

Social Work: Policy and Practice

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Brigid Thompson

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abstract

This thesis explores the connection between policy creation and social work practices that are related to this policy. The main aim of the thesis is to fill a gap that exists in the research in relation to the connection between particular policies concerning the care and protection of children and the social work practices related to these. Primarily, I am interested in the experiences of social workers in community groups and the issues and problems they face in trying to integrate these policies into their everyday practice.

The thesis presents four case studies that highlight the interactive relationship that exists between policy and practice. These case studies have been developed from the interviews I conducted with care and protection community workers in Christchurch in 1999. The first two case studies - the development of the Children, Young Persons and Their Families Act (1989), and the process of devolution that occurred through the 1980s and 1990s - look at particular policy developments that have impacted on care and protection social work, and explore the way that policy creation and implementation is contingent on the specific time and place in which it is developed. The second two case studies - Family Group Conferences and Strengthening Families - focus on two quite different forms of social work practice and provide an insight into the way that policy is implemented and used by practitioners at ground level.

These four case studies form the basis of an argument around the idea that policy and practice are dynamic and interactive processes that will inform and change one another. Rather than seeing policy as something that is created by bureaucrats in the state and applied by practitioners at the ground level, I argue that the policy process is more complex than this. The case studies provide practical examples of this idea, and explore the complexities of policy development and the relationship between policies, policy actors and specific community social work practices - an area about which there has been little research.

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chapter one

Introduction

Policy and Practice

The introduction of the Children, Young Persons and Their Families (CYPF) Act in 1989 significantly changed the relationship between community social workers, state social workers and families. It redrew the boundaries between these groups, meaning that they had to negotiate their relationships in new ways. This thesis aims to explore these changed relationships, looking at the connection between policy, designed at the level of government, and social work practice, which both informs and is informed by this policy. My interest is in the way that policy is constructed and implemented, but also in the way that practice shapes and changes how this policy is understood. Using the Children, Young Persons and Their Families Act (1989) and some of the specific practices that have emerged from this legislation as case studies, I want to argue that child protection policy has a significant impact on social work practice, and that this policy has been created and recreated as a result of the negotiations between policy makers, families and social workers both in community groups and in state agencies.

One of the most significant ways that this policy making and re-making happened is in the shift from a 'child welfare' to a 'family group' perspective in social work practice (Cheyne et al. 1997: 202-203; Connolly 1999: 6). This shift can be seen most clearly in a comparison between the 1989 CYPF Act, and the previous child protection legislation, the Children and Young Persons (CYP) Act (1974). While the 1974 CYP Act focused on the needs of children to be protected from their families, the overall aim of the 1989 legislation is to work with families to resolve care and protection issues, and to include families in any decision-making about children. As well as recognising the importance of the family group in child protection, the CYPF Act was designed to reflect a changing understanding of the

role of the social worker from one of 'expert', to that of facilitator and empowerer of others. These changes have had significant impacts on social work practice in both the state and the community sector.

One of the key elements of the CYPF Act was the introduction of the Family Group Conferences to care and protection social work¹. The Family Group Conference process was designed to complement this new style of social work practice and give extended families more chance to be directly involved in decisions that were being made about their children. Rather than decisions being handed down from social workers to families, this new form of practice intended to allow families to be involved in every step of the way, and to bring their experience and resources to the process in a practical way (Barbour 1991:17; Connolly 1999: 17; Hudson 1996: 223; Lupton 1999: 53).

In addition to Family Group Conferencing, Strengthening Families conferencing provides a useful insight into the ways that policy and practice are connected. When it was introduced in 1997, Strengthening Families conferencing was designed to be a case management tool for people working in state agencies like Education, Health and Social Welfare, and was not a part of any specific policy or legislation. As it has been picked up by other groups, for example social workers in the community sector, Strengthening Families conferencing has become a significant practice tool that has shaped and changed the way that these social workers practice.

Family Group Conferencing and Strengthening Families conferencing offer some useful insights into the ways that the relationships between state social workers, families and community workers are negotiated. Family Group Conferences are a formal practice tool,

¹ Even though a significant portion of the CYPF Act deals with youth justice, and the Family Group Conference process equally applies to both care and protection and youth justice, I have chosen to focus solely on care and protection matters in this thesis.

they are enshrined in law, and state employed social workers have a statutory duty to call Family Group Conferences to deal with serious care and protection issues. Strengthening Families conferencing, on the other hand, is not a formal process.

Family Group Conferencing and Strengthening Families conferencing are seen very differently by community groups, and I will argue that the way they are used by community workers in care and protection is a direct result of the way that they have been introduced. While the Family Group Conference Process was designed to modify the relationship between social workers and families, Strengthening Families conferencing can be seen as an attempt to address the relationship difficulties between social workers in state agencies and between state and community agencies. As a formal statutory process, Family Group Conferencing is seen by community social workers as a tool for state social workers, and is not viewed very positively. Strengthening Families conferencing, on the other hand, is seen by community workers as both a reflection of existing practices, and as a very useful way of networking and getting things done more effectively.

These two processes produce very different outcomes for community workers, because their ability to negotiate their relationship with the Department of Child, Youth and Family Services (CYFS)² social workers differs in the different contexts. Family Group Conferencing is seen by community groups to have been 'captured' by the state social workers, making it a less useful tool than Strengthening Families conferencing. Strengthening Families conferencing, however, is seen by many community workers as a chance to negotiate their relationship with these state social workers in a more favourable way for both themselves and their clients. The difference in the way that these two forms of social work practice have been taken up by community workers is interesting, because it highlights the difficulty in creating policy that has to be used by practitioners on the ground

² Throughout the thesis the state agency that is responsible for care and protection is referred to as the Department of Child, Youth and Family Services or CYFS. However, CYFS has undergone a number of name changes, for example until January 1999 it was the Children and Young Persons Service (CYPS) and between January and October 1999, the Children, Young Persons and their Families Agency (CYPFA). This means that although the community workers who participated in the research call it various names, essentially what they are discussing is CYFS. I have retained the different names of the agency in quotes from the participants, but have chosen to refer to the agency as CYFS in my own discussions (Cheyne et al. 2000: 135).

level. When the CYPF Act was introduced in 1989, it was expected that social workers would change their practice to fit this new way of doing things, but what was not recognised was the difficulty in entirely sweeping away the old and replacing it with something new.

Method

The research was carried out between July and September 1999, and involved interviews with eight care and protection social workers in five different community agencies. All of the agencies that were involved as participants in the research can be described as 'community' agencies, as distinct from state sector organisations and private sector agencies that are run on a commercial basis. The type of community groups in which I have conducted my research can be described as 'not-for-profit' organisations, or as 'voluntary' organisations (Ellis 1994: 60), but I have chosen to use the term 'community group' to reflect the fact that most of the workers that I spoke to positioned themselves quite consciously as 'community workers' rather than as 'social workers', and to reflect the space that they occupy in relation to the state or private sector. All of the community agencies have at their core a primary focus on social objectives that include helping children and families. They all receive some government funding from the Community Funding Agency (CFA), but also rely on other sources such as fundraising, Lotteries Commission grants, other government grants, and in the case of Barnardo's Child and Family Services and Methodist Child and Family Services, funding from the larger organisation to which they belong.

My decision to interview community workers, and not CYFS social workers was based on two things. Initially, it was my intention to offer a comparative analysis of statutory and non-statutory agencies, but I found accessing CYFS social workers more difficult than I had anticipated. I was denied access by the CYFS Research Access Committee to CYFS social workers on the grounds that my research questions were too general and I did not show enough knowledge of social work practice to be allowed to interview CYFS social workers. This lack of knowledge of the particulars of social work practice issues was a deliberate approach on my part, as I had decided at the beginning of the research that the

social workers themselves should guide the discussion regarding their involvement with the legislation. Although I had a good knowledge of the history and principles of the CYPF Act, I did not know specifically what problems and issues social workers had regarding the legislation. The point of my research was to find this out. In a later conversation with a social worker who had worked both inside and outside CYFS, I was told that it was not surprising that my access application was turned down. This social worker explained that the title of my thesis, *Policy and Practice*, would not be received well by the Research Access Committee, as the distinction between policy and practice in CYFS was a sensitive issue. He argued that CYFS was aware of a gap between policy - what CYFS workers ought to do, and practice - what they actually do, and this was a problem that had not been fully resolved within the agency.

However, rather than being a setback, I think this restriction in access to CYFS social workers was a good thing, because as I began to read the literature about social workers and the legislation I found that very little of it focused on community workers and their experiences. Most of the discussion and the research that I could find focused on CYFS workers' experience of working with the CYPF Act. This focus is not surprising, given that CYFS is the only statutory agency in the care and protection field and is therefore the only agency that is required to follow the legislation in everyday practice. However, I felt that community workers, as workers in non-statutory agencies, would be able to offer a very different perspective of the legislation from those who are required to use it.

The Interviews

I did not have any trouble finding community workers willing to discuss their work with me. The first agency I went to was Just-Us Youth, a Christchurch organisation that began in 1992³. The main functions of Just-Us Youth are to provide youth groups and a one-to-one

buddy system for children aged between 0-18 years in order to “maintain caring supportive and empathetic relationships among children and young persons who have a loved one in

³ Just-Us Youth began as an offshoot of Pillars (who were also participants in the research), when it was recognised that children needed to have their own programmes outside those offered by Pillars.

prison” (Just-Us Youth staff handbook 1999: 2). I interviewed two youth workers in Just-Us Youth. Cheryl is the coordinator of the Just-Us Youth programme, and supervises both Kim and a number of volunteers who run youth groups. Cheryl has worked at Just-Us Youth for a number of years, first as a volunteer, then as a paid worker. Kim is new to Just-Us Youth, having only worked at the agency as a full-time staff member for five months, although like Cheryl, she started working for Just-Us Youth as a volunteer. Kim is responsible for the day to day organisation of the youth groups, and runs four youth groups herself, as well as providing one-to-one support for some of the children. Neither Cheryl nor Kim has worked for CYFS in the past, and do not hold formal social work qualifications.

Just-Us Youth share office space with Pillars, a Christchurch organisation that offers support to people that have a family member in prison - they describe themselves as ‘families helping families’. Pillars’ focus includes both adults and children, so their work overlaps to a large extent with that of Just-Us Youth. At Pillars, I interviewed Gloria, a community worker who has worked for Pillars for seven years. Gloria’s job involves the coordination of other community workers and volunteers at Pillars, as well as counselling families who have care and protection issues in order to deal with these problems before they become more serious. When clients are involved with CYFS and other state agencies, Gloria offers support and advocacy. Gloria holds formal social work and counselling qualifications, but has not worked for CYFS.

The next set of interviews were at Open Home Foundation, a national organisation established in the early 1970’s with a Christian focus. Open Home Foundation’s main function is to provide both short term and long term foster care for children in need of care and protection. I interviewed two workers at Open Home Foundation. Bronwyn is a senior social worker, which means that along with normal social work practice, she is also responsible for supervision of other social workers within the agency. Bronwyn had been working for Open Home Foundation for three years, and had come to the agency after working in CYFS for five years. Robin was new to the organisation, only having been at Open Home Foundation for three months when I interviewed him. His main job is to

arrange placement for children, both respite care when parents need a break, and also more long term care for families with serious care and protection issues. Robin came straight into his job at Open Home Foundation after working in CYFS for 29 years.

At Methodist Child and Family Services I interviewed Ezrai. Methodist Child and Family Services are a part of the Methodist Mission, and their primary function is to provide home based social work services to families. This involves going into families' homes to offer them counselling and support when it becomes clear that they have care and protection issues. Ezrai has been working for the organisation for 12 years, and her job is to coordinate the social workers at Methodist Child and Family Services, as well as being involved in some case work.

I interviewed two community workers at Barnardo's Child and Family Services, a national organisation whose main function is to provide short term and long term care for children, education programmes for parents, and a range of other child and family focused services. Barnardo's Child and Family Services are a part of the larger organisation of Barnardo's. Sue has worked for Barnardo's for five years, and is a senior supervisor in charge of the various services that the agency offers. She does not do any 'hands on' social work, but does hold a formal social work qualification. Jill has worked for Barnardo's for a number of years, and works more directly with families. Her job involves visiting families in their homes and working with these families to improve their relationship with their children. Jill is a qualified social worker. Neither Sue nor Jill have worked for CYFS in the past.

All of the interviews began with a general discussion of the job that the participant did, and moved on to a discussion of specific practice issues that arise from the job⁴. The interviews ranged in length from between 45 minutes to 2 hours, and all took place at the participant's workplace. Although I went into the interviews with a set of interview questions, I made sure that these questions were very general to allow the participants room to talk freely about whatever they thought was appropriate. To guide the topic areas that I wanted to discuss, I had read widely on care and protection work in New Zealand, and had

⁴ See Appendix Two for a more detailed list of the topic areas that were discussed in the interviews.

particularly focused on two areas: the CYPF Act and Family Group Conferences. I was surprised then to discover that most of the participants, although they were prepared to discuss Family Group Conferences, were more interested in talking about other aspects of their work, specifically Strengthening Families conferencing. This was the result of two factors; firstly, the simple fact was that many of the community workers do not attend many Family Group Conferences in the course of their everyday practice, and secondly, the community workers seemed to want to talk about some of the positive aspects of their job, and most of them viewed Family Group Conferencing negatively, while seeing Strengthening Families conferencing as an interesting and innovative part of their work.

Perhaps because it was such a recent initiative, I had not come across any discussion of Strengthening Families conferencing in the literature, and so knew very little about this form of social work practice. By allowing the participants to guide the discussion in this way, I was able to discuss practice issues that I knew little or nothing about, and therefore tap into a knowledge that was not well explored in the general social work literature. Had I taken a much more structured approach to the interviewing, it is possible that I would not have had a discussion about Strengthening Families conferencing with the participants, because they would have been responding to my specific questions rather than talking about what interested them.

In terms of the method used in the thesis, three important problems need further discussion. The first of these is the fact that the interviews all took place in Christchurch, at Christchurch based agencies. An obvious criticism of this is that the research is very regional, and although an interesting snapshot of Christchurch based social work practice, does not allow for potential regional differences. Unfortunately, because of time constraints, and the need to limit the scope of the thesis, it was not possible to interview community workers in other areas to see if the issues that the Christchurch participants discussed are a common theme for community groups around the country. I think it is fair to say that this thesis offers only a snapshot of care and protection issues for community workers, and is no means an exhaustive piece of research.

Another potential criticism of the research is the small sample size. Because I only interviewed eight community workers in five different community groups, I am not able to make generalised conclusions from the information I received. However, I think that there was a reasonable amount of consistency in the discussions that I had with these community workers, and they told me very similar things. In addition, although the sample was small, there was a good range of difference in the people I spoke to, for example; large, medium and small organisations, trained and untrained workers, those who had worked in the state sector and those who had not, men and women, managers and on-the-ground staff. This diversity means that I had access to a range of different experiences, and still got a consistent response from most of the participants. This leads me to conclude that the information I received was reasonably indicative of the experiences of community workers in Christchurch and perhaps in New Zealand more generally.

Another important point to note is that, as I stated earlier, I did not interview any social workers from CYFS. The lack of direct information about CYFS practice means that although I make reference to CYFS practice throughout the thesis, I do this without having interviewed any CYFS workers. However, two of the community workers I interviewed had recent experience of working in CYFS, with one worker having left the agency only three months before their interview took place. This meant that I had some insight into how CYFS operates, even though it was from two social workers who had chosen to leave the agency. In addition to this source of information, I was able to access some of the debates and issues that CYFS social workers discussed through their practice journal - *Social Work Now*, and through the *Care and Protection Handbook*, which is the manual used by CYFS social workers in their day-to-day practice. Although I feel that these sources of information give me some entitlement to comment on CYFS practices, I am aware that it is a potential criticism and have therefore tried to minimise my discussions regarding social work practice in CYFS.

Ethical Issues

Before beginning the interviews, ethical consent was obtained from the University of Canterbury Ethics Committee. After this consent was granted, the participants were

contacted, first by letter and then by telephone, to set up an interview. At the beginning of each interview, I explained to each participant the purpose of the interview, and how their interview material would be used in the research. I then asked each participant to sign a consent form agreeing to be involved in the research, and discussed the issue of pseudonyms. All of the participants declined the offer of a pseudonym for either themselves or their agency, and in fact one agency was adamant that their name be used, as they felt strongly that they wanted others to hear about some of the issues they faced.

In addition to discussing pseudonyms with the participants, I also gave each participant the opportunity to look at transcripts of their interview material once it had been written in to the thesis, and one agency was eager to do this. By providing the participants with details about how their interview material was being used, my intention was to ensure that their words were not taken out of context when incorporated into the text of the thesis, and to make the participants feel more secure about sharing information with me without fear of being misinterpreted or misquoted.

Consent to interview participants was not obtained from each organisation itself, primarily because in each case, one of the people interviewed was a manager, and therefore able to make the decision to be involved in the research on behalf of their organisation.

Overview of the Thesis

Chapter Two provides a summary of the theoretical framework of the thesis. The themes that are explored throughout the thesis, such as policy making, empowerment, power, knowledge and professionalism, form the basis of a discussion of the theoretical underpinnings of the thesis. I use these general theoretical ideas to explore the two main themes of the thesis; that the legislation was the result of particular understandings of how care and protection social work should best be dealt with, and related to this; that there has been a shift in the last 20 or 30 years from a child welfare model to a family group perspective in social work practice. Part of this discussion involves an exploration of the sociological and social work literature around these themes, looking at general theoretical ideas, but also at what research has been done in the field of care and protection work, and how my research fits into this field.

Chapter Three looks at the development and implementation of the Children, Young Persons and Their Families Act (1989), and discusses the tension that exists for social workers between using both the family empowerment perspective and the child paramountcy principle in their everyday practice⁵. I argue that, although there has been a shift from a child welfare to a family group perspective in child protection, the fact that both ‘empowerment practice’ and ‘child paramountcy’ are key ideas in the legislation has led to a confusion in care and protection work about the role of the social worker. Both empowerment practice, and the debate around the exclusion and subsequent inclusion of the paramountcy principle in the CYPF Act are discussed in detail.

Empowerment practice refers to the idea that one of the goals of social work practice is to recognise and attempt to address power differences that exist between groups. This idea is carried through in the 1989 legislation, and one of the most important ideas underpinning the CYPF Act is that families should be empowered to make their own decisions, and that this empowerment will be facilitated by social workers. However, as I argue in this chapter, there are some problems with the idea of empowerment practice, and the community workers that I interviewed had conflicting views about how the principle of empowerment actually works in practice.

I argue that this confusion in part stems from the fact that the inclusion of the paramountcy principle in an amendment in 1994⁶ means that social workers have to work with both a child welfare and a family group perspective, and that the tension between trying to incorporate these two very different principles into practice makes good social work practice difficult at times.

Chapter Four explores the process of devolution that was taking place in the public sector in the 1980s and 1990s at the time that the CYPF Act was being designed and implemented. The community workers I spoke to had conflicting views on this process of devolution, because on the one hand it means that they, and the families that they advocate

⁵ Paramountcy in child protection refers to the idea that children, not families, should be the primary concern of social workers and other professionals working with care and protection issues.

⁶ The exclusion of the paramountcy clause that had been present in the Children and Young Persons Act (1974) was the result of much debate by social workers and other professionals. It was eventually left out of the 1989 legislation.

for, have more power in the decision-making process, but on the other hand, the devolution of social services from the state sector to the community has significantly changed the way that community groups are funded.

An important part of the process of devolution was the shift of responsibility for social services from the state to families and the community. What this has meant for community workers is that the work they do takes centre stage, because they, rather than the statutory agencies like the Department of Child, Youth and Family Services (CYFS) are responsible for delivering services to children and families. However, what community groups have found is that although the state has devolved responsibility for child and family services, it still retains the financial resources that are essential in providing these services. This chapter describes the process by which devolution has occurred, and discusses the way that community workers have to manage their relationship with state agencies in order to get the resources they need to help families.

Chapter Five provides the first of two case studies in how specific social work practices relate to the principles of the CYPF Act (1989). This chapter examines Family Group Conferencing as a CYFS-centred practice tool, and looks at the ways that this tool is viewed by community workers. Like the legislation itself, Family Group Conferencing is based on an idea that families are an important resource when dealing with children in need of care and protection. The legislation intends that extended families should be allowed to make their own decisions regarding their children, and so the Family Group Conference process was designed to enable this extended family (which could include Aunts, Uncles, Grandparents and even other more distantly related family members) to become involved in the decision-making process.

However, the community workers that I spoke to all had reservations about the success of the Family Group Conference process in bringing about good outcomes for children. What these community workers argue is that, regardless of the principle of family empowerment, CYFS social workers continue to hold a significant amount of power over

the decision-making process. These community workers argue that because of the tension between family empowerment and paramountcy, and because of the lack of resources available to families from the state, it is very difficult for statutory social workers to follow the principles that underpin the Family Group Conference process. What this means is that although there is a rhetoric of family empowerment in the Family Group Conference process, community workers have found that it is CYFS social workers who make the decisions in the Family Group Conference.

Chapter Six examines Strengthening Families conferencing as a practice tool that has been introduced more recently than Family Group Conferencing, and has had a different response from community workers. Strengthening Families conferencing was introduced as an interagency case management tool, and involves the bringing together of all the agencies involved in a care and protection case, so that the various professionals along with the family, can make decisions about care and protection issues. Strengthening Families conferences are not designed to replace the Family Group Conference process, but offer a complement to this, where people can meet on a more informal level than that which is offered by the Family Group Conference.

The community workers interviewed had mixed views about the introduction of Strengthening Families conferencing. While some see it as a good opportunity to improve their rapport and to network more effectively with other agencies in the care and protection field, others argue that Strengthening Families conferencing is another example of the state stepping out of its responsibilities to provide resources to families who have care and protection issues. Although Strengthening Families conferencing is seen as a good idea in principle by all of the community workers that I spoke to, some of the workers were skeptical that it had any real value, primarily because it does not receive any government funding. Some of the community workers argue that they have already established good relationships with other agencies, and Strengthening Families conferencing was not much more than a drain on their resources. So, although Strengthening Families conferencing provides some community workers with a way of establishing good networks and offers some balance in the power relationship between CYFS and community groups, it also

provides the state with an opportunity to step back further from their commitment to giving support to families who have care and protection issues.

Chapter Seven offers some concluding comments, revisiting the central themes of the thesis and how my research has addressed these themes. It discusses policy making as the key theoretical idea in the thesis and looks at how policy making relates to the four specific case studies that are presented in the thesis: the CYPF Act, devolution, Family Group Conferencing, and Strengthening Families conferencing. In addition, it includes a discussion of the connection between policy and practice, picking up the themes that are explored in the two chapters that deal with practice issues, and using them to demonstrate the connection between policy and practice.

As well as providing a general summary, this chapter discusses the policy recommendations that come out of the findings of the thesis, for example that community workers be given more general funding to support the unrecognised work they do and that the contradictions that exist in the CYPF Act be addressed. This chapter also considers possible avenues for further research, particularly in the field of care and protection community work which, as I argue, is an area that has not been well researched.

chapter two

Theoretical Context

Introduction

Throughout the process of producing this thesis, from thinking about a topic, arranging interviews, and writing up, the way that I have conceptualised what it is that I am doing has been shaped by the sociological understandings that I have brought to the endeavour. Although the interview material that I have collected is a central part of the thesis, it is important to acknowledge that what I asked the community workers, and my understanding of what they told me has been informed by the theoretical understanding that I bring to the process. This chapter then, sets down what these understandings are, and how they relate to the everyday experiences of the community workers that I spoke to.

As I have already stated, this thesis offers an exploration of the way that policy is constructed and implemented, and how this relates to specific social work practice. In doing this, I use the CYPF Act and some of the practices that have both been informed by this policy, but also affected it, to argue that policy and practice work together in a circular way to shape and change one another. In developing this idea I draw on different theoretical ideas from both social work and sociology as disciplines, and develop some of the main ideas and concepts that are discussed throughout the thesis in relation to the particular case: the CYPF Act and specific practices that have developed from it. I will use some of the key ideas that run through the thesis: devolution and funding, professionalism, empowerment, power and knowledge, to argue that the way the CYPF Act was developed as a piece of policy was both influenced by, and impacted on general understandings and specific practices relating to care and protection social work in New Zealand.

Policy making

One of the most important ideas of this thesis is the way that policy is both informed by, and informs social work practice at ground level. It is often argued that the Children, Young Persons and their Families (CYPF) Act was a significant departure from existing ideas about social policy for children and young people (see for example Cheyne et al. 1997; Connolly 1994, 1999; Cockburn 1994). This view, however, underplays the idea that new policies are rarely complete replacements of other policies, but are often the endorsement or the rejection of ideas that are already in existence. As Considine (1994: 7) argues:

Governments do not start and stop a commitment to a policy area; rather they modify, prune and adjust...They amend, reorganise and reposition through smaller steps.

Although it is certainly the case that the CYPF Act included ideas that were relatively new to child protection policy (for example, that children should be kept within the family system) I would argue that the substance of the CYPF Act in many ways reflected practice that was already taking place in child protection social work. The 'smaller steps' that Considine notes are key in the development of the CYPF Act, which can very much be seen as a slowly changing process that occurred over a period of several years.

When it was introduced in 1989, the CYPF Act had been on the official agenda for more than 10 years. The drafting and implementation of the Act spanned two elections, a change of government, and some significant redesigning of political process in New Zealand. No other bill has taken so long (6 years) from initial review to implementation. The concepts included in the legislation, for example family empowerment, were not just 'pulled out of a hat', but were the result of particular understandings of child protection in social work that were evolving long before the legislation was passed.

These ideas, developed through the 1970s and 1980s, came not only from social work practitioners, but from various other groups, for example, Maori and anti-racist groups, community groups and bureaucrats, all of whom had an interest in how child protection was conceived of in policy. Maori groups in particular were vocal in their protests regarding the 1974 CYP Act, arguing that it was monocultural and universalistic and did not serve the needs of Maori children or Maori families. Thus, through a process of 'small

steps' in the late 1970s and the 1980s, ideas about how problems involving children and families should be addressed had begun to change. These small steps can be seen in the changing attitudes to care and protection work, and as a result of this, in changes in policy and legislation relating to children and young people¹. This meant that by the time that the CYPF Act was passed in 1989, rather than bringing about vast change in social work practice, it can be argued that it was more of a reflection of changes that were already occurring to a significant degree.

The development of the CYPF Act highlights nicely the way that social policy may at times 'catch up' with changes that have already taken place in the field rather than be designed to significantly change particular practices. Although social work practitioners may not have directly influenced the design of the CYPF Act, I would argue that social workers have a certain amount of indirect influence on the way that policy is designed and implemented. This is because policy is as much a response to practice changes as it is a guiding influence. The idea that professional groups have the power to change policy directions is discussed by Considine (1994), who argues that professionals have a particular capacity to shape and change policy. Although he discusses lawyers and doctors as examples of professional groups, Considine's argument about the power of professionals can be equally applied to social workers who, with their claim to a particular body of knowledge and expertise, represent a distinct professional group.

Like Considine, Kingdon (1984: 77) argues that policy changes do not suddenly occur, but are built upon ideas that already exist, to the point that it is difficult to see who, specifically, is responsible for bringing an idea into the policy arena. He suggests that:

...within a given case, when we try to track down the origins of an idea or proposal, we become involved in an infinite regress. An idea does not start with the proximate source. It has a

¹ For a more detailed discussion of the legislative process, and how this relates to changes in social workers' understandings of care and protection issues, see Chapter Three.

history...Even within a case study, it is often difficult to pinpoint who was responsible for movement. Ideas come from anywhere, actually, and the critical factor that explains the prominence of an item on the agenda is not its source, but instead the climate in government or the receptivity of ideas of a given type, regardless of the source.

What Kingdon is highlighting here is the way that policy creation and implementation is contingent on what is already occurring in the field, and on the specific people or groups of people who have the ability to control not only the outcome of policy decisions, but also what policy ideas are deemed important to begin with. This is certainly the case with the construction and implementation of the CYPF Act, which was developed at a time when ideas about devolution, recognition of Maori rights and the rights of families already reflected the specifics of this legislation. This meant that when the legislation was developed, it was not a radical departure from current social work practices, but actually reflected these practices in many ways.

Kingdon also discusses the relationship between policy makers and practitioners, arguing that what is important to the policy process is not just what gets decided, but what items come to be on the agenda in the first place. For Kingdon, the puzzle is not so much what happens to policies once they are implemented, but how some ideas come to be seen as important, and others not. He suggests that agenda setting - the ability for groups to have particular ideas put on the official agenda and get their ideas heard - is in many ways more crucial than the eventual outcome of the decision-making process.

Frazer (1989) calls this ability for groups to set political agendas the 'politics of need interpretation' and argues that social welfare systems are based on what are interpreted as the needs of the recipients, rather than on what these people actually say they want. She suggests that:

Clearly, the identities and needs that the social-welfare system fashions for its recipients are *interpreted* identities and needs. Moreover, they are highly political interpretations and, as such, are in principle subject to dispute (ibid.: 153).

This is a useful insight when thinking about the CYPF legislation, because an important part of the way that the legislation developed, particularly the focus on family involvement

in decision-making about children, depended on the particular groups that were able to bring their influence to bear in the review stages of the legislation, for example, social workers and Maori groups as well as politicians and bureaucrats. These groups argued that they knew what families who had care and protection issues needed, and how these needs could best be addressed.

A similar argument is also put forward by Skocpol and Amenta (1986: 149) who suggest that policy that is already in place has a significant impact on the way that other policies are created, because current policies affect political decision-making processes. They argue that:

Not only does politics create social policies; social policies also create politics. That is, once policies are enacted and implemented, they change the public agendas and the patterns of group conflict through which subsequent policy changes occur.

Skocpol and Amenta call this interrelationship between policy creation and political power 'policy feedback' (1986: 149), and suggest that rather than state bureaucrats having all the power to affect policy change, those who develop and use policies in the public arena also have an influence on policy outcomes.

Pierson (1994: 40) also discusses this policy feedback, arguing that:

If interest groups shape policies, policies also shape interest groups. The organizational structure and political goals of groups may change in response to the nature of the programs that they confront and hope to sustain or modify.

He suggests that policies provide a kind of focal point which interest groups can work from to try and either maintain or change existing policies. In addition to this, argues Pierson, particular policies can create 'niches' where political groups can use the particular understandings that are developed in the policy process to further their own ends (ibid.). This is clearly the case when we look at Maori interest groups and their active pursuit of child protection policy that incorporated empowerment practice and family decision-making. They were able to use a shift in understanding about child protection to successfully argue for a new policy that encompassed what many Maori had been wanting

for a number of years, for example, a degree of self determination and a recognition of the importance of the whanau group in all decision-making relating to Maori.

What this points to then, is the fact that policy creation, which is often seen to be a state focused activity, is actually substantially influenced by established practices in the public arena. As Wearing (1998: x) points out:

...service workers interpret public policy in their everyday practice and as a part of their activities, contribute to the reformation of policy in the delivery of services.

I will argue in this thesis that there is a strong connection between policy creation and practice, and that the way that the CYPF Act developed was influenced by a number of different factors, for example: what social workers were already doing in the field; their ability to bring their influence to bear on the decision-making process; the specific political climate at the time; and the fact that many of the aims of interests groups like Maori and social workers coincided with the ideas that were already being put forward by the Labour government in the 1980s, particularly the idea that care and protection services be devolved to community and iwi groups.

Devolution

The process of devolution of state services in New Zealand is a key part of a discussion of policy making and the way that decisions came to be made with regard to the CYPF Act. When the legislation was passed in 1989, the fourth Labour Government was well into a programme of state restructuring and devolution of social services. This had a significant impact on the way that social workers practiced, but as I have already argued, can also be seen as a response to changing ideas about what constituted appropriate practice in care and protection social work. This devolution process that occurred highlights nicely Considine's (1994: 7) idea that policies never just spring up, but draw on ideas and practices that already exist. Care and protection issues had been on the agenda for a number of years before the 1989 legislation was passed, and this was in part the result of lobbying by various groups, including Maori and anti-racist groups who argued that the 1974 CYP Act worked to the detriment of Maori children and families. This lobbying gave the state a

mandate to then follow a programme of devolution in care and protection services, because they were able to argue that it was what people wanted.

Puao-te-Ata-tu (Daybreak), prepared in 1988 by The Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare², was a significant document that shaped the way that the 1989 legislation developed, with a focus on the devolution of services to community, iwi and family groups. The Committee, established in 1985 by the then Minister of Social Welfare, Ann Hercus, was asked to advise the government on how the government could achieve the goal of:

...an approach which would meet the needs of Maori in policy, planning and service delivery in the Department of Social Welfare (The Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare 1988: 5).

The Committee was asked to report to the Government on a number of issues related to Maori care and protection services in relation to this goal, including: to assess the current capability of the Department of Social Welfare to achieve the goal; to identify potential problems, for example, current Department of Social Welfare practices, in attaining the goal; and to propose changes to any problems that were identified (*ibid.*).

Following their research into Department practices, the Committee concluded that the Department of Social Welfare could not meet the needs of Maori, and would require substantial changes if this goal was ever to be achieved (*ibid.*: 7). It recommended, amongst other things, that the review of the CYP Act (1974)³ include attention to the needs of Maori children and in particular the need to see children as a part of a wider network of whanau, hapu and iwi. The committee took issue with the fact that paramountcy⁴ was included in the 1974 legislation, and argued that the needs of Maori were inextricably linked with the

² The Committee comprised John Rangihau (Chairman), Emarina Manuel, Donna Hall, Hori Brennen, Peter Boag, Tamati Reedy and John Grant. Between August 1985 and April 1986, almost 1700 submissions from individuals and groups were received, and the committee attended 69 meetings and hui which involved a total of more than 2500 people.

³ This review began in 1983 with the then Minister of Social Welfare, Venn Young, and continued through two changes of Minister (Ann Hercus in 1984, following the election and change of government, and Michael Cullen in 1987, following Hercus' resignation) before the CYPF Act was passed in 1989.

⁴ Paramountcy is looked at in detail in Chapter Three, where I discuss the tension that social workers encounter between meeting the needs of children, but also recognising that children are a part of wider kin networks and families have a right to be a part of decisions that are made about children.

child's hapu, and therefore could not be seen in isolation as was the case with the paramountcy principle (ibid.: 52). They argued that, in addition to a change in legislation and in Department of Social Welfare practices, hapu and iwi should be given resources to enable Maori to care for themselves (ibid.: 54). This argument for the devolution of responsibility for Maori children from the state to hapu and iwi was well received by the government, and was significantly incorporated into the 1989 CYPF legislation.

The introduction of the CYPF Act both reflected and influenced the process of devolution that occurred in the state sector in the late 1980s and this in turn had a significant impact on the way that community groups practiced under a new regime of more community responsibility for families and tighter funding arrangements. This highlights Pierson's idea about the relationship between interest groups and politics, and as he suggests, the similar arguments that were put forward by both the state and by Maori groups is a reflection of interconnectedness of ideas in the political arena, and in practice (1994: 40). So then, in addition to pressure from Maori and other groups to devolve responsibility for care and protection services, the Government, committed to a programme of cost cutting in the social services throughout the 1980s and 1990s, saw the CYPF Act as a way to significantly reduce the cost of providing care and protection services to children and young people (Tapp et al. 1992: 175). The effect of this cost cutting strategy was twofold, firstly, it involved an actual reduction in the amount of funding that CYFS received (Ministry of Social Policy 1999: 24), and secondly, the process of funding for community groups changed significantly with the creation of the Community Funding Agency (CFA)⁵ in 1991.

Before the establishment of CFA, community groups received the bulk of their funding from the government in the form of grants-in-aid, but under this new funding arrangement, funding would be targeted toward specific services through a regime of contracting for services from the state (Smith 1996: 9; Nowland-Foreman 1997: 18). What this meant for community groups is that, although they were assured by the state that this new funding arrangement would mean more secure funding, greater flexibility in funding, and a more

⁵ The Community Funding Agency, its creation and operation is discussed in detail in Chapter Three.

mutual relationship with the Department of Social Welfare, what they actually got was less control over their (reduced) resources (Nowland-Foreman 1997: 19).

As Nowland-Foreman (1997) points out, the effect of the changed relationship between the state and the community sector is that as community groups are encouraged to become more business oriented, they began to lose the attributes that set them apart. Nowland-Foreman (1997: 25) argues that:

At other times voluntary organisations are cajoled into being more accountable to government (for government funds) when what is really meant is becoming more like government - in their recruitment practices, in their accounting procedures, in their record keeping, in their service eligibility criteria, in a standardisation of the way in which they operate, and so on.

It is ironic that while the state wants to devolve care and protection services to community groups because they are more likely to be 'user friendly', the state also expects these community groups to behave more like state agencies.

As we can see, the devolution of care and protection services that occurred through the 1980s and 1990s can be seen as more than just a state led initiative that changed practice, but was the result of various interest groups' ideas intersecting. As well as the state being interested in devolution as a cost saving measure, Maori groups and social workers also supported this process because it suited their own agendas. As I have already pointed out, Kingdon (1984: 77) suggests that this highlights the way that policies are not just created by bureaucrats for the public, but are the result of negotiation and the coming together of ideas from various sources.

As I have already suggested this relationship between social work policy and practice occurs through a process of 'policy feedback' (Skocpol and Amenta 1986: 149; Pierson 1994: 40) in which policies are created out of existing practices, and then change these practices, in an on-going process. In New Zealand, shifting ideas about how care and protection work should be undertaken have come from a variety of sources, including the international arena, and closer to home, arguments from community social workers and from Maori groups, and have changed the way that care and protection policy has developed in this country.

Shifting Understandings

The 1989 legislation, along with the arguments put forward by Maori and other groups in relation to care and protection for young people, can be seen as a part of a general shift in social work practice from child focused to a family group perspective⁶. This shift, as I have already argued, began to occur through the 1970s and 1980s, when it was argued that current social work practices did not acknowledge the needs of Maori to make decisions within the context of their culture. This shift, and arguments about autonomous decision-making that went along with it, was by no means specific to New Zealand, but was a part of world wide changes in the way that child protection was understood.

In 1989 the United Nations adopted the Convention on the Rights of Children, after nearly a decade of debate and discussion (Le Blanc 1995: xi). It can be argued that the UN Convention, which was first introduced in 1979, was a significant part of the shift in thinking about children's and families' rights (Brandon et al. 1998). As well as discussing the rights of children in relation to a range of aspects of social life⁷, the Convention also acknowledges the importance of family involvement in decision-making with regard to children. For example, Article Five of the Convention states that:

Parties shall respect the responsibilities, rights and duties of parents, or where applicable, the members of the extended family or community...to provide appropriate direction and guidance... [for] the child (cited in Le Blanc 1995: 296).

This newly developing understanding of the rights of children and their families, along with pressure from groups within some countries, paved the way for countries like New Zealand and the United Kingdom to significantly alter their child protection legislation to include provisions for families and children to be more involved in decision-making processes. In

⁶ For further discussion of this shift in relation to the CYPF Act, Cheyne et al. 1997; Cockburn 1994; Cody 1990; and McDonald 1998, all provide good summaries of how the shift fits into the overall changes that occurred both in social work practice, but also in the political arena at the time. For a discussion of this shift in the international arena, see for example Parton 1991, 1996; Lupton and Nixon 1999; and Brandon et al. 1998.

⁷ The rights of *children* to participate in decision-making processes that affect them was a key aspect of the UN Convention, and is an important part of any discussion of child protection social work. It is, however, beyond the scope of this thesis to discuss it in any detail. For a further discussion about children's rights in relation to care and protection decision-making, see for example Brandon et al. 1998; Freeman and Veerman 1992; Freeman 1996; Hassall 1994; and Smith et al. 2000.

New Zealand, this adoption of the principles of the UN Convention can be seen in the CYPF Act (1989).

In the United Kingdom, the Children Act (1989) can be seen as a reflection of these shifting understandings of child protection. The Children Act, and the Family Group Conference process⁸ reflected a change in the way that child and family participation in decision-making was viewed. Similar to the New Zealand legislation, the Children Act makes provision for families to be more involved in decision-making in care and protection, and also, unlike the New Zealand legislation, discusses in detail the rights of children to participate in decision-making. Lupton and Nixon (1999: 42) argue that the Children Act is directly influenced by the UN Convention, noting that:

The opening paragraphs of the Children Act set out the over-arching principle by which the government ratified the UN Convention on the Rights of Children: the welfare of the child is to be the paramount consideration...Underpinning this principle was the new concept of 'parental responsibility' for, rather than rights over, their children.

This legislation differs in an important way from the New Zealand CYPF Act in that it included the paramouncy principle, making it more 'child centred' and therefore, it can be argued, an even closer adoption of the UN Convention than the New Zealand legislation.

Many other countries, for example, Australia, Canada, South Africa, the United States and Sweden, have to varying degrees embraced what Lupton and Nixon (1999: 93) call a 'family group decision-making approach'. This approach involves developing child protection legislation that includes attention to children's and families' rights to participation in decision-making, and also the implementation of Family Group Conferencing as a practice tool in care and protection social work. This adoption of the UN Convention by a significant number of countries around the world, as I have argued, reflects an international shift in understandings of the relationship between the state, social work professionals, and children and families.

Professionalism

⁸ Family Group Conferencing in child protection was introduced in the United Kingdom in the early 1990s as a direct result of its development in New Zealand (Lupton and Nixon 1999).

An important part of the shift from a child welfare to a family group perspective in care and protection work has been a relatively recent move from thinking about social workers as 'experts' to thinking about them as facilitators and empowerers of others. One of the most fundamental arguments that exists in social work as a discipline is over whether or not social work can be called a fully fledged profession. As McDonald (1998: 19) notes:

One of the seminal issues to be resolved in constructing a framework for social work practice is the question of whether it can claim to be a profession. Debate on professional attributes is a recurring theme in most foundational texts. Professional standing is not now a major issue in most western countries, although some scholars may prefer to describe social work (together with teaching and nursing) as a semi-profession where practitioners derive their authority from the institution for which they work rather than from the profession itself.

At various times through its relatively short history, it would seem that social work as a profession has swung between an 'expert' discourse and one of community development, social action and client empowerment (Parton and O'Byrne 2000). What this means in the current context is that social workers generally fall into two camps. There are those who make claim to a specific body of knowledge and argue that this knowledge gives them a particular understanding of the world that they can use to help others - the 'experts', and those who see the primary goal of social work practice to facilitate the empowerment of their clients - the 'empowerers' (McDonald 1998; Parton and O'Byrne 2000).

Tully and Mortlock (2000: 167) discuss this distinction among professionals, and argue that there has been a shift from traditional ways of viewing professionals to what is called the 'new professionalism'. The 'old professionalism', they argue, involves professionals developing social distance between the 'expert' and the 'lay person', and making claims to a specific body of knowledge that is acquired through university education and that is scientifically based. This is in contrast to the new professionalism, which involves:

...a 'partnership' between the professional and the client. This 'partnership' involves the professional and client together identifying what the client wants and needs to know. The 'new professionalism' discourse constitutes professionals as 'reflective users of knowledge and experience' whose central task is to develop an understanding of the clients' perceived needs and to share their expert knowledge and skills in so far as they serve those needs (Tully and Mortlock 2000: 169).

While Tully and Mortlock discuss doctors as a professional group, this argument can equally be applied to social workers, and as Saleebey (1997: 3) argues, clients in this profession are rarely seen as the passive recipients of help, but are “purposeful agents” who are actively involved in the social worker/client relationship.

In New Zealand social work practice, as we have seen, it is the discourse of ‘client empowerment’ that holds sway in the state sector. Clearly, the CYPF Act, and the practices that go along with this legislation can be seen as an acknowledgment of this shift from an ‘expert’ discourse to one of client empowerment and partnership between social workers and clients. In fact, it can be argued that one of the central goals of the CYPF Act was to directly reduce the influence and power of social workers as a professional group and place some of this power in the hands of others involved in care and protection, for example community workers, families and children.

Empowerment

The shift that has occurred in care and protection from a child welfare to a family group perspective has brought with it new understandings of the way that power should operate in social work practice with children and families. Through the 1980s and 1990s, ‘empowerment practice’ became an important social work tool. The primary aim of this perspective is to empower families to make decisions about their children, rather than relying on too much ‘disempowering’ state involved decision-making in child protection. Connolly (1999) discusses empowerment practice in social work, and argues that it is not new in social work practice, but comes from a tradition of radical social work and anti-oppressive practice that involves:

...an ability to recognise and build upon strengths: working in partnership, rather than in conflict with families...Essentially, the empowerment concept suggests that some people have more power than others and that they should be encouraged to share their power with those who have less (Connolly 1999: 6).

This approach encourages social workers to build on families’ strengths, and rather than being ‘expert’ decision makers, social workers are seen as facilitators of family empowerment. Connolly (1999: 33) argues that, because this empowerment principle is

enshrined in legislation in New Zealand, it has become a very powerful practice tool for care and protection social workers. Using the Family Group Conference process and ideas about family participation in decision-making, social workers have been able to put this empowerment perspective into practice, because they have been given the statutory support to do so.

Lupton (1998: 109), however, suggests that 'empowerment' is by no means a value-free concept, but is in fact a highly contested term with a range of competing meanings and expectations. She argues that:

For some...the idea of empowerment is inextricably linked with the wider struggle against an oppressive and 'disempowering' professional practice; for others, such as the purchasers and providers of health and social care services, its use more commonly serves as a synonym for 'enabling' users to have their say about the services they receive (ibid.).

Lupton argues that empowerment practice is more than just a social work tool that enables clients, but can be a political tool that is used by the state to emphasize concepts like 'independence' and 'self reliance' (ibid.: 110). As Lupton points out, it is no coincidence that empowerment practice has been embraced at a time of reduced state involvement in family life, and reduced expenditure on social services. The Family Group Conference model in particular can be seen as a way to both empower families, and to reduce state responsibility for care and protection social work. Discussing the development of the Family Group Conference model in the UK, Lupton argues that:

It is clear that the interest in the FGC model may be driven by a number of, possibly conflicting, political and ideological objectives, including both a recognition of the rights of families to have a greater say in decisions about their children and a concern to reduce the extent of these families' reliance on state support (ibid.)

Rather than being a neutral concept that benefits social work clients, then, empowerment practice can also be seen as a specific tool that the social workers and state bureaucrats use to forward specific goals that are often quite disparate.

Lupton and Nixon (1999) also discuss empowerment practice and how it relates to the Family Group Conference process, suggesting that the way that social workers conceptualise 'empowerment' is connected to the ways that they think about power in

general. They argue that some commentators (for example Adams 1990; Holdsworth 1991) see power as a 'zero-sum' rather than 'variable sum' equation, making empowerment difficult to put into practice. Adams (1990: 43), for example, suggests that empowerment involves:

...the process by which individuals, groups and/or communities become able to take control of their own circumstances and achieve their own goals, thereby being able to work towards maximizing the quality of their lives.

This conceptualisation of empowerment involves a 'zero-sum' view of power where those that have little or no power wresting control from those that do have power, for example, social workers or doctors. This is not a particularly collaborative view of empowerment, but one that sees power as a limited resource that can be taken, but not necessarily shared. Lupton and Nixon, however, argue that power and empowerment need to be reconceptualised as a 'variable-sum' equation, where power is an infinite resource that both social workers and families can benefit from sharing. As they suggest:

...even those with mutually opposing interests may find that there are contexts in which the empowerment of the other 'side' enhances their own power. Recognition of this fact, after all, has long been the basis of political conspiracies and alliances (Lupton and Nixon 1999: 9).

This way of thinking about power as beneficial to different and often conflicting groups is discussed by Frazer (1989: 24), who explores Foucault's conceptualisation of power as being "capillary" rather than as state centred. Discussing Foucault, she suggests that:

...modern power, as first developed in disciplinary micropractices, is not essentially situated in some central persons or institutions such as king, sovereign, ruling class, state or army. Rather it is everywhere...In other words, as Foucault often says, modern power is capillary. It does not emanate from some central source but circulates throughout the entire social body down to even the tiniest and apparently most trivial extremities (ibid.).

So, rather than seeing power as something that is exerted by those in positions of authority onto those who are not recognised as having formal or legitimate power, Foucault suggests that power should be thought of as "a complex, shifting field of relations in which everyone is an element" (ibid.: 29).

As I will argue, this way of seeing power has been useful in theory for child protection social workers who are committed to empowering families in the decision-making process, but in practice, social workers have found it difficult to reconcile this Foucauldian view of power with the idea that power is a resource that they must control and manage so that children's best interests are always served. As Frazer points out:

Foucault writes as though he were oblivious to the existence of the whole body of Weberian social theory with its careful distinctions between such notions as authority, force, violence, domination, and legitimation. Phenomena that are capable of being distinguished through such concepts are simply lumped together under his catchall concept of power. As a consequence, the potential for a broad range of normative nuances is surrendered, and the result is a certain normative one-dimensionality (ibid.: 32).

Although Foucault's concept of power as being capillary and productive is useful, what it may overlook is the different positions that social workers, families and children hold in terms of their legitimate authority to make decisions with regard to care and protection issues. I would argue that the fact that CYFS social workers have the authority of a state institution behind them significantly reduces the possibility of families' empowerment if these social workers do not agree that empowerment will occur. In this way, while empowerment is a good principle, it is very difficult to practice at ground level if all those involved are not fully committed to its implementation.

Power/Knowledge

As well as thinking about the power relationship between social workers, families and children, an important theme of this thesis is the tension that exists between social workers in the public and community sectors. While it can be argued that the Family Group Conference⁹ process was established to address the power imbalance between social workers and families, Strengthening Families conferencing¹⁰, adopted more recently in

⁹ Family Group Conferences are discussed in detail in Chapter Five.

¹⁰ Strengthening Families is discussed in detail in Chapter Six.

New Zealand, can be seen as an attempt to address the power imbalance¹¹ that exists between state and community social workers, and between different groups within these two fields.

Much of the social work literature that discusses power pays little attention to the power relationship between social workers in the state sector and those in the community, instead choosing to focus on the (state) social worker/client relationship (for example: Christensen et al. 1999; Cohen 1998; Connolly 1994, 1999; Corby 1991; Hasenfeld 1987; Howe 1991a; Hudson et al. 1996; Lupton 1998; Lupton and Nixon 1999; McDonald 1998; Parton 1991, 1996; Parton and O'Byrne 2000). As I will argue however, the relationship between social workers in community groups and in the state sector is a key part of the way that state social workers and families interact. A central part of this thesis is an examination of the relationship between state and community social workers, and the effects of different policies, primarily the CYPF Act, the Family Group Conference process and the Strengthening Families initiative, on this relationship. These policies were designed to empower families to make decisions in care and protection, but a central part of this empowerment is the ability for community social workers, who often work as advocates for both families and children involved in care and protection, to have some power in order to best serve their clients.

The degree of power that a social worker can exert on others - clients, social workers or other professionals such as doctors, teachers or police - depends on the institutional context of that social worker. A social worker who is employed by CYFS, for example, has a significant power advantage over a community worker from a small organisation, and this power difference has a tremendous impact on the practice that these social workers can actually carry out. As Rueschemeyer (1986: 119) points out:

Differences in outcome will partly derive from the relative strength of the contending groups and the way that they see their interests and mission. They will also depend on prior institutional forms and

¹¹ By 'power imbalance' I am referring to the difference between state social workers - who hold formal legislative power, and community workers - whose power is dependant on the specific relationships that they form with families and with other social workers.

constellations of interest as these affect the power as well as the perceptions and goals of the various groups and institutions involved.

The implication for this, argues Rueschemeyer, is that powerful groups can use their resources to have their interests and goals defined as the most important in a given field of expertise. She suggests that:

Both sides will mobilize whatever resources they have to shape the outcome to their advantage; and inevitably public institutions, in particular the modern state with its claim to making binding collective decisions guaranteed ultimately by coercion, will be involved in setting institutional arrangements between expert groups and their customers (*ibid.*).

Those with the ability to set the agenda and to define the parameters of 'good' practice have the power to control, to a large extent, the practice of others in the field. For example, as the sole statutory agency in New Zealand, CYFS is responsible for setting and monitoring the standards that social workers in other, non-statutory agencies, are expected to follow.

The implication for this power differential in care and protection social work in New Zealand is that CYFS social workers can choose whether or not to listen to social workers from community agencies. An important part of the power relationship between state and community agencies is the role that knowledge plays in who gets to be listened to and taken seriously. As Howe (1991a: 206) suggests, when a difference in power exists between groups, those who can define what knowledge is important will have an advantage over those who cannot. He argues that:

Groupings within a profession compete to articulate their understanding of situations. No single group can unequivocally define the profession, its aims and methods, without another group wishing to vary that definition. But the distribution of power varies within the profession so that some perspectives are more consequential than others. Dominant factions are more able to set the boundaries and the terms of thought in which everyone else operates.

The power to define what is important knowledge and what is not has a significant impact on different groups' ability to have their voice heard and to have their goals considered important.

I will argue that the Strengthening Families initiative works to lessen the power of CYFS as a state agency in care and protection, and gives community groups, who traditionally have had very little power in the decision-making process in care and protection, more ability to have their knowledge and expertise acknowledged. As the Family Group Conference process has significantly reconfigured the relationship between state social workers and families, Strengthening Families has changed the way that community and state social workers interact, meaning that decision-making in care and protection is a much more collaborative effort that involves families, state social workers, and various community social workers working together to solve problems.

Other Research

Surprisingly, since it is often claimed that the CYPF legislation is a radical departure from traditional views of how to deal with care and protection of young people (Lupton 1999; Connolly 1999), there has been very little state driven research on the impacts of the legislation for social workers, families and children.

The most significant assessment of the legislation, and the changes in social work practice that have resulted, was the Ministerial Review of the CYPF Act undertaken in 1991. This Review, commissioned by the then Minister of Social Welfare Jenny Shipley, was asked to assess the full range of policies and practices involving both community and state organisations relating to the CYPF Act. The Ministerial Review Team, chaired by retired High Court judge Ken Mason, received written and oral submissions from thousands of individuals and groups that were affected in some way by the CYPF Act introduced two years previously. The Report of the Ministerial Review Team (the Mason Report 1992) outlines the problems that community and state social workers face, arguing, amongst others things, that the Department of Social Welfare could not follow the principles set down in the legislation if it did not significantly change its culture from one of 'we know best, we are the professional'. It concludes that:

...the Department [of Social Welfare]¹² has been found wanting, seriously so in several areas, in the past. Its so-called restructuring programmes of the past have been poorly handled to the point where staff now feel demoralised. Similarly most community organisations, who provide services under the Act feel resentment about the way they have been treated, the ever-changing rules to which they are subjected and the ineptness of many management and policy decisions. What emerged, perhaps unintentionally, is that the DSW believes that it is greater than the community which it must serve. It is not (Mason 1992: 188).

A number of the recommendations made by the Mason Report were taken on board by the Department of Social Welfare and led to change, for example the reintroduction of paramountcy into the legislation in 1994, but for the most part according to the participants in this research, it would seem that the culture of the Department has changed very little. As my research shows, community workers still face the problem of the power imbalance between themselves and state social workers who often take over the decision-making, particularly in the Family Group Conference process.

Since the Mason Report in 1992, there has been very little large scale research into the impacts of the legislation. Although the Department of Social Welfare keep records of the number of Family Group Conferences, Family/Whanau meetings¹³, and Strengthening Families meetings it holds each year, and argues that the 'outcomes'¹⁴ of these are generally positive, they have undertaken no specific research into what happens to families and children once they are no longer deemed to need care and protection help, or have been placed in the care of social workers in community groups. Much of the assessment work that has been undertaken by the Department of Social Welfare has been carried out by CYFS social workers, who, because of their position as state employed social workers,

¹² When discussing care and protection issues, the Mason Report refers to the Department of Social Welfare rather than the Department of Child Youth and Family Services, because in 1992 when the report was written, child protection services were still part of the Department of Social Welfare. It did not become a separate department until January 1999.

¹³ Family/Whanau Meetings are an informal CYFS developed practice tool which involves CYFS social workers meeting with families who are having problems, in order to try and solve problems before a Family Group Conference is needed. They have come under criticism by some for attempting to circumvent the statutory requirements of the CYPF Act that state that a Family Group Conference must be held when care and protection issues have been identified (Mason 1992: 43). Despite these criticisms, Family/Whanau meetings continue to take place, with more than 2000 meetings being held each year by CYFS social workers.

¹⁴ The problems associated with assessing 'outcomes' of social work practice are discussed later in this chapter, and also in Chapter Five.

have for the most part ignored the role of community workers in helping children and families involved in care and protection. For example, in 1993 Karen Paterson, a social worker and research officer with the Department of Social Welfare, carried out an evaluation of the Family Group Conference process, in order to:

...assist Head Office policy-makers to identify what procedural changes might be needed to improve these [organisation, operation and resourcing] aspects of Family Group Conferences (Paterson 1993: 14).

The study involved questionnaires sent to care and protection co-ordinators throughout New Zealand, as well as interviews in eight district offices with professionals involved in the management of the Family Group Conference process (ibid.). The research did not include any information from families or community workers involved in the Family Group Conference process. Paterson concludes from her research that:

Generally care and protection Family Group Conferences were organised and operating in accordance with the Act and with departmental policy guidelines. The majority of those who participated in the study voiced support for the Act and the Family Group Conferences, and felt in the main the new process was working well (ibid.: 17).

What Paterson's study does not show, however, is how families, children and community workers, who are equally involved in Family Group Conferences, view the process. This criticism can be applied to almost all of the reports produced by the Department of Social Welfare in the last 10 years; they do not acknowledge the role that community workers play in the Family Group Conference process, in Strengthening Families meetings, and in providing support to families and children who have care and protection issues.

Resourcing is a significant issue in care and protection work, and much of the research and evaluation of the CYPF Act and CYFS focuses on the lack of resources available to both CYFS staff and families involved in care and protection social work. For example, a study carried out in 1994 by the Child Protection Trust Committee, an independent voluntary group comprising professionals from child welfare and child mental health, concluded that CYFS was an "understaffed, underfunded, generally underresourced, and unevenly skilled organisation" (Child Protection Trust Committee 1994: 30).

This committee surveyed more than 300 professionals working in care and protection in the public, private and voluntary sectors, including social workers, community workers, doctors and paediatricians, psychologists and public health nurses, focusing specifically on the process of referrals to CYFS by professionals working with children. They found that because of under-resourcing in CYFS, most professionals who made referrals to the Department were not confident in the ability of CYFS social workers to deal with cases quickly or thoroughly. Financial considerations, it would seem, have a significant impact on the ability of CYFS social workers to carry out in practice the principles set down in the CYPF Act.

As well as a small number of government and community based research projects, some research has been carried out by students within the university setting. For example, research has been undertaken by Cameron and Wilson-Salt (1995), Campbell (2000) and Rimene (1993).

Cameron and Wilson-Salt conducted research in 1994 as a part of their assessment work at the Social Policy and Social Work Department at Massey University, and with the support of the New Zealand Association of Social Workers (1995: 19). Interested in the experience of social workers in care and protection and their relationship to the CYPF Act, Cameron and Wilson-Salt sent out questionnaires to various social service agencies involved in care and protection, including CYFS, Healthcare agencies and community groups. They received 55 replies, and in addition to this information, conducted nine interviews in these three areas (*ibid.*). They concluded that although social workers agreed with the concept of Family Group Conferences, the fact that CYFS and the community sector are so under-funded meant that often social workers could not adequately carry out their job. They argue that:

...most social workers are dealing with the same or an increased workload, while being provided with increasingly fewer resources to do as such. The CYPF Act is so under-funded that it is increasingly unable to fulfil its aims (*ibid.*)

As well as a lack of funding, Cameron and Wilson-Salt's participants argued that the success of the Family Group Process was too dependant on the individual attributes of the

co-ordinator, and that, because the actions of the co-ordinators were constrained by CYFS managers, they lacked the independence needed to provide good Family Group Conference outcomes. This report supports the findings of my research, which found that, according to the community workers, the Family Group Conference process had been 'captured' by co-ordinators and managers from CYFS. This means that community workers, and the families that they support in the Family Group Conference process, did not have the decision-making power that was intended by the CYPF Act.

Campbell's (2000) Ph.D. research focuses on the involvement of parents in care and protection with the Department of Social Welfare. After conducting 13 in-depth interviews with parents who had been involved with social workers from the Department of Social Welfare, Campbell concluded that parents struggling with difficult children were routinely blamed by social workers and other professionals, for example judges and police, for their children's misbehavior, and were offered very little support for the problems they faced. She argues that the public lives of families with care and protection or youth justice issues are often the focus of professional and media attention, without these people considering the private world of children and families, which is rarely a clear-cut situation of 'bad parent/good child'. Campbell concludes from her research that:

Attempts to ensure better treatment, higher status and greater rights for children and young persons have fostered a concomitant redefinition of the respective rights, duties and images of parents, children and the state. The resulting devaluation of parents is associative rather than intentional, but its effects are cumulative and continuing. Parents have been progressively problematised, marginalised and disempowered. The combination of historical change and negative constructions of parents have affected parental mana such that they no longer have the means to meet their parental obligations adequately (2000: 255).

This assessment differs substantially from accounts that suggest that the CYPF legislation is 'parent' focused, and works well to redistribute the power that social workers have to families with care and protection issues. Rather than empowering families and giving them the resources to deal with their care and protection issues, as Campbell points out, families are often considered the 'problem'. This positioning of parents as causing problems, but not

necessarily being a part of the solution, directly conflicts with the aim of the legislation to place families at the centre of the decision-making process regarding children.

Rimene's (1993) Masters thesis provides a discussion of Maori whanau (families) and their experiences of being involved with CYFS after having been identified as having care and protection issues. Her primary interest was in the services that CYFS delivered to whanau and whether or not these services reflected the principles set out in the CYPF Act. Rimene interviewed five Maori whanau who had dealt with CYFS for a variety of reasons, as well as interviewing all of the staff at one CYFS office in Lower Hutt in Wellington.

Looking at the Family Group Conference process, Rimene argues that the principles of the legislation are not being incorporated into practice by CYFS social workers for a number of reasons. She suggests that many of the whanau involved in the research felt isolated and overwhelmed by the power of the CYFS social workers, and that because of the many different professionals involved in a care and protection case, whanau felt that their voices were being drowned out (*ibid.*: 70). In addition to this, Rimene points out that CYFS social workers have the power of veto over any decisions that are made by the whanau, and because CYFS social workers always have a 'bottom line' that must be met¹⁵, whanau involved in the Family Group Conference process did not always feel that the decision that was made was their own.

Rimene concludes that the principles of family participation and empowerment that are present in the CYPF Act are not being carried out in practice. She argues that:

While the intention of the Act is to empower whanau to participate in the decision-making process this is not happening. The act of empowerment depends on the individual practice of the practitioner (1993: 59).

She suggests that, while whanau are involved in the Family Group Conference process, they are not usually in control of the decisions that are made in it, and for this reason, are not truly empowered by CYFS social workers to make decisions for their children.

So then, although there has been some research carried out in the ten years since the introduction of the CYPF Act, there is a significant lack of good quality evaluation of the

¹⁵ This bottom line is discussed in more detail in Chapter Three.

way that the Act is working in practice, particularly with regard to the community sector. Campbell (2000) comments on this lack of research, and notes that the majority of literature discussing care and protection social work comes from the experiences and perceptions of the professionals involved, rather than being based on research or analysis of statistical data.

I would argue that the lack of research in care and protection social work stems in part from the focus in social work on 'the case' which has meant that much of the discussion of care and protection social work had centred around individual case studies of children and families, rather than detailed research. As Robertson (1996: 49) argues:

...much of the debate has been hindered by the lack of research. Many of the arguments presented are couched at the level of theory and anecdote.

The majority of the discussion that has taken place around the positive and negative aspects of the CYPF Act has been at the level of practice and theory (for example Barbour 1991; Bush and O'Reilly 1998, 1999, Cockburn 1994; Connolly 1996, 1999; Henderson 1998; Hudson et al 1996; McDonald 1998; Tapp et al 1992; Walker 1996), rather than being based on sound statistical or qualitative evidence.

A problem facing researchers wishing to evaluate policies such as the CYPF Act is the methodological difficulty in measuring 'outcomes'. As Stevens (1999: 139) points out:

One major problem with the incorporation of the natural scientific approaches to the human sciences derives from the extent to which they involve an oversimplified form of causal explanation. Outcomes are defined as the consequence of an intervention or service and, as such, are inescapably linked with the concept of causality...The issue of cause and effect in social research is, however, a difficult one to resolve.

For example, Department of Social Welfare statistics show that the Family Group Conference process results in an 'outcome' in over 80% of cases (Department of Social Welfare 1999: 28), but what is not known is how involved the family is in this decision, what happens after the decision is made, and whether the decision actually solves the problem that was being addressed. My research indicates that, while outcomes are reached in most Family Group Conferences, families are often coerced into agreeing to decisions

they did not make themselves, and often do not follow through on decisions made for a number of reasons.

I would argue that quantitative data collection alone cannot provide enough evidence to show whether or not the principles of the CYPF Act are actually working in practice. What is needed is more qualitative research that explores the experiences of all the participants in care and protection social work, for example, children, families, community workers and other professionals like doctors and lawyers, in order to see more clearly the relationship between what DSW define as 'outcomes' and the actual outcomes for families and children in terms of how their lives change as a result of being involved in processes such as Family Group Conferences.

Another issue related to the evaluation of the legislation is that it was implemented with no clear intention that it would be evaluated at all. This is surprising considering that the legislation was held up by politicians and practitioners as a significant departure from traditional policies regarding children and families. As Hassall (1999: 13) points out, New Zealand has a poor record when it comes to evaluating the effect that policies have on those that it is implemented for, and those who use the policies in their work. He argues that:

We have a weak record in New Zealand of evaluating the effect of social legislation. In other countries, evaluation is mandated at the time legislation is passed. The Australians do it. They must have a more enlightened or more suspicious electorate, that demands to see evidence when politicians proclaim on how a piece of legislation is doing.

Hassall, who was the Commissioner for Children at the time the legislation was passed, argues that, despite several proposals from the Office of the Commissioner for Children, successive governments have chosen not to undertake any major research on the impact of the legislation on social workers, families, children or communities (ibid.: 14). According to Hassall, this lack of research can be accounted for in two ways. Firstly, he argues, cost is a significant impediment for governments, who have not been willing to give the estimated half a million dollars needed for a minimum evaluation of the legislation. Secondly, the fact that an evaluation of the legislation would have to involve the co-operation of CYFS is considered a significant impediment. In trying to obtain consent to proceed with a full scale study, Hassall argues that:

There were protestations about the difficulty in obtaining meaningful outcome information, and about the inviolability of the case records and so on (ibid.).

A third criticism that can be made of the evaluation procedures that the state carry out is that they are by no means value-neutral. As I have already noted, much of the research that has come from the state previously has come from practicing CYFS social workers, and so can hardly be considered an independent assessment of the legislation. It would appear that this is not about to change, because, as Hassall notes:

...the Department is to set the criteria and have a veto on the design. It appears that they have the absolute say as to what measures are to be used, where they are to be applied, what information is to be released and when. This is not an independent evaluation (ibid.).

So then, my research attempts to fill a gap that exists in research about non-state actors' involvement with care and protection social work. Much of the research that has been undertaken has focused primarily on state social workers and their relationship with children and families, and has all but ignored the important work that takes place in the community sector. I would argue that in the current climate of devolution and a focus on community based social work, the importance of community social workers' experiences cannot be ignored. This thesis then, offers an account of community workers' understandings of the way that the CYPF Act works in practice and the problems that are faced by these community workers in a climate of less state and more community responsibility.

Conclusion

The aim of this chapter was to set the theoretical context of the thesis, and show how my research fits into a wider body of knowledge around social work and sociological theory. My research attempts to do two things: firstly to draw together understandings of the way that policy development is understood, and use the CYPF Act as an example of the policy process, and secondly, to add to the limited body of knowledge that exists in relation to specific practice issues for community workers in care and protection in New Zealand.

As I have argued, the CYPF legislation reflects a shift in understanding in child protection from a child welfare to a family group perspective, and this shift has been

informed by the ideas around power and empowerment that have developed in the social work field over the past 20-30 years. I have suggested that empowerment, although good in theory, is very difficult for social workers to carry out at the level of practice. This is because they must hold in tension their responsibilities to both families and to children, and it is often difficult for them to empower families while still ensuring that children are protected from harm.

I have argued in this chapter that the shift in understanding that has occurred in care and protection is the result of many interrelated ideas coming together, for example; the on-going debate in child protection with regard the involvement of families in decision-making both within New Zealand from Maori and other interest groups and internationally, and the particular political and economic climate at the time. These ideas and debates changed the way that the CYPF Act developed, which in turn shaped and changed the specific practices that social workers use in their everyday work.

The following chapters pick up the themes that have been explored in this chapter; the policy process, devolution, professionalism, empowerment, power and knowledge, and use these to explore the development of the CYPF Act, and two practices that have come out of this legislation - Family Group Conferencing and Strengthening Families conferencing. As I will argue in the following chapter, the intention of the CYPF legislation was to empower families to make decisions, and to encourage social workers to be facilitators in this decision-making process. However, as we will see, empowerment is a more difficult concept to deal with in practice than it seems in principle, and so social workers are constantly caught between supporting families and protecting children.

I will show, through case studies of two different forms of social work practice, this tension is an on-going and difficult to resolve problem that community workers deal with on a day-to-day basis. I argue that one of these processes, Family Group Conferencing, is not viewed very positively by community workers, who, with their commitment to supporting families as well as children, see the Family Group Conference process as a way for state social workers to make decisions about children under the guise of family empowerment. Because of the way that Family Group Conferencing has been implemented

in New Zealand, specifically the fact that it is a formal legislative process, community workers do not feel that they are encouraged to be involved in a process which they see as a practice tool utilised by state social workers. Strengthening Families conferencing, on the other hand, is a non-statutory social work tool that has been taken up enthusiastically by a number of the community groups involved in the research.

chapter three

The CYPF Act (1989)

Introduction

When it was introduced in 1989, The Children, Young Persons and their Families (CYPF) Act was intended to give families an opportunity to become more involved in decisions that were being made about their children. It adopted a family centred approach that recognised the rights of families to have more say in what happened to children who needed care and protection. It recognised the Maori family structure which acknowledged that extended family (whanau) were important to children's lives, and could be used as a support network for children when their parents could not adequately care for them.

However, the introduction of the new legislation must be seen within a context of what was already being done at the level of social work practice. From the interviews conducted in this research, two things become apparent. Firstly, social workers in community groups argue that they were already doing a number of the things that the 1989 Act was designed to achieve, and secondly, some tensions exist in terms of what the Act expects of social workers. On one hand, the new legislation was designed to incorporate 'empowerment practice' into social work practice in order to give families more say in the decision-making process, but on the other hand, an amendment to the legislation in 1994 included the 'paramountcy principle' which meant that social workers were expected to act in the best interests of the child, even if this conflicted with the wishes of the family.

This chapter will argue that the process by which the legislation came into being, in particular the fact that parts of it were developed at different times by groups of people with different understandings of how to deal with care and protection, has introduced a conflict of interest between the social worker and the family when dealing with care and protection issues. Using the issue of the exclusion and subsequent inclusion of the paramountcy

principle, I will argue that the legislation has been difficult for social workers in community groups to interpret and work with because of the conflicting messages that they receive with regards to care and protection issues. In 1989, when the legislation was introduced, the paramountcy principle was excluded from the legislation, for particular historical practice reasons, and when it was reintroduced into the legislation in an amendment in 1994, this was the result of a different set of understandings about what constituted appropriate care and protection practice. The fact that the original legislation excluded paramountcy, and the subsequent amendment included it, highlights nicely the ways that policy does not always follow a coherent form, but is dependant on the time and place in which it is developed, and on the ability of particular groups to have their understanding of the issues recognised as most valid.

The Principle of the Act

When the CYPF Act was introduced, it reflected a shift that was already taking place from a child welfare to a family group perspective in child protection social work. This shift can be seen as the result of the coming together of ideas from a number of different groups, including Maori and other anti-racist groups, community groups, social workers and the families themselves. In New Zealand up until 1989, child protection legislation had very much been based on what Cockburn (1994: 87) calls a model of ‘society as parent’ which involves:

...the beneficent responsibility of the state to intervene to defend children from harmful parents and painful situations.

This contrasts with the current legislation, argues Cockburn, which takes the position of society as ‘kinship defenders’, with a focus on the rights of the family in decision-making, and the role of the state being to:

...preserve, support and strengthen the family unit, not take children away. Sociological factors, such as unemployment, poverty and lack of child care were seen to contribute to child abuse more than parental inadequacy (ibid.: 88).

This shift in understanding about care and protection from child focused to family centred social work practice began to occur through the 1960s and 1970s, however, those who developed the 1974 legislation embraced a more traditional child welfare approach. This meant that from the time it was implemented, the CYP Act came under fire from a number of different groups (Cheyne et al. 1997: 198). Primarily, the legislation was criticised for failing to address the needs of Maori, for its lack of attention to family centred social work practice, for excluding families from decision-making, and for establishing a division between practitioners and clients that saw social workers as the 'experts' and families as the 'problem'.

For example, in the early 1980s, organisations like the Auckland Committee on Racial Discrimination and the Women's Anti-Racism Group argued that the monocultural, universalistic care offered by the Department of Social Welfare under the 1974 legislation was detrimental to Maori youth, and ignored the rights of and needs of a child's whanau to be involved in the decision-making process (ibid.). These groups argued that new legislation was needed that would recognise the importance of family/whanau in a child's life and that would make provision for children to be kept within the family group when it became obvious that the immediate family could not adequately care for the child. The argument put forward by Maori and anti-racist groups gained momentum with the release of the report *Puao-te-Ata-tu (Daybreak)* in 1986, which argued generally that racism and alienation of Maori must be dealt with, and specifically, that the Department of Social Welfare needed to address their policies and practices if this was going to be possible (The Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare 1996: 9).

The Ministerial Advisory Committee, chaired by John Rangihau, argued that the review of the 1974 legislation that had begun in 1984 must include attention to the specific problems that Maori had faced in the Department of Social Welfare, including things such as the over-representation of Maori children in institutional care, the lack of Maori staff both at ground level and the level of policy and decision-making, and the spectre of institutional racism that was present in state institutions in New Zealand (ibid: 22).

In addition to the “litany of sound” that came from Maori and was expressed in *Puao-te-Ata-tu* (ibid: 2), many social work practitioners supported a change in legislation which would put families at the centre of the decision-making process, and see social workers cast as facilitators of this family centred approach (Renouf et al. 1989: 3). However, although most social workers agreed that a legislative change was needed, there was much debate about what practices would replace those already in existence, for example, institutional and foster care. When the review of the 1974 legislation began in 1984, there was a split between those who believed that new legislation should give legislative power to ‘multi-disciplinary teams’ made up of practitioners in the community, for example, social workers, police, doctors, lawyers and educators, and those that believed that families were the best people to make decisions about their children and the role of social workers and other professionals was to support families in this process. Eventually, the idea of multi-disciplinary teams was discarded and replaced with a new and innovative process - Family Group Conferencing¹ (ibid.: 9).

So then, the CYPF Act was intended to address concerns raised by a range of groups with an interest in care and protection issues, and to offer an approach to child protection that put families at the centre of the decision-making process. This meant that, in principle, families of children that had come to the attention of the Department of Social Welfare would be given more power and control in deciding what happened to these children. This principle represented a substantial shift in focus in the legislation from social worker as expert decision maker to a recognition of children as members of a wider social circle of family and friends who are potential helpers in resolving issues of child abuse and neglect within families (Cockburn 1994: 87).

The new legislation expresses this changed focus in its short title: *The Children, Young Persons and their Families Act* and in the long title states that the Act should:

...advance the wellbeing of families and the wellbeing of children and young persons as members of families, whanau, hapu, iwi, and family groups...make provision for families, whanau, hapu, iwi, and family groups to receive assistance in caring for their children and young persons...make provision for matters relating to children and young persons who are in need of care and protection or who have

¹ Family Group Conference are discussed in detail in Chapter Five.

offended against the law to be resolved, wherever possible, by their own family, whanau, hapu, iwi, and family group (CYPF Act 1989: Long Title).

The legislation has a very clear focus not just on children, but also on the families to which these children belong. Compare this to the 1974 Children and Young Persons Act which states that it will:

...make provision for prevention and social work services for children and young persons whose needs for care, protection or control are not being met by parental or family care and who are, or are at risk of becoming, deprived, neglected, disturbed, or ill-treated, or offenders against the law (CYP Act 1974: Long Title).

An obvious difference between the two pieces of legislation can be seen here, with the 1974 legislation focusing on what parents and caregivers are *not* doing for their children, rather than focusing on the strengths of families. In addition, the 1989 Act incorporates the wider family group, including whanau (extended family), hapu (sub-tribe) and iwi (tribe) whereas the earlier legislation has a more narrow definition of what constitutes a family group. This focus on the wider family can be seen as a direct response to criticisms of the CYP (1974) Act and of the Department of Social Welfare, who were more likely to place children in foster or residential care than find placement in extended family (Lupton 1998: 108). This was particularly considered a problem for Maori children, who were much more likely to be placed with Pakeha families than with Maori families, and much more likely to be placed in residential institutions than were Pakeha children (Cody 1994; Lupton 1998: 108).

These changes were intended to make social workers become more culturally sensitive, and to recognise the importance of a child's circle of family and friends when considering what to do with a child in need of care and protection.

How the Act works in practice

Although community groups as non-statutory agencies are not required to follow the legislation, all of the community workers I interviewed had a good understanding of the legislation and have incorporated it in some way into their practice guidelines. This understanding is helped by the worker's agency, who will give policy guidelines and

procedure manuals² to new staff members so that they can develop a good understanding of how that agency uses the legislation in its everyday practice. For example, a community worker from Barnardo's discusses the way that the CYPF Act is used in practice, arguing that:

It [the 1989 Act] is enshrined in Barnardo's Policy. In terms of our thinking and making decisions about what we are going to do, we may not always say 'we are talking about the Act', but actually we are. In terms of our thinking not only about the child, but also the family, that very much fits into Barnardo's way of thinking (Sue).

Most of the community workers that I spoke to argue that they work hard to incorporate the principles of the legislation in their manuals, even though they are not required to do so. For example, Sue discusses the way that these policy guidelines are developed within the agency:

We have manuals for all our services, specific Barnardo's manuals, and within those there is a set of core policies that go across all the manuals, whether they relate to early childhood, health and safety, care and protection issues, privacy, complaints, the standard issues. We have policy advisers at our national office, so primarily they develop them, with consultation down, and often issues are picked up from down here. If we have particular issues, we would feed that back up through our area manager to the national level, and ask for changes.

Generally, the basic principles of the legislation are viewed positively by most community workers involved in the research. Although some of the participants do not always work specifically with children, they agree that the family centred approach of the legislation is worthwhile and important. Most argued that they see children as connected to an extended network of support that must be included in any decision-making or therapeutic work that takes place. Thus, the social workers commented that:

We are child and family focused (Sue)...Everything is done with a view of offering families support for dealing with their issues (Bronwyn)...I look at family systems, what is going on in the home (Jill)...We are families supporting families (Gloria).

² This process of developing policy manuals is discussed in more detail in Chapter Four in relation to the requirement by CFA that community groups have to provide clear practice guidelines.

All of these social workers agree that families are central to the process of helping children, and that the legislation allowed this idea to be one of the most important parts of their social work practice.

Two important practice issues arise out of the CYPF Act, firstly the concept of 'empowerment' and the way that this idea is translated in practice, and secondly, the paramountcy principle which was present in the 1974 legislation but removed from the 1989 Act. I will discuss these two issues in turn, exploring the relationship between the principles of the legislation, and the way that these work in practice.

Empowerment Practice

Empowerment practice, which refers to the role of the social worker as an empowerer of others, is a significant part of the CYPF legislation. Connolly (1999: 6) suggests that the concept of empowerment includes an acknowledgment that:

...some people have more power than others and that they should be encouraged to share their power with those that have less.

She argues that this power sharing requires a shift in thinking by social workers away from a focus on families as the 'problem' to a focus on family participation in decision-making. This involves acknowledging the professional power that social workers possess, and working towards a practice that embraces a partnership model. This partnership model requires social workers to recognise the resources of both the social worker and the client in the relationship, and draw on the strengths that people possess (ibid.: 7). As Saleebey (1997: 4) argues, the role of the social worker in contemporary social work practice should be to:

Mobilize client's strengths (talents, knowledge, capacities, resources) in the service of achieving their goals and visions and the clients will have a better quality of life on their terms.

In social work practice in New Zealand, this focus on client empowerment has been significantly incorporated into the CYPF Act. It attempts to redress the power differences that exist between social workers - who are trained professionals with the backing of a legislative authority - and families - who are often poor, less educated and perceived as a

'problem' - when dealing with care and protection issues. The CYPF Act uses mechanisms like Family Group Conferencing that are intended to enable families to make decisions for themselves while social workers will act as empowerers and facilitators of this decision-making process.

However, as well as talking about the positive aspects of the family centred approach, the community workers also discuss problems that can arise from this. For the social workers involved in this research, the idea of family empowerment can be problematic, because it is often difficult for social workers to see where the line is drawn between empowerment of families (who are clients) and looking out for the welfare of the children (who are also clients). They argue that the balance between supporting families and making sure that children are adequately protected could be difficult at times. Sue, for example, explains that:

Thinking about the family as well as the child fits very much with the Barnardo's way of doing things. There can be tensions within that, like working with families and having to decide what the real interests of the child are. It's about getting the balance right between letting the family make decisions, and making sure the child is going to be all right. I think that we do have problems with that from time to time, but in the end there has to be a bottom line.

A worker from Methodist Child and Family Services also talks about this bottom line, arguing that:

I do not believe, in terms of practice, that there is a conflict of interests. I think that a lot of social workers feel that there is, and not only community agencies, but agencies in the state. I think that conflict comes from erroneous theoretical understandings and from conflicts within their own value base. I do not believe that it needs to be a conflict of interest, or a difficulty. I do not believe that it is an either/or when it comes to protecting and looking after children. It is just that you are working with a family, and you will do everything you can to assist that family, but the needs of the child come first (Ezrai).

Although families are seen as important, these social workers argue that the child's needs should be the primary focus, which may conflict with the aim for the legislation - to empower families. As Lupton and Nixon (1999: 64) point out, the idea of empowerment often involves contrasting and conflicting aims and expectations of the different groups

who are involved in its practice, and this means that children are often left out of the equation in an effort to please families. They argue that:

One of the main issues raised by the operation of the Family Group Conferences in New Zealand is the potential tension between the rights and interests of the child and those of their wider family/tribal group. Although the CYPF Act clearly states that, in the case of a conflict of interests the interests of the child will be the deciding factor, some have questioned the extent to which the desire to enable families may result in the child's interests becoming secondary, or even lost, to those of more powerful adults.

The social workers that I spoke try to circumvent this problem by having a clear focus on the child, but a tension still exists between empowering families and looking after children's welfare. This tension between the needs of children and the rights of families can be seen more clearly in discussing the paramouncy principle.

The Paramouncy Principle

In child protection social work, paramouncy refers to the idea that the interests of the child are considered to be the most important consideration, and parental rights are secondary to this. For community social workers, a tension arises between meeting the needs of the families who make up their clientele, and ensuring that the children within this family are well protected. For example, Gloria argues that:

Children are our primary clients. We say that we are families supporting families, which can be a little difficult because it gives the impression that the parent, the mother, is our primary client, but in actual fact we have to be clear right from the start to say that the children are our main concern. We work under the paramouncy clause and that is read to families and they sign and agreed with that.

Ezrai also discusses the paramouncy principle in the legislation, arguing that the fact that paramouncy was not in the 1989 legislation was a serious oversight:

The paramouncy principle was not there [in the 1989 Act]. It was a major stuff up in the Act. I think that in this organisation or any other organisation, and you are getting into fine issues of practice here, I do not believe that community organisations were always child focused. I don't believe that children in our culture are valued, we don't see children as human beings with their own rights, separate to the parents.

She suggests that paramountcy is an important practice tool for social workers, because it helps to set a very clear bottom line that makes it explicit that children should always be seen as the primary consideration in care and protection issues.

So, although both the paramountcy principle and empowerment practice sound good in theory, in practice these concepts exist in tension with one another, and can become very problematic for social workers working in care and protection.

I would argue that the paramountcy principle is in direct conflict with the vision of the original CYPF Act, which set out to change the balance of power between social workers and families. When the legislation was first introduced, this issue of social worker power was dealt with by not including the paramountcy principle, because it was seen to give more weight to the views of social workers, and less to what families wanted. Instead, it explicitly stated that if “any conflict of principles or interests arises, the welfare and interests of the child or young person *shall be the deciding factor.*” (CYPF Act 1989: s6, emphasis added). This was designed to make it harder for social workers to hold the balance of power, because it allowed other factors to be of primary importance, for example, the needs of the extended family. However, in 1994, this sentence was amended, to make the welfare and interests of the child “the first and *paramount* consideration” in all proceedings related to care and protection (Hassall 1996: 30; CYPFA Amendment Act 1994: s3, emphasis added).

As Allan (1992: 19) argues, the amendment to the legislation that includes the paramountcy principle establishes a conflict of interest between the social worker and the family when dealing with care and protection. The intention of the legislation was that families would be free to make decisions about their child, but in reality this decision can be overturned by a social worker if it is not deemed in the best interests of the child.

I would argue that it is unclear exactly how much power families have in the decision-making process in their proceedings with CYFS social workers because, although a ‘decision’ is made in up to 80% of cases in the Family Group Conference process (Department of Social Welfare 1999: 28), it is unclear how involved the families were in the outcome. A problem with measuring outcomes in the Family Group Conference process

is that, while social workers talk about the role they play, families have little or no voice to describe what the process is like for them. As Hill (cited in Stevens 1999: 152) argues:

[The families'] views and experiences are typically missing from any analysis of outcomes...while many studies have looked at outcomes in child protection and care, only a few researchers have spoken directly with children and families.

CYFS social workers express their views on the success of outcomes in the Family Group Conference process³, and report on how they perceive the empowerment process, but what is lacking is any in-depth research into families' perception of their role.

So, although families are told that the legislation is about them having the power to make decisions, in actual fact, this power is always limited to what the social worker thinks a 'good' decision might involve. This is particularly so in the family group conference setting, where families are specifically told that the power to make decisions is theirs but soon discover that their decisions must be made within a framework that is established beforehand by the social workers involved.

The Process of Policy Making

The contradictory ideas that exist in the legislation between family empowerment and the paramountcy principle can be seen as a result of the 'messy' process that is involved with the creation and maintenance of legislation. Government policy does not exist in a vacuum, but is the result of the particular understandings of the people involved at the time. I would argue that the particular networks of people and organisations involved in the legislative process were important. They brought their own various understandings about young people and their needs to the process, and this meant that one set of actions were taken rather than another. As Considine (1994: 22) argues:

Much of its [policy making] complexity comes from the fact that new policy decisions are never written on a clean sheet of paper. Informing every policy episode is a particular history, a given time and a unique place.

³ See Chapter Two for a discussion of the CYFS literature regarding the outcomes in the Family Group Conference process.

This can be seen quite clearly when we trace the development of the CYPF legislation, and the history of the paramouncy principle within this, beginning with its exclusion from the 1989 legislation through to its inclusion in the 1994 Amendment.

When the CYP Act was first introduced in 1974, it included the paramouncy principle, stating that those dealing with the care and protection of young people must “treat the interests of the child or young person as the first and paramount consideration” (CYP Act 1974: s4). In terms of the intention of this legislation, it was not out of place for the paramouncy principle to be included. When the 1974 legislation was introduced, it was not designed to empower families or children, but to place power in the hands of social workers, doctors and police, who were knowledgeable and expert and able to make decisions in the best interests of the child. Families were considered, at best, not important in this decision-making process, and at worst, a hindrance and a potential threat to the welfare of the child (Cockburn 1994: 85).

Through the 1970s and 1980s however, this assumption that professionals know best and that clients should accept their professional opinion was questioned by a number of different groups. This shift in thinking about how professionals working in care and protection should practice can be seen as part of a more general shift from seeing professionals as powerful and expert to an expectation that these professionals will share their knowledge and expertise with clients. Rather than seeing the professional and the client as poles apart, this ‘new professionalism’, derived mostly from theories about medical dominance, argued that relationships between professionals and clients should be based on a partnership model, where the expertise of both parties is recognised and incorporated into the decisions that are made for clients (Tully & Mortlock 2000: 169). Tully and Mortlock argue that:

The ‘new professionalism’ discourse constitutes professionals as ‘reflective users of knowledge and experience’ whose central task is to develop an understanding of the client’s perceived needs and to share their expert knowledge and skills in so far as they serve these needs (ibid.).

Although the new professionalism model argues that a partnership should be established between clients and professionals, they do not suggest that these relationships are not

hierarchical. Instead, they argue that particular attention must be paid to the fact that these relationships are “socially constructed and value laden” (ibid.).

This new partnership approach to decision-making was taken up by some in social work in New Zealand at both a policy and a practice level, and by the early 1980s a division existed between those policy makers and social work practitioners who agreed that a more inclusive social work practice was needed, and those who believed that this partnership approach would erode the professional competence of social workers and make protecting children more difficult (Tapp et al. 1992: 178). This division can best be described as a ‘swing’ that seems to have taken place throughout the last century from social worker as ‘expert’ in the early part of last century, through the 1960s and 1970s, when social work was often intertwined with a focus on social action and community development, and then back again in the 1980s and 1990s when the primary focus on financial considerations has, as Lupton and Nixon (1999: 45) point out:

...restrict[ed] the development of community-based partnerships and which may also be seen to have inhibited attempts to work more collaboratively with individual service users.

Lupton and Nixon suggest that the tension that exists between those social workers who want to empower clients and those who want to maintain professional authority arises from a conflict between social workers wanting to align themselves with families, but also needing to protect their professional integrity in a time of government cutbacks and devolution. They argue that devolution of responsibility from the state to the private and community sector has meant that social workers are expected to both hand over control for decision-making to clients, but also be ultimately responsible for the outcomes of these decisions (ibid.). What this establishes then is a tension between social workers who want to maintain this empowerment approach, and those who are pulling back from this commitment in order to ‘re-professionalise’ their work.

What this ‘swing’ means in practical terms in New Zealand care and protection social work is that by the late 1970s and early 1980s the paramouncy principle was no longer considered appropriate by many social workers. In 1982, a Child Protection Bill was proposed that included the rewording of paramouncy to “the welfare of the child as the

sole consideration” (ibid.). This Bill was supposed to have been introduced to parliament, but never proceeded beyond this point, because in mid-1984 a snap election was called and the fourth Labour government replaced the National government that had overseen the drafting of the Bill. The new Minister of Social Welfare, Ann Hercus, chose to establish a working party to review the whole of the 1974 CYP legislation, and in December of 1986 a new Children and Young Persons Bill was introduced to parliament. This legislation retained the wording of the 1974 Act, making the welfare of the child “the first and paramount consideration” (Tapp et al. 1992: 173).

However, this Bill did not become law, as circumstances once again prevailed. An election was held in 1987, and although the Labour Government was re-elected, a new Minister of Social Welfare, Michael Cullen, was appointed. By this time, the Hercus Bill had been sent to select committee, and rather than re-introducing it to parliament, Cullen established a working party to review the Bill while it was still in the select committee process (Renouf et al. 1989: 5). When this Bill came out of the select committee in mid-1989, the paramountcy clause had been changed to “if any conflict of principles or interests arises, the welfare and interests of the child or young person *shall be the deciding factor.*” (CYPF Act 1989: s6, emphasis added). This change can in part be seen as a result of pressure extended by Maori during the review process, and in particular by the recommendations of *Puao-te-Ata-tu (Daybreak)* who argued that:

The Maori child is not to be viewed in isolation, or even as a part of a nuclear family, but as a member of a wider kin group or hapu community that has traditionally exercised responsibility for the child’s care and placement. The technique, in the Committee’s opinion, must be to reaffirm the hapu bonds and capitalise on the traditional strengths of the wider group (The Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare 1996: 29).

Keeping this in mind, argued the Committee, paramountcy becomes a difficult proposition for Maori, because the child cannot be treated in isolation from his or her kin group. As they argue:

The physical social and spiritual wellbeing of a Maori child is inextricably related to the sense of belonging to a wider whanau group (ibid: 30).

As I have already suggested, this change in focus from paramountcy to an acknowledgment of the importance of other factors in a child's life was a key part of the new legislation. It is interesting then that five years later, this part of the legislation was amended to once again include the paramountcy principle, with little comment from the vocal Maori community who advocated for its initial exclusion from the legislation.

As I have already argued, the re-introduction of the paramountcy principle in the 1994 Amendment Act represents this 'swing' from professionalism to client empowerment and back again, but it also amounts to a concession by policy makers that the vision of the 1989 legislation is difficult to practice, given the tensions and contradictions that exist between giving families more decision-making power but also ensuring that children are adequately protected from the abuse that can occur within these families.

The most important factor that influenced the introduction of the paramountcy principle in 1994 was the findings of the Mason Report (1992)⁴. This report argued that, although paramountcy had not always served the interests of families in the past, it would seem that the pendulum had swung too far in the other direction, leaving some concerned that the 1989 legislation did not adequately protect children from family abuse. They argued that the re-wording of the legislation to exclude paramountcy has resulted in a confusion in social work practice, so that:

Social workers...refuse to acknowledge a conflict of principles or interests in situations where one clearly exists. Consequently, where a conflict is not acknowledged, the welfare and interests of the child or young person do NOT become the deciding factor in the outcome (Mason 1992: 11).

They argued that in including the wider family/whanau in the decision-making process, more people compete to be heard, drowning out the voice of the child. In addition to this, they suggested that there is no incompatibility between the paramountcy principle and meeting the needs of Maori, even though one of the strongest arguments for re-wording the legislation in the first place was the importance of acknowledging the Maori concepts of whanau hapu and iwi, and the importance of recognising that children are a part of these

⁴ The Mason Report is discussed in more detail in Chapter Two.

family groups (ibid.: 12). Based on these arguments, the Ministerial Review Team recommended that paramourncy be reinstated in the legislation, and in 1994 this was done.

The Ministerial Review Team provide a compelling argument for the re-introduction of the paramourncy principle into the legislation, but I would argue that the concerns they had for the lack of focus on children and their needs in the legislation can not be addressed with the re-introduction of the paramourncy clause. If social workers are confused about their dual role of both protecting children and empowering their families, then the inclusion of the paramourncy principle will not help this. This is because, although the paramourncy principle gives important guidance to social workers working in care and protection, the focus of the legislation is still on families and their needs, making the general intention of the legislation (which is about empowering families to make their own decisions) conflict with specific practice issues. So for example, Ezrai argues that in theory her job is to:

...provide a home based service to *families*. So we work with *families* with kids from birth to thirteen years of age, and our aim is to keep *families* together, keep children in their homes where possible and appropriate, and to work with *families* to enhance their lives (emphasis added).

This assessment that Ezrai has of her work is very much in keeping with the intention of the legislation, however, when questioned further about how paramourncy fits into this picture, things become more complicated:

We work within a child's rights model here. That's basically about human rights. I think that one thing that can happen in social work practice, particularly around care and protection, and I don't think the new Act helped this much, is that a practice issue where abuse and neglect occurs and the focus is too much on the needs of the family, and not enough on the needs of the child, and children's needs and wishes get ignored in that process often. That happens in CYPS as well as it does anywhere else, and they are the agency with statutory responsibility. So we work with a child's rights model.

It would seem that Ezrai, along with most of the community workers that I spoke to, has a focus on both children and on families, and the tension that arises from trying to use a child welfare and a family group model in everyday practice has not been adequately dealt with by the introduction of paramourncy into the legislation.

Conclusion

When the CYPF Act was first introduced, it was the result of a long drawn out process that involved conflict and contestation between the different groups that had an interest in such legislation. What it set out to do was to change the way that children and families were treated by care and protection services, and in the youth justice system. Rather than focusing primarily on the needs of children, the legislation recognised the importance of families in the decision-making process, and was designed to bring families to the centre of this process.

However, I have argued that this shift in ideology at the level of policy has not been taken up at the level of social work practice. For community workers, it is difficult to work with a family empowerment model while still ensuring that children who are in dangerous family situations are adequately protected because the boundaries between the family's needs and the child's needs are not always clear. This is particularly so because community social workers, in trying to work with a family centred model of social work, work much more closely with families as well as with children than CYFS social workers, and this leads to a potential conflict of interest between their two sets of clients.

While the CYPF Act envisioned that all social workers would take a family centred approach to child protection work, this has not always been possible. The tension between trying to meet the needs of families and ensuring that children are adequately protected means that at some point, social workers in community agencies must decide which they will support. I would argue that the vision of the Act is very hard to carry out in practice because of this tension. What occurs instead is that a rhetoric of family empowerment exists in social work practice, but most social workers recognise the fact that the bottom line is that the child's interests always come first, and families come second.

chapter four

Devolution

Introduction

In the late 1980's and early 1990's, the restructuring of the public sector that was begun by the Fourth Labour Government and continued by the National Government led to a significant change in the organisation and structure of some of the key social services in New Zealand. Social services like education, health care and social welfare were restructured to better reflect a new ideology of less government and more community responsibility. An important part of this restructuring was the process of devolution, which saw a shift in responsibility from the state sector to the private and not for profit sectors for providing welfare services to individuals and families.

This changed focus had a twofold effect on community groups who worked with the care and protection of young people. Firstly, it reflected the state's changing expectations of community groups in terms of who was primarily responsible for providing resources for children and families with care and protection issues, and secondly, it changed the way the funding was allocated to these community groups. These two issues are extremely significant to community workers, because as the state has changed its expectations of community groups, these workers have had to adjust and adapt their practice. The process of devolution has meant that social work practice in community groups has changed dramatically in the last ten years, particularly in terms of the way that they relate to government departments.

This chapter will briefly describe the ideological shift that took place in the 1980's and 1990's and discuss what this shift has meant for care and protection social workers working in community agencies. It will focus specifically on two aspects of devolution; the shift from the state to the community as care and protection service providers, and the shift from grants-in-aid to contracting as the main form of funding to community groups.

Shift from State to Community Responsibility

Along with a shift from a child welfare to a family group perspective in care and protection social work that I have outlined in the previous chapter, I would argue that there has been a shift in the role of the community sector in providing social services to clients. An important part of the changes that were made to the Department of Social Welfare (DSW) in the early 1990's was the idea that families and individuals should be primarily responsible for looking after their own needs, and that this should no longer be the responsibility of the state. This shift began in the mid-1980's with the Fourth Labour Government as a part of their bid to reduce fiscal debt through less government spending (Smith 1996: 7). As the government sought to spend less on social welfare, it cut taxes and argued that people could have more money in their pockets to buy their own services from the public health system, the education system, and the housing market, for example. Along with the restructuring of the tax system, the government reduced social spending, and through this process community groups and families have found themselves increasingly responsible for individuals who had previously been supported by the state.

In care and protection, this changed focus was reflected in the introduction of the CYPF Act (1989)¹, which was designed to place more emphasis on family decision-making and less on state intervention in family life. As Ellis (1994: 62) argues:

Some voluntary organisations have looked to the government for both resources and *un raison d'être*, because the problems the agency is dealing with are believed to be the responsibility of government...However, notions of government responsibility have shifted since the public sector reforms of the late 1980s (State Sector Act 1988 and Public Finance Act 1989), with the emphasis on closing institutions and sending vulnerable people back to their families and communities.

Along with a shifting emphasis by the state on community involvement in the provision of services, this process was supported by various community and Maori groups who argued that they, rather than the state, should provide care and protection services to children and families².

¹ The CYPF Act (1989) and the implications of its introduction are discussed more fully in Chapter Three.

² For a fuller discussion of the various interest group and their involvement in the push for devolution, see Chapter Two.

With a shift away from state intervention in care and protection issues, community groups become key players in the decision-making process, because they work closely with children and with families, and provide advocacy and advice to families when decisions are being made. In addition to this, devolving services means that the state relies more heavily on community agencies rather than state agencies like the Department of Child, Youth and Family (CYFS) and DSW to monitor the outcomes of the decision-making process, and to provide resources to families to support the decisions that they have made.

On a practical level, the devolution of care and protection services means that while CYFS still remains responsible for investigating and assessing care and protection cases, and for convening Family Group Conferences where necessary, community agencies are responsible for much of the therapeutic care of families. This involves working with families who have been identified by CYFS as 'at risk' to try and prevent problems from escalating. When CYFS are notified (usually by a family member, a school or sometimes a community worker) that a family is at risk of breaking down, it will send a social worker to assess the situation, and, depending on the outcome of this assessment, will either call a Family Group Conference or employ the services of community agencies to work with the family to solve their problems. This means that CYFS are primarily responsible for deciding what help the family should receive, while community groups provide this help on a practical level.

This shift in focus from state to community involvement in provision of services has had a significant impact on the way that the community sector has organised itself, both financially, but also in terms of the changing power relationship between the community sector and the state. Ellis (1994: 70) argues that the new rhetoric of 'partnership' between the state and the community sector understates the significance of the power inequality that exists between the two groups. She suggests that:

Whilst there is a lack of research in this area, the notion of partnership seems to have meant that if a voluntary agency wants to receive funding, it has to adjust the focus of its work to conform to the statutory body's view of the problem, which is hardly an equal relationship. One of the flaws of agency theory [which underpins the new funding arrangements] is the assumption that the parties are on equal terms, which completely fails to recognise the unequal distribution of power in society.

For example, many of the social workers that I interviewed spoke of the tension between being increasingly responsible for the decisions they made, and the acknowledgment that CYFS, as the statutory agency in this field, has a significant amount of power and control over decisions that are made in community groups. Although it is argued by the state that devolution of decision-making to the level of the community has occurred, community social workers accept that CYFS, as the statutory agency, will have more say than community agencies in any decisions that are made with regard to care and protection issues. In many ways, social workers in community groups seem to have less power to make decisions for themselves than they did before devolution, because of the increased involvement of agencies like CYFS and CFA in the community sector.

What seems to have happened, then, is that the state sector is stepping back from providing social services to clients, but in doing this, has retained a significant amount of power to dictate what services will be provided, and at what cost. The effect of this contradictory move on the part of the state to both pull back from, but also tightly control, the community sector is that rather than being autonomous structures able to make decisions independently, community organisations become what Nyland (cited in Nowland-Foreman 1997: 8) calls “little fingers of the state” that are treated as “convenient conduits for public services”

Thus, while the community sector has been given more responsibility for providing social services, this increased responsibility is constrained by state decision-making because of the fact that the state still controls the way that these services are delivered. As Ellis (1994: 72) argues:

What seems to be most significant in the current redefinition of the relationship between the state and the voluntary sector is that whilst the government is delegating service delivery, it is maintaining control over crucial resource and policy decisions.

Ellis suggests that contracting out of services leaves community groups vulnerable to the influence of the state, because it has an “increased capacity to buy off, reshape and control the voluntary sector” (ibid.). It can be argued that as the state increasingly contracts out its services to community groups, it must find ways of controlling the quality of service that is

provided. In care and protection, this is achieved through the Community Funding Agency (CFA), with community agencies having to rigorously justify how they spend the government funding they receive, and through CYFS, who use their power to ensure that community groups meet the requirements that are set out in the Children, Young Persons and Their Families Act (1989).

When contracting was introduced with the establishment of CFA in the early 1990s, it was argued that for the state the changes would mean:

...(i) improved accountability from providers; (ii) increased competition, allowing the funding agency to switch funding if a service provider does not uphold a contract; and (iii) greater choice for service users (Shipley, cited in Higgins 1997: 4).

For community groups, the shift from grants-in-aid to contracting involves a trade off which means that they get to keep funding for some services, but that they face increased state surveillance of their practices and the cutting back of some services that no longer attract government funding, for example residential and foster care (Ellis 1994: 62; Higgins 1997: 6)

In contrast to arguments that are made for the devolution of state services, Martin (1991: 289) suggests that, rather than 'devolution', the government has pursued 'disengagement' from the activities that it has traditionally provided. He argues that the goals of efficiency and effectiveness actually require a strong directional push from the top, and the ability to control behaviour of those below in line with the preferences of those who hold power. I would argue that, as the statutory agency in care and protection, CYFS hold more power than they acknowledge, and that full devolution of financial resources will not take place in care and protection because of CYFS's position as the only statutory agency in the field³.

For example, one of the community workers that I spoke to discussed the fact that, even though community workers were supposed to be left on their own to help families, CYFS often stepped in without being asked to. Bronwyn commented that:

³ An analysis of the interactions between CYPFA social workers and community social workers in the Family Group Conference process, which is discussed in Chapter Five, provides a good example of how this works in practice.

My heart sinks when I know I have to go into a discussion with CYPS about anything, it's just a battle. I've got a meeting this morning for a child who has been in short term foster care, and we have arranged to hold additional custody and guardianship on the mother's behalf so the child can have permanent care, and CYPS are saying they won't agree to it. Now, the family are infuriated. CYPS don't actually have a role in it at all, but they have invited themselves back into it again. They change their minds, it's a constant hassle, they refuse to sign agreements that we have made with the family, and we cannot do anything without their go ahead. Anything to do with money, it's a full on, head on battle with them.

In order for them to do their job effectively under these circumstances, community workers must manage their relationship with CYFS. The most common way that community groups have of approaching this relationship is to spell out very clearly what their expectations of CYFS are, and what CYFS can reasonably ask of them. For example, one community worker was very clear about her position in terms of where their agency stood in relation to CYFS:

If we get called in or if CYPS are involved, I become very clear and ask the social worker for a plan, and the client, and CYPS and myself sign that plan. CYPS are the statutory agency and I believe they call the shots, and rightly so. That is their expertise (Gloria).

A social worker in another organisation seems to have a lot more confidence in her relationship with CYFS, but also acknowledges that CYFS needed to be carefully managed at times. This social worker argued that:

We have got much better at communicating with them, so we are very clear in terms of things like following up on requests, and setting out much more clearly what we want. There are occasions that you know that they are not actually going to do anything, but it needs to be on record for next time, and that is fine, as long as we all understand our roles (Sue).

A kind of a game is played between community workers, who are trying their best to make CYFS provide as much in the way of resources as possible, and CYFS social workers, who are trying to meet budget constraints, and will offer the minimum resources possible while still meeting their obligations as the state agency. The constant juggling and 'managing' that goes on between community workers and social workers at CYFS usually results in a satisfactory outcome for the families they are trying to help, but sometimes, as

can be seen in media reports in the past few years, children slip through the cracks with tragic consequences.

This ‘management’ of CYFS social workers by community workers is largely dependant on the individual relationships between individuals in the two groups, because it is through establishing good networks with other agencies that community groups can get the resources they need for their clients⁴. What becomes important when small agencies like Pillars or Just-Us Youth have to deal with a large government department like CYFS is the ability for individuals within these organisations to exercise discretion in their dealings.

Lipsky (1980: 3) discusses the importance of discretion in what he calls “street level bureaucracies”. Lipsky argues that street level bureaucrats, for example teachers, police or social workers, have a certain amount of discretionary power to make day-to-day decisions, and these decisions in many ways become the policy of the agency. What Lipsky is suggesting here is a ‘bottom up’ view of policy which recognises the importance of the ground level workers’ ability to decide what the policy of the agency will be. He argues that:

...street level bureaucrats have considerable discretion in determining the nature, amount and quality of benefits and sanctions provided by their agencies. Policemen decide who to arrest and whose behaviour to overlook. Judges decide who shall receive a suspended sentence and who shall receive maximum punishment (ibid.: 13).

I would argue that, in much the same way as police or judges have discretionary power to decide how to treat individuals, social workers in CYFS have a certain amount of discretion in deciding how to deal with community workers. Community workers recognise this, and accordingly, they work hard at developing good networks with individual CYFS social workers and with other agencies to ensure they will get what they want for themselves and their clients. Family Group Conferencing⁵ and Strengthening Families⁶ are good examples of how this discretionary power works (or does not work) to bring about good outcomes for families and children in care and protection work.

⁴ For a fuller discussion of networking in community groups and the impacts this has on community workers’ ability to do their job well, see Chapter Six.

⁵ Family Group Conferencing is discussed in detail in Chapter Five.

Funding

Particularly important in this changed relationship between the state and the community sector was the establishment of CFA. From 1990, DSW began to issue some of its funding under contract, a significant departure from the previous system where money was given to groups in the form of grants that were not tagged to a specific task or service within the community group. Where previously the state had funded groups, now CFA would fund specific services, for example, money for a family group conference, or ‘beds nights’ for a child in foster care. What this meant was that community groups, who could once apply for general funds from the government, now had to show that they were providing services in line with what DSW saw as its core services. Rather than focusing on community development at a general level, the Department would now be looking to focus more specifically on “the key activities of planning, service development, approvals, funding and information provision within specified output areas” (DSW, cited in Smith 1996: 11).

The most significant outcome of the shift from grants-in-aid to contracting for community work is the way that it has changed services that community groups are able to offer their clients. As discussed earlier, the process of devolution meant that community groups became more responsible for looking after the needs of people who were previously seen as the responsibility of state agencies, but a change in funding arrangements also had other consequences. Almost all of the community workers that I spoke to expressed dissatisfaction with some aspect of the new funding arrangements put in place with the establishment of CFA. The majority expressed concerns over the level of funding they received, and for the most part their primary concern was that they could not provide the level of care they would like with the amount of funding they receive. For example, one community worker from Pillars argued that:

While CYPS is the primary agency, the tasks are all for Pillars, not for CYPS. We carry out the tasks and are in there for the long haul, and that’s okay when it works out like that. What is difficult sometimes is the finances, because we are constrained by finances. All the funding that I apply for, for the families, seems to be for time out, and that isn’t what it is supposed to be about. I want a lot of

⁶ Strengthening Families is discussed in detail in Chapter Six.

money for self esteem for children, for confidence courses, instead of basic respite care. It's the economic climate, and while short term care is okay with CYPS, it is not okay for the family (Gloria).

With the establishment of CFA, community groups found that the type of services that they could offer had to change as the government would fund some services but not others. For example, before the changes to funding arrangements, Ezrai remembers that:

In the past, community organisations got their funding largely through subsidies, salary subsidies, and quite huge amounts of money came to organisations like ours. The organisation had the provision to have children in care, there was huge amounts of money that came through child care subsidies. Staff were employed, predominantly focused on having children in care, the more children you had in care, the more funding you got.

The introduction of the CYPF Act (1989), with its focus on finding solutions to care and protection problems within families, rather than in institutional care, meant that funding for children in care became less common. This meant that those community groups that had traditionally provided this kind of service found that they would be left with substantially less funding if they did not change their services. As Ezrai explains:

When contracting came out in 1992, it became the way to receive funding, through the Community Funding Agency. That changed the relationship between community organisations and the state. There were thousands of children in care, in orphanages, institutional care, plus private foster homes. After 1992, it was really clear that we could not do this anymore. All the organisations were divided up in terms of the kinds of services they provided. With contracting came really clear guidelines about the requirements of organisations, and to be approved, to go through the approval process, you had to meet the standards that were set by the government.

Two of the community groups, Open Home and Barnardo's, do provide foster or institutional care, but what seems to have occurred is that some agencies specialise in this sort of care and do not provide many other services. However, being funded for this sort of care can actually place a strain on organisations who do this, because although they may only be funded to provide 'bed nights' for children, community workers inevitably find that they must provide other services, for which they are not funded. For example, Bronwyn argues that:

We do not get funded for social work support, we only get funded for care, so really in order to financially be viable, we have to concentrate on providing short or long term care for children. I find that very difficult to cope with because I think that we are getting approached by increasing numbers of families who want support and help, but we are not funded for this kind of social work support. There have been years of battle with CFA and CYPS, it has a long history. And it's not just us, Barnardo's have the same struggle.

Sue from Barnardo's agrees with this assessment, pointing out that:

CFA is one of our primary funders for child and family services, but not for Barnardo's other services though. We do a lot of work with families and children, counselling, domestic violence programmes, that sort of thing, that is done with private funding. We get a lot of private funding. Barnardo's has a children's trust which raises money, that comes back into the service, and we do our own fund raising.

As a relatively large organisation, Barnardo's find that they are able to support some non-government funded services by using money that is generated from within the organisation, but this is not an option for smaller agencies who struggle to provide even basic services. As the state moves further away from providing support to families with care and protection issues, community groups find that they must step in and take over these services, but they are not funded for providing them. Contracting of services has meant that community groups are expected to provide specific services, but as Bronwyn argues, it is not always possible to do this when you are dealing with people who often require a lot of support and care outside that which is seen as important by the government.

As well as the changes in levels of funding to community groups, and the impact this has had in terms of the services they were now able to provide, community workers that I spoke to expressed concern at the requirements from CFA in terms of accounting for the money that they spent. An important part of the introduction of CFA was that the government could more accurately account for the money they gave to community groups, and therefore measure the efficiency of the services that were being contracted out. As Ellis (1994: 62) points out, a consequence of receiving government funding in the form of contracts was a significant change in the amount of time that workers in voluntary organisations were spending in the completion of funding applications and fulfilling accountability requirements.

Contracting has meant that community groups have to provide CFA with very detailed justifications of how and why money was spent in the way that it was. One of the community groups I spoke to argued that this was a double edged sword, because on the one hand, it meant that they had to develop clear sets of guidelines which would benefit their agency:

We have a KOPPS⁷ document, which is a working document. It has been developed over the years, and reviewed every year. It means that you don't have to fly by the seat of your pants, you have a working document. I feel very safe in my work. I think you'll find that our record keeping is very up to scratch, and we have CFA to thank for that I suppose (Gloria).

In addition to KOPPS, community groups are required by CFA to provide a Human Resources and Operator Statistics (HROS) document on an annual basis. This document provides CFA with:

Operational information demonstrating the effectiveness of the policies and procedures described in KOPPS...The key feature of HROS is that it provides a summary of current operational information relevant to key policies and procedure used to evidence the standards set out in KOPPS (CFA 1999:1).

On the other hand, however, because of the level of accounting that is required of community groups, this worker also expressed frustration with the amount of time and expertise that is required to meet CFA standards:

We don't get paid enough money to have to deal with all the administration stuff. It is a government thing, it's a policy thing. These policies are made by unrealistic people, and there is too much corporate stuff moved in. We have plans, we have evaluations, we're having to do everything. For one hour's contact with a client, there can be over an hour writing. It is like we get paid for 37.5 hours social work, but the reality is that only a quarter of that goes to face-to-face contact. The rest of the time is spent making sure we meet the requirements to prove that we deserve the funding (Gloria).

Contracting also means that community groups can not rely on a steady stream of income, as they have to reapply for money each time their contract runs out. Sue argues that:

⁷Key Operating Policies, Procedures and Control Systems (KOPPS) is a document that is required of all community groups who have CFA funding. This document varies in size depending on the amount of funding the agency receives and how many services they provide. For example, the Open Home Foundation has a KOPPS document that is an A4 ring binder full of information, compared with Just-Us Youth, whose KOPPS document is approximately 20 pages long.

I think that contracting can work if it is done properly, if it is a decent length of contract so it is worth doing, otherwise it is just an impossibility. I think that the problem for voluntary agencies when you have short term contracts, we have an annual CFA contract, and by the time you have actually got your contract up and running, you are starting to think about the next one, it is just too short, and there are a lot of strings attached.

So then, along with the fact that there is less money available than previously⁸, which leaves community groups to compete for fewer resources, the community groups I spoke to argue that the financial support they receive from the state is more tightly controlled than it had been before the restructuring of the Department of Social Welfare. This makes their administrative work more time consuming and complex, leaving less time for the main focus of their job - social work.

Conclusion

Since 1984, social services in New Zealand have undergone significant transformation. The changes that were made by the Fourth Labour Government set in place a new expectation that the state sector would not provide for all the needs of New Zealanders in terms of services like healthcare, education, housing, transport, communications and social welfare support. Rather, it was argued that these services were better delivered by the private sector, and the state sector was better to get on with its primary task - providing basic support and policy advice. These changes were embraced by the 1990 National Government, who implemented further changes to social welfare that saw the devolution of services from the public sector to the community and private sector. This process of devolution has had important impacts on the community sector, who have had to reorganise themselves around the newly restructured state.

Community groups working in care and protection were significantly affected by changes to funding in the state sector. The changes in funding arrangements have meant that community groups not only have less money that they did previously, but they are also

⁸For example, in 1996 CFA received \$54.4 million for contracting of services, and by 1999 this number had fallen to \$47 million (DSW 1999: 115). In addition to this, as Smith (1996: 13) points out, the average contribution made by the government under this contracting regime represents on average only 25% of the

constrained in the services that they can provide depending on what the government wants from them. The introduction of CFA in 1990 meant that community groups had to provide detailed justification for the government funded services that they provided, and this has had an impact on the kind of work that social workers in community groups are expected to do. Rather than spending all of their time on social work practice, social workers in community groups have found that they are spending increasing amounts of time on the policy, procedure and funding documents that are required from CFA.

An important implication of the changes made by the National Government is the changed nature of the relationship between community groups and the state in care and protection. As the state has devolved responsibility for care and protection issues to community groups, it has sought to have some control over how care and protection services are delivered to clients, so in many ways, community groups have found themselves more answerable to government than ever before.

An important part of this process of devolution was the introduction of the Children, Young Persons and Their Families (CYPF) Act (1989). This legislation reflects the Fourth Labour Government's ideology of less state and more individual choice in the public sector. It was introduced at a time when the Labour Government was quite far along in the process of devolving responsibility for key social services from the public to the private sector, so it is not surprising that the CYPF legislation is reflective of this ideological push. The following chapter provides an analysis of the ways that the CYPF Act (1989) was implemented and how it is used by community groups working in care and protection.

actual cost of the service. This means that the recipient of the funding has to fund the other 75% of the cost of the service themselves.

chapter five

Family Group Conferences

Introduction

The passing of the CYFS Act in 1989 had considerable implications for care and protection community workers, particularly in the way that they were positioned in relation to social workers in the state, and in their relationship with families. Rather than viewing the CYFS social workers as all powerful and all knowing, the 1989 legislation attempted to let community social workers and families have more power and control over decisions that were made about children. Family Group Conferences were an important part of this change, setting the stage for a different way of doing social work practice for community workers.

However, it can be argued that Family Group Conferences changed the relationship between families, CYFS social workers and community social workers very little. Rather than giving families more say in the decision-making process, the community workers who participated in this research argue that the focus of family empowerment and family decision-making in the Family Group Conference process can actually make it more difficult for families to make autonomous decisions. An important part of the introduction of a rhetoric of 'family empowerment' is that it masks the power relationship that exists between families and social workers in both community and government agencies. What this then leads to is a confusion by social workers about what their role is in the decision-making process, and who exactly is 'in charge' of decisions that are made about children involved in the Family Group Conference process.

This chapter will examine how the 1989 legislation intended that Family Group Conferencing would work in principle, and how it works in practice, looking at what was intended by the introduction of this kind of decision-making process, and some of the implications of this process for social workers in community groups. In addition to this, I

would like to argue that the particular legislative context of Family Group Conferencing in New Zealand has meant that it has developed in a particular way, and that social workers in other countries have developed and used the model very differently than those in the New Zealand context.

The Family Group Conference Process

Family group conferences were introduced with the CYPF Act (1989) and set in place a formal structure for both immediate and extended families to be more involved in the decisions that were being made about their children (Barbour 1991: 17). Under the previous legislation, children who came to the attention of the Department of Social Welfare, usually because of truancy from school or obvious signs of neglect or abuse, were the responsibility of the police or Department of Social Welfare social workers. Children would often be taken out of the family home and placed in temporary care until their case could be heard in the Youth Court, where a decision would be made about long term care.

Following the introduction of the CYPF Act (1989), a new process for dealing with children in need of care and protection was put in place. Rather than taking the child out of the family home and placing them in the care of the Department of Social Welfare until a decision could be made through the court system, CYFS were able to call a Family Group Conference where all interested family members could be present, and a decision about what would happen with the child would be made. What this meant was that, when previously CYFS had difficulty finding somewhere for a child to go if the family home was no longer safe, they now had the power to call in wider family and potentially find a place within the family for the child to go on a temporary or a more permanent basis. The best way to explain the way that the Family Group Conference process works is to provide a fictional case scenario¹:

The Smith family, comprising Mr. Smith, Mrs. Smith and their three children aged five, six and nine, had come to the attention of CYFS some time before as

¹ This case scenario reflects information gathered from a number of sources, including the interviews with community workers, most of whom had been involved in Family Group Conferences either through their

a result of several reports from the school that the children often came to school poorly clothed, and unfed. They were disruptive in class and there had been instances of stealing from the two older children, mostly of food from classmates. The family were involved with a number of helping agencies, including Barnardo's and Specialist Education Services, and had already taken part in a Strengthening Families conference. In this conference, Mr. Smith had agreed to attend anger management classes, as it had become clear that he was being physically abusive towards his wife and the three children. Mr. and Mrs. Smith had both agreed to seek drug and alcohol counselling for their dependency problems. Following the Strengthening Families conference, Mrs. Smith had taken steps to deal with her drug problem, but was impeded by Mr. Smith's lack of willingness to deal with the issues that he had.

The family's CYFS case worker decided that a Family Group Conference was necessary to deal with the problems that had been reported, because it seemed that the children were now at risk of being seriously abused and other strategies had not worked effectively. The CYFS social worker explained to Mr. and Mrs. Smith that if they did not attend a Family Group Conference, they would risk having the children removed from their care. Mr. Smith remained reticent about the Family Group Conference, but was persuaded to be involved by Mrs. Smith, who was eager to deal with the issues that had arisen. The CYFS social worker, with the agreement of Mr. and Mrs. Smith, contacted the maternal grandparents and an aunt, and a paternal aunt and uncle, who all lived locally. In addition, the Barnardo's social worker who had been working with the children was invited, as was the teacher of the eldest child. The CYFS social worker and Mr. and Mrs. Smith all agreed that the children would not be present.

The Family Group Conference took place at the CYFS office within one month of the initial discussion between the CYFS social worker and Mr. and

Mrs. Smith. All invited participants attended, and the meeting was opened by the co-ordinator². The meeting began with an information giving session, where the teacher, the Barnardo's social worker and the CYFS social worker involved in the case gave details about how they saw what was going on. The Barnardo's worker argued that, although she could see that the family had difficulties, Mrs. Smith was making serious efforts to deal with her problems, and Mr. Smith was also beginning to see that he needed some help. The teacher reported that the children's behaviour at school, especially the two older children, had become unmanageable and they were at risk of suspension from the school. He wanted to see the children temporarily placed elsewhere until the parents had made a more substantial effort to deal with their behaviour. The CYFS social worker reported that the children all showed signs of neglect and physical abuse and that the problem needed to be sorted out immediately. She suggested that the children all be placed temporarily with extended family so that the Smiths could be given time to sort out their problems. All of the family members present expressed surprise and shock at the level of the problem, as none had been aware that the violence and drug and alcohol problems were so serious.

After the information giving session, the family was left alone to make a decision about what should happen with the children. After deliberating for over an hour, with some tension and fighting between Mr. Smith and the maternal grandparents, the professionals were called back in, and outcomes were discussed. Mr. and Mrs. Smith agreed that they needed some time out to deal with their problems, and it had been agreed that the maternal grandparents would take the children for a period of up to twelve weeks so that Mr. Smith could get alcohol counselling and attend a full-time six week anger management course. Mrs. Smith would enter a rehabilitation clinic for five weeks, both to give her a break from Mr. Smith, and to help her deal with her

and Norton 1996.

² A Family Group Conference co-ordinator is usually a CYFS social worker, but one that does not have any connection with the case, and, often, is not involved in any case work at all.

drug problem once and for all. The Barnardo's worker agreed to continue supporting the family, and would also offer support to the grandparents by providing respite care for the children on a regular basis. In addition to this, the Barnardo's worker agreed to help Mr. and Mrs. Smith, who were both unemployed, deal with their benefit money, and would liaise with Work and Income New Zealand (WINZ) on behalf of the family to see if they could get some extra financial assistance.

The CYFS social worker agreed that this was a good plan, and therefore supported the decision that the family had made. She suggested that the plan be reviewed after three months to ensure the family was doing what they said they would, with the children being returned to their parents at this time if all was going well.

As we can see here, the Family Group Conference process provides families that have serious problems a way of sorting out these problems in a supportive environment and with the help of their extended family. However, although Family Group Conferences are considered to be an innovative and powerful tool in social work practice (Connolly 1999: 17; Lupton 1999: 53), I would argue that some of the assumptions that are made about families and their abilities to come to decisions about what is best for their children make the Family Group Conference process somewhat problematic.

How Family Group Conferences Work in Practice

When they were introduced, Family Group Conferences were seen as an important tool for social workers, particularly because they incorporated a Maori approach to decision-making that included immediate and extended family in the process³. This family focus was seen as valuable because it was argued that families would be more likely to follow through on decisions when they had some say in the process of reaching those decisions (Barbour 1991: 19). However, the assumption that families are the best and most competent people

³ For a fuller discussion of the principle of family empowerment and the ways that this has been incorporated into the CYPF Act, see Chapter Three, and also Connolly 1999; Hudson et al. 1996; Lupton 1999; and Lupton and Nixon 1999.

to make decisions about their members is an arguable one. It assumes that families have the ability to deal with what are sometimes complex or serious problems, and that individual families will be able to make decisions that are in the best interests of the child without considering their own position within the family.

Lupton and Nixon (1999) discuss some of the potential problems with the Family Group Conference process, highlighting a number of concerns they have regarding this form of decision-making. For example, they suggest that there is some evidence to support the idea that Family Group Conferences work with some families, but not with others (1999: 105). They argue that there are instances where a Family Group Conference may not be particularly appropriate, for example when there has been physical or sexual abuse, because it is likely that the immediate and extended family that would attend the Family Group Conference have been responsible for the abuse, or at least failed to prevent it from occurring (ibid: 107).

In addition to this, although the Family Group Conference process provides an opportunity for problems to be dealt with, what is often overlooked is the possibility that the extended family involved in the decision-making process are serving their own agendas. For example, in the case scenario presented earlier, it is not difficult to see family politics, particularly between family members and their in-laws, could have easily disturbed the Family Group Conference. Old feuds, or feelings of shame from the parents of the troubled children could potentially have caused problems in the Family Group Conference, making a positive outcome less likely.

This concern is also noted by Hudson et al. (1996). They acknowledge that family dynamics are important in the Family Group Conference process, but argue that family function (or dysfunction) does not impact greatly on the outcome of a Family Group Conference, and in fact may serve to strengthen families and re-forge lost family connections (1996: 223). They comment that:

In care and protection, concerns are repeatedly raised about Family Group Conferences putting children at risk by allowing families who may wish to protect their own interests to make decisions. There is no evidence for this. Robertson and Pennell & Burford promote an alternative view: that the

Family Group Conference process can increase children's safety by sharing knowledge of the abuse or neglect and by enlisting family and their supporters in the community as protectors (ibid: 224).

However, although it is true that the Family Group Conference process serves to bring family violence and abuse of children out in the open, I would argue that a lack of research on the 'outcomes' of the Family Group Conference process make claims of such success questionable⁴. As Hudson et al. (1996) and Lupton and Nixon (1999) both point out, there has been little longitudinal research into what happens to families once the Family Group Conference is over. Lupton and Nixon (1999: 110) suggest that:

Generally there has been little robust empirical evidence available internationally on what happens to families following a Family Group Conference. As Hudson et al. (1996) conclude in their review of the evidence, the focus of much of the research has centred on issues of process and implementation and there is a need for studies that follow developments over time.

What my research indicates is that family dysfunction is an important issue in the Family Group Conference process. The community workers that I spoke to argued that it is often the case that extended family feel a certain amount of pressure when they attend Family Group Conferences to help the child in question, when in reality, they often have problems of their own. In fact, as one community worker argues, extended family often have problems of their own that can further exacerbate an already difficult situation. He suggests that:

There is a conflict when there is an illusion that it is a good outcome because the children in need of care and protection have been placed with Auntie Di and Uncle Jack, and everything is okay, the department has dealt with the problem. We have the biggest hassles and problems with children when Auntie Di and Uncle Jack turn out to be abusers just as bad as the parents. It's all part of this idea that families are the best place for a child to be brought up in, and you can't deny that, but the reality is that some children would be better if they had a safe home to live in. (Robin)

This community worker, who is also a former CYFS social worker, argued that family dysfunction was often overlooked by CYFS workers in a drive to get a matter dealt with as quickly as possible. The principle of Family Group Conferencing is that a troubled child

⁴ The problems with assessing 'outcomes', and the lack of research into the impacts of the CYPF Act are both discussed further on, and also in Chapter Two.

will be placed with extended family with a minimum of disruption, however the reality is often quite different - that families, even extended families, are often not a safe place for children to be. As Hassall (1999: 12) argues:

It's [the child protection system in New Zealand] weakness is the inability of people to readily change habits of relating to one another within families and that a culture of abuse and neglect may affect a whole extended family and not be penetrable by the wider community or even come to their attention.

In addition to this problem, some community workers argue that CYFS social workers in the Family Group Conference place pressure on the immediate family to consent to the decision they have not made themselves so that the Family Group Conference can reach an 'outcome', even if this means that the family is not happy with the arrangement. For example, reflecting on his years of experience working for CYFS, Robin argued that:

There is what is called the myth of consent, where people are told "well if you don't consent, then this is going to be much more expensive for you and we are going to have to get all these fancy psych. reports and tell all and sundry why you can't look after your children and show them why they've been so screwed up by what you have done", so people tend to consent to the decision when actually they don't. Then we end up with a plan that assumes the parents consent and they don't, so they sabotage it. This sort of thing goes on at CYPS all the time.

And, based on her experience of being involved in Family Group Conferences as a community worker, Gloria suggests that:

Much too much is expected of families...If we know the family and we see what is put up on the board [in a Family Group Conference], we look at the recommendations and we think "this isn't going to work". People feel emotionally pushed into wanting to do something, having to do something. It causes a lot of tension in families.

I would argue that this push that families feel from CYFS social workers comes in part from the social workers need to make a 'good' decision as quickly as possible. Although the Family Group Conference process was designed to involve families more closely in the decision-making process, I would argue that this family empowerment/family decision-making model is seriously impeded by the CYFS social workers' 'bottom line' (Hudson et al. 1996; Lupton and Nixon; Rimene 1993).

Rimene (1993: 85) discusses this bottom line in the Family Group Conference process, arguing that CYFS social workers go into the Family Group Conference with a minimum outcome in mind, and that this seriously limits the possibility for families to make independent decisions. Rimene's research focuses on the experience of Maori families involved in the Family Group Conference process, and concludes that families have significantly less power in the Family Group Conference process than the literature would suggest. She argues that, because CYFS social workers have veto power over any decisions that are made, and can send the family on to the family court if they feel an appropriate outcome is unlikely, families actually have little decision-making power in the Family Group Conference (ibid).

Lupton and Nixon (1999: 102) also discuss this bottom line, arguing that it derives from the tension that exists for CYFS social workers between empowering families to make decisions, and adequately protecting children. They suggest that CYFS statutory responsibility to work with families, but also uphold the paramountcy principle leads to some confusion about how to deal with these competing ideas. One way that CYFS social workers deal with the conflict, argue Lupton and Nixon, is to have a non-negotiable bottom line that must be reached for the Family Group Conference to be deemed to have been a success (ibid.). They argue that:

On the one hand, this [bottom line] may be necessary to prevent families making unrealistic plans that would not be supported by welfare agencies; on the other hand, it clearly constrains the extent of family control. In a few cases there is evidence of professionals attempting to take over the Family Group Conference proceedings and use the meeting to rubber stamp their decisions... (ibid).

As we have seen earlier, this account of problems with the Family Group Conference process is supported by the community workers that I spoke to, who argue that CYFS often make decisions for the family rather than allowing families to make decisions for themselves.

I would argue that this bottom line that exists in the Family Group Conference process is a necessary operational tool for social workers, because as child protection agents, they are responsible for ensuring that children are protected while still making sure that the family reach a decision in the Family Group Conference. As Sue from Barnardo's points out:

It's about getting the balance right between letting the family make decisions, and making sure the child is going to be all right. I think that we do have problems with that from time to time, but in the end there has to be a bottom line in that.

A worker from Methodist Child and Family Services also talks about this bottom line, arguing that:

I do not believe that it is an either/or when it comes to protecting and looking after children. It is just that you are working with a family, and you will do everything you can to assist that family, but the needs of the child come first (Ezrai).

These social workers feel that they have to have a bottom line in order to deal with the tension between protecting children and empowering families.

An important part of this bottom line for CYFS social workers is that they need to produce an 'outcome' from the Family Group Conference, and make sure this outcome minimises the cost to the state in terms of resources provided. However, as I have already suggested, 'outcomes' are a difficult concept to deal with, because it is often unclear what is meant by the term. For example, the Department of Social Welfare report that Family Group Conferences produce an outcome in over 80% of cases (1999: 28), but what is not established is what happens to the child and the family in the months and years following the Family Group Conference. Much of the literature about Family Group Conferences measures their success in terms of achieving a short term outcome such as finding a place for the child to stay, or obtaining counselling for parents with drug, alcohol or violence problems⁵, but what is often missed is whether or not these outcomes are followed through by the family and actually mean a positive outcome for the child in the long term.

Quite often, according to many of the community workers I spoke to, a decision made in a Family Group Conference would be seen as the end of the process for CYFS social workers, when in actual fact it was at this point that families needed the most support. These community workers find it frustrating that they are seen as a convenient backstop for CYFS, because it is assumed, and often mandated in the Family Group Conference plan,

⁵ See for example, Bush and O'Reilly 1998, 1999; Connolly and McKenzie 1999; Department of Social Welfare 1999; Fraser and Norton 1996; Hudson et al. 1996.

that they would continue to work with the family after the Family Group Conference, even though they are not necessarily funded for this. For example Gloria argues that:

It is difficult in a Family Group Conference because the family have to make the decisions, the families say 'yes we can do this, and this and this', but afterwards nothing happens. I think it is very hard for the social worker from CYPS to monitor that, given their caseloads. They have to trust the family, in what they say they will do, that they will follow through. Because we still see the family after the Family Group Conference, it is usually us that has the responsibility to make sure things are done.

and Bronwyn comments that:

I find it incredibly frustrating to know that we are supposed to be funded for any support we provide after a Family Group Conference, but it just doesn't happen. CYPS say it is not their job, they don't want to fund it anymore [once the Family Group Conference outcome is decided]. It is always just about money, to the point where it is not in the best interests of the child. When they step out, then it all just falls apart. We have a case at the moment where the social work support has fallen apart because there is no funding to support the Family Group Conference outcome. It's gone back to CYPS and I would imagine that it will go back to Family Group Conference.

Both women argue that, as community workers, they are expected to take on the responsibility for making sure the decision is adhered to, but are given no financial recognition for this role.

Power

A key issue that community workers discuss is a perception that the job that they do is only secondary to the work the CYFS do with families, and is therefore not recognised as important. It is often the case that community groups who have involvement in a child's life will be called to give information at a Family Group Conference. Some of the community workers that I spoke to expressed frustration at knowing a lot about the family, and the child concerned, but knowing that their viewpoint would not be taken into account when the final decision was made. One youth worker argued that:

I do a lot of hanging out and being their friend, so when it does come to the crunch, I go to those [Family Group Conference] meetings to say generally positive things about that child. Often I'm the only person who's got anything nice to say and it can be a bit confrontational because most of the

CYPS workers don't actually know the kid at all. I go to these meetings as a youth worker and all the kids I go for, I know really well. Often I'm going into their home environment unannounced, so I can give a good general overview of how I see their life and their family. More often than not this information is not taken into account when they [the CYPS social worker] make a decision (Kim).

Rather than being a useful resource that pulled together information from different sources, some community workers felt that their presence in the Family Group Conference was token, and the Family Group Conference was an opportunity for CYFS to make quick decisions before passing the family on to community agencies who would see the decided outcome through with practical help and support.

A problem that many of the community workers discussed was that of the power relations between CYFS and other agencies within the Family Group Conference. It is commonly agreed amongst the community workers that the outcome of a Family Group Conference will already be decided by the coordinator (a CYFS social worker) before the meeting takes place. One community worker, a former CYFS employee argues that:

The outcome of the Family Group Conference is decided beforehand, because that coordinator has got to get them approved anyway. They would run a probable outcome past their manager...I remember when that came in, in '92 or '93. There was a clear directive from management that you will bring the expected outcome to the manager before the Family Group Conference, and the manager will decide. The coordinator has to make a decision between fulfilling their obligation to the client and fulfilling what their manager will let them do, and that's just because there is no money (Bronwyn).

Another community social worker agrees that decisions are usually made by CYFS, but argues that this is a good thing, and that the assumption that families can make the best decision for their members is flawed:

In my opinion, professionals who are involved, and supposed to be acting in the best interests of that child, have no right to abdicate their role. I think that I am also anti this thing that has happened that everything has just become so politically correct - that people are their own expert, and that anti-expert rubbish that gets put around today (Ezrai).

In fact, she argues that it was not the intention of the CYPF Act (1989) to allow families to make decisions on their own in the Family Group Conference setting, but is about consultation with families to provide the best outcome for the child:

The biggest stuff up with the Act is that because it talked about family and whanau being consulted, and Family Group Conferences being developed for families to be part of the decision-making process, what social workers did with that is abdicate their responsibility in the process, and give family the decision. That was not the intention of the Act, not as far as I am concerned. It wasn't the intention of the Act that the families be the ones to make all the decisions, it was about consultation with the family (Ezrai).

This community worker argues that the Act should not shift the responsibility of decision-making to the family, but provide an opportunity for families to contribute to a final decision made by the coordinator of the Family Group Conference.

Because CYFS is the statutory agency in the decision-making process, it can be argued that it has much more power than the other agencies in the Family Group Conference, but this is not explicitly acknowledged by CYFS. For example, the CYFS Care and Protection Handbook (1992: 7) states that its role in the Family Group Conference is to enhance the mana of the family group and work in partnership with others in:

Supporting the family's decisions, recommendations and plans...Obtaining agreement from those providing services...Ensuring the process is constructive by using 'presenters'⁶ who have the knowledge and skills for informing and communicating with this family...Using personal and professional creativity to find solutions and resources.

However, the community workers that I spoke to argued that rather than a partnership model, what they see happening when they attend a Family Group Conference (and for two of the workers, their experience of being involved in the process as CYFS workers) is that CYFS overlook much of the information that is provided and already have a solution in mind when they go into the Family Group Conference.

As Hasenfeld (1987: 469) argues, in attempting to redistribute power from social workers to clients, social workers often understate the importance of power in social work practice. He suggests that unequal power relationships are always going to exist when clients do not have any choice about the service they receive (as is often the case with CYFS social worker/client relationships) because this lack of choice places all of the power

⁶ 'Presenters' may include professionals who have knowledge to impart, for example, teachers, community or youth workers, the family lawyer and so on.

in the hands of the social worker. While the social worker holds resources that the client wants, the client is dependent on the social worker for their help. In striving to change this power arrangement, Hasenfeld argues, social workers can do nothing, because although they may change their practice, the resources still remain in the hands of the agency and the clients still have to go through the agency to get these resources (ibid.). What develops instead is a rhetoric of client 'empowerment' that does not fully recognise that an unequal power relationship exists.

While I would agree that power relationships are dependent on the resources that agencies hold, I would also argue that the legal power of some agencies is a key aspect of power relationships in social work practice. As the only statutory agency working in care and protection, CYFS has the power to overturn any decision that is made in the Family Group Conference, and has the power to deny resources to others if it so chooses. Social workers in community groups can see this quite clearly, and discuss Family Group Conferences in terms of rhetoric of sharing and caring, while not really believing that this is the case.

Funding

Resourcing is a significant issue in social work practice, and most of the social workers in community groups that I spoke to felt that a lack of resources was a considerable constraint in their job. They expressed frustration at knowing that the Family Group Conference outcomes would not be well resourced from CYFS and therefore not be followed through adequately. For example, the outcome of a Family Group Conference where a child had not been attending school, or had been disruptive when in school, might involve organising a tracker for the child. A tracker's job is to go with the child to school, making sure they attend their classes and are not disruptive. Community workers expect that CYFS will pay for this tracker, but many of the community workers I spoke to said that CYFS would often argue that it was not their responsibility and that the community agency wanting the tracker should be responsible for providing this service. What this means is that either the community agencies use their stretched resources to provide the tracker, or no tracker is provided at all. If no tracker is provided, the Family Group Conference outcome is

compromised and another Family Group Conference will have to be called to deal with the problem (Bronwyn; Gloria).

In addition to this, because of under-funding, decisions were sometimes made that excluded key family members. This usually occurred because they could not be contacted in time before the Family Group Conference took place, or because they were not even known about in the first place. One former CYFS worker suggested that the Family Group Conferences were far from ideal, saying:

I think that one of the biggest problems that comes out of the process is that people think “we had a Family Group Conference, we knew where we were going”, and then you find out that a lot of things weren’t said, a lot of people who are important weren’t there, it’s like trying to manage a horse that isn’t broken in (Robin).

Without adequate funding for the community groups who have to oversee many of the outcomes of the Family Group Conference, it is difficult for Family Group Conferences to have the impact that was intended. As Hassall (1999: 13) argues:

I still believe the 1989 Children, Young Persons and their Families Act is well-founded and can work much better. Its difficulties are to a considerable extent those of all the human services, since 1988, be they in health, education, or welfare where a cost-cutting, business approach was indiscriminately applied to the detriment of the purposes of those services. Mr. Upton, the Minister for State Services, has recently been reported as acknowledging this as a general problem, that the quality of a public service suffers when the sole criterion on which it is judged is cost saving.

If it is the case that the legislation was introduced in 1989 in an economically restrained climate, then it can certainly be argued that this concern that the legislation is not adequately funded is even more the case in more recent years. As I have argued in Chapter Four, an important part of the introduction of the legislation was that it reflected a commitment by the government to devolve some social services to community and iwi groups, and consequently reduce the cost of these services to the state. This devolution, coupled with a reduction in spending in child protection services has meant that the principles in the CYPF Act have become increasingly difficult to put into practice. As Cameron and Wilson-Salt (1995: 19) point out:

New Right accountancy practices and strait jacketing of social work delivery has significantly undermined the empowering and resourcing thrust of the CYPF Act, which itself was the product of a different set of economic trends.

Through the 1990s, this interest by the centre-right government to further cut costs and reduce the role of the state in provision of social services has significantly impacted on the ability of those involved in child protection to carry out their work adequately, and has substantially weakened the principles of the legislation which cannot be followed if they are not supported with resources from the state.

Comparative Practice

At the same time as Family Group Conferences were being thought about in New Zealand, growing international attention was being paid to the ideas of family empowerment and family decision-making. Within five years of its implementation in New Zealand, a number of other countries, for example Australia, Canada, Finland, the United Kingdom, the United States, South Africa and Sweden, had begun to consider Family Group Conferencing as an option in child protection social work.

One of the most important differences between New Zealand and these other countries is that in New Zealand, Family Group Conferencing is enshrined in law. I would argue that this difference in the implementation of the Family Group Conference process has had significant implications for the way that the initiative has been taken up at the level of practice. As I have already pointed out, Family Group Conferencing in New Zealand has been taken up differently by state and community agencies. My research suggests that the initiative has not been picked up as a practice tool by community agencies to the extent that other, more informal practice tools, for example Strengthening Families⁷, have. This is because as a statutory process, Family Group Conferencing is seen by community workers as being a very formal social work tool. This means that community workers consider Family Group Conference a less effective practice tool than other, more informal processes

⁷ Strengthening Families, and the way that this practice tool is used by community groups is discussed in detail in Chapter Six.

that allows them to practice their commitment to empowerment practice and shared decision-making.

In other countries, however, the Family Group Conference process was not enshrined in law, and so developed very differently. For example, in Australia Family Group Conferencing was first introduced at the level of community, rather than as a state initiative. This significantly shaped the way that the programme developed in this country. Similarly, the United Kingdom did not introduce Family Group Conferencing as a part of its child protection legislation changes, but chose instead to implement the programme at a more informal level.

The following section will look at examples of Family Group Conferencing in Australia and the United Kingdom, and will argue that the different way that Family Group Conferencing has been implemented and the specific policy context in these countries, has impacted on the way that the initiative has been used at the level of practice by social workers both in the state and in the community sector.

Family Group Conferences in Australia

Family Group Conferencing was implemented in Australia as a pilot project in 1992, after a number of years of deliberation on the matter. The idea was first suggested in 1988, around the same time as it took hold in New Zealand, and was coupled with change in child protection legislation, although it did not make any direct provision for Family Group Conferencing. Significantly, Family Group Conferencing in Australia was not implemented

by the state, but was piloted by a religious family welfare agency, the Mission of St James and St John in Victoria, with additional funding provided by the Department of Health and Community Services (DHCS) (Lupton and Nixon 1999: 95).

The Mission began its two year pilot in October 1992, and by 1994 had completed 40 Family Group Conferences, all involving children and families with care and protection issues. At this time the project was extended for another two years, after an initial evaluation of the programme showed that it was a success (Ban 1996: 140). In Victoria at this time the traditional method of dealing with care and protection issues was through the practice of case conferencing⁸, and it was intended that Family Group Conferencing would entirely replace this form of social work practice for the participants selected to be involved in the pilot. In Victoria, as in New Zealand, the goal of the project was to promote power-sharing between social workers and families, to empower families, and to recognise the importance of the family group to children's wellbeing (ibid: 142).

An evaluation of the project in 1993 found that the Family Group Conference process was working well, and that families were happier with the programme than with the case conferencing model of decision-making. Following the success of this pilot project initiated at the level of community, the programme was picked up by the DHCS in 1994. The DHCS had similar goals to that of The Mission, with one additional goal: to ensure that the new programme did not in any way contravene the principles of the Victoria Children and Young Persons Act 1989 (ibid.). The principles of this legislation, like the New Zealand legislation, involved a commitment to family decision-making and family empowerment, but unlike the New Zealand case did not specifically include Family Group Conferencing as a statutory requirement for social work practice. This meant that when the model was implemented in Victoria, it did not have the strength that the model had in New Zealand, as there was no

⁸ Case conferencing, which was also the prevalent practice in New Zealand before 1989, involves the Department of Health and Community Services, in consultation with other professionals, making a decision regarding care and protection issues.

obligation to use it. So then, although some social workers had a commitment to working with the model, and the families involved found it an empowering experience, Family Group Conferencing did not have the impact that was expected.

The fact that the initiative was not statutory plays an important part in the way that the Family Group Conference model was picked up at the level of practice in Victoria, because, unlike the New Zealand case, there is no statutory requirement to use the model in Australia. As Ban (1996: 149) suggests, there has been some reluctance by professionals and by families to use this model of decision-making. Ban argues that:

Although information about family group conferences has been available in Victoria for over six years, and considerable interest has been expressed in the application of the technique, only a handful of professionals have actually attempted to conduct a family group conference. Interested professionals have had their enthusiasm dampened by a welfare environment that has not rewarded their efforts to empower families (ibid: 150).

Ban points out that this is in part because the Family Group Conference process relies on a significant shift in values from state to family decision-making that has not occurred in Australia to the extent that it has in New Zealand (ibid.). As I have argued earlier, the shift that occurred in New Zealand was part of a wider policy of devolution that had the support of a wide number of interest groups in New Zealand, including social workers and Maori. This was not the case in Australia because, as Ban suggests, this family centred approach relies on a recognition of the importance of kinship connections that is not widely accepted in the Australian context:

The challenge of working with this technique is for professional staff to consider their own identities and families ties. When they are challenged by families as to why they are pursuing an individual's connection to their network, the worker involved is required to have thought through his/her own position. Consequently, it becomes very difficult for a worker who does not acknowledge any sense of connection to the notion of wider family to be able to prepare and conduct a family group conference (ibid.).

Although family group conferencing, and the principle of family decision-making that goes along with it has been taken up to some extent in Australia, I would argue that because the

initiative had a strong Maori focus in New Zealand, and was a legislative change, the model has been used very differently in New Zealand than it has been in Australia.

Family Group Conferences in the United Kingdom

Like Australia, the United Kingdom had already implemented new child protection legislation when it introduced Family Group Conferencing, and as in Australia, this legislation offered some recognition of the importance of family decision-making.

In the United Kingdom the introduction of Family Group Conferencing was directly influenced by what was being done in New Zealand. In 1990, a group of practitioners from New Zealand visited the United Kingdom in order to share ideas and provide training for the Family Group Conference programme. These social workers were not invited by the state, but by the Family Rights Group, a national charitable organisation with a focus on improving policy relating to families (Lupton and Nixon 1999: 72). The Family Rights Group had successfully lobbied for a partnership model in decision-making in the Children Act 1989, and were interested in establishing a national pilot programme to set up Family Group Conferences in the United Kingdom. The pilot project began in 1992, with six agencies (five state social service agencies and one voluntary agency) in Wales and England agreeing to take part (Marsh and Crow 1998: 61)⁹.

Because the Family Group Conference programme was not enshrined in law in the United Kingdom, it can be argued that it requires much more of a commitment by social workers and managers than it does in New Zealand, which requires its state social workers to use the practice. As Marsh and Crow (1998: 62) argue:

In each project, the continuing enthusiasm of individual people for the Family Group Conference model was necessary for the success of the project implementation. The initiators had put a great deal of personal time and effort into the projects, whether they were in practitioner or management level posts. They all said that the encouragement and support of the national pilot project group had been vital to maintain their enthusiasm and determination in the light of the difficulties they faced.

⁹ All of the agencies involved had a focus on care and protection, but some interest had been expressed in developing Family Group Conferences for youth justice as well. For a further discussion of the problems facing those wishing to implement youth justice Family Group Conferences in the United Kingdom see Marsh and Crow (1998).

However, these difficulties, particularly that a substantial shift in thinking from social workers has not occurred across the board in the United Kingdom, and that some social workers have not been fully committed to the idea of family empowerment, have meant that Family Group Conferencing has not been as successful as expected (Lupton and Nixon 1999: 77). Lupton and Nixon (ibid.) argue that one of the most significant barriers to the success of the Family Group Conference model in the United Kingdom is that it exists as one practice amongst many in child protection social work. Because social workers are not required to use the model, and because it requires a substantial commitment from them, Family Group Conferencing runs the risk of being used by social workers as just another way for them to get families to comply with their wishes.

However, I would suggest that some fundamental differences between the New Zealand and the United Kingdom cases means that the model has more chance of being used as an empowerment tool in the United Kingdom than in New Zealand. As I have already pointed out, New Zealand is the only country that has implemented the Family Group Conference model at the level of law, and I would argue that this may actually mean that the process has the potential to be less rather than more effective in New Zealand. In New Zealand, Family Group Conferences are used most often by state social workers, whereas in other countries, for example Australia and the United Kingdom, the model has been taken up at the community level as well as by state agencies. This means that, although there is a lack of centralised support, the Family Group Conference model is less likely to be captured by state social workers in Australia or the United Kingdom than in the New Zealand case. Lupton and Nixon (1999: 77) argue that the Family Group Conference process has the potential to be marginalised if it is not legislated for, but I would argue that, provided there is a commitment to the programme by some social workers in the state and in the community, then it can still be a very useful practice tool.

In addition to this legislative difference between Family Group Conferences in the United Kingdom and in New Zealand, I would argue that the commitment to a family group perspective in the United Kingdom is limited in its impact by the existence of legislation that supports the paramountcy principle in child protection. The Children Act, passed in the

United Kingdom in 1989 reflected both a commitment to partnership in decision-making between social workers and families, and also to a children's rights model in child protection (Marsh and Crow 1996: 153). This means that, although it was expected that families would be involved in the decision-making process, this involvement was to be in partnership with social workers and other professionals involved in care and protection. This differs from the New Zealand legislation, which entitles families to be the primary decision-makers in care and protection.

Unlike the New Zealand legislation, when it was passed in 1989 the Children Act expressed a strong commitment to children's rights, arguing that the views and wishes of children should be considered "in light of their age and understanding" (The Children Act 1989 cited in Marsh and Crow 1996: 155). An important part of this focus on children's rights was the inclusion of the paramountcy principle in the legislation. As Lupton and Nixon (1999:42) argue:

The opening paragraphs of the Children Act set out the over-arching principle by which the government ratified the UN Convention on the Rights of the Child: the welfare of the child is to be the paramount consideration. Children and their feelings should occupy a more central place in decision-making and be located at the top of the 'welfare checklist' that guides the court in any legal proceedings.

As we can see, when Family Group Conferencing was introduced in the United Kingdom, it happened under quite different policy conditions than those which existed in New Zealand, where paramountcy was not initially included. In contrast to the New Zealand legislation, the Children Act primarily focuses on the rights of children and, to a greater extent than in the New Zealand case, professionals are required to protect the rights of children before they consider the rights of the immediate and extended family.

Policy and Practice

The differences in the way that Family Group Conferences have developed in New Zealand and in Australia and the United Kingdom highlight nicely the way that policy development is very much dependent on the specific environment in which it exists. As I argue in Chapter Two, there is a strong connection between policy and practice, which means that

policies will have an influence on practices, but existing practices will also have an effect on the way that policies are taken up at the ground level. This is clearly case in the different ways that the Family Group Conference process has been taken up in New Zealand and in Australia and the United Kingdom.

In an attempt to translate the Family Group Conference model from its specific social, economic, political and ethnic context in New Zealand to a completely different context in Australia and the United Kingdom, policy-makers have not fully acknowledged that these factors are important to the way that the programme operates. Away from its particular New Zealand context, the Family Group Conference model has worked very differently, and some would argue, much less successfully.

So then, as we have seen, as well as Family Group Conferencing being taken up differently by state and by community agencies, the programme has also developed differently in the different countries in which it has been introduced. What this indicates is that context is an important part of the way that policy develops and is taken up at ground level, and will potentially affect different groups of people in very different ways.

Conclusion

This chapter has explored Family Group Conferencing as a form of state policy, and has looked at how social workers in community groups use this policy in their everyday practice. Using a comparative analysis of the Family Group Conference process in New Zealand, Australia and the United Kingdom, I have argued that the way that this policy has been used by social workers differs substantially depending on the context in which it operates. In Australia and the United Kingdom, for example, Family Group Conferences are not a legislated for, and this has meant that they are more likely to be used by community workers, but, as some have argued, are also a less powerful empowerment tool as a result.

In New Zealand, from the perspective of the CYFS social worker, Family Group Conferences generally work well (Barbour 1991; Connolly 1994; Connolly and McKenzie 1999; Department of Social Welfare 1999). They serve their specified purpose - they deal with care and protection issues and include families in the decision-making process. For

community workers, the picture is more complex. Community workers are much more likely to be involved in the child's life before and after the Family Group Conference, and will often be providing care and support to other members of the child's family.

Family Group Conferences, therefore, are just one of many different tools that community workers use in their everyday practice. For these social workers, Family Group Conferences are not always a very helpful practice tool, because more often than not, an adversarial relationship exists between community social workers and the families they support on the one hand, and CYFS social worker on the other. This relationship, coupled with the perception by community workers that CYFS have all the power in the Family Group Conference setting means that community workers do not consider that the Family Group Conference is the best way to help families solve their problems, or to access resources in order to do this. Social workers in community groups agree with the Family Group Conference process in principle, but argue that the practical reality is very different from what was envisioned when Family Group Conferences were introduced with the CYPF Act (1989).

Rather than putting the family at the centre of the decision-making process, it can be argued that families still exist on the peripheries of the Family Group Conference with the coordinator (a CYFS social worker) clearly in charge of the decision that is made. Because the family-centred rhetoric exists both in the legislation and in social work practice, decisions made in the Family Group Conference seem to be made by the family even when this is not necessarily the case. This means that while the responsibility for making decisions in a Family Group Conference is with the coordinator, families take responsibility for the implementation for what is seen as their decision.

As I have argued, community workers do not see Family Group Conferences as a very useful tool. There are other tools that they use that provide them with an opportunity to empower their clients. The following chapter will outline another form of social work practice, Strengthening Families conferencing, which was developed in 1997 to address the increasing lack of communication that exists between government agencies (for example, the Departments of Health, Education and Social Welfare) community social workers and

families. This initiative, which was implemented for and by state agencies, was picked up and used very quickly by community groups. Strengthening Families provides a contrast to the way that Family Group Conferencing operates in the community sector.

chapter six

Strengthening Families

Introduction

The CYPF Act had been in operation for eight years when Strengthening Families was introduced in 1997. The programme was designed to work alongside Family Group Conferencing, and offer an interagency case management model for the various groups involved in care and protection social work. Although the Strengthening Families initiative was originally designed to improve rapport between the Departments of Health, Education and Social Welfare, it was quickly picked up by other government departments and by community groups working in care and protection. The Strengthening Families initiative can be seen as a particular solution to a particular problem, but it is also a good example of how government policy is adapted at ground level to improve social work practice.

Social workers in community groups view the Strengthening Families initiative as an opportunity to improve their relationship with government departments, and also with other agencies that work in the care and protection field. It allows for a semi-formal expression of the informal networking that is already being done, and provides a way for agencies that do not have good informal networks to establish these more formally. Strengthening Families has changed the power dynamics that exist within the community sector and between community groups and the government, allowing some community groups more power in the decision-making process than they had before the introduction of the programme, and also creating new networking opportunities for these agencies.

This chapter will outline the Strengthening Families initiative, discussing its implementation, and its implications for community groups working in care and protection. As I will argue, Strengthening Families provides an opportunity for social workers in community groups and in the state to negotiate their position with others in a way that Family Group Conferencing does not. The Strengthening Families initiative

allows the state to step back from their relationship with families and children, and let community groups take a more central role in providing support services without any extra cost to the state. For community groups, the initiative offers an opportunity to become more involved in the decision-making process, and provides them with a chance to re-negotiate the power relationship that they have with CYFS social workers. For both community workers and state social workers, the Strengthening Families initiative offers significant costs and benefits, as it shapes and changes the relationship between the two groups.

Background

In 1997, the Coalition Government, in collaboration with the Director-General of Social Welfare, Margaret Bazley, the Director-General of Health, Karen Poutasi and the Secretary for Education, Howard Fancy, introduced Strengthening Families as a way of encouraging better communication between government departments dealing with issues of care and protection (Smith 1998: 1). Roger Sowry, the then Minister of Social Welfare, in discussing the implementation of the policy, commented that:

The Strengthening Families initiative is a very real and integrated response to addressing the needs of families at risk. Under the Strengthening Families label we have health, welfare, and education agencies working together in a coordinated approach, to deliver effective services that improve the outcomes for families (New Zealand Parliamentary Debates 1997: 3149).

Initially Strengthening Families drew together those working in the areas of social welfare, education and health, and was an interagency case management model that encouraged staff in these departments to collaborate on cases where families were being seen by a number of different agencies. It followed on from a recognition that families who came to the attention of the Department of Social Welfare were often being seen by other government and community agencies, and a more effective coordination of these agencies was needed.

In the year that the Strengthening Families initiative began, Sowry announced a \$65.5 million dollar budget increase for CYFS, arguing that:

The House should note that in the recent Budget an extra \$65.5 million over the next 3 years was announced for the Children, Young Persons, and Their Families Service...The extra \$65.5 million that the service will receive over the next 3 years will particularly go to the northern area of New

Zealand. It will provide an extra 45 new social workers, it will provide additional community programmes for young offenders and sex abusers, it will provide family support and training programmes, and it will provide part of the Strengthening Families programme that I talked about earlier (New Zealand Parliamentary Debates 1997: 3149).

Although the government argued that it would provide financial support for the initiative, Strengthening Families did not in fact receive a separate funding allocation (Department of Social Welfare 1997). Instead, Strengthening Families relied on existing budgets in the core three departments for funding (Baxter 2000)¹.

Since it began, Strengthening Families has been adopted by many other government departments, and now includes sixteen government departments². Community groups have become involved in the Strengthening Families initiative, initially amongst the many agencies involved, and then for some, as the lead agency. This means that as it has evolved, Strengthening Families has increasingly been incorporated into the everyday practice of many community groups whose main focus is the care and protection of young people. It has grown over time, so that between September 1998 and September 1999 more than 400 case meetings were recorded, for the most part involving either CYFS, the Department of Education, or community groups in a lead role (Ministry of Social Policy 1999: 7).

Strengthening Families is a model of case conferencing that involves a lead agency being responsible for bringing together all the different government and community groups that are involved in care and protection work for a particular case. This lead agency can be either a government or a community agency, so for example, CYFS or Barnardo's both have an opportunity to call a Strengthening Families meeting. Families also have the opportunity to call a meeting if they wish. Informed consent is obtained from the family before personal information is shared and family members are encouraged to attend the meeting (Baxter 1999: 4). The outcome of Strengthening Families meetings usually involve a plan which details what each agency and the

¹ Telephone conversation with Lorelle Baxter, Communications Advisor at the Department of Child, Youth and Family, 16/1/00.

² These are: Ministry of Social Policy, Ministry of Health, Ministry of Education, Department of Child, Youth and Family, Work and Income New Zealand, Health Funding Authority, Hospital and Health Services, Special Education Service, Police, Department of Corrections, Department for Courts, Accident Compensation Corporation, Department of Immigration, Housing New Zealand, Te Puni Kokiri, Department of Internal Affairs (Ministry of Social Policy 1999: 17).

family are expected to do in order to address the problems that have been identified (Henderson 1998: 20).

Previously, CYFS had been criticised for ignoring other agencies that families were involved in, and Strengthening Families was considered a way to combat this problem. It was designed to work alongside Family Group Conferences and to address a family's problems before a Family Group Conference was needed (Department of Social Welfare 1998: 4; Baxter 1999: 8). When the initiative began, the lead agency in a Strengthening Families meeting was most often CYFS, but as it has been incorporated into the practice of social workers in the community sector through their involvement with the initiative at government level, community agencies have increasingly become lead agencies in Strengthening Families meetings. For example, between September 1998 and September 1999, community groups took the lead role in 27% of Strengthening Families meetings, with CYFS being responsible for a further 30% of cases (Ministry of Social Policy 1999: 13).

The simplest way of explaining how the Strengthening Families initiative works in practice is to give an hypothetical scenario of a meeting:³

Joanne is the mother of four children of ages ranging between seven and fifteen. She became involved with Pillars when her partner, the father of her children, was in prison for an extended period. The children all became involved with

³ This scenario is made up of a composite of information that is available from CYFS case management examples, including a video of a mock Strengthening Families meeting, and information from interviews that I conducted with community workers. It does not reflect any one case example.

Just-Us Youth, attending weekly youth groups that catered to their different age groups. Kim, a youth worker at Just-Us Youth, in collaboration with Joanne, requested a Strengthening Families meeting when it became obvious that one of the children, Sam (age 12) was being truant from school, was disruptive when at school, and was on the verge of expulsion for these reasons. Kim contacted CYFS, who were also involved in the family's lives, and requested that a Strengthening Families meeting be held at the school, involving Joanne, her social worker at Pillars, the CYFS social worker that was involved with the family, Specialist Education Services⁴ and the school principal. Joanne asked that Sam not attend the meeting, as it would make it easier for her to speak frankly about the problems she was experiencing, but Kim, Sam's youth worker, would be in attendance to present Sam's case. Pillars asked to be the lead agent in the case, because they already knew the family well and were working closely with Joanne. Their job was to coordinate the other groups involved and ensure that the outcomes of the meeting were followed through. The meeting was held with all the relevant parties, and as a result several outcomes were decided on to help Joanne get Sam back on track. CYFS agreed to provide a tracker⁵ for Sam; the school offered to liaise with truancy officers to ensure that Sam did not miss any more school; Specialist Education Services offered to provide an assessment of Sam's needs to try and sort out his disruptive behaviour; Just-Us Youth agreed to provide one-on-one support with Sam to help him work through any problems, including issues he had about his father being in prison; Joanne agreed to make sure that Sam was in bed early

⁴ Specialist Education Services provide psychological support and academic assessment for children who are struggling at school.

⁵ A tracker's job is to go with the child to school, making sure they attend their classes and are not disruptive while there. They often provide a mentor for the child who will help them deal with problems at school and at home.

enough each night to ensure that he was up in time for school the next day, and to make sure that he had a good breakfast and lunch to keep him going through the day. It was agreed that Pillars would follow up all these decisions regularly to ensure they were being carried out, and that another meeting would be called in three months to check on Sam's progress.

Without this Strengthening Families meeting, it is possible that this family would have struggled on for some time before reaching breaking point and having CYFS request a Family Group Conference to deal with Sam's increasingly out-of-control behaviour. Instead, a Strengthening Families meeting was held, providing a way for all the people who were involved in this family's life to sit down together and try to find some practical solutions for a difficult problem.

Strengthening Families meetings provide social workers, both in community groups, and in CYFS, with a way of dealing with care and protection issues without needing to go to a Family Group Conference. As we have seen in the previous chapter, Family Group Conferences are not particularly popular with community workers, and take a lot of time and money to organise. Strengthening Families on the other hand, because it involves only immediate family, does not come with any specific funding attached and relies more heavily on community group co-ordination, is a cheap and effective way of dealing with family crisis.

I would argue that Strengthening Families conferencing represents both a cost and a benefit to the community groups involved, and to some extent, to the state also. Strengthening Families conferencing benefits community groups in that it provides them with an opportunity to negotiate their relationship with CYFS in a way that other forms of practice, for example Family Group Conference, do not. However, as well as being a very useful practice tool, Strengthening Families represents a significant cost to community groups. This is because there is no specific funding attached to the Strengthening Families initiative, and as Community Funding Agency (CFA) funding is tagged to the delivery of particular services that community groups provide, if community groups want to be involved in Strengthening Families, then they must absorb the cost of the meetings themselves.

For the state, Strengthening Families offers a significant benefit because it would seem that it is getting something for nothing. The initiative allows state social workers

to take a less active role than they do in Family Group Conferencing which means that community groups are able to step in and take over some of the decision-making. I would argue, however, that Strengthening Families also involves costs for state social workers. Strengthening Families, with its focus on collaboration and power sharing means CYPF social workers have to work much harder at their relationship with workers in non-government agencies than if they were the only agency involved in decision-making for children and families. In handing over some control of the decisions that are made with regard to families and children, state social workers risk losing control over what is essentially seen as their responsibility. State agencies involved in care and protection, unlike community groups, have a statutory obligation to look after the welfare of children, and if anything goes wrong in this process, it is them, not community social workers, who are held accountable. For state social workers then, Strengthening Families provides an opportunity to be less directly involved in providing services to children and families, but means that they have to negotiate their relationship with community workers more carefully, and balance their responsibility for children with a recognition of a partnership approach to social work practice.

Strengthening Families in Community Groups

All of the community workers interviewed talked about Strengthening Families as a useful tool for dealing with the complicated mess that most families found themselves in when dealing with care and protection issues. Many families who are seen by community groups are often involved with four or five and sometimes more community and government agencies. For community agencies, Strengthening Families provides a way of dealing with all these other organisations in a systematic and productive way. They have found that Strengthening Families is a good way of encouraging rapport with other agencies that does not necessarily occur at the informal level. One community worker comments that:

It is just good practice that if you are working with a family and there are a lot of other agencies involved, then you work with them. You get quoted where a child dies and there were twenty seven agencies involved and none of them knew what they were all doing. That does happen (Ezrai).

She argues that before Strengthening Families was introduced, case conferencing did exist, but on a more informal level. Because there was no encouragement to share information with other agencies, this often not did happen:

Prior to Strengthening Families, most organisations would have acted on the basis of case conferencing. We did it, but I know that there were many other agencies who never did. There would have been varying levels of appropriate collaboration through case conferencing (Ezrai).

Although Strengthening Families began as a government initiative, it has been adopted widely amongst community agencies, and has a lot of support within these agencies. Despite its more formal beginnings, Strengthening Families is seen by community workers as a good way of networking with other community groups and with government departments in a more formal way than previously occurred. It sits on a cusp between formal processes like Family Group Conferencing and the informal information sharing that does occur simply through the networks that people have established over time while working in the field. This means that for those people who have not worked in the field for long, or who have not established good networks in other ways, Strengthening Families offers a way of opening up the possibility for those links to develop and at the same time improves the service that is given to families.

Networking

In many ways, Strengthening Families has done what Family Group Conferencing set out to achieve and never did. Family Group Conferencing was designed to pull together families and social workers in government and community agencies, but, as I argued in the previous chapter, has not really achieved this. Whereas Family Group Conferences very much focus on the CYFS social worker and what they can do to solve families' problems, Strengthening Families has the potential to involve families and community groups in a more direct way. The community workers in this research agree that establishing good informal networks with other social workers in the field is an essential part of good social work practice. Informal networking is particularly important in community groups because, unlike CYFS who have clear statutory requirements, community workers must rely on the expertise and knowledge of others in their field to make good decisions and provide back up support for these decisions. For example, one community worker from Barnardo's argues that:

There is a working relationship with the social workers at CYFS, we work at a grassroots level and the managers work at their level. I think that because we have been through a lot of changes it has been quite difficult. Especially in Ashburton, because they work on their own down there, it has been really valuable for them to be able to say 'what do you think? do you know anything about this?'. It's nothing official but you can just tease things out (Sue).

Sue argues that the informal networks between community workers at Barnardo's, CYFS and other community groups allow these people to make better sense of their work in the ever changing world of care and protection.

The ideas behind Strengthening Families are not new in social work practice, and this has allowed the initiative to be incorporated into already established practices in community agencies. The majority of the community workers that I spoke to talked about Strengthening Families being an extension of the existing practice of case conferencing. For example, a community worker at Barnardo's argued that collaborating with other agencies about families' problems was just common sense:

Forget Strengthening Families as a new concept, we have been doing that all the time. It is so obvious, you can't work in isolation. Kids aren't isolated, families aren't in isolation. I have been used to working collaboratively and I think it really works (Sue).

This worker went on to argue, however, that Strengthening Families was potentially a drain on resources for Barnardo's with few benefits that existing practices did not already give. Because they have good informal networks, the community workers at Barnardo's do not prioritise Strengthening Families as a way to establish links with other agencies. Talking to workers at Barnardo's, I get a clear impression that they work very hard to establish and maintain a good rapport with other agencies, particularly government departments. One worker talked about the commitment that Barnardo's has to allowing its workers to network:

Barnardo's see that networking is a part of social work practice, so they give me time to network, and that is not true of all organisations. I have got to get out and establish a name and a face and a reputation. So I have colleagues in all sorts of different areas. I'll phone up and say 'I've got this client, can you fit her in?' and she will say 'yeah, sure' (Jill).

It is not the case, however, that all community groups have developed good informal networks that allow this sort of information sharing to take place.

A more recently established community agency does not seem to have the same rapport with other organisations, and works much harder at establishing these networks through more 'semi-formal' means like Strengthening Families. One of the community workers at Pillars said:

In our last year we had 65 Strengthening Families meetings and in a lot of cases we were the lead agency. In some cases, I'd rather not because it is a big chore, but it works much better. It is much more user friendly and is a step before a Family Group Conference. Because it does not have that legal bite, our clients are more open to it. As difficult as it can be in terms of sometimes there are too many agencies, and a lot of cross communication, they are really useful. It is not as scary as Family Group Conferences for the families (Gloria).

This worker also discusses Strengthening Families in terms of the relationship Pillars has with CYFS, saying that Strengthening Families means that they can be clear about what they want from CYFS. Pulling all the agencies together, Gloria argues, improves communication between Pillars and others, and also gives families better access to resources that might not otherwise be known about.

As I discussed in Chapter Four where I talked about devolution and its effects on the relationship between community groups and state agencies, strategies like Strengthening Families allow community workers to 'manage' their relationship with other groups; to gain access to important resources for their clients, and to change the power dynamic between community groups who have no statutory power and are often small voluntary organisations, and state agencies that have statutory obligations and significantly more resources at their disposal.

Power

The power differences that exist between social worker and client have been well reported in the social work literature (see for example: Cohen 1998; Connolly 1994, 1999; Howe 1991a; Howe 1991b; Cohen 1998; Wearing 1998), but what is often not recognised is the power relationship that exists between social workers in different agencies. The power differences that exist between groups in the community, and between community groups and state agencies have a significant impact on the sorts of practice that social workers can engage in. As Hasenfeld (1987: 477) argues:

Agencies are differentiated by the amount of resources they possess and the control they have over their environment...Workers with more power are better able to control the conditions of their work. They can use their power advantage to improve the quality of their practice by having, for example...greater access to sources of knowledge and expertise. Hence the dynamics of power are such that they perpetuate an unequal distribution of quality practice, unless checked and controlled by countervailing powers, such as government intervention.

While Family Group Conferencing was designed to deal with the power differences between social workers and clients, Strengthening Families can be seen as an attempt by the government to address the power differences that exist between different actors within state agencies, and between community and state agencies.

The Strengthening Families initiative, with its focus on networking, has changed the power dynamic between community groups and CYFS. It allows smaller groups who traditionally have very little power to have more say in the decision-making process. For example, workers at Pillars see Strengthening Families as a way of gaining some power for their relatively small and somewhat marginalised agency in a very competitive field. Pillars, and Just-Us Youth, who share the same office space and have a similar focus, often feel that because they work with prison inmates and their families, they are not taken seriously as a helping agency. A worker from Just-Us Youth comments that:

We go along there [to a Family Group Conference], say who we are, and they don't take us seriously. One social worker saw us as a club. We are quite non-sexy because we work with prison inmates, deviants. We don't have a sad little girl with cancer sitting there, so we struggle to get people to listen to us (Cheryl).

At Strengthening Families meetings, agencies like Pillars and Just-Us Youth have the chance to take the lead and set the agenda for the meeting, giving them more opportunity to define the terms of the meeting and guide the outcome than if they went to a Family Group Conference as one of many agencies involved in a family's life. The Strengthening Families meeting allows them to have some power and control that they might not otherwise have.

This different kind of networking between community groups and the state establishes a new power relationship that is more fluid than formal processes like Family Group Conferencing. As Foucault (cited in Clegg 1998: 31) argues, power is intimately connected to specific relationships between people. Foucault argues that

power is shifting and unstable, and is dependant on the specific context in which it is being exerted. Central to his idea of power is:

...its shifting, inherently unstable expression in networks and alliances. Rather than the monolithic view of power as a 'third dimension' incorporating subjectivities, the focus is much closer to Machiavelli's strategic concerns or Gramsci's notion of hegemony as a 'war of manoeuvre', in which points of resistance and fissure are at the forefront (Clegg 1998: 31).

Rather than seeing power as something that is exerted on some by others, Foucault argues that networks of alliances are a crucial part of people's ability to have power and exert control in a situation. This means that agencies who do not appear to have much power in a given situation may actually have a lot depending on the level of networking and strategising that is being done behind the scenes. Whereas Family Group Conferencing does not allow very much informal networking to take place, the Strengthening Families initiative encourages this, allowing a more variable power dynamic to develop between different groups.

Thinking about power as dependant on the specific networks and alliances that are formed between individuals provides a useful insight into why community workers give apparently contradictory views of their relationship with CYFS. For example, community workers at Just-Us Youth argue that CYFS is difficult to work with and the relationship between their agency and the government agency is not a particularly reciprocal or equal one. When I questioned the Just-Us Youth workers further about their relationship with CYFS, however, I got some contradictory statements depending on which aspect of the relationship I was talking about. For example, when talking about Family Group Conferences, a worker from Just-Us Youth was quite negative about CYFS:

We don't have the best relationship with CYFS, I don't know who has to be honest. We go along [to a Family Group Conference] as just one of the many other people who go...They [CYFS] make all the decisions. I know I don't need to be at the meetings because I already know what the outcome is going to be (Cheryl).

But scattered throughout this discussion was a lot of positive talk about Just-Us Youth's relationship with CYFS. Most of this talk was with regard to individual relationships with CYFS workers, and in dealing with Strengthening Families meetings. Although workers at Just-Us Youth feel that they do not have much power in the relationship

with CYFS as a whole, they are quite positive about the individual relationships that have been established in CYFS and acknowledge that CYFS workers do a very good job. So for example, Cheryl also says that:

I am happy to consult with the social worker through the other side [in CYFS]...we help them to assess what is going on in the family, and try to put a plan in place.

While formal processes like Family Group Conferencing set up a rigid power dynamic between CYFS and community agencies like Just-Us Youth, Strengthening Families allow community workers to establish a good rapport with CYFS social workers. This allows more open communication and mutual understanding and respect, rather than creating an antagonistic relationship between these two groups.

This was the case with most of the community workers interviewed. Many expressed a general dissatisfaction with CYFS as a whole, but through working with individual CYFS workers, had developed a sympathy for the constraints facing these workers. Gloria, who discussed her frustrations in dealing with CYFS also has this to say about them:

Yes it is an individual thing with CYFS social workers. I have to say that I have worked with a hundred CYFS workers, then I have a good relationship with ninety-nine of them. I think it is about respect, and reasonable goal setting, and planning, and above all, communication...I have a respectful, reciprocal relationship with CYFS workers, and that is because I am aware of what they can provide, their limitations and their resources. I am very, very aware of that...I am really glad to have someone that I can say 'I'm in trouble' to, and it becomes their responsibility. I can try to make the best decision for those children, but I can still go to someone in CYFS and say 'this didn't work, we did our best' and I don't have to be landed with what some of those workers have.

And although Bronwyn argues that:

My heart just sinks when I know that I have to have a discussion with CYFS.

she also says:

My rapport with CYFS is not too bad. I think we have respect for each other's role...I think that it is just the financial difficulties. It gets down to purely the finances...It [CYFS] is such an awful place to work because they do things like set you up to fire these bullets. A CYFS social worker has invited herself along to a meeting today, and has said she is going to cut funding, so I have hauled in all the family and wound them up and they're going to come in and give her heaps. Now that is not fair. I shouldn't have to do it, and she shouldn't be put in that sort of situation. She's

got instructions from on high...I get the feeling that the poor old social worker is being squeezed from management above.

On a one-to-one level, Bronwyn has a lot of respect for CYFS workers, and having worked in the agency herself for five years, can sympathise with the plight of the social workers there, but throughout the interview Bronwyn also made many negative comments about CYFS as a whole and how difficult they can be to work with. She has obvious mixed feelings about the agency depending on whether she is talking about individual relationships with CYFS workers, or about the agency as a whole.

Most of the community workers I spoke to acknowledged that their ability to network on a more informal level with CYFS social workers was both valuable and essential to their work. Again, Bronwyn argues that the relationships she has established with individual workers in CYFS are helpful when dealing with difficult clients:

I got phoned by the CYFS intake manager the other day about a client who had come to us first, and was using us as a reason why CYFS should not be involved in their case, that is not good, they need to do an investigation, and I respect that. We have a lot of mutual clients and mutual contacts in terms of the people they know and we know.

Another community worker comments that:

I have a case today, I can see the family going down hill, so I placed the children in Cholmondeley, contacted that school, asked for a Strengthening Families meeting, and the next day CYFS were notified anyway by the school. I set everything up, and the social worker at CYFS is extremely grateful because I saved him three days work. I appreciate what it is like for him, and I believe that in this case, we have the same intentions, which is to bring about a solution for the family, and so I have kept in regular contact with him. There are cases where it doesn't work this way, it depends on the worker...We have to talk about individuality when it comes to the workers. We have people working for different reasons. We have some that want to be at the helm for different reasons than to make things run smoothly for the family, and you have got to deal with that too (Gloria).

Collectively as an agency, CYFS is seen by many community workers as having too much power and influence, but on a more individual level most community workers know that they will be able to exert some influence in the government organisation provided they have established good networks. Family Group Conferences, as we have seen in the previous chapter, often set up an adversarial relationship between

community and CYFS social workers because community workers go along to the meeting knowing that they have little power to affect the outcome, and do not therefore have an interest in working with the CYFS social worker. Strengthening Families on the other hand, is a key part of social work practice as it provides an opportunity for community workers to network with other social workers, and to negotiate the power relationship between themselves, as non-statutory agencies, and CYFS, as the agency that is seen to hold a lot of power and control in care and protection social work.

Knowledge

An important aspect of the power dynamics in the relationship between community agencies and CYFS is the control of knowledge. As Howe (1991a: 205) suggests, the ability to decide what knowledge is important is a key part of holding power in social work practice. He argues that:

Professional groups possess knowledge to which others do not readily have access but which is believed to be of value to the community. It is not routine knowledge. It is knowledge that can be used to tackle personal, social, and technical problems. Those who possess such expert knowledge may gain in remuneration, honour and status. They may also acquire power which increases if individual members are able to organise into professional associations.

As I have argued in Chapter Two, before the introduction of the CYPF Act in 1989 state social workers were considered to be the 'experts' in child protection, both because of their position as statutory agents, and because they were (and are) more likely than community workers to hold formal social work qualifications, meaning that their knowledge was held in the highest esteem (McDonald 1998: 20). The Strengthening Families initiative, however, allows a recognition of different kinds of knowledge, and does not prioritise the knowledge that CYFS social workers have over the knowledge held by community workers and by families.

This changes the power relationship between social workers in community groups and those in CYFS, because it allows community workers to have an equal opportunity to bring their specific knowledge to the meeting on an equal footing. There is a recognition by CYFS social workers that while they may have a better understanding of theories of child protection through their formal training, social workers in community groups, although not always having formal social work training, do have a good

knowledge of the particular family that they are working with. For example, workers at Just-Us Youth argue that in Family Group Conferences they often have information about the child and the family that is not deemed important, and this is a constant source of frustration for them:

I go to these meetings as a youth worker and all the kids I go for, I know really well. Often I'm going into their home environment unannounced, so I can give a good general overview of how I see their life and their family. More often than not this information is not taken into account when they [the CYFS social worker] make a decision (Kim).

Kim's position as an unqualified youth worker in a small community organisation means that she often feels that, in formal situations, her knowledge is not considered important. At a Strengthening Families meeting, however, these community workers find that their information is considered valuable to the decision-making process, so they are able to go to these meetings and have their views listened to. This is because in a Strengthening Families meeting, community workers are equally able to take a lead role, and the CYFS social worker is there as one of the many organisations involved, rather than as the primary agent.

The fact that community workers have an equal opportunity to set the agenda in a Strengthening Families meeting is a key part of the way that the process operates. Because they have the opportunity to be the lead agency in the Strengthening Families meeting, community groups are able to have some say over what exactly will be discussed and this then gives them a chance of reaching an outcome that they see as positive.

For some community groups, the ability to 'set the agenda' and decide what knowledge is important in the Strengthening Families meeting is a crucial part of having power in their relationship with CYFS and with other community groups. As Rueschmeyer (1986: 104) argues:

Since knowledge is never a simple, 'objective' reflection of reality but always represents selection and interpretation, and since it shapes (as well as reflects) our ideas of what ought to be, groups in control of a certain body of knowledge have far reaching influence also in another way: they define the situation for the untutored, they suggest priorities, they shape people's outlook on their life and world, and establish standard for judgments in the different areas of expertise.

In Strengthening Families meetings, not only do community groups have an opportunity to gain power or status by imparting the knowledge they have, they also have the ability to define what knowledge is important by taking the lead role in a meeting and setting the agenda. Frazer (1989: 157) discusses the importance of being able to define 'needs', arguing that 'need interpretation' is a highly political process that involves conflict and contestation over whose needs are considered important. She suggests that:

...the social is by definition a terrain of contestation. It is a space in which conflicts among rival interpretations of people's needs are played out. 'In' the social, then, one would expect to find a plurality of competing ways of talking about needs. And, in fact, what we do find here are at least three major kinds: (1) "expert" needs discourses, for example, social workers and therapists on the one hand, and welfare administrators, planners, and policy makers, on the other, (2) oppositional movement needs discourses of, for example, feminists, lesbians and gays, people of color, workers, and welfare clients, and (3) "reprivatisation" discourses of constituencies seeking to repatriate newly problematized needs to their former domestic or official economic enclaves.

For Frazer, the process of decision-making about things such as welfare policy is not a simple matter of assessing what is needed and then changing it, instead it involves conflict by competing groups over deciding what is going to be discussed in the first place. She argues that the different groups that are involved in the process of decision-making will have different views on what is important, and what the outcome should be, and a struggle exists between these competing interpretations of what constitutes 'need'.

As we have seen, in Strengthening Families meetings, the contestation that occurs between groups is able to be more balanced than it is in other interactions between social workers, for example in Family Group Conferences. This means that community workers, as well as CYFS social workers, are able to define what 'needs' are to be addressed, and how they will be dealt with. For example, Gloria argues that when Pillars is the lead agency in a care and protection case, there is more chance that their point of view, and their knowledge of the day-to-day workings of the families, will be central to the decision-making process. She comments that:

What I will get from this Strengthening Families meeting for this family is some good resources that I know they need. The schools, the Principals, are so giving and they really want the best for their students, and their families, and so we can go in and argue for the resources, and the

resources that they come up with is amazing, absolutely amazing. In this case, we can work really well with CYFS, because I can ask for what I want from CYFS.

Unlike Family Group Conferences, in which CYFS social workers decide who will attend, where the meeting will be held and what the structure of the meeting will be, Strengthening Families allows community workers to make some of these decisions, and means that they feel on a more equal footing with their statutory-agency counterparts. What this then establishes is a reciprocal relationship rather than an adversarial one, and community workers do not go to a meeting involving CYFS social workers feeling defensive and undervalued, but instead as an equal part of a team.

Funding and Devolution

As well as being a useful tool for community groups to improve their relationship with state social workers, Strengthening Families also represents a significant cost to these groups. Although community groups like Pillars and Just-Us Youth feel that they are given more power in the decision-making process through the Strengthening Families initiative, others argue that Strengthening Families means more work for them. For some community agencies, Strengthening Families is seen as a way for the state to coerce them into taking on responsibilities they feel are not theirs. For community groups that feel they do not want to be involved in a lead role, the answer is simple - do not get involved. For example, one Barnardo's worker argued:

There is no resourcing for it, it's just an idea basically. Some areas don't have funding for a co-ordinator, so it's like "just get on with it". We have a clear directive that we cannot be the key person in Strengthening Families because that is quite a lot of work, and we don't have the money for it. If you become that lead person in a family network there is no funding for that role. I think that it is something that most agencies are doing anyway, within the bounds of confidentiality (Sue).

In becoming more involved in Strengthening Families, these agencies take on extra work and extra responsibility but do not receive any more funding. Because Strengthening Families does not attract any extra funding from the government, some community groups choose not to be involved as a lead agency. Strengthening Families benefits community groups to different degrees, because some must use it to maintain

good networks, and others find that the costs are not worth the rewards, particularly if they have already established a good rapport with other agencies.

Community agencies that do a lot of Strengthening Families work run the risk of being seen as dupes by those who 'see through' the initiative and choose not to be closely involved. A community worker at Barnardo's has this view of Strengthening Families:

Some organisations do not have strong networks and they use Strengthening Families to do this (Jill).

However, this worker is very clear that she believes that Strengthening Families is another way for the state to step out of its responsibilities to the community and to families. Although she agrees that the Strengthening Families initiative is sound in principle, in practice it means that if community workers are involved in Strengthening Families as the lead agency, they are doing the work that was the traditional domain of CYFS social workers, and are expected to do it for no extra money. For this worker, Strengthening Families is seen as a very effective but cheap option for the state.

One of the most significant criticisms of Family Group Conferences was that in changing the relationship between state social workers and families with care and protection issues, there was a potential that the state would no longer take full responsibility for children in need of care and protection, and allow others, for example extended families or community groups, to take on this responsibility. The same criticism can be made of Strengthening Families meetings. They provide an opportunity for CYFS to devolve the responsibility it has to families to community groups who will organise and oversee the Strengthening Families meeting for no financial reward. There is a recognition that Strengthening Families is just one of many strategies that have been applied by the state to make families and communities more financially responsible for themselves. As one social worker in Barnardo's puts it:

All it is, is CYFS want me to do all the coordinating, all the phoning, all the contacting, and all the organising on top of my own work, well piss off, that is what they are paid to do (Jill).

All of the community workers that I spoke to expressed concern at the lack of funding for community groups dealing with care and protection issues, both generally, and specifically relating to Strengthening Families. Being the lead agency in a

Strengthening Families meeting does not come with any funding, and agencies who call a Strengthening Families meeting are expected to fund the meeting out of their own budget. This has meant that community groups who are able to opt out of being the lead agency in a Strengthening Families meeting do so because they do not want to use their resources on something they do not consider to be their responsibility. They choose instead to continue to do the things that they did before Family Group Conferencing or Strengthening Families came along, like the informal networking that the Barnardo's workers talked about earlier. As one community worker argued:

I am not sure if the work is different to what it was. I think the major difference is that there is less money, and when there is less money people get niggly. What I see is that all of us are still providing the same service that we were providing before...We are not doing a lot of Strengthening Families meetings, but we are not referring for a lot of Family Group Conferences either, mainly because we are really good at our job. Our aim is to keep people out of the state system as much as possible, so our aim is to work with families to avoid at all costs those sort of interventions (Ezrai).

This worker argued that her agency changed its service provision very little after the CYPF Act because it had already established those good networks with CYFS and other community agencies, and therefore did not need to change its practices when Family Group Conferences and Strengthening Families were introduced.

For agencies like Pillars and Just-Us Youth, who are smaller, newer and less well established in the field of care and protection social work, Family Group Conferencing and Strengthening Families are an integral part of their practice, and necessary for getting access to resources for their clients. This means that they are not able to opt out of being involved in Strengthening Families meetings, and must devote much of their resources to these. So for these agencies, Strengthening Families becomes both an important resource and a significant cost.

Conclusion

When it was introduced in 1997, Strengthening Families was simply designed to be an interagency case management protocol developed to improve the way that government departments collaborated. However, as community groups have become more involved, Strengthening Families has grown to become a significant strategy employed by both

CYFS social workers and community workers for dealing with families in need of care and protection services.

Strengthening Families conferencing is used differently by different community groups, and this difference is for the most part dependant on the networks that each community agency has established, which is in turn affected by the size of the organisation, and the length of time that it have been involved in care and protection work. For community groups who are well established in the field, and who have strong networks with other agencies, Strengthening Families is a useful but not essential part of social work practice. These agencies argue that they were using case conferencing as a part of their practice prior to the introduction of Strengthening Families, and see no reason to change this. These organisations already commit resources to allowing their social workers to network, and argue that although they agree with Strengthening Families in principle and will be involved when asked, there is no need to commit further resources to it as it attracts no extra funding from the government.

For other community groups, who are likely to be smaller or more newly established, Strengthening Families is a way to create networks and establish relationships with other community agencies and with governments departments. These agencies benefit from Strengthening Families because it allows them to network formally with other agencies, and to have more power in the decision-making process involving their clients. These agencies were less likely to have been involved in informal case conferencing before the Strengthening Families initiative, and therefore welcomed it as an opportunity to become more involved in a collaborative relationship with other agencies.

I have argued that, in many ways, Strengthening Families has changed the power relationship within the community sector, and between community groups and the state agencies. It has given some groups more voice where previously they had none, and has given these groups an opportunity to be in control of the decisions that are made about their clients. However, because Strengthening Families has been taken up more enthusiastically by some than by others, significant power inequalities still exist between community groups, and between community groups and the state agencies. Although Strengthening Families represents an opportunity for some community groups to get more involved in this kind of semi-formal networking, if other community groups

can decide not to be closely involved in the initiative, then the same power inequalities that make it difficult for smaller, less established community groups to network will still exist.

The Strengthening Families initiative has been a significant step for the state in recognising the deficiencies of strategies like Family Group Conferencing, and in recognising the importance of networking as a key aspect of social practice. It goes a long way towards addressing the power inequalities that exist in the community sector involved in providing care and protection services, but is missing one essential ingredient: money. The community workers I spoke to all argue that without financial support by the state, Strengthening Families will only ever be another good idea that “has the potential to be really good, but will never reach this potential if the resourcing is not there” (Jill).

chapter seven

Conclusion

Introduction

This thesis has explored the connection between policy creation and policy related social work practices that are related to this policy. Rather than seeing policy as something that is created by bureaucrats in the state and applied by practitioners at the ground level, I have argued that the policy process is more complex and interactive than this. As well as having a significant impact on practice, policy is also informed by what is already occurring at the level of social work practice. The creation of new policy can be seen as a reaction to changing practices and to changing understandings of the field as much as it represents a response to a policy problem.

This thesis has presented four case studies that highlight this interactive relationship between policy and practice. The first two case studies (the CYPF Act and devolution) look at particular policy developments that have impacted on care and protection social work, and explore the way that policy creation and implementation is contingent on the specific time and place in which it is developed. The second two case studies (Family Group Conferences and Strengthening Families) focus on two quite different forms of social work practice and provide an insight into the way that policy is implemented and used by practitioners at ground level.

These four case studies form the basis of an argument around the idea that policy and practice are dynamic and interactive processes that will inform and change one another. Using the ideas of authors such as Considine (1994), Pierson (1994), Skocpol and Amenta (1986), I have argued that policy and practice are intricately connected. The case studies provide practical examples of these ideas, and so explore the complexities of policy development and the relationship between policies, policy actors and specific practices that these authors describe. The primary aim of the thesis is to add to the discussion of policy development through an exploration of social work

policy and practice, something that has not been done in relation to care and protection work in community groups before now.

Changing Policy

The first two case studies in the thesis explore the connection between policy making and policy implementation, looking at the way that policies are the result of a number of different factors. Rather than seeing policy creation as following a linear path, I have argued that it is a process that is messy, and contingent on the particular people involved, and the particular time in which the policy is developed.

The CYPF Act

The first of the four case studies explores the CYPF Act and the context in which it developed. A significant part of the CYPF Act is that it reflected a changing understanding of the role of the family that was already taking place in care and protection social work. As I have argued, a significant shift in focus occurred in the 1970s and 1980s in care and protection social work that changed the way that children and families were thought about. Rather than seeing children as needing to be protected from their families (a child welfare perspective), some social workers began to argue that the family was an important part of the wellbeing of the child (a family group perspective). This shift in focus from a child welfare perspective to a family group perspective significantly changed the way that social workers operated. It saw them become much more interested in an inclusive, or 'empowerment' model of social work practice that included families in the decisions that were made about children.

One of the most important changes that were made with the introduction of the CYPF Act is that it included this empowerment model in its core. I have argued that, rather than seeing this legislation as a substantial departure from what was occurring at the level of practice, the CYPF legislation was a reflection of the changing understandings of the field. What this highlights is the way that policy, although created at the level of government, can be influenced by what is happening at ground level. As I suggest in Chapter Three, an important part of the creation of the CYPF Act is the fact that it involved wide consultation with a number of groups who had a significant impact on the way the legislation developed. For example, Maori groups argued that the new

legislation should include recognition of the concept of whanau, which sees extended families as being an important part of a child's wellbeing. Social workers from the state and the community sectors also argued that children should not be treated in isolation from their family. This meant that when the CYPF Act was passed in 1989, it reflected, to a significant degree, changes that were already being thought about at the level of practice.

Devolution

The second case study explores changes in the state sector through the 1980s and 1990s, and the impact that these changes have had on care and protection social workers, particularly those in the community sector. The process of devolution, discussed in Chapter Four, provides an interesting case study of the way that policy can benefit multiple actors for different reasons. For example, the concepts of family empowerment and family decision-making in child protection that were being discussed by bureaucrats, social workers and other groups in the 1980s can be seen as part of a wider change in the public sector that saw a shift from state to community responsibility for the provision of social services.

This shift was supported by state bureaucrats and interests groups alike, although for very different reasons. For the state, devolution provided an opportunity to reduce the cost of social services, and in many cases, step out of the provision of services altogether. For community groups, and particularly for Maori interest groups, devolution offered a chance to be more directly involved in the provision of services, and therefore provided an opportunity for these groups to have greater control over what these services would be and how they would be delivered.

As I have argued, however, the fact that the state did not give up financial control of resources meant that community and Iwi groups found that they had much less control than anticipated. This has meant that although a rhetoric of community and family decision-making exists, in practice it is very difficult for community groups to provide all of the services they want to families and children. They have found that the state will only fund them for some activities - ones that the state considers important - and other services either have to be funded from within the group's budget, or not offered at all.

The introduction of the CYPF legislation and the process of devolution in the 1980s provide two good examples of the way that policy and practice are closely related and will affect one another. These two policies highlight nicely the way that policy is affected by the specific political context in which it is created and the particular interest groups that are involved in policy decision-making. Skocpol and Amenta (1986) and Pierson (1994) suggest that this relationship, which they call 'policy feedback', means that policy decision-making is not always in the hands of those in positions of power in the state, but can be affected by interest groups in the community sector also.

What I have tried to show through the development of these two case studies is that policy making is not something that occurs only in the state, but is something that is a negotiated process between actors inside the state, and practitioners at ground level who utilise the policies that are created. Practitioners have an opportunity to change the direction of policy development, because policies are not created in a vacuum, but come out of existing understandings of a field.

Changing Practice

As well as providing case studies of policies that relate to care and protection, this thesis has explored examples of social work practices and the way that they both inform and are informed by policy. The two practice case studies that I present provide a further example of the complexity of the relationship between policy and practice.

Family Group Conferences

Family Group Conferencing represents the practical application of the principle of family empowerment that is set down in the CYPF legislation. So then, like the legislation, an argument can be made that Family Group Conferencing reflected a change in focus that was already occurring in care and protection social work. The community workers that I interviewed argue that Family Group Conferencing was a formal expression of practices that were already taking place in community groups. As I have suggested, social workers were aware of the importance of inclusive practice that involved families in decision-making about their children, and the Family Group Conference process was a reinforcement of this position.

However, although I have argued that social work practice informs policy as well as being changed by it, an important distinction can be made between formal and informal practices. As I have argued in Chapter Five, Family Group Conferencing was a policy response to an existing practice, but the process of formalising this informal practice tool has significantly changed the way it operates.

The process of formalising an informal practice tool has made this tool less effective for doing one of the things it was designed for. Although child protection social workers argue that they are committed to the idea of empowerment, and to some extent have practiced this commitment with families at an informal level, I would suggest that the inherent tensions that are present in the CYPF Act have made empowerment a difficult proposition for social workers.

I have argued that the specifics of the CYPF legislation - that it incorporates a focus on both family empowerment and child paramountcy - means that some inherent conflicts exist that make the principle of empowerment difficult to continue to work with in practice. The community workers that I interviewed argue that when a family empowerment model was being used at an informal level, it worked well, but the process of formalising this tool in the form of Family Group Conferencing has made family empowerment more difficult to practice. This is because of the tensions that exist in the legislation. The policy context is important here. It was not the intention of the legislation to create a conflict between social workers, families and children, but the fact that policy making does not always follow a coherent, linear path has meant that inconsistencies and contradictory ideas have crept in.

The process of the designing and implementation of the CYPF Act is significant for the way that the legislation works in practice. For example, the policy context in terms of how Family Group Conferencing developed is important for the way that it has been used by community groups. I have argued that Family Group Conferences have not been embraced by community workers, in part because, as non-statutory agents, they were not expected to do this, but also because these workers feel that the process has been captured by CYFS social workers, and does not therefore allow community groups much opportunity to negotiate in their relationship with CYFS.

Strengthening Families

A second case study – looking at Strengthening Families conferencing – offers a contrast to the difficulties that community workers face when using formal practice tools like Family Group Conferencing in their everyday work. Strengthening Families conferencing provides community workers with an opportunity to negotiate their relationship with CYPF workers, which means that they are more able to work with families and with CYFS to find solutions to care and protection problems. The major difference in these two forms of practice is that one of them is a formal statutory tool that CYFS social workers are required to use and community workers are not, and the other is an informal tool that all workers are encouraged to use.

Strengthening Families provides an opportunity for social workers in community groups and in the state to negotiate their position with others in a way that Family Group Conferencing does not. In addition to this, Strengthening Families allows the state to step back from its relationship with families and children, and let community groups take a more central role in providing support services without any extra cost to the state. For community groups, the initiative offers an opportunity to become more involved in the decision-making process, and provides them with a chance to re-negotiate the power relationship that they have with CYFS social workers. For both community workers and state social workers, the Strengthening Families initiative offers significant costs and benefits, as it shapes and changes the relationship between the two groups.

The case studies that are presented here provide good examples of the contingent nature of policy creation. Rather than simply being a way to change practice, policy can also be seen as a response to changing understandings of the field, and to problems that may exist as a result of existing policy. Although policy must be dynamic, responding to the needs of practitioners who use the policy at ground level, it is also important that policy makers acknowledge the interrelatedness of policy and practice, and therefore assess the impact that their policy will have on ground level practice. This way, through a process of making and re-making policy, practitioners are provided with policy that reflects their experiences of the issues and problems that must be addressed.

Policy Recommendations

One of the strongest messages that has come through in the research is that community groups, and social workers in general, are conflicted about who exactly they are supposed to be supporting. In the one hand they must use a family empowerment model, and on the other, they must protect children from harm even if this means not empowering the family. The result of this tension seems to be that children are often not adequately protected from harm. Although it is understood that social workers are not infallible, it is important that this issue is resolved and that children are protected. I would suggest that one of the reasons that a conflict exists is that social workers are unclear what was intended by the inclusion of a concept of family/whanau decision-making in the CYPF Act. Rather than social workers handing over all decision-making power to families, I would suggest that it envisaged a partnership model of decision-making that would see social workers and families working together. Therefore, I recommend that:

- **The practice guidelines that social workers follow make a clear distinction between family decision-making and family participation, and recognise that social workers are primarily responsible for the children in their care.**

A second problem that comes through very clearly from my interviews in community agencies is that they are struggling financially and feel that their services may suffer as a result. An important part of providing good social work services is having the resources to do so. However, as the state devolved social services to the community, care and protection community workers have found that they are expected to deliver very specific services, and are no longer funded for the general social work that they do on top of services that are specified by the Community Funding Agency (CFA). This has meant that some community groups, because they are committed to the ideals of empowerment and family decision-making, find themselves undertaking practices that are not specifically funded for by the Community Funding Agency¹.

In addition to this, an increase in the amount and complexity of work that community workers have to do in relation to funding has had an impact on their ability to do their job effectively. Community groups, particularly smaller ones, have found

that in order to receive funding, they must involve themselves in a complicated process of applications and record-keeping which keeps them away from their main focus - helping children and families. It is therefore my recommendation that:

- **The state reconsider its funding structure in order to provide a general funding allocation to community groups in addition to the targeted funding they receive for specific services.**

A third issue that this research has raised is that of evaluation. I have argued that policy and practice are intertwined, and therefore affect one another. If this is the case, then I would suggest that any new policies will have implications for practices, but existing practices must be considered when new policies are created. Although the practitioner's perspective is acknowledged on an *ad hoc* basis in the development of policy, I would argue that formal processes of evaluation of both policy and practice are necessary in order to assess the impact that new policies will have on practice. Many child protection policies have not been formally assessed. The most obvious example is that of the Strengthening Families initiative, which has significantly changed social work practice, but has not been assessed by the state in any way. I would suggest that an important part of the implementation of any policy must be regular evaluation to ensure that it is having the effect that was intended. In addition, it is important that all social workers, including those in the community sector, have an opportunity to say what practices work well and what does not work. Practices, as well as policies, need to be evaluated regularly. Therefore, I recommend that:

- **Policies and practices affecting children and young people be evaluated on a regular basis in order to ensure that they are working as they should, and to assess where change needs to occur.**

Further Research

It has become clear through the process of doing this research that very little study has been undertaken that looks specifically at how community groups work with care and protection policies. There has been a definite shift in the past fifteen years away from

¹ Strengthening Families, discussed in Chapter Six, is a good example of this.

centralised, state controlled service provision to a model that relies on community groups being responsible for carrying out care and protection work. Because this is the case, I would argue that community work should be the focus of specific attention for researchers who are interested in the way that care and protection social work is undertaken. Much of the current research focuses on state social workers' experiences, and while this is important, I would suggest that the picture will not be complete until community workers' experiences are added to this.

In particular, research should focus on how community workers use different forms of care and protection policy - what they find useful, and what is not working for them - and how the policies that community workers use relate to their experiences of social work practice. I have found, through the process of conducting this research, that social workers in state agencies and social workers in community groups use very different practice tools. Different community agencies also use different practice tools depending on their size and position in the field. For example, it would seem that some community workers use Strengthening Families conferencing as their primary tool for resolving problems with families, but others do not use it very often at all. It is important that when the state creates new policy, it recognises that state and community agencies do not operate in the same way, and that community groups do not always have the same needs either.

In addition to this, much of the discussion about family empowerment and family decision-making has taken place without adequate research into families' needs and their experiences. Research that has been undertaken suggests that the CYPF legislation, and the social work practices that go along with it do not always support families in a constructive manner. However, because there has been so little research on this topic, it is difficult to say anything about families' experiences. More large scale, systematic research needs to be undertaken to record families' experiences of care and protection social work, and what can be done differently to ensure that they receive the best service possible.

Finally, the most important part of a policy that focuses on the care and protection of children is the children themselves. Unlike other countries that have similar legislation, New Zealand does not make any provision for the rights of children to be recognised. It is argued that the wellbeing of children is inextricably linked to that of the

family/whanau, and although this is an important acknowledgment, it must also be recognised that children have needs and rights that are separate from those of their families. All too often in the debate between social workers and families over who should take care of children, the children themselves are not the primary focus. Through the CYPF Act, provision has been made for the rights of families to be recognised, but none has been made for the rights of children. As well as research into what children want from child protection policy, I would suggest policy makers need to re-think a policy that protects the rights of adults to make decisions, but subsumes the rights of children within the wider family context.

Concluding Comments

When I began this research, I viewed the CYPF Act and the practices that relate to this policy as straightforward and unproblematic. It was my assumption that care and protection policies were created to fill a need or fix a problem that was occurring in the field. Through the process of conducting interviews with community workers, and researching theoretical ideas about the process of policy making, I have discovered that policy creation and implementation does not follow a simple linear path. Rather, it is messy, and contingent on so many different factors it is difficult to see where policy ideas begin and end.

What has become clear, however, is that care and protection community workers do not have a loud enough voice in the policy process, and so the success or failure of policy for them is very haphazard. Because they are not specifically consulted about policy changes, and because so little research has been conducted into their needs, new policy does not necessarily meet their needs, or deal with the problems that they face. So, although I have argued that the policy process allows for many different actors to have a say, because this consultation process is dependant on the networks that these actors are involved in, many community agencies are left out of the consultation process and the policies that are created become a reflection of the needs of those agencies with a voice that is big enough to get heard.

appendix a

Research Participants

Just-Us Youth	Cheryl Hitchlock	15 July 1999
	Kim Boyce	21 July 1999
Pillars	Gloria Johnson	18 August 1999
Open Home Foundation	Bronwyn Kay	26 July 1999
	Robin Wells	13 August 1999
Methodist Child & Family Services	Ezrai Fae	25 August 1999
Barnardo's Child & Family Services	Sue van Deurs	25 August 1999
	Jill Summer	8 September 1999

appendix b

Interview Questions

Begin by asking specifically what person's job entails

What guidelines do you follow in your work?

Where do these guidelines come from?

How were they developed?

Are they useful?

How do they make your job easier?

How do they make your job more difficult?

What happens when there is a conflict of interest between what the client needs and your guidelines stipulate must happen? (e.g. paramountcy)

Is this a common/serious problem?

What do you know about the CYPF Act?

The Act is supposed to encourage a shift away from state intervention and towards family autonomy - is this the case?

What does it do?

What should it do?

Do you think the Act is effective?

How is it related to the work you do?

Do you think that social workers have too much responsibility?

Who has power in social work processes? -is it shared between families and social workers?

How much power/responsibility do families, social workers have?

Should this be different?

What is the relationship between your organisation and others (e.g. CYFS)

How does statutory verses non-statutory status change the way you do your job?

Is there good communication between your organisation and others?

How much of the rapport between organisations is dependent on individual contacts?

Has the Act changed the way you do your job?

Family Group Conferences

What is their function?

Who does what? What are you responsible for?

How do they work for families, social workers, state? - specifics of Family Group Conferences

Are they effective for solving problems?

Do things usually get resolved by the families, or do social workers usually step in to help?

How important is access to resources, both for families and for social workers, to the functioning of the Family Group Conferences?

Are they well supported by state, social workers, families

Anything else?

appendix c

Information Sheet

I am a student in the Sociology Department at the University of Canterbury undertaking a Masters thesis that explores social work practice and how this practice relates to policy, specifically in the area of the Children, Young Persons and Their Families Act 1989.

My interest is in the way that the 1989 Act is being used by social workers in the current context in relation to the original purpose of the Act, which was to move away from state intervention and towards family autonomy in matters of care and protection and youth justice, with a minimal, mostly financial and facilitative role for the state. Where previously the state and social work professionals had been primarily involved in decisions about children in need of care and protection and for those in the youth justice system, the families of these children would now take centre stage in the decision-making process. It was argued that, given the resources, families could make decisions about their young people that best suited their circumstances.

This topic highlights nicely the intricate relationship between policy - which is designed for the most part by politicians, and practice - which is carried out by professionals at ground level. The Children, Young Persons and Their Families Act 1989 is an interesting example of this, because of the amount of input at the design stage by social work professionals. It would be expected, then, that a high level of integration between the principles and the practice of the legislation, so is this the case?

I would like to use the family group conference as a case study of social work practice in relation to issues of care and protection and youth justice. Some questions that I would like to address include; How do social workers use the 1989 Act in their work, specifically in the family group conference setting? How this has changed since 1989? How effective do social workers find the Act? How do social workers relate to other organisations/individuals, for example CYPFA, police or family members, involved in family group conferences? What resources (money, access to support

people, appropriate meeting place) are available for family group conferences? How involved are families in the conferences? Is it effective involvement?

I am requesting the involvement of [organisation] in this research because you are involved specifically with children and young people. I would like, therefore, to interview social workers in your organisation and spend time with them as they do their work. This would offer a unique opportunity to me because as a small, self supporting organisations, you have particular concerns that I would not expect to find in a larger, state operated organisation. In return for this participation, [organisation] would receive a report of my findings. I believe this research will be valuable to [organisation] as it will examine particular social work practices within the organisation, and set these into a broader context in terms of other organisations who deal with children and young people, and in terms of the relevance of the Children Young Persons and Their Families Act in the job that social workers do.

If you have any questions or comments I can be contacted on ph.364-2987 ext. 7185.

appendix d

Consent Form

Social Work: Policy and Practice

I have read the description of the above named project and I agree to be interviewed for this study. I understand that the information I supply will be treated as confidential.

I consent to publication of the results of the project with the understanding that I will be given the opportunity to see any material before it is included in the research.

I understand that I may at any time withdraw from the project, including withdrawal of any information I have provided.

Signed..... Date.....

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