



An examination of multi-jurisdictional child protection systems in the UK, Ireland, Canada and the USA

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1. INTRODUCTION

By any standard, child abuse and neglect is one of the world's major ongoing social and human rights problems. It causes untold suffering, misery and hardship. It has also proved to be highly resistant to quick or simple solutions.

New approaches are urgently needed to tackle this complex challenge. We need to learn about what works well in countries which have similarities to Australia and to increase the understanding and resolve of political leaders, communities, families and individuals to improve the situation.

This report contains ideas and recommendations for enhancing Australia's emerging national child protection system in the light of experiences in four countries - the United Kingdom (England, Wales, Scotland and Northern Ireland), the Republic of Ireland, Canada and the United States of America. The United Nations Children's Fund (UNICEF) was also visited in New York to gain an appreciation of the UN system's global response on child protection.

These countries and organisations were visited under the auspices of a Churchill Trust Fellowship in February and March 2009. In all, 68 senior Government and international organisation officials, academics and community sector representatives and on-ground workers were consulted in 11 cities. The Fellowship was timed to coincide with the anticipated announcement of Australia's inaugural National Framework for Protecting Australia's Children in early 2009.

I wish to thank The Winston Churchill Memorial Trust for the award of a 2008-09 Churchill Fellowship. I also wish to thank the Board and staff of Families Australia for their support, especially Eris Harrison, who admirably performed the role of CEO of Families Australia during my absence. Special thanks are due to my generous project mentors, Professor Dorothy Scott, Australian Centre for Child Protection at the University of South Australia, and Ms Bev Orr, President of the Australian Foster Care Association and Deputy Chair of Families Australia. Thank you to my friends, David Stuart, Deputy Head of Mission, Australian Embassy, Washington, and Ana Ribas, for their warm hospitality. Above all, I wish to thank my wife, Rhonda, without whom this Fellowship would not have become a reality.

The overarching project aims were to gain a critical appreciation of child protection systems in four countries, plus the perspective of the UN, and to return with understandings relevant to Australia's developing national child protection system. This study has a particular focus on models of on-ground and policy levels collaboration in child protection and welfare. These are important issues as Australia is expected to soon enter the implementation phase of its national Framework, with its emphasis on better integrating service delivery and policy planning at all levels.

It is also important to note that the global financial crisis will undoubtedly impact upon the provision of services to vulnerable children and families. This study refers to shifts in thinking as the economic situation continued to worsen in early 2009.

The countries visited were selected for three reasons. First, they had many social, political and economic characteristics in common with Australia. Second, each country visited faces an ongoing challenge of balancing political, economic and administrative powers between the national centre and with State/Provincial and/or local Government levels. Finally, as in Australia, each country is, to varying degrees, seeking to put in place prevention and early intervention approachesⁱ while continuing to run legislatively-based investigative or forensic child protection processes.

Interviewees were selected on the basis of the expertise and experience of the person or organisation concerned. To the maximum extent possible, three distinct sets of views were sought in each country or region visited to try to ensure a balanced picture: Government officials (national and local); academic experts; and non-Government representatives (managers and case/field workers). No comments have been attributed directly to individuals in this report, nor should any particular views be inferred as belonging to a particular person or persons interviewed.

It must be stressed that the field of inquiry is vast and, despite the many consultations and supporting research undertaken, the conclusions should be viewed largely as indicative and as a basis for more comprehensive comparative research. The conclusions are those of the author, as are any misinterpretations, omissions or errors.

2. EXECUTIVE SUMMARY

The visit to the UK, Ireland, Canada, the USA and UN/UNICEF provided several ideas for strengthening Australia's national approaches to child protection.

This report recommends that the Australian Government should:

- Maintain and strengthen its investment in prevention and early intervention approaches which deliver services to families, ideally before child welfare and safety issues arise. It is also important that child protection efforts be seen in the context of the overall needs of the child. Particular emphasis should be placed on addressing the needs of Indigenous children, families and communities.
- Aim to increase investment in intensive support for vulnerable or 'at risk' families, ensuring that such approaches are appropriate to family needs, encourage cross-sectoral collaboration, are properly evaluated and build community capacity.
- Ensure that the national framework clearly specifies the roles and responsibilities of each level of Government and of NGO players. The most appropriate roles of the Federal Government are to: set high level outcome targets (that is, the expected effects on child and family safety and wellbeing) rather than output or process targets; encourage partnerships with State/Territory Governments and the NGO community; support prevention and early intervention efforts; and promote high level standards, robust knowledge management and innovative practice.
- Establish a standing whole-of-Federal Government officials' working group on child protection and welfare.
- Develop national reports from household or case-level data to better inform policy makers, practitioners and the public, especially regarding causes. An annual report to Federal Parliament should be delivered.
- Convene an annual knowledge sharing and relationship building gathering of Government officials, NGO representatives and academics.
- Urgently assess workforce development needs with a view to implementing a major package of practical improvements as soon as possible.

Further, it is recommended that:

- In the context of the global financial crisis, all Australian Governments should be strongly encouraged by NGOs and child welfare advocates to: maintain a prevention and early intervention focus; continue funding for family support programs; and promote greater cross-sectoral collaboration amongst service providers and community awareness of child abuse and neglect.
- Local Governments should also be requested to consider their role in this area, taking into account their existing relationships with State/Territory Governments.

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3. FELLOWSHIP PROGRAM

The participation of interviewees from the following organisations is gratefully acknowledged.

2-11 February 2009, London, United Kingdom

- Royal Borough of Kensington and Chelsea
- UK Government, Cabinet Office, Social Exclusion Unit
- University of London, Thomas Coram Research Institute
- Loughborough University, Centre for Child and Family Research
- Hackney Social Care, Hackney Borough
- London School of Economics

12-13 February 2009, Cardiff, UK

- University of Cardiff, Social Work Department
- Welsh Assembly Government
- Children's Services Newport
- Action for Children (non-Government organisation (NGO))
- Children's Services (local authority in north of Cardiff)
- Tros Gynnal/Promoting Children's Rights (NGO)
- Red Kite/Save the Children (NGO)
- National Society for the Prevention of Cruelty to Children (NGO)
- Barnados Wales (NGO)

14-15 February 2009, Huddersfield, UK

- University of Huddersfield, Applied Childhood Studies Department

16-18 February 2009, Edinburgh, UK

- University of Edinburgh, Centre for Learning in Child Protection
- Stirling University, Department of Applied Social Science
- Government of Scotland
- Stirling University, Scottish Child Care and Protection Network
- City of Edinburgh Council
- Edinburgh Child Protection Committee
- Scottish Police Force

19-22 February 2009, Belfast, UK

- Queen's University, School of Sociology
- Queen's University, Institute of Child Care Research

23-27 February 2009, Dublin, Republic of Ireland

- Community Mothers (volunteer) Programme within Health Service Executive (Government)
- Trinity College, School of Social Work
- Barnardos Ireland (NGO)
- Daughters of Charity (NGO)
- Health Service Executive

28 February-4 March 2009, Ottawa, Canada

- First Nations Child and Family Caring Society of Canada (NGO)
- The Children's Aid Society of Canada (NGO)
- National Clearinghouse on Family Violence, Family Violence Prevention Unit, Public Health Agency of Canada, Government of Canada
- Child Welfare League of Canada (NGO)

5-6 March 2009, Montreal, Canada

- McGill University, School of Social Work
- University of Montreal

2 & 9 March 2009, New York, New York, USA

- Child Trends New York (NGO)
- United Nations/UNICEF

10-11 & 13 March 2009, Washington DC, USA

- Center for the Study of Social Policy (NGO)
- US Department of Health and Human Services
- Child Trends Washington (NGO)
- National Association of Public Child Welfare Administrators, American Public Human Services Association (NGO)

12 March 2009, Baltimore, USA

- University of Maryland School of Social Work

4. FINDINGS

4.1 United Kingdom

4.1.1 UK child protection - background and aims

In England, between 2003 and 2007, there were over 500,000 child protection referrals each year to Government, with an average on any one day of 28,000 children being subject to a child protection planⁱⁱ.

Child protection and welfare laws and practices differ across the four UK nations – England, Wales, Scotland and Northern Ireland. The English *Children Act* (1989) is, for example, a basis of, but not the same as the Scottish *Child Order* (1995). The Every Child Matters (ECM) initiative, which sets five high level goals, is widely disseminated in England at local authority level but has not been adopted in Wales.

The devolution by Westminster of a range of legal and administrative powers and responsibilities over the past decade to Wales, Scotland and Northern Ireland and, in turn, the devolution of many powers to local authorities within these nations, has increased local decision-making capacities. At the risk of over-generalising, this has given rise to variations in approaches, not just in the field of child welfare, but in many other areas. As in Australia, differing rates of remuneration of foster carers is an example of divergent local practice.

Recent high-profile child deaths due to abuse have resulted in major policy reviews. One of the signal developments, in response to the Victoria Climbié case (2000), is that professionals involved in child abuse or neglect cases in England now have a legal “duty to cooperate” with each other. One of the important manifestations of this directive to cooperate is the establishment of multi-agency Local Child Safeguarding Boards and the establishment of the position of Director of Children’s Services at the local authority level.

While it is not possible to talk of one UK child protection model or system which spans the country, some broad trends are discernible across the four nations in terms of approaches and day-to-day developing practice. Governments, academics and NGOs who were interviewed generally agreed that:

- Child protection efforts should ideally sit within a broader children’s wellbeing or, using the language of the *Children Act* (1989), children’s “needs” framework.
- Day-to-day child protection case work responsibility should properly be handled at the level of the local authority rather than by a remote or central administrative centre. “Things works very well when people know each other and work side-by-side”, said one local official.
- Prevention and early intervention efforts, as well as community engagement, need to be given greater emphasis in tackling the fundamental causes of child abuse and neglect. One person remarked: “early intervention programs are not expenses; they are investments”.
- Far greater emphasis is required on intensive family support programsⁱⁱⁱ, in addition to the provision of universal services such as health care and education. These programs must try to tackle the underlying causes of child abuse, in particular, substance misuse, domestic violence and mental ill-health.

- Commonly agreed standards for the conduct of child protection cases, including the running of the out-of-home care system, are desirable to ensure broadly equitable treatment of children, families and carers.
- Non-Government organisations have a valuable role to play, especially in the provision of specific, targeted family services, as well as in advocacy at local and national levels.

4.1.2 Experiences to date

There were several promising developments as well as cautionary notes. Amongst the promising developments are trials of intensive family support programs which are showing signs of promise. A recent evaluation of an intensive family preservation service for families affected by parental substance abuse showed, for example, that children in a sample group of families which were provided with family support took longer to enter care, spent less time in care and were more likely to be at home at follow-up. As a result, this approach produced significant cost savings as well as improving the outcomes for children^{iv}.

Notes of caution were also expressed, however, about:

- The balance between central Government and local control. Some interviewees remarked how Westminster policy shifts were often primed by highly publicised child abuse deaths (such as the Victoria Climbié and Baby ‘P’ cases). For example, Local Child Safeguarding Boards were established in all local authorities in England in response to Lord Laming’s 2004 review of the Climbié case. The relationship between the Boards and the pre-existing local Children’s Trusts is not yet clear to all parties. Finding the right balance between prescriptive centralised control and locally appropriate action remains one of the biggest challenges. That balance is constantly shifting, as child welfare cases are often the subject of media-driven central Government policy responses. Opinions varied considerably about the effectiveness of the centrally-imposed Sure Start program^v. On the other hand, the disadvantage of channelling resources to local levels is that overall national standards may be compromised. NGO operations may be especially disadvantaged compared with Government activities, since NGOs are unlikely to have the capacity to adapt to the different requirements of various local authorities.
- Performance indicators, which can skew measurement away from the actual outcomes for children and families and focus on outputs such as timelines for the handling of cases as prescribed in legislation.
- The ongoing challenge faced by Government officials, managers of non-Government organisations and case-workers of working together in close collaboration rather than in professional or organisational ‘silos’.
 - Many interviewees remarked that the legal “duty to cooperate” was now well known, but that habits of cross-sectoral collaboration amongst workers were slow to develop. One interviewee remarked that the UK is not yet effectively joining together child and adult services in areas such as parental drug and alcohol rehabilitation.
 - On the other hand, instances of high levels of cross-sectoral collaboration were noted, in particular, in the model employed at Hackney Social Care, London. Under this model, integrated social support teams are assembled ‘around’ a family; this includes a systemic therapist whose job is to ensure the integration of all family support activities.

- Another example of cross-collaboration is a ‘Pathfinding’ project in the Scottish Highland which involves developing information-sharing protocols and the clear designation of a case lead professional.
- The Scottish Government’s ‘Getting It Right For Every Child’ (GIRFEC) framework seeks to create integrated service approaches amongst practitioners^{vi}. According to the Scottish Government, GIRFEC “builds from universal health and education services and drives the developments that will improve outcomes for children and young people by changing the way adults think and act to help all children and young people grow, develop and reach their full potential”^{vii}. The Scottish Child Protection Network is another instance where an attempt is being made to disseminate effective practice information amongst professionals.
- The Northern Ireland authorities are investing a greater amount of resources in family support services and forging collaborative partnerships with NGOs to undertake support service provision.
- The extent of computer-based reporting by social/case workers at the expense of time spent with children and families. “Feeding IT beast is a real problem”, remarked one academic.
- The difficulty in attracting and retaining suitably qualified and experienced child welfare workers, in particular, social workers and foster carers. However, in Scotland, cross-sectoral secondments and joint training initiatives (for example, police and social workers) were proving to be successful.
- Many interviewees argued in favour of greater family support programs. One academic commented that there was a “worrying faith in the universal system”, meaning that generic whole-of-population health, education and other programs could not prevent child abuse and neglect without an additional component of targeted support for vulnerable child and families.
- The potential danger that budgets for children’s services will be cut due to the global financial crisis. This will put greater pressure on local services to maximise programs that work well and may cause problems in terms of developing innovative practices. Concern was expressed about particularly negative impacts of the financial crisis on intensive family support programs as Governments seek to ensure that minimal statutory or tertiary-level requirements are fulfilled.

4.1.3 Key lessons and possible implications for Australia

- Broadly speaking, the UK and Australia hold in common the view that more attention and resources should be devoted to prevention and early intervention measures and targeted family support services: these approaches should be further supported in our policy and practice.
- It is important for the Australian Government to avoid being overly prescriptive about matters of process and duplicative of State/Territory efforts. Rather, it should help to build a strong high level national vision and develop broad standards in concert with other players. While it is not on the agenda at present, Federal child protection legislation could, if overly prescriptive, have a highly detrimental impact on building a collaborative national approach. However, a different approach involving regular information sharing gatherings involving different levels of Government, academics and the NGO sector could help to build higher levels of national consensus over time.

- The role of Australian local Governments in the area of child protection and wellbeing is worth further exploration. The lesson from the UK (and elsewhere) is that child protection works better when there is detailed local knowledge combined with good cross-sectoral working relationships. Australian local Governments could be requested to consider their role in this area, taking into account their existing relationships with State/Territory Governments.

4.2 Republic of Ireland

4.2.1 Irish child protection - background and aims

Child protection is governed principally by the *Child Care Act* 1991, which regards the welfare of the child as being of paramount importance. That Act directs the Government's Health Service Executive (HSE) to promote the welfare of children not receiving adequate care and protection. *Children First, National Guidelines for the Protection and Welfare of Children* (1999) is statutory guidance to officials and is intended to assist in identifying and reporting of child abuse and to promote cooperation between statutory agencies and NGOs. NGOs are contracted by Government on occasion to provide family related services, such as the Childcare phone line and out-of-home care services.

The Office of the Minister for Children and Youth Affairs sets policy directions; the HSE is the implementing agency for child protection. Ireland does not have child protection mandatory reporting. Some large NGOs are arguing strongly in favour of the introduction of mandatory reporting.

Ireland has 32 local health areas. Within each area, a Child Care Manager is responsible for a Child and Family Program, including child protection matters. Primary Health Care teams also operate, headed by health professionals, whose task is to provide primary and secondary interventions.

The Irish Government is developing an Implementation Plan for the 2007 'Agenda for Children's Services', under which family strengthening approaches may be given more prominence. This is against a background, however, of limited funding for early intervention and intensive family support programs. Although there is interest in adopting locally adapted family support models, such as the Differential Response Model^{viii} (DRM), which has been used in Minnesota (USA) and elsewhere, Ireland's predominant emphasis remains on the provision of statutory child protection services. A pilot DRM program has commenced in north Dublin but is yet to be evaluated.

4.2.2 Experiences to date

On the basis of interviews, the following observations are made:

- Many interviewees remarked that the level of Irish Government funding for family support or differential responses remains inadequate. An independent review of Irish systems in 2004 concluded that family support is often seen as a "poor relation" in services for children and families^{ix}. The Irish Government's 2008 review of its child protection system recommended that "early intervention and family support services be strengthened as the most effective mechanism to address child welfare issues"^x. A 2008 review of service users' perceptions of the Irish Child Protection System, conducted by the Irish Government, called for

“formalising and resourcing of differential responses to reports about child abuse and neglect, discriminating between those where children are seriously at risk and those where children are vulnerable and families are likely to benefit from a more welfare-oriented therapeutic approach”^{xi}.

- The encapsulation of child protection work within a health portfolio means that child protection is viewed generally from a medical standpoint, rather than as a social welfare activity.
- Several interviewees referred to inadequate information collection and review processes, including a lack of reporting on the prevalence and incidence of different types of child harm. One interviewee remarked that the reporting system is designed “more to protect the worker, rather than the child”.

In the context of the global financial crisis, many interviewees expressed concern that Governments across many countries would seek to increase the degree of micro-management of contracts with NGOs to provide family related services. Concern was also expressed that family support services would be progressively defunded.

On the plus side, there was praise for some community-based programs, such as the Community Mothers Programme (CMP). CMP aims at using experienced volunteer mothers to provide support to mothers raising a child under one year of age. Compared with a control group, children in the Programme have been shown to be more likely to receive all their immunisations, to be read to daily, to be breast-fed longer and to receive a better diet. There is also evidence of enhanced psychological wellbeing amongst mothers^{xii}.

It was also noted that NGOs had at times joined together to present common approaches to Government on children’s issues; this was seen to be a positive move in reducing competition between NGOs and increasing their negotiating position *vis à vis* Government.

4.2.3 Key lessons and possible implications for Australia

- In response to the global financial crisis, it is more vital than ever to keep child protection, family support needs and the importance of maintaining high standards at the forefront of Federal and State/Territory Government thinking through continuing NGO and community advocacy. Also, community engagement on child protection matters should be further encouraged as a cost-effective approach in the context of budgetary restraint.
- As in the UK, child neglect was flagged as a matter which is receiving increased attention. Some interviewees predicted that the global economic crisis would exacerbate this trend and suggested that it ought to be given renewed attention alongside other forms of child abuse.
- There could be common core training in child protection and welfare as part of training programs in social work, nursing and other health disciplines; this would assist in developing a common language and understandings and help to promote cross-sectoral collaboration in the field (this follows a Danish model).
- Home visiting programs ought to be given further examination.
- More case work analysis should be done to understand the causes of abuse and family issues underlying the incidence of reports.

4.3 Canada

4.3.1 Canadian child protection - background and aims

From a population of 33 million, there were 114,607 cases of substantiated child maltreatment in Canada in 2003^{xiii}. Police-reported data indicate that in 2006, 107 per 100,000 children and young people were physically or sexually abused by a parent^{xiv}. One in 10 First Nations (Indigenous) children is in care compared with one in every 200 non-First Nations children^{xv}.

Child protection is primarily the responsibility of the 10 Provincial and three Territorial Governments. In two Provinces, Ontario and Nova Scotia, decentralised community-based child protection systems have been put in place. In Ontario, 53 not-for-profit Childrens' Aid Societies are wholly funded by the Provincial Government to protect children and youth from abuse and neglect. These Societies have a legal mandate to intervene, where necessary, to protect children from abuse and neglect. There has been a move toward the adoption of common assessment frameworks by child protection agencies across Canadian Provinces and Territories.

There is no overarching Canadian national policy framework, nor is there national legislation relating to child protection. Traditionally, the Canadian Government has been reluctant to intervene with Provincial/Territorial Governments in the handling of child protection welfare matters. However, the Canadian Government has responsibility under the *Indian Act* for the welfare of First Nations peoples. It also runs the Family Violence Initiative (FVI), which aims to raise awareness about family violence and strengthen the ability of the criminal justice, housing and health systems to respond. FVI comprises 15 Federal Government agency partners, such as Justice Canada and the Royal Canadian Mounted Police. Provinces and Territories collaborate with the Federal Government in relation to the FVI.

FVI also supports the National Clearinghouse on Family Violence, a national reference and distribution service for information on aspects of family violence prevention, protection and treatment^{xvi}, and the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS). The CIS gathers information from child welfare agencies about investigated child maltreatment, including the characteristics of the affected children and their families. It is a collaborative effort between the Public Health Agency of Canada, Provincial and Territorial Governments, child welfare service providers, the First Nations Child and Family Caring Society, university-based researchers and child advocates. Of particular interest is that CIS collects data on household characteristics, such as whether the mother or father has been a victim of domestic violence, has social supports, has mental health or a substance abuse issue. CIS is updated every five years.

4.3.2 Experiences to date

On the basis of interviews, the following observations are made:

- There is increasing use of case-level evidence to inform on-ground child protection practice. The CIS appears to have been particularly important in highlighting areas requiring attention and in correcting misinterpretations.
- Child protection agencies are increasingly concerned with the broader issues relating to child wellbeing and would generally wish to have more family support programs tailored to local or individual family needs. However, with systems often

being overloaded by referrals, agencies experience difficulty in undertaking forensic investigation at the same time as assessing child and family functioning.

- Research into the effectiveness of Canadian differential or alternative response approaches is encouraging, but more evidence on what works is needed.
- The main challenges for family support approaches are to ensure that community support services are in place when required and that the services collaborate effectively. Also, one interviewee noted that “child protection workers can have difficulty in letting go of authority in a collaborative multi-service framework – they need to park their mandate”. An interesting project being undertaken in Quebec is called *Action intersectorielle pour le développement des enfants et leur sécurité*, which is designed to improve cross-sectoral collaboration by implementing a common assessment framework and information sharing amongst professionals.
- The role of the Federal Government in relation to child welfare amongst First Nations peoples is under increased scrutiny. In 2007, the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada filed a complaint with the Canadian Human Rights Commission alleging inequitable and discriminatory treatment to First Nations Child and Family Services agencies. The case is soon to go before a Tribunal Hearing.
- Some interviewees remarked that greater policy and public recognition ought to be given to the relationship between child poverty and child protection. The Ontario Government has made a commitment to lift 25 percent of children out of poverty within five years. One interviewee said that “child poverty must be addressed across all policy areas including urban design, housing and medical services”.

4.3.3 Key lessons and possible implications for Australia

- Australia should consider devising its own version of the Canadian Incidence Study to fill a gap in our understanding at the case level which would refine practice and policy interventions and also serve to improve public and policy level understandings.
- The way in which the Canadian Government operates the Family Violence Initiative through a standing whole of Government inter-departmental consultative partnership arrangement might usefully be replicated as a standing feature of Federal bureaucratic organisation on child protection.

4.4 United States of America

4.4.1 Child protection in the USA - background and aims

In 2006, from a total US population of around 300 million people, there were 3.3 million cases of alleged or potential child maltreatment notified to the authorities. Of these, 905,000 cases were substantiated^{xvii}. According to US Government reporting, 40 per cent of victims in substantiated cases in 2006 (or around 350,000 children or families) received no post-investigative or follow up support services^{xviii}.

The 50 US States have responsibility for the day-to-day running of child protection systems. In 40 States, child protection is administered directly by State Government officials. The other States, such as New York, operate what is called “State administered” systems, under which day-to-day child protection work is undertaken by Government employees operating at the level of the city or county.

Child protection policy and practice varies considerably across the 50 States. Some States, such as Minnesota, have experimented with Alternative or Differential Response Models, with some evidence of success in improving the outcomes for child and families. In New York City, authorities are trying to give greater attention to child abuse and neglect prevention, aided by a New York State funding formula which provides matching grants to the value of 65 percent of the cost of preventive services. The *California Child Welfare Outcomes and Accountability Act 2002* aims to shift their system towards a model which emphasises prevention, early intervention, collaboration with families and promotion of supportive service provision through community-based providers. Other States, however, have been slow to embrace preventive approaches. In light of divergent State practices, efforts are also underway by the National Association of Public Child Welfare Administrators to devise a common national set of practice standards or 'guidances'.

The three major pieces of US Federal legislation in the child protection and welfare field are: the *Child Abuse Prevention and Treatment Act 1974* (subsequently reauthorised by Congress every five years since 1974); the *Adoption and Safe Families Act 1997*; and the *Social Security Act*.

The *Child Abuse Prevention and Treatment Act 1974* provides for minimum standards for defining child abuse and neglect and mandates State procedures for the immediate screening, risk and safety assessment and prompt investigation of child abuse and neglect reports. It also provides for the establishment of the Office for Child Abuse and Neglect within the Department of Health and Human Services, the establishment of the Federal Inter-agency Working Group on Child Abuse and Neglect (comprising around 25 Federal agencies) and the provision of grants to States to support investigative activities.

This Act provides the basis for Federal grant programs to assist the States with child protection work. These include a \$US300 million per annum program entitled 'Promoting Safe and Stable Families', which provides funding for State-level family support, preservation and reunification initiatives. Two other grant programs support State-based community development and family support initiatives (\$US26 million and \$US20 million per annum). Not all States apply for funding under these programs, given Federal documentation requirements and the relatively small amounts on offer considering the total number of States. In addition, the Federal Government has been funding a small nurse family/home visiting program (\$US10 million per annum). The Obama Administration has announced a major expansion of this program.

'Quality Improvement Centres' also operate on the basis of Federal grants. One Centre has been established (with \$US15 million funding over several years) to examine more closely the effectiveness of Differential Responses Models and to run pilot programs in various locations.

The vast majority of US Federal Government child protection funding for the States is appropriated under the *Adoption and Safe Families Act 1997*, under which the Federal Government supports, on certain conditions, State foster care services (\$US4.8 billion per annum) and adoption services (around \$US2 billion per annum).

The *Social Security Act* authorises the US Government's Children's Bureau to review State child and family programs. Increasingly the focus of the reviews is on States' capacity to create positive outcomes for children and families. This Act is the means by which the US Government seeks to shape national policy, by directing States to adopt specific policies and practices in return for continued child welfare funding or face financial penalties for non-compliance.

The US Federal Government conducts regular Child and Family Services Reviews of the performance of all 50 States in child protection. Several main outcomes or standards have been set down by the Federal Government, such as child education or health attainment. States are required to report on these indicators, and penalties apply if a State does not reach a prescribed level of compliance. In the past 1-2 years, some States have been penalised a percentage of their funding for non-compliance with Federal standards.

The US Federal Government has made a major attempt to improve national data collection regarding child protection and welfare, and progress is being made in this area. The Federal Government aggregates State-level child protection data and issues the annual *Child Welfare Outcomes* report. It is limited, however, by the fact that there is no nationally agreed definition of child abuse and neglect, which poses difficulty in terms of data comparability.

In terms of encouraging collaboration between levels of Government, the Federal Government annually convenes a meeting of State Liaison Officers (SLOs). SLOs are State Government employees who have responsibility for areas such as child protection, foster care, adoption and child protection information management. These gatherings provide an opportunity to showcase exemplary practice and to develop peer-to-peer relationships. The Federal Government also runs the Training and Technical Assistance Network, under which there are several 'content' areas such as adoption, foster care and family services. Each content area has an annual budget of around \$US1 million to be used in the form of Federal technical assistance at the request of States.

Finally, the Federal Implementation Centres currently operate in 14 States and have a budget of around \$US2 million per annum. The Centres aim to implement best practice ideas in child welfare in States which, as a result of a Child and Family Services Review, require additional assistance to improve their performance.

4.4.2 Experiences to date

On the basis of interviews, the following observations are made:

- Interviewees widely acknowledged the importance of increasing prevention and early intervention efforts and increasing the amount of funding for family support programs appropriate to location. As one interviewee remarked "the best way to protect a child is to have stronger families".
- Many interviewees felt that current US Government funding arrangements tended to skew State systems in favour of out-of-home care placements and placed lesser emphasis on promoting prevention and early intervention and family support models. It was stated by one organisation that Federal funding for foster care and adoption had declined in real terms, and that the States now provided more than half of the entire costs of these systems. One interviewee described

the funding arrangement as “archaic” and generally unsupportive of prevention and early intervention models. The Obama Administration’s position on this issue, however, remains to be seen.

- Some interviewees referred to the significant challenges remaining in terms of integrating the efforts of NGOs in providing family support services at the State level.
- Concern was expressed about the professional silos which hindered holistic responses for families and the importance of promoting what one person termed “inter-operability”.
- Several interviewees expressed concern about the imposition of Federal level control over State level day-to-day child protection efforts. On the other hand, clearly the Federal Government is seeking, in its own way, to ‘lift the bar’ nationally on child protection matters. Concern was also expressed at the penalty regime: States are assessed on their overall individual performance, yet findings may ignore good or innovative practice in parts of a State.
- It was noted that substantial litigation was occurring in the Federal Court against alleged failures of State Governments adequately to ensure child welfare. One of the effects of this wave of litigation is that it is adding pressure on some States to increase funding for family support services.
- Workforce development concerns were raised by several interviewees. One concern was that social workers do not receive specialised child welfare training and adequate case supervision. However, it was noted that around 30 States (encompassing around 100 social work schools) have developed specific child welfare training programs with encouraging results in terms of staff retention rates. The Federal Government is funding a Workforce Development Institute, a virtual institute comprising eight universities, to address child welfare training and development issues.
- Some interviewees expressed concern about the Federal data collection system which emphasises ‘point in time’ rather than longitudinal data which would examine child and family experiences over time. Data collection remains a major challenge across States due to differing definitions and collection topics.

4.4.3 Key lessons and possible implications for Australia

- In the US, the Federal Government seeks to shape national policy and practice through legislative and funding mechanisms. While at the present time a national legislative approach would appear to be inappropriate for Australian conditions, Federal grant funding for States/Territories and NGOs to encourage intensive family support/alternative response models, innovative practice and improved data sets should be considered.
- The US Federal Government’s inter-agency working group could serve as a relevant model for a similar whole-of-Federal Government officials’ coordinating mechanism which would involve all Federal agencies with responsibility for child protection and welfare.

4.5 United Nations/UNICEF

Whilst I was in New York the opportunity was taken to visit the UN Children’s Fund (UNICEF). The UN Secretary-General’s Report on Violence Against Children was launched in 2006. It was the UN’s first comprehensive study of violence against

children. The report highlighted a World Health Organisation estimate that some 53,000 children aged 17 or younger died as a result of homicide in 2002, and International Labour Office estimates that, in 2000, 5.7 million children were in forced or bonded labour, 1.8 million were in prostitution and pornography, and 1.2 million were victims of trafficking.

One of the report's 12 high-level recommendations is that all nations should "prioritize reducing rates of institutionalization of children by supporting family preservation and community-based alternatives, ensuring that institutionalized care is used only as a last resort."^{xix} It also noted that "little effort has been made to implement early childhood and family-based prevention strategies, which are known to be effective in reducing some of the most widespread and lethal forms of violence against children in the family and in the community."^{xx} On the basis of this report, the UN has urged every nation to develop a national strategy to prevent violence against children.

A UN Special Representative on Violence Against Children is expected to be appointed in the near future to help to drive the UN's child protection initiative.

UNICEF is seeking to encourage UN member states to adopt broad national policy approaches to child protection, to improve public understanding about the issues and to strengthen the knowledge base through the development of global child protection and wellbeing indicators. The work on common data is designed to enable UNICEF to chart and analyse global trends.

UNICEF expressed considerable interest in the means by which Australia's national child protection framework had been developed, including aspects relating to NGO collaboration with Government in developing policy. They noted that some other countries are developing or have developed national child protection frameworks. Brazil has recently finalised its national approach.

5. CONCLUSIONS AND RECOMMENDATIONS

Child abuse and neglect is a major problem that defies simple or quick solutions. Nevertheless, there is a clearly developing consensus across the countries visited about the need for: greater prevention and early intervention efforts; enhanced coordination of efforts between the central and State or Provincial tiers of government; further investment in programs to support vulnerable families and children; better quality data; effective workforce development strategies; and greater collaboration between professionals in the field, as well as between policy-makers and service delivery organisations. The extent of commitment to, and degree of implementation of, these broad strategic directions varied considerably across countries visited.

Australia is expected to establish its national child protection framework in 2009 with an emphasis on the adoption of a public health model, fostering prevention and early intervention efforts and greater coordination amongst Governments and NGO players. These policy directions are fully consistent with thinking, if not always program delivery, in the UK, Ireland, Canada and the US, and need to be maintained and strengthened if we are to see a reduction in rates of child abuse and neglect.

Nine recommendations are made taking into account overseas experience.

- **Recommendation #1: Australia should maintain and strengthen its investment in prevention and early intervention approaches which deliver services to families ideally before child welfare and safety issues arise. It is also important that child protection efforts be seen in the context of the overall needs of the child. Particular emphasis should be placed on addressing the needs of Indigenous children, families and communities.**

All the countries visited are seeking to put in place practice models which better support families, either before child abuse and neglect occurs or after the authorities have become involved in cases of suspected or verified harm. The extent of the investment, and the terminology, differed markedly across countries visited. Overall, however, there is growing documentary and anecdotal evidence that family support/alternative or differential response models are helpful in assisting families and children provided community organisations are adequately resourced to undertake the task, case workers and other professionals collaborate effectively, and sufficient time is given to assess the success or otherwise of the activity and to gather the lessons learned.

- **Recommendation #2: Australia should aim to increase investment in intensive support for vulnerable or 'at risk' families, ensuring that such approaches are carefully calibrated to local conditions, encourage cross-sectoral collaboration, are properly evaluated and build community capacity.**

Overseas experience strongly suggests that it is important for each level of Government to find an appropriate role which facilitates effective partnerships rather than setting up additional tensions and conflicts. Having clearly defined roles and

responsibilities for each level of Government is vitally important, ideally with the national Government focusing on high level outcome targets, information and knowledge gathering and management, providing investment for primary and secondary child protection efforts and not duplicating the work of States.

- **Recommendation #3:** Australia should ensure that the national framework clearly specifies the roles and responsibilities of each level of Government and of NGO players. The most appropriate role of the Federal Government is, in conjunction with State/Territory Governments and NGOs, to:
 - Set high level outcome targets (that is, the expected effects on child and family wellbeing) rather than output or process targets.
 - Take the lead in encouraging partnerships with State/Territory Governments and the NGO community.
 - Focus on supporting prevention and early intervention efforts, the development of high level standards, robust knowledge management and innovative practice.
- **Recommendation #4:** A standing whole-of-Federal Government officials' working group would be a useful way to bring together all agencies with child protection and child welfare responsibilities.

Policy responses are more effective if they are made on the basis of reliable and detailed data. By obtaining household-level information on a national basis policy-makers and case workers will be able better to understand the causes of, and plan targeted interventions aimed at, stemming child abuse and neglect.

- **Recommendation #5:** Australia should develop case level national incidence data to better inform policy makers, practitioners and the public about child abuse and neglect, especially in relation to the household-level causes of these behaviours. An annual report to Federal Parliament would be one vehicle for the dissemination of this data.

In the light of difficulties observed overseas, Australia would do well to intensify work on collaboration across levels of Government, between Governments and NGOs and amongst NGOs themselves. This has many aspects, including workforce training and protocols for case practitioners. Short of national legislation to drive such practice, other steps can be taken to cultivate a more collaborative environment and peer-to-peer relationships.

- **Recommendation #6:** An annual knowledge-sharing and relationship building gathering of Government officials, NGO representatives and academics should be convened. This would facilitate the sharing of experiences and building of networks helpful to collaborative practice.

Australian Local Governments have a potentially important role to play in supporting efforts to raise community awareness about child protection and welfare issues in

coordination with State efforts. It is important to examine existing, and encourage new Local Government programs which aim to improve child wellbeing and safety.

- **Recommendation #7: Australian Local Governments could be requested to consider their role in this area, taking into account their existing relationships with State/Territory Governments.**

Comprehensive workforce development was signalled as an urgent priority in all countries visited, resonating the situation in Australia.

- **Recommendation #8: Australia should urgently assess workforce development needs in the field of child protection and welfare with a view to implementing practical improvements as soon as possible. As well as aiming to improve recruitment and retention rates, the measures should put in place training and other mechanisms to encourage cross-sectoral collaboration amongst professionals as well as specific training in child welfare and protection.**

The global financial crisis is likely to have a major impact on child protection and welfare work. Governments will undoubtedly find it increasingly difficult to find new funds for intensive family support and early intervention models.

- **Recommendation #9: All Australian Governments should be strongly encouraged by NGOs and child welfare advocates to:**
 - **Maintain a prevention and early intervention focus despite broader economic difficulty by arguing that this is an investment for the future with far greater long term cost implications than if ignored.**
 - **Keep supporting innovative family support ideas and developing practices, as well as cost-effective preventive approaches, such as encouraging greater cross-sectoral collaboration amongst service providers and community awareness of child abuse and neglect.**
 - **Take a bipartisan political approach to these approaches.**

ⁱ Prevention refers to interventions made before a problem is allowed to occur. Early intervention refers to interventions that occur after the problem has emerged but which are made early with the intention of stopping the problem from become worse.

ⁱⁱ UK Department of Children, Schools and Families (2007) *Referrals, Assessments and Children and Young People who are Subject to a Child Protection Plan or are on Child Protection Registers, England – Year Ending 31 March 2007*. London, DCSF.

ⁱⁱⁱ Family support services are those which are offered to a wide range of families for the purpose of either preventing problems or addressing problems which have emerged.

^{iv} Forrester, D., Copello, A., Waissbein, C. & Pokhrei, S., "Evaluation of an intensive family preservation service for families affected by parental substance abuse", *Child Abuse Review*, Vol. 17, Issue 6, 24 Nov 2008: 410-426

^v UK Sure Start Children's Centres have been established for children under five years and their families to access help from multi-disciplinary teams of professionals. A universal early years and child care system was created to assist disadvantaged parents, entitling them to free education and childcare for three and four year olds for up to 15 hours a week. The scheme will be extended to 20,000 two year olds by a further investment of £100 million over three years.

^{vi} See www.scotland.gov.uk/gettingitright

^{vii} The Scottish Government, *A Guide to "Getting It right for every child"*, 2008: 7.

^{viii} Differential response is a model of service delivery where the response made to referral discriminates formally between children whose safety is compromised and those who are vulnerable and would benefit from support from a community-based family service.

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- ^{ix} McKeown, K. et al., *Report to the Department of Health and Children, Promoting the Wellbeing of Families and Children: A Study of Family Support Services in the Health Sector in Ireland*, Dublin 2004: 58.
- ^x Office of the Minister for Children and Youth Affairs, Dublin, July 2008, *National review of compliance with "Children First: National Guidelines for the Protection and Welfare of Children"*, 2008: 15.
- ^{xi} Government of Ireland, Office of the Minister for Child Abuse and Neglect and Youth Affairs, *Service users' perceptions of the Irish Child Protection System*, 2008: 5.
- ^{xii} McKeown, K, *Report to the Ireland Department of Health and Children, Promoting the Wellbeing of Families and Child: A Study of Family Support Services in the Health Sector in Ireland*, 2004: 40.
- ^{xiii} Canadian Government, *Canadian Incidence Study on Reported Child Abuse and Neglect*, 2003.
- ^{xiv} Public Health Agency of Canada, personal briefing, 4 March 2009
- ^{xv} First Nations Child and Family Caring Society of Canada, personal briefing note, 4 March 2009.
- ^{xvi} See www.phac-aspc.gc.ca/nc-cn
- ^{xvii} US Department of Health and Human Services, *Child Maltreatment 2006*.
- ^{xviii} *Ibid.*
- ^{xix} United Nations, General Assembly, Promotion and protection of the rights of children. Note by the secretary-General, 7 August 2007 A/62/209, accessed on 13 March 2009 at www.unicef.ca/portal/Secure/Community/502/WCM/HELP/take_action/Advocacy/IE_report_English%202007.pdf
- ^{xx} *Ibid.*