with advancing the well-being of children, young people and their families while having regard to the needs, values, and beliefs of particular cultural and ethnic groups. While legislative requirements and practice guidelines are clear in their determination of the paramountcy of the child, children's safety needs must be viewed in the context of their wider family and cultural identity, not in isolation from them. Consideration must be given to engaging and empowering Pacific Islands families to fully meet their care and protection responsibilities. To achieve this, there needs to be a commitment from all those involved in child protection work to recognise the importance of culture in the delivery of safe, culturally responsive practice. ■



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Breaking down the barriers

Juliet Speers discusses the collaborative work of community liaison social workers in mobilising communities to protect children

Community liaison social workers were first appointed in 1995 following an amendment to the Children, Young Persons, and Their Families Act 1989. One of the more contentious issues debated prior to the Amendment Act centred on whether or not there should be mandatory reporting of child abuse. The eventual outcome moved away from mandatory reporting in favour of the introduction of an intensive programme of public education on child abuse, supported by the development of interagency protocols for reporting child abuse cases. It was thought this approach would be more effective in improving the quality of reporting as well as building greater co-operation between agencies (such as social welfare, health and education) and community groups. The result would be a more effective child protection system.

The new direction was framed by the legislative changes of the 1995 Amendment Act, in particular section 7(2) which required the Director-General of Social Welfare to:

- Promote, by education and publicity, among members of the public (including children and young persons) and members of professional and occupational groups, awareness of child abuse, the unacceptability of child abuse, the ways in which child abuse may be prevented, the need to report cases of child abuse, and the ways in which child abuse may be reported.
- Develop and implement protocols for agencies (both governmental and non-governmental) and professional and occupational groups in relation to the reporting of child abuse, and monitor the effectiveness of such protocols.

This promotion and awareness work is carried out by the Children, Young Persons and Their Families Service (CYPFS) which, at a national level, has achieved extensive public awareness of child abuse through its Breaking the Cycle of Child Abuse multimedia campaigns, the development of *An Interagency Guide to Child Abuse*, *Interagency Protocols for Child Abuse Management* and other resources such as parenting booklets, pamphlets, posters and videos in several languages. Work also continues on the development of protocols with other national agencies and groups.

At a grassroots level, much of the community public education and awareness work on how to recognise and respond to abuse is carried out by CYPFS community liaison social workers (CLSWs). CLSWs also help to implement established child abuse protocols as well as working with other local community service providers to develop new protocols where needed. They have a key liaison role between CYPFS and the community and are influential in breaking down the barriers between the Service – as a statutory agency – and schools, preschools, other agencies, iwi and community groups.

While the CYP&F Act allows for many community services, iwi social services, cultural social services and child and family support services to undertake preventative and early intervention social work there has been, over recent years, a tendency for CYPFS to be more removed from this area because of its focus on seriously at-risk children. This focus, along with other factors such as frustration with the Service, fears that reporting might make things worse and a belief that staff are “too busy” have created barriers between the

Service and some community groups and agencies. However, if child abuse is to be reduced in New Zealand, a collaborative interagency approach is essential. This article describes the CLSW work that has been carried out in a large rural area of the South Island.

Building a collaborative approach

The CYPFS Upper South Area includes the West Coast, Nelson and Marlborough and stretches 609 kilometres from Nelson to its most southern settlement and 245 kilometres from Nelson across to Kaikoura on the East Coast.

While the creation of the CLSW positions occurred shortly after the passing of the Amendment Act, their role was further boosted in May 1995 with the national launch of CYPFS' Breaking the Cycle of Child Abuse campaign.

In the Upper South Area, a series of eight promotional launches were held in the main centres using panels of speakers from local community groups discussing their roles in the prevention of child abuse, a specially written play, health sector role players and street theatre. The local CLSW and area manager also reinforced the need for communities to work together to prevent child abuse. The launches attracted extensive media coverage and community interest with one small town with a population of 7,000 attracting 130 people to an evening meeting.

Much of the CLSW's time is spent visiting schools, preschools, community groups, iwi groups and other agencies with frequent follow-up meetings or training sessions with more staff. The main topics are usually the definition of abuse (including neglect), signs of and reporting abuse, how CYPFS works and the importance of the interagency protocols. The aim is to have sound and informed reporting based on a good understanding of child abuse and a knowledge of how to get appropriate help. The sessions provide an opportunity to answer questions on confidentiality and anonymous calls, to talk about keeping contact if there is further information to report, and how cases can be

re-opened with new information. It's also a chance to explain who CYPFS consults with and how the Privacy Act works. People learn that they should hear back at the end of a CYPFS investigation and they are told what to do if there are complaints. These information sessions demystify the Service and make people more willing to work with our staff. They also help clarify which are the appropriate agencies to get help from and which statutory agencies investigate child abuse.

Other promotional work to raise awareness includes displays, positive parenting videos shown in banks and the post office, stories in the local media, linking to national campaigns through local input and regional television interviews.

The CLSW may also attend some meetings where the Service needs to be represented to facilitate any joint efforts being undertaken with children, young people and families. This networking also provides opportunities to correct misinformation as well as enabling other agencies and groups to gain information from the Service.

In the Upper South, the average number of visits, meetings and presentations undertaken by the CLSW over a year totals 231.

Development of protocols

The other key CLSW role is the development of the interagency protocols for child abuse management. This work is time-consuming and involves thorough consultation with the community group or agency concerned. A preliminary meeting with staff or group members usually discusses signs of abuse, how CYPFS works and the need to report abuse, which is then followed by advice on the content of the protocol. A draft is then developed and circulated around CYPFS social work teams for feedback which also helps to raise awareness within the Service about the work of that particular group. Finally, the agreed document is signed off by the CYPFS area manager and the coordinator or manager of the community group.

Once established, the protocols need to be maintained and recently a new system for

monitoring their use has been developed. There are now 24 national protocols and six local ones in our Area, with others still in development. Training around the new role of the child safety advocate has also been useful in the follow-up work with schools.

The CLSW role makes links and is available to support the community with training and education on child abuse. The opportunities are endless and sometimes surprisingly advantageous. For example, a meeting with school dental therapists revealed that several of them had had disclosures from children. After meeting with the CLSW they went off to find out more about their schools' protocols.

The work of CLSWs is effective and appreciated by the community. After a recent series of meetings, one principal shifted from a position of believing that CYPFS couldn't do anything, to seeking to involve the Service in abuse management at his school. Frequently, after visiting a school or a community group, the CLSW will hear that notifications have subsequently been made to CYPFS about serious situations that people have been "sitting on".

Two-way process

Liaison is a two-way process. The meetings and personal contact with the community also offer a channel for information about the Service to be relayed back to local management. At times, these may be specific complaints or situations that CYPFS management needs to deal with. Other times it may be about more general dissatisfaction, with typical complaints being about not hearing back when phone messages are left, after an investigation has been completed, when a school has made a report for a family group conference or when a caregiver has changed. CYPFS staff responses improve when they are made aware of the impact of these issues. And, of course, the liaison role is also a chance to pass on positive feedback to our staff.

Part of my role has been to help social workers know the community. Community profiles have been built up which have been

particularly useful for new staff. In Nelson, where I am based, I organise regular monthly meetings where community groups and agencies come to talk about their work and meet the staff. I also meet with social work teams, management and the six multidisciplinary care and protection resource panels in the Area to report on what I have been doing and get ideas for future work. Every month I visit the West Coast and Marlborough for three days and I keep an open timetable to ensure flexibility to respond to local needs.

Having a designated social worker for community liaison work allows effective ongoing work and consistency. The role helps to make CYPFS more accessible and personalised and it enhances the collaborative process. Evaluation sheets are used after every presentation and almost all reflect the high value placed on this work. This proactive work helps the Service achieve a meaningful partnership with community in taking action against child abuse. "No one agency is responsible for all child protection work. The best service we give to our children, young people and their families and whanau is a service based on interagency co-operation and trust."¹ ■



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Note

1. CYPFS (1997) 'Child Abuse Reporting: A planned approach', National Office, Wellington, New Zealand.

Beyond the tip of the iceberg

Craig Smith looks at how the social and cultural ethos of the 80s has shaped child protection practice today

The 1980s heralded a period of sweeping political, economic and social change in New Zealand and ended an era of centre-right, welfare-oriented interventionism. It was a time characterised by minimal constraints on government budgets and when social workers were involved in a broad range of community programmes and interventions. There were 10,000 children in care or under the supervision of the Department of Social Welfare, and social workers brokered arrangements with parents to provide respite from their children and with children to provide respite from their parents.

There was also a growth in the Department's responsiveness to community initiatives during the mid-1980s and an increasing trend to decentralise responsibility for funding these services to the local level. However, the broad based, reasonably well funded social services supported by, and reflective of, an interventionist government existed within a rapidly changing context of increasing inflation, increasing unemployment and an increasingly failing economy.

This was also a period characterised by a rapidly increasing awareness of child abuse and neglect. In 1988, the first major child death review in this country (*Dangerous Situations: Independent Inquiry on the Death of a Child*) appeared. This focused public and professional attention on child abuse in a way not previously experienced. Reactions included disbelief, horror, blame and accountability, and led to an intense questioning of child protection practice. It was a period of rapid growth and change in the child protection literature, with the strong emergence of material on sexual and emotional abuse. It was a time of ongoing debate about right practice,

good practice and new issues in practice – professionalism versus family empowerment, medical models versus ecological models, mātua whāngai¹ versus state care – as well as debate about satanic cults, anatomically correct dolls and recovered memories.

1988 saw the publication of *Pūao-te-Ata-tū* (*Daybreak*), a report initiated by Māori, commissioned by Social Welfare Minister Anne Hercus and led by Te Rangi-Aniwanui Rangihau, an eminent and respected Māori leader. This document was the voice of Māoridom, “a litany of sound” challenging institutional racism and strongly signalling the direction for change. It called for a bicultural approach to welfare, with full Māori participation in decision-making processes affecting Māori children and youth. The early impact of *Pūao-te-Ata-tū* was the dramatic downsizing of Social Welfare residential services and the establishment of the District and Residential Executive Committees (DECS and RECS). The role of these committees was to:

- assess and set family and community priorities for funding welfare projects and initiatives in consultation with Māori tribal authorities
- prepare draft budgets for projects and initiatives
- monitor and review effectiveness; in the main to evaluate the appropriateness and quality of the Department's range of services to each District.

The Public Finance Act 1989 placed increased attention on the financial performance and accountability of government departments, and introduced the new language and paradigm of outcomes, outputs and key performance indicators. The intention was to

address problems of inefficient business and “provider capture” in service provision (Scott, 1996) by creating an environment for contestability, transparency and accountability.

Public sector reforms established new institutional arrangements to set objectives, strengthen managers’ incentives to achieve those objectives and use resources efficiently, and to give managers the freedom to manage. These arrangements were accompanied by tight accountability and reporting requirements for performance. (Scott, 1996)

To meet the new requirements for public sector accountability, provide reasonable results and respond to issues of poorly defined accountability,

fragmented information systems, poor workload forecasting, budgeting and reporting, the Department underwent an organisational review. As a result, the organisation was restructured in 1992 and three core business units established: Income

Support, responsible for income maintenance; the Community Funding Agency, responsible for funding services provided by the voluntary sector; and the Children and Young Persons Service, responsible for care, protection and youth justice services, and adoptions. These changes resulted in:

- a separation between policy and operational responsibilities
- a separation between purchasing and provisioning responsibilities
- introduction of contestability between service providers
- increased decentralisation of decision making.

While this restructuring increased the specialist focus on child protection, it signalled a move away from a broadly based social work approach to child welfare that included the child and family’s total situation or context and elements of community development.

Organisationally, it was a period dominated by a new managerialism, a rational approach to

organisational theory characterised by individual performance contracts, pay for performance, flattened structures and the emergence of “new” professions – accountancy, human resources, information technology and communications specialists. It was a period of regulated organisational restructuring.

The highly devolved and participatory process of the Social Welfare Commission was in contrast to the accountability requirements of the Public Finance Act, and the DECS and RECS did not survive this enactment.

However, the principles and recommendations of *Pūao-te-Ata-tū* had a dramatic impact on the drafting of new children and families legislation.

In 1989 the Children, Young Persons, and Their Families Act (CYP&F Act) was enacted. It separated youth justice provisions into an approach described as a

For every child abuse tragedy that has shocked and horrified us, there have been thousands of children protected by dedicated and competent professionals.

responsibility model, while child protection provisions were purported to be welfare based, albeit considerably restrained compared to the welfare interventionism of the recent past. The most revolutionary aspect of the CYP&F Act was its reflection of Māori and Pacific Islands’ values and processes in its principles, objectives and provisions; a direct outcome of *Pūao-te-Ata-tū*.

The family group conference (FGC) was introduced to promote family decision making, responsibility and empowerment, silencing for the time being at least the advocates of professional decision making through formal child protection teams. However, the legislation reflects a tension between the cultural imperatives of the FGC and the requirements of the law relating to the paramountcy of the child. This apparent dichotomy of upholding both paramountcy and family decision making requires sensitivity, skill and clarity of role and purpose to avoid the adoption of the polar

positions of child or family. There was a strange synchronicity between the minimum intervention philosophies of the FGC proponents and the rhetoric of the new right adherents promoting decreased dependency on the state.

While *Pūao-te-Ata-tū* had a profound influence, there was a parallel shift to organisational rationality and accountability and it was these imperatives that became ascendant in the early 1990s, with an apparent weakening of commitment to partnership principles. These new initiatives were often driven by ascendant professions such as finance, information technology and human resources which, unlike social work, had not been exposed to a process of Treaty awareness, nor had they been involved in the early exposure to *Pūao-te-Ata-tū*.

By the mid-1990s, however, partnership principles were again to the fore, reflecting strong Treaty advocacy and sophisticated negotiation by Māori supported by a commitment from the Crown to settle Treaty claims. In 1994 the Department published *Te Punga*, a document specifying its managerial commitment to Māori. This led to similar commitments to Pacific peoples and new immigrant communities. The politics of Mixed Member Proportional representation and the associated increase in Māori representation put Māori issues firmly on the agenda of chief executives.

We are a post-colonial society struggling to reconcile the injustices of the past. This is one of our greatest challenges and is not distinct from child protection. The Treaty of Waitangi and the principles of *kāwanatanga*, *rangatiratanga* and equality based on its three articles guide the relationship between Māori and the Crown. Two additional principles guide action in relation to the Treaty: reasonable co-operation between Treaty partners and redress. These principles provide a template for child protection practice and a basis for discussion as to which articles of the Treaty provide the mandate for protection: *kāwanatanga* or governance, *tino rangatiratanga* or self governance, or article three which relates to rights of citizenship, or an interactive

combination of the three articles.

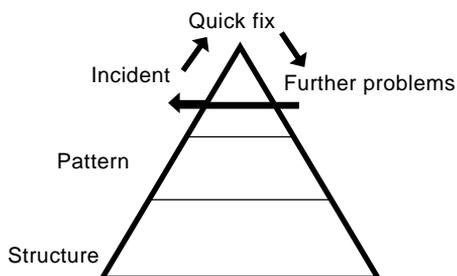
Impact

The inadvertent alignment of so many change elements had a profound impact on statutory child protection. For example:

- output classes fragmented previously continuous protective processes
- public awareness increased demand for services, resulting in increased waiting lists
- staff turnover increased as the work focused more intensely on the “hard” end of protection
- the focus on performance and financial accountability decreased the time supervisors had for clinical supervision
- increased uncertainty as to what constituted good practice due in part to a sometimes contradictory and dynamic literature
- a greater number of inexperienced social work graduates with minimal child protection or family violence components to their degrees and less controlled exposure to statutory social work due to the closure of student units.

An unintended consequence of this decade of change was a child protection service that became increasingly incident focused. A notification of abuse was frequently received and treated as a discrete incident, with the response and interventions designed to address that incident alone. While such an approach may be effective in early intervention, for more established abuse patterns this often results in a trend of increasing severity (see figure one).

Figure one (Senge, 1990)



Incident-related interventions can relieve the immediate severity of a situation by diminishing symptoms or providing short-term resources. Over time, however, such interventions are less able to ameliorate the impact of abuse and may contribute to the intransigence of the pattern. Until we can recognise the underlying pattern of abuse and deliver interventions that address the beliefs, attitudes and behaviours of adults towards children, we will be confined to the crisis intervention of an emergency service.

This kind of battlefield triage, where cases only receive attention when they get severe enough, does not respect the rights of children and does not provide adequate child protection. Each time a child is re-notified there is a real danger that the abuse will be more severe, the problem more entrenched and the long-term damage to the child more profound.

Paradoxically, at the same time as social workers struggled with the decade of change, the profession

demonstrated time and again the potential for quality child protection. The CYP&F Act is an innovative piece of legislation with principles and processes that set the scene for creative and enduring solutions to child abuse and neglect. For every child abuse tragedy that has shocked and horrified us, there have been thousands of children protected by dedicated and competent professionals working in stressful and sometimes threatening situations. Child protection conferences nationally and internationally have seen CYPFS social workers centre stage presenting new effective approaches to our work and catching the attention of the child protection world.

The journey

In 1994 a group of social workers, supported by CYPFS management, embarked on a process of professional practice and organisational policy development, the Child Protection Risk Management Project, a professional response to

the emerging crisis in child protection. The goal of the project was for CYPFS to have a consistent and effective approach to risk assessment and management.

An analysis of child death reviews had painted a stark picture. Similar patterns of practice and organisational failure emerged across reviews. These included lack of clarity about statutory role, poor or absent supervision, breakdowns in communications between workers, sites and interagency, inadequate recording, an incident focus with failure to recognise abusive patterns, an inadequate knowledge base, an unstable organisational context, information gathering with little analysis or assessment and failure

to protect.

Examination of practice in CYPFS identified a wide diversity of models and approaches to risk assessment and management, with 30 approaches or models cited. While this did not necessarily suggest poor practice, it confirmed the

hypothesis that approaches were inconsistent. This raised issues of equity of access to protective services, the difficulty of evaluating the accuracy of assessments and an inability to measure client outcomes post-intervention.

The project team discovered that while there was often an overwhelming amount of information, it was difficult to organise, make sense of and respond to. Anyone who has read a child welfare case file can attest to this. What was often lacking was analysis.

We were a group of practitioners inspired by a dream and a vision of safe practice and protected children. We believed that a careful and rational approach to the problems and issues identified in our discovery phase would revolutionise child protection practice in New Zealand.

The Manitoba Risk Estimation System (MRES) was introduced in September 1996 as the approach to child protection risk

The project team discovered that while there was often an overwhelming amount of information, it was difficult to organise, make sense of and respond to. Anyone who has read a child welfare case file can attest to this.

assessment in CYPFS. MRES was chosen because:

- It treats risk as a compound concept of the vulnerability of the child, likelihood of re-occurrence of abuse or neglect, and the probable severity of future harm.
- It is a responsibility model which focuses on adult cognition, beliefs and behaviour, and adult responsibility.

Within CYPFS, the risk estimation system is now commonly known as RES (Risk Estimation System) while the computer programme which records the assessments is known as CARES (Child Abuse Risk Estimation System).

Senge's pyramid (see figure two) provided an organising framework of considerable influence and helped to identify five key questions.

These questions are asked not just once, but are revisited throughout the life of the case as new information is presented, where decisions are required or changes are considered. Risk assessment is a process, not an event. Approaches to these questions and to issues emerging from the research were targeted through project deliverables aimed at improving practice and the safety culture of the organisation. There were:

Organisational

- supervisory policy
- health and safety protocols (staff safety)
- recording guidelines for child protection

- outcome measures for risk reduction (in association with an outcomes project)
- standards for culturally competent service delivery.

Practice

- intake priority by urgency of response
- recognition of abuse and neglect book, *Tirohanga Tūkinō Tamariki*
- child protection risk assessment instrument (CARES)
- supervisory guidelines
- guidelines for risk assessment with Māori and Pacific Islands families.

Research

- research database for risk assessment and management
- first research report.

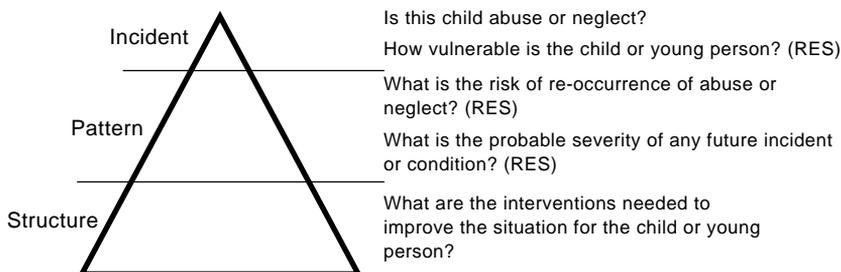
Three external advisory groups guided the planning and development of all project work. Te Komiti Arai Take Manaaki, a Māori advisory group representing different tribal areas, a Pacific Islands advisory group with representatives of different Pacific nations and a multi-disciplinary advisory group involving law, paediatrics, child advocacy and community perspectives.

While both organisational and practice development have made considerable progress, the process of implementation and change management has been daunting. We frequently hear, "It is a great approach but..." The barriers to effective change are significant and real: high volumes of critical work, staff

turnover, gaps in practice knowledge and experience, inadequate resources and, at times, a resistance to transparent accountability.

While we believed a careful and rational approach would revolutionise practice, we seriously

Figure two: *Senge's pyramid*



underestimated the non-rationality of abusive systems and practices. Engagement needed to be with the hearts and souls of our practitioners as well as their minds. Our approach has been for a staged implementation from awareness raising and education through to the application of compliance standards and increased accountability of both management and practitioners. Progress is at times painfully slow, frustrating and challenging. We are exhilarated when a social worker or a team grapple with the changes, make a commitment to changed practice and a child is made safe or a family finds a way to act protectively.

For every success we experience, new challenges emerge. Our current catch phrase is, "Risk assessment: what next?" How can we improve services to children and families?

How can we improve the cultural appropriateness and responsiveness of our service? How can we move from child protection to child well-being? How can we create a safety culture for our staff?

Knowledge gained

While implementation was impeded by contextual factors, there has been widespread acceptance of the risk estimation tool from social work practitioners. Evaluation has shown it has the ability to enhance social work practice and decision making. Criticism identified a preoccupation with risk and risk reduction to the detriment of a more holistic approach directed toward the achievement of well-being.

This analysis is congruent with international experience. Statutory organisations in the United States, Canada and Australia involved in child protection reform are contextualising risk by developing complementary practice methods which examine the child and family's total situation. This is borne out by the Dartington Research, which found that "the preoccupation of risk meant there was simply too little time to consider the needs of the family or what

should be done" (Farmer and Owen, 1995). There was a necessary focus on risk and risk reduction initially, but this is limited as a predominant focus for a child protection service. Addressing the limitations of a risk focus requires a strategy that enables a practice continuum of recognition, safety assessment, risk estimation, needs assessment, service development and outcomes measurement.

New directions

The feedback, research and changing emphasis in international practice in child protection suggests that a new direction is required. Such a direction needs to incorporate achievements to date and expand the focus to include the following practice tools:

- safety assessment
- needs and strengths assessment – child and family
- suicide/self harm, developmental, behavioural and drug/alcohol assessments
- case planning
- decision analysis
- outcome measures
- genogram/ecomap.

The development and implementation of these tools will inform case planning and design and delivery of services. This approach is complementary to the needs of youth justice and residential social work.

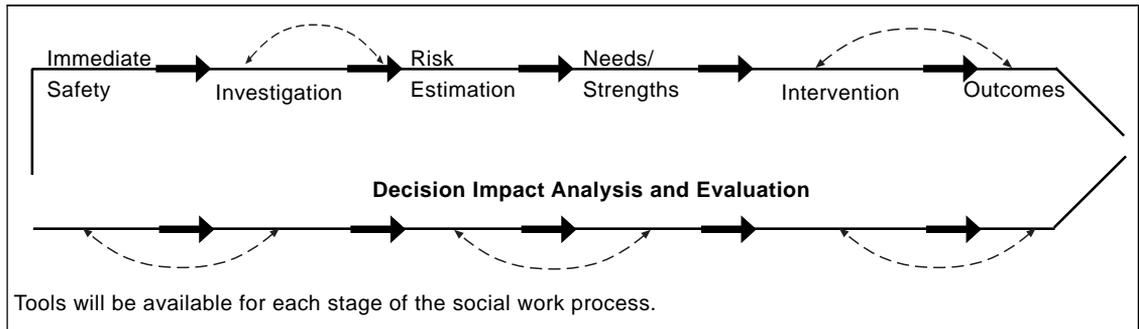
The approach to child protection

The proposed approach is premised on a continuum of response that ensures the assessment is appropriate to the needs of the situation and that each stage of the process provides feedback to previous stages (see figure three). This ensures that the initial assessment and subsequent decisions are still valid.

The intent is to strengthen the professional role of the social worker by providing a framework for structured assessment and decision making. At each stage of the social work process a set of tools will be available to the practitioner. These tools are activated by key questions and information in the narrative

For every success we experience,
new challenges emerge.

Figure three: *Continuum of assessment and response*



record of each stage of the process. For example, Is the child being abused or neglected? If the answer is yes, a risk estimation is completed. Or, Does the child or young person exhibit signs of depression? If yes, a suicide risk estimation is completed.

This approach to child protection practice does not alter the commitment to family decision making enacted in the CYP&F Act 1989. It encourages social workers and families to manage the tension between the paramountcy of the child and the interests of the family by ensuring that family decisions and social worker expectations are based on a full and accurate assessment of the total situation. It in no way lessens the Service's commitment to child protection when families are unable to meet their responsibilities.

Building on current practice

The new approach does not fundamentally alter the current process that guides child protection practice. Rather it systematises "best practice" tools to enhance our understanding of the child and family situation. The advantage is that the process is congruent with social work education and organisational outputs, while allowing for the regular updating of tools in keeping with findings from research.

Rather than create a separate cultural assessment with its inherent risk of marginalisation, it is intended that cultural assessment be included as an integral

component throughout all processes. However, this practice model promotes the utilisation and ongoing development of diverse practice models that contribute to the realisation of the legislation and the safety and well-being of children and their families.

Conclusion

It is not enough to assess familial or social risk factors. We must also look to ourselves and the risks we bring to the assessment.

Sadly, as a result of increasing workloads and diminishing resources, child protection services have undergone a pervasive shift towards a crisis response to acute incidents. Indeed, the interest in risk

assessment instruments has often been from administrations keen to use risk assessment as a method of triage to allocate scarce resources (Wald and Woolverton, 1990).

Prioritisation of resources is not in itself an anathema. But, inevitably, this triage focuses us away from predictions based on patterns of behaviour towards pseudo-prediction based on single incidents and inadequate data. The outcome can often reflect practitioner anxiety or helplessness, leading to dangerous and defensive practices where the (usually) unconscious goal may be to avoid liability for practice failure. Such practice is illustrated by strict adherence to agency policy, procedures and guidelines. We know from experience, however, that these will not necessarily keep children safe unless within these processes we have high quality professional judgement in an organisational safety culture (Pidgeon, 1991).

It is essential that child protective services place single events in wider contexts by looking at patterns and trends and assessing long-term implications. Assessment must be more than a tool or instrument. It is not enough to assess familial or social risk factors. We must also look to ourselves and the risks we bring to the assessment; our ideologies, systems, knowledge base, and professional or organisational dangerousness.

To meet our goal of continually improving our service, we are making a commitment to the ongoing development of social work practice. We intend to support our social workers by ensuring they have access to the best available knowledge or research to inform their practice and the best available tools to assist their practice. This approach recognises the need to take an holistic approach to practice by focusing on the child or young person and their family within the context of their wider situation. It places risk assessment within the continuum of assessment and response, and promotes the professionalism of the social worker by providing the necessary tools. It creates a framework to structure professional decision-making and to inform family decision-making.

CYPFS' approach to practice development represents a significant development in child protection practice in New Zealand. It recognises the need to learn from practice and organisational deficits and to respond with a coherent strategy that is child focused, family centred and organisationally responsible. ■

We shall not cease from exploration

And the end of all our exploring

Will be to arrive where we started

And to know the place for the first time.

Little Giddings, T S Elliott



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Note

1. Mātua whāngai is a kin-based philosophy informing a programme that ensures the care and protection needs of Māori children are met within the kin system of whānau, hapū and iwi.

References

- Covey S (1989) *The 7 Habits of Highly Effective People* New York, Simon and Schuster.
- Farmer and Owen (1995) *Child Protection, Messages from Research* UK, Department of Health.
- Pidgeon N (1991) 'Safety Culture and Risk Management in Organisations', *Journal of Cross Cultural Psychology* 22 (1)129-140.
- Pitalis J, Mamea T and Opai S (1989) 'Dangerous Situations: The report of the independent inquiry team reporting on the circumstances of the death of a child,' Wellington, Department of Social Welfare.
- Rangihau J (1988) *Pūao-te-Ata-tū: Report of the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare* Wellington, Department of Social Welfare.
- Reid G, Sigurdson E, Christianson-Wood J and Wright A (1995) *Basic Issues Concerning the Assessment of Risk in Child Welfare Work* Winnipeg, University of Manitoba.
- Scott G (1996) *Government Reform in New Zealand* Wellington, IMF.
- Senge S (1990) 'The Leader's New Work: Building Learning Organisations', *Sloan Management Review* 32(1).
- Sigurdson E and Reid G (1990) *The Manitoba Risk Estimation Systems* Sigurdson, Reid and Associates, Winnipeg, Manitoba.
- Smith C (1995) 'More than a Gut Feeling', *Social Work Now* 2 8-12.
- Strathern B (1995) 'In the Absence of Guidance the Field has Filled the Void', Unpublished project report, New Zealand, CYPFS.
- Wald M and Woolverton M (1990) 'Risk Assessment: The Emperor's New Clothes?', *Child Welfare* 69 483-531.

A privileged occupation

Stewart Bartlett discusses why confidential client notes held by a counsellor may be produced in court, yet a doctor's may not

Statutory social work can be a delicate business. Frequently, social workers experience divided relationships with families where they are seen both as a support and also as a threat, and their skills in balancing these two responses are well-developed.

However, they also have relationships with other groups of professionals such as health workers, counsellors, lawyers, judges and the police, who have an interest in the same families but for different reasons. The legal rules governing the actions of those other people are different and, often without the players knowing it, they help to shape the nature of the relationships built across the occupational classes.

Perhaps one of the fuzziest areas for social workers is the law concerning counsellors. It is not difficult to understand that a counsellor must generally treat information given to them by their client as confidential. This fact has helped them to maintain their freedom to not give information to organisations such as CYPFS (even though the court has the power to order anyone to disclose documentation to a social worker under s59 of the Children, Young Persons, and Their Families Act 1989).

But what happens when the family court, or a party appearing before it (including CYPFS), wants to access information held by a counsellor for proceedings in the court? And what difference would it make if the counsellor was a medical practitioner?

What happens

The twin proceedings of *M v L* and *G v L* (unreported, CA247/97 and 248/97, Court of Appeal, 15 October 1998) were heard before

a full bench of the Court of Appeal. Justice Tipping wrote the judgment of the court. The claim was one for exemplary damages against an individual and his employers for sexual abuse that had been perpetrated by the individual against the plaintiffs. The issue for the Court of Appeal, as outlined by Justice Tipping, was (p2):

...Whether notes made by doctors and counsellors consulted by the plaintiffs are privileged from disclosure. More specifically, the issue is whether, following discovery of the notes by the plaintiffs, the defendants are entitled to an order enabling them to inspect these documents.

Referring to an earlier judgment on the issue, Justice Tipping summed up the essence of the competing interests (p7):

...It was a serious step to exclude evidence relevant to an issue, because it was in the public interest that the search for truth should, in general, be unfettered. His Lordship indicated that any hindrance to the seeker for truth needed to be justified by "a convincing demonstration that an even higher public interest requires that only part of the truth should be told.

The judicial instinct is for disclosure as opposed to suppression.

Although the issues in this case were about discovery privilege rather than witness privilege, the court accepted that the provisions of the Evidence Amendment Act (No 2) 1980 applied in a comparable fashion. Section 35 of that Act is the provision which directly relates to the business of counsellors. It states:

In any proceeding before any Court, the

Court may, in its discretion, excuse any witness (including a party) from answering any question or producing any document that he would otherwise be compellable to answer or produce, on the ground that to supply the information or produce the document would be a breach by the witness of a confidence that, having regard to the special relationship existing between him and the person from whom he obtained the information or document and to the matters specified in subsection (2) of this section, the witness should not be compelled to breach.

Counsel for the plaintiffs attempted to persuade the court that a class privilege should apply to the counsellor's notes. A class privilege is one which applies to all information held by a person in relation to a client irrespective of the nature of the information held. Legal professional privilege and spousal privilege are examples of class privilege.

The court made the point that a class privilege for counsellors would provide greater protection for the counsellor/client relationship than is presently in existence for a doctor/patient relationship. It did not think that an inequity of that nature would be appropriate.

The court decided that the language of s35 was more appropriate for determining the right approach to counselling notes.

On that basis, the High Court decided that the notes should be produced as the balance on interests required that the truth should out. It stated (p26) that "the private request for protection must yield to the public interest at fair and open trial".

The appeal by the plaintiffs was partially successful in that it was decided that the notes should, in the first instance, be examined by the court on a document-by-document basis. Only after that had taken place could it be decided which documents, if any, should be produced for inspection.

An interesting comparison

Should there have been any doubt, it should be taken from this case that what is said to a counsellor and what a counsellor writes down

during a consultation is not automatically immune from being produced in civil proceedings (which include family court proceedings). If anything, the balance tilts towards the production of any information which will have a material bearing on the case.

It is interesting to contrast this state of affairs with the rules surrounding medical practitioners and registered psychologists. Prior to the 1980 legislation concerning privilege, such professionals were not subject to any privilege whatsoever, a state of affairs which will have surprised many people, particularly most of their patients. Indeed, the Court latched upon the absence of a common law class privilege for medical practitioners as a significant reason why counsellors should also not get a class privilege at common law.

The 1980 legislation created a statutory class privilege for "protected communications" made to medical practitioners and registered psychologists. A "protected communication" means:

A communication to a registered medical practitioner or a clinical psychologist by a patient who believes that the communication is necessary to enable the registered medical practitioner or clinical psychologist to examine, treat, or act for the patient.

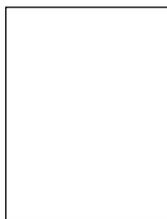
It appears possible that a person who has suffered sexual abuse and receives therapy or counselling from a medical practitioner or registered psychologist as part of a treatment programme for that abuse will be able, if they wish, to obtain class privilege for any protected communications they have made to their therapist. That protection exists only because of the 1980 legislation.

If that same person receives counselling or therapy for sexual abuse from a counsellor who is not a medical practitioner or registered psychologist this class privilege will not exist. Notes or information held by or known to the counsellor will, subject to judicial consideration (which, as suggested above, will instinctively be tipped towards disclosure), be able to be used as evidence in civil proceedings.

That, of course, may not seem fair, especially to the party which is trying to prevent counselling notes from being used in court proceedings. There is a dichotomy which, as counsel for the plaintiff in *M v L*, was at pains to point out, may develop along socioeconomic lines. If you are rich enough to afford a counsellor who is a registered psychologist or medical practitioner, then you will have control over the use of their notes. If you are not able to afford the luxury of choice, then you will lose control of those notes to the court.

It seems unfair probably because it is unfair. However, the court's approach to the issue is understandable. It has rarely granted class

privileges. It has never granted a class privilege for medical practitioners. It much prefers (as opposed to the law in the United States, where a class privilege for counsellors has been created) to examine the evidence on a case-by-case basis in order that the competing interests can be balanced more effectively. Section 35 of the Evidence Amendment Act (No 2) 1980 would suggest that such an approach is very much the intent of Parliament. ■



Stewart Bartlett is a solicitor in the Legal Service at CYPFS national office.

The Sociology of Social Problems: Theoretical perspectives and methods of intervention

by **Adam Jamrozik** and **Luisa Nocella**

Published by Cambridge University Press, Australia (1998) rrp A\$34.95

Reviewed by Fiona Coy

The Sociology of Social Problems has given me a new appreciation of the place of sociology. The more I read, the better this book became; it answers convincingly and academically the reason why social problems don't go away.

How reassuring to find an academic legitimacy and explanation for our frustration in the face of constant resistance to change. Since the 1960s (in the US) and certainly early 80s in New Zealand, we have seen a continuous increase in the number of reported cases of child abuse. This book succeeds, with an innovative approach and a new theory, to create a dialogue that links the separate worlds of political analysis and concepts of individual pathology. Sociological literature has been dominated, until now, by discussions of definition, investigation, programmes and treatment options – all of which focus on the population, and then the individuals, experiencing the problem.

The view of these authors is that current intervention methods based on these theories cannot achieve their stated outcomes, because they do not deal with the source of the problem. Instead, they reinforce beliefs that the problem is related to certain characteristics of the affected population. The problems are seen as “private” problems rather than social. A consequence of this focus on the “problem” population, has led to interventions seeming to be methods of social control rather than problem solving.

Along with this, we have seen little critique of the social policy that has driven the “helping professions”. While several recent texts (available in the DSW library) have provided frameworks for better or more powerful ways to intervene in social problems, they usually conclude with the plea to the helping professions to challenge

decision makers to support the real solutions that they offer.

This is the first text I have come across that explains why decision makers haven't and don't support many of those solutions.

The authors review and seek to explain many social problems from gambling to child abuse, to family problems, inequality, and issues of social order and social control. They also examine and pose challenges to the role of sociology and the helping professions. To social researchers they propose that social scientists tend to study “the others” – as in “deviance”, “the poor” or “the disadvantaged” – but very few systematically conducted studies exist about the affluent and the powerful. Class division begins with the researchers' value assumptions. Then to the theorists; the authors suggest that a closer relationship between sociology and the “helping professions”, especially social work, is imperative to address the over-reliance on pathology-based interventions and they reintroduce the more challenging (to the dominant values and interests) concepts of socio-political interventions to make society a better place for everyone.

Casework Consultation: A practical guide to work with sex offenders and other high risk clients

by **Tony Morrison**

Published by Whiting and Birch, on behalf of NOTA, the National Association for the Development of Work with Sexual Offenders (1998)

Reviewed by Paula Attrill

While in New Zealand for the ISPCAN conference this year, Tony Morrison gave me a “field test” copy of his most recent book, *Casework Consultation*, which was published in September. Tony Morrison is a social work trainer from the UK who has established a place in the history of practice development within the Children, Young Persons and Their Families Service (CYPFS). While much of his early work focused on working with sexual abusers, more recently

he has established a role with CYPFS in relation to topics such as supervision, professional dangerousness, interagency collaboration and anxiety as it relates to individuals and organisations within child protection. Morrison has written widely and delivered several series of workshops for CYPFS staff over the last five years.

The purpose of *Casework Consultation* is to provide practitioners with a detailed practical guide to use when faced with the demanding task of working with sexual abusers and other high risk clients. The guide is based on a number of underlying principles which relate to working with sexual abusers and covers core tasks, knowledge, skills, containment of anxiety, planning, debriefing, recording and sustaining the consultant.

The main theoretical frameworks presented in the text are based on generic models which makes the guide valuable to a range of workers in the child welfare sector. Given the complexities associated with this area of work, a guide which has been designed specifically to provide a common framework for consultation should prove to be an asset to those working in the area. I enjoyed reading this book, it is well set out, easy to read and will be useful to CYPFS staff – especially in relation to providing a common language and framework to use when working with other organisations.

Casework Consultation is available for £24.95 plus p&p from Whiting and Birch, PO Box 872, Forest Hill, London SE23 3HZ, England or fax 00 44 (0181) 244 2448.

Re-orienting Western Feminisms: Women's diversity in a postcolonial world

by **Chilla Bulbeck**

Published by Cambridge University Press, Australia
(1998) rrp A\$32.95

Reviewed by Yvette Ahmad

Western feminism seems almost to presume to speak unequivocally for all women. In her book *Re-orienting Western Feminisms*, Chilla Bulbeck has managed to thoroughly examine and evaluate white western feminists thinking of "other"

(that is, non-western colonised cultures). She challenges the dualism between self and "other" both by questioning the stereotypes by which we define those women as different to the self and also by quoting the perspective that those "other" women have of white western feminism.

Chilla Bulbeck is a Professor of Women's Studies at the University of Adelaide. She begins her book by laying the groundwork for those who are not familiar with feminist literature or the histories of colonialism. She discusses how "women of colour" often had power in pre-capitalist societies and how colonisers sought to impose patriarchal structures and values on the colonised peoples. The western tendency to think in dualisms like third and first world or backward and modern is challenged.

The rigidities of western sexual identities are explored, including the argument by some women of colour that western sexual identities are invading and disrupting non-western cultures. The book challenges western attitudes towards sex and introduces the reader to the possibilities of other sexual identities, such as the notion of a "third gender".

In some indigenous communities women gain strength from their connection with others and mutual obligations which derive from community roles. This contrasts markedly with the white liberal feminist mindset, which places primacy on individual rights and freedoms. For example, Bulbeck juxtaposes western abhorrence of infibulation with non-western cultures' equal repugnance at the idea of breast augmentation.

This book will stimulate and challenge even the most informed readers of feminist theory. It has been densely written in an academic style and so it is mostly relevant for university students on women's studies courses. However, social workers in contact with women from different ethnic backgrounds who have a basic knowledge of "other" cultures will also definitely benefit. New Zealand in the last decade has seen an increase in ethnic diversity. With many social workers lacking confidence in their understanding of the newly arrived cultures, Bulbeck's book covers topical issues such as contraception, abortion, mothering and domestic violence from perspectives other than our own.

Volunteers: A guide for volunteers and their organisations

by **Mary Woods**

Published by Hazard Press, Christchurch (1998)

Reviewed by Shirley Johnson

Mary Woods has lived her life as a volunteer working alongside other volunteers. In 1991, a Winston Churchill fellowship enabled her to explore volunteering in Canada, the US and Britain. This book captures Mary's passion for her work, the depth of her experiential wisdom which she has gained over many years as a volunteer, and the breadth of her knowledge from an international perspective. *Volunteers* is an easily read, amusingly illustrated and interesting book which has been written for a range of volunteers, from those just considering volunteer work, to those who have many years' experience.

In the first part of the book, I enjoyed the focus on ambiguous topics such as measuring and valuing volunteer work, the uniqueness of each volunteer, and dynamic volunteer motivation.

Social Work Now

Aims

- to promote discussion of social work practice in CYPFS;
- to encourage reflective and innovative social work practice;
- to extend practice knowledge in any aspect of adoption, care and protection, residential care and youth justice practice;
- to extend knowledge in any child, family or related service, on any aspect of administration, supervision, casework, group work, community organisation, teaching, research, interpretation, inter-disciplinary work, or social policy theory, as it relates to professional practice relevant to CYPFS.

Woods views the three major motivations of a volunteer as achievement, affiliation and power (an assertion which is sure to prompt some interesting debates).

The second part of *Volunteers* focuses on the management of volunteers and provided an intriguing look at a range of volunteer management models including the dandelion and blossom methods. The descriptions of the models were brief and clearly articulated, and included discussion about the effect they could have on a volunteer's motivations and work performance. For example, the "dandelion" model works well for achievement motivated volunteers, but not well for those motivated by a need for affiliation or power.

An excellent, comprehensive and perceptive section on "Helping volunteers to do their job well", provided a mix of well-researched, pragmatic steps with some interesting approaches to the personal development of volunteer workers. One example is a volunteer coordinator in a museum who asked each of her volunteers to chose an artefact they felt had some spiritual significance for them and to then tell the rest of the group why they had chosen that item. As the museum housed some of the treasures of that community, this activity allowed the participants to connect their chosen volunteer work with their personal lives, spiritually and historically.

Volunteers successfully highlights the immense, dynamically varied and potent and so often understated value of volunteer work and workers within New Zealand society. Mary Woods has worked hard to reflect their valuable contributions both in her work and in her writing.

Change Could Come: Children's experiences of domestic violence

A kit produced by **Jannawi Productions**, Australia (1997)

Reviewed by Kathy Fielding

The advent of the Domestic Violence Act and the publication of research is heightening the awareness of the community and social workers on the effects experienced by children living with,

and separating from, domestic violence. However, children can only be adequately protected if the professionals working with them have insight into the child's perspective and the ways in which they deal with their experience of violence.

The Jannawi Family Centre has produced *Change Could Come*, a kit containing two videos, a manual and resource material which aims to demonstrate the link between domestic violence and the physical and emotional abuse of children.

The videos use life-like puppets to portray children dealing with the difficulties associated with past and current violence from their mothers' partners. The impact of these situations on the lives and relationships of children is dramatically and realistically portrayed through the sensitive use of humour and dialogue. Major difficulties experienced by the children include living with a secret, living in fear and terror, living with a violent model, and living with conflicting loyalties and emotions. One vignette portrays a baby being held while the mother is subjected to a barrage of put downs and insults from her partner. It is a very powerful visual example of how the yelling and shouting being experienced by the mother is transmitted to the baby.

Apart from the presenter, no adults are visible on the screen. Their voices, however, are heard as they are by the children. This adds impact to our understanding of how children's thoughts, feelings and behaviours are strongly shaped by what they see and hear at home.

The second video contains similar footage to the first, with alternative positive responses modelled by the adults within the children's networks.

Ideas about "abusing families", often used indiscriminately and regardless of which parent is responsible for the abuse of a child, obscure the context in which abuse is taking place and often mitigate against appropriate practice. *Change Could Come* helps by making explicit the imbalance of power and responsibility between men, women and children and the need for a wide range of strategies at different levels to change the situation.

One drawback of the package is that it is localised to Australia. Nevertheless, there is potential for a wide range of applications from

community education and working with men who perpetrate violence to mothers and the wider family.

Resources for working with children who are subjected to domestic violence are scant. Hopefully *Change Could Come* will stimulate the production of much needed resources for work with children in this country. It also raises questions about how to intervene effectively with children who present as the silent victims in families where domestic violence occurs. Understanding these difficulties is crucial in trying to answer their needs.

Change Could Come is available for A\$110 plus p&p, from Jannawi Family Centre, 22 Samuel Street, Lakemba, NSW 2195, Australia or fax 00 61 (02) 9750 6190. ■

The reviewers

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Social Work Now

Information for contributors

Social Work Now welcomes articles on topics relevant to social work practitioners and social work and which aim to promote professionalism and practice excellence.

We appreciate authors may be at varying levels of familiarity with professional journal writing and for those less used to this style, we hope it won't be a barrier to approaching *Social Work Now*. We are always available to talk through ideas and to discuss how best to present your information.

Contributions are welcomed from social workers, other CYPFS staff and professionals working within the wider field. Articles can include accounts of innovative workplace practice, case reports, research, education, review articles, conference and workshop reports or be written specifically for one of the regular columns ie innovations, legal note or book reviews. We are also interested in short and medium-length pieces as well as long articles.

The guidelines listed below are a detailed summary of our editorial requirements. If you would like to discuss any aspect of them please get in touch with the editor.

- All work must be the original work of the author/s, have altered names and other details to protect client confidentiality and will show (where relevant) that the case has been followed up over a specified period and that the outcome remains the same as that described in the case study.
- Material will be received on the understanding that it has not been published, simultaneously submitted or accepted for publication elsewhere.
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