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The Secretary
Select Committee on Child Protection
Parliament House
Hobart Tas 7000

Dear Secretary

I wish to make a brief submission to the Select Committee on Child Protection addressing certain sections, (a), (b) and (c), of the recently advertised Select Committee's Terms of Reference.

The focus of this submission is on the concept and practice of Family Group Conferences within the Child Protection system under the auspices of the *Children, Young Persons and Their Families Act, 1997*.

Background

I am a professional therapeutic counsellor at the Narrative Centre, Hobart, and a member of the Australian Counselling Association (ACA).

Previous to my providing professional counselling and other professional services through the Narrative Centre, I was employed by Anglicare Tas. as a senior counsellor providing family and parent/adolescent counseling and mediation based both in Launceston and Hobart, and by TasCOSS (Tasmanian Council of Social Services) working with unemployed workers statewide. I have been working in the human services field for over 40 years and over the past 20 years I have worked closely with Child Protection Services.

For the past 13 years I have been contracted by Child Protection as an independent facilitator of Family Group Conferences, under the *Children, Young Persons and Their Families Act 1997*, and for most of those years I have also been contracted by Youth Justice, as an independent facilitator of Community Conferences, under the Youth Justice Act, 1997.

In collaboration with Child Protection Services, I facilitated the first ever Family Group Conference in Tasmania in 1997, before the Legislation was enacted, and have been facilitating FGCs regularly ever since as an independent facilitator contracted by the Department.

Over the past 13 years I have facilitated over 200 hundred Child Protection FGCs, mainly in the southern region of Tasmania but also state wide. This year, for example, I have also facilitated 7 FGCs in the North West region of Tasmania.

In 1996 I, along with several senior Tasmanian Departmental Child Protection practitioners, attended the first National FGC Conference in Melbourne. In 1998 I co-presented a paper, with a senior Child Protection practitioner, at the second National FGC Conference in Sydney entitled "The Conferencing Process as an Effective Intervention with Families" and conducted a workshop on Family Group Conferencing in Hobart for Child Protection workers as a result of this.

The following are some observations on Family Group Conferencing in Tasmania based on my experience since 1997.

Family Group Conferences (FGCs) in Tasmania

When Conferencing was first enshrined in legislation, under the *Children, Young Persons and Their Families Act 1997*, it was strongly promoted within the Department state-wide as a powerfully effective way of working with families whose children were variously involved with Child Protection Services.

It now appears that family group conferencing does not always enjoy the same status within Child Protection as an effective intervention with families, despite current research and literature, both nationally and internationally, indicating otherwise.

Findings from a recent world wide web review of family group conferencing (Nixon, Burford, Quinn and Edelbaum, 2005) found that family group conferencing is gaining considerable international appeal as a mechanism in child protection processes (2005, p 3), though few countries have FGCs mandated by law (2005, p 71). Difficulties include the struggle for mainstream funding for FGC programs as well as implementation of the process itself (2005, p 57).¹

I believe the recent lack of promotion of FGCs in Tasmania as an effective **early** and **regular** intervention is quite tragic and alarming and especially given the concerns highlighted more recently around Child Protection Services.

No doubt there are many reasons why family group conferencing is no longer being strongly promoted. Many of those in leadership positions and responsible for promoting Conferencing in the 90s and early 2000s no longer occupy these leadership roles. Also, it is apparent that given the frequent change over of Child Protection workers, many new case workers have little or no grounding in or knowledge of the conferencing process.

Too frequently I believe FGCs are invoked only when they are absolutely legislatively required and then at the very last moment before an imminent return to court at the expiration of current orders. This I believe is a minimalist approach and too often is not satisfactory. The legislation itself provides ample scope for a generous employment of Family Group Conferences (cf section 30 of the *Children, Young Persons and their Families Act, 1997*) as against when they are legislatively required (sections 30, 39, 44 and 53 of the Act).²

Over the past 13 years I have never met a family who has been informed that they have a right to ask for a family group conference as stated in section 39 of The Act which states that the Secretary must convene a FGC to review the implementations of the plan made at a previous FGC if it is a component of the plan that a follow-up conference is to be held, or when the child or any two other members of their family request that a FGC be held for that purpose.

¹ Nixon P., Burford, G., Quinn, A. and Edelbaum, J., 2005, "A Survey of International Practices, Policy and Research on Family Group Conferencing and Related Practices", published on the website: www.americanhuman.org.

² Appendix B When FGCs must be held and when FGCs may be held

I believe that the adoption of Family Group Conferencing as a **regular** and **early intervention** Child Protection process would be a powerfully effective intervention with families where children are at risk.

Family Group Conferences: Effective Tools for Collaborative Child Protection

When families and children first become involved with Child Protection services, parents and the extended family members of these children can frequently feel hostile and angry, alienated and excluded, and without a voice.

When, on the other hand, Conferencing is invoked, parents and extended family members, as well as support services, are invited to meet together with Child Protection in a spirit of collaboration whereby relationships are often restored and nurtured. A co-operative spirit of shared responsibility and shared decision-making in regard to the children can take over and often does.

In the family group conferencing process, the intentions of parents in regard to their children are honoured, despite the serious issues at stake which have required the intervention of Child Protection and Care and Protection Orders. Consequently careful consideration is given to the resources and supports that parents and families require in line with the intentions they have for their children and according to Departmental "bottom lines". It is a very inclusive and respectful process.

Over the years, as a Conference facilitator, I have witnessed some deeply transformative conferencing processes.

I believe that Family Group Conferences

- can be an effective early intervention when children and their families first come to the attention of Child Protection and before both child and family become deeply entrenched within the Child Protection system
- can be an effective process to review current Care and Protection Orders, and care arrangements for children, at the expiration of current Care and Protection Orders and before the application for further Orders
- provide the forum for Child Protection and the families of children and young people, including extended family members (older siblings, aunts, uncles, grandparents) to meet together collaboratively with Child Protection and other service providers
- provide the forum to enhance the integration between all relevant agencies to ensure that the welfare of the child or children is paramount and that all service providers work together to provide best practice care and service delivery
- are an antidote to the pathologisation to which many parents and families have been frequently subjected, and which results only in further ostracisation, hostility and powerlessness on the part of these parents and families which in turn can put the child or children at greater risk
- provide a safe place to address the serious risk issues which have required the intervention of Child Protection while at the same time being able to honour the intentions that parents have for their children and acknowledge and build upon those positive developments that are often hidden and unseen and frequently achieved against incredible odds

- invite parents and adult extended family members into greater responsibility for their children (instead of simply handing that responsibility over to the Department) and then explore ways that Child Protection and other service providers can resource parents and extended family members to take up this responsibility.

Four Principles of Family Group Conferences

In a workshop on Family Group Conferencing conducted at the State Conference of Tasmania's Centrelink Social Workers, 29 May 2010, I outlined the following 4 principles that I believe are at the heart of FGCs.³

1. Principle One

No child, young person or family exists as a single isolated person or unit but is surrounded by a network of relationships essential to their identity – a network of family and extended family members.

2. Principle Two

When the primary stakeholders (parents and extended family members) are involved in decision-making and given decision-making responsibility

- they have a greater commitment to the decisions
- they have a greater investment in the outcomes
- they are more likely to follow-through on the decisions made.

3. Principle Three

Conferencing involves shifting the role of the professional from “decision-maker” to “collaborative partner”.

4. Principle Four

Conferencing has the potential to open up a different kind of future when problems overtaking a person/family are externalised (not internalised) by

- naming the problems that have overtaken this person/family
- exploring the many truths/stories of this family against the dominant truth/story, usually “problem saturated”
- acknowledging, honouring the other truths and stories
- co-authoring their preferred alternative stories.

Keys to the effectiveness of Family Group Conferences

My years of experience have led me to believe there are several significant factors that contribute in untold ways to the potential impact that Family Group Conferences can have.

1. Independent Facilitators

The *Children, Young Persons and Their Families Act, 1997* legislates for FGCs to be conducted by independent facilitators. This requirement that facilitators be independent

³ Appendix A – Workshop paper presented to Centrelink Social Workers State Conference, Hobart 29 May 2010

and external to the Department was hard fought over and vigorously debated in the preparation of the legislation. It is also in line with best practice world-wide.

There is a strong body of thought throughout world practice that maintains FGC facilitators should be located independently from state authorities or at least from referring bodies largely to ensure the integrity of family members' decision making power and to avoid FGCs being used as a "rubber stamping" of statutory workers' wishes (Nixon et al, 2000, p 32; Marsh and Crow, 2000, p 215; Lupton and Nixon, 1999, p 102).⁴

After 13 years' practice I have come to believe that pivotal to the effectiveness of FGCs is the employment of independent community-based but highly skilled facilitators. With such facilitation, a different power dynamic exists within the Conference which allows for a greater collaborative approach and enables more effective conference outcomes. A FGC with an independent facilitator can be an extremely empowering experience for families, and often extremely informative for Child Protection workers also.

In addition, the pre-FGC work that independent facilitators carry out through personal contact with families members (including the young people themselves, their carers, the parents and extended family members) and with other service providers who are involved is vital and of a different nature to that of the Child Protection case worker.

Family Conferences that are held with the family and conducted by Child Protection workers themselves are sometimes called Family Group Conferences. These Conferences, more properly called Case Conferences, are something all together different and should not be referred to a Family Group Conferences which employ a radically different process.

2. Family Group Conference Review Processes

Typically, a FGC is held on an annual basis – once a year when Care and Protection Orders are due for renewal and a family care plan is required for the next 12 months. I believe that 12 months is far too long a span to plan for and is unrealistic. Frequently, a family participating in a FGC is surrounded by a number of unpredictable events impacting on their lives, often with ever-changing circumstances and the need to deal with an avalanche of crises. With such circumstances, it is often not possible to make a solid plan for the next 12 months.

For this reason I believe it is frequently important to build in regular on-going reviews of the Conference Outcomes. Therefore in the Conferences I facilitate I usually inform families of their option to meet again in three months time in a facilitated FGC process to review the outcomes arrived at in this Conference. In the majority of Conferences, families eagerly take up this option to meet again in three months time for a Review FGC. These Review FGCs have always been extremely beneficial. Unfortunately, Child Protection Workers are not always as enthusiastic as families to this proposal.

3. Family Group Conference Watchdog

⁴ Nixon, P., 2000, "Family Group Conference Connection: Shared Problems and Solutions" in Burford, G. and Hudson, J. (eds), Family Group Conferencing: New Directions in Community-Centred Child and Family Practice, Walter de Gruyter, Inc. New York, pp 93 – 104.

Marsh, P. and Crow. G., 2000., "Conferencing in England and Wales" in Burford, G. and Hudson, J. (eds), Family Group Conferencing: New Directions in Community-Centred Child and Family Practice, Walter de Gruyter, Inc, New York, pp 206 -217.

Lupton, C and Nixon, P., 1999, Empowering Practice? A critical appraisal of the family group conference approach, The Policy Press, Bristol.

Over the years I have frequently been informed by family members who have participated in Family Group Conferences that the decisions made at the Conference, and approved by Child Protection Management at the time, have not been adhered to or followed up by Child Protection Services. .

I believe that a FGC Watchdog is required to oversee and monitor the implementation of all FGC decisions. Again, because of changing circumstances, some decisions made at a FGC cannot be implemented. In these situations, proper communication needs to be made with the family and where possible a further FGC needs to be held to deal with the changed situation.

CONCLUSION

Family Group Conferencing is a structured and predictable process and needs to be. As such it is, I believe, a powerfully effective process that is available to the Tasmanian community as way of keeping children safe while at the same time resourcing parents and families when they need it most. It is a collaborative process. Further to our advantage, it is already enshrined in our legislation, the *Children, Young Persons and Their Families Act, 1997*.

What is required is perhaps not so complex since this resource is already available to the community. The impetus and motivation to make a better and more extended use of FGCs would emanate from sustained training and information for workers around the legal and procedural requirements for FGCs, including the spirit of the legislation beyond the absolute legal requirements, as well as the potential of this great resource. Perhaps greater resources also need to be made available to facilitate the better and more extended use of FGCs.

In addition to this, I believe that greater attention needs to be given to the continued use of independent facilitators, review processes and a watchdog person to maximize the effectiveness of FGCs.

Yours sincerely

Vince McCormack

Appendix A

Family Group Conferencing: A workshop paper presented by Vince McCormack to Centrelink Social Workers State Conference, Hobart 29 May 2010.

The origins of Conferencing

In Western world, New Zealand, in 1989, was first to enshrine Family Group Conferencing in legislation.

This resulted from a ministerial inquiry in 1986 as to why there were high numbers of Maori children in state care and the devastating consequences for these children when they were subjected to an intervention that did not respect their own cultural norms and values and ways of doing things.

There are several principles that guide my family conferencing work.

PRINCIPLE ONE

No child, young person or family exists as a single isolated person or unit but is surrounded by a network of relationships essential to their identity – a network of family and extended family members.

Conferencing is a movement away from working with a too individualistic approach to one of seeing a person's identity in a relational context. As such conferring involves uncovering "a community of support" around a child, young person or family, developing relationships and restoring the notion of "the extended family".

This will often involve, long before the actual conference

- contacting, visiting, consulting and inviting family and other conference participants
- meeting people on their own territory, standing with them, helping them form positive alliances and partnerships and so gain a greater united voice
- helping the family prepare their own conference. The family is directing
 - what needs to be talked about, what decisions need to be made?
 - who needs to be invited to the family conference – who is it important to have at the conference?
 - venue, time, transport, child care?
 - food – an essential ingredient to any conference!
- making a conference safe

“Widening the Circle” – the Maori tradition says that the more you open up the circle, the safer it gets.

- “how to deal with possible conflict/abuse”?
- “how to manage the communication process”?

PRINCIPLE TWO

When the primary stakeholders (ie family and extended family members) are involved in decision-making and given decision-making responsibility

- **they have a greater commitment to the decisions**
- **they have a greater investment in the outcomes**
- **they are more likely to follow-through on the decisions made.**

Families who have been taken over by “disadvantage” often do not believe in their own capacity to make things happen or to exert significant control over major factors controlling their lives. In addition, they are often blamed and given personal responsibility, especially in Western culture, for their personal circumstances.

Conferencing offers family members the opportunity to experience their own efficacy and power to make crucial decisions for themselves rather than the powerlessness of having others make these decisions for them.

This can be a first step in a significant decision-making process and can have a long-term impact⁵.

At the beginning of every conference, a fundamental choice is made. As a conference facilitator will I promote a problem focussed and pathologising conversation or will I facilitate an acknowledging and honouring conversation?

Before any discussion of “issues” and “problems” I would want to honour this person or this family for what they have managed to achieve in spite of everything they have been up against and to invite the whole conference to take part in this honouring and acknowledgement.

In speaking about “issues” and “problems” that have taken over a family, the use of externalising language to describe these “issues” and “problems” is important. I do not want to engage in any conversation that pathologises any family or family member.

PRINCIPLE THREE

Conferencing involves the shifting the role of the professional from one of “decision-maker” to one of “collaborative partner”

From a father involved in a family conference

I don't think we've made decisions in our family before. When we thought Lars was going into foster care and we had the family meeting, that was the first time I can remember thinking we can do something ourselves here if we want to. Its not been easy since then. We've found it really hard having him looked after by his grandparents but now I've completed the alcohol abuse course and he's back

⁵ Murray Ryburn, 1998 The Second Australian Conference on Family Group Conferences

with us there's a new feeling in the family. Its like for the first time we can decide and really do things for ourselves⁶.

A grandfather, helping to care for his two grandchildren, made the following comment about his feeling a sense of control engendered by the family decision making process

We talk about Mike (his son) sometimes and we feel pretty bad that things have ended up like this. We don't really think that he had what he needed from us when he was growing up and now his own children are suffering in the same way too. But this conference thing really has made a difference – it gave everyone a chance to listen to the extent of the problem and it left me feeling for the first time like maybe I could step in to do something that would make a difference⁷.

The legislation, passed in NZ in 1989, was based on this shift in philosophy around the role of the professional, a shift that was described in a government briefing paper to NZ social workers (Department of Social Welfare 1989)

Conferencing procedures ... are based on the belief that, given the resources, the information and the power, a family group will make safe and appropriate decisions for children.

The role of the professional such as social workers and doctors should not be to make decisions, but to facilitate decision-making, by providing information, resources and expertise which will assist the family group.

Professionals will have a crucial role as resource people.

It is in “family time”, that structured part of a conference when all others leave the room and the family only remains to make decisions, that a family conference can truly come into its own. This is “blood connecting with blood”. At the same time, the family can invite any other support people, including the conference facilitator, to join them in “family time”. However, this is always the family's decision.

In part three of the conference the family decisions made in “family time” are brought back to the professionals.

PRINCIPLE FOUR

Conferencing has the potential to open up a different kind of future when problems overtaking a person/family are externalised (not internalised).

In order to move towards this different kind of future, it is important that

- the problems that have overtaken this family be named

⁶ Murray Ryburn, 1998 The Second Australian Conference on Family Group Conferences

⁷ Murray Ryburn, 1998 The Second Australian Conference on Family Group Conferences

- the many truths and alternative stories about this family are acknowledged, honoured, explored and held against the often problem-saturated and dominant “truth” and “story” about this family
- time is spent helping articulate the family’s preferred story about themselves.

CONCLUSION

Conferencing is a structured and predictable process and needs to be. As such it will be a safe process that honours the participants and enables parents and extended family members to be part of responsible decision making processes in regard to the care and protection of their children.

Conferencing demands a different kind of relationship between professionals and families. This is essentially a collaborative process with an ever “widening of the circle” that ultimately gives ownership of the conference to the primary stakeholders.

Conferencing requires the skills of an independent facilitator to mediate and manage the process and the communication, a facilitator who is alert and active not just during the conference itself but also in the essential pre-conference work and I believe, above all, a facilitator who is imbued with the above four principles.

Appendix B: When FGCs must be held and circumstances when they may be held.

The following information was received from the Department about when FGCs **must** be held and when they **may** be held.

FGCs must be held:

- Under Division 1, section 30 (3) – if the court has adjourned proceedings and referred a matter to a FGC for consideration and report
- Under Section 53 (a) – where the convening of a FGC is specified in an existing order (eg a 12 month Care and Protection Order under part 5 division 2) to review the arrangements of the Care and Protection of a child
- Under Section 53 (b) – where the Secretary has been requested by a child under a Care and Protection Order (including an Order which places them under the guardianship of the Secretary until they are 18) or any two or more members of the child's family, to convene such a conference
- Under Section 44 (1) (a) – where an extension of a 12 month Care and Protection Order is deemed necessary, a FGC is to be convened to review the existing arrangements and a report from the conference to be presented to the court with the application for the extension of the order
- Under Section 39 the Secretary must convene a FGC to review the implementations of the plan made at a previous FGC if it is a component of the plan that a follow-up conference is to be held, or when the child *or any two other members of their family request that a FGC be held for that purpose.*

Circumstances where a FGC may be held:

- Under Section 30 (1) – prior to the application for a Care and Protection Order (ie if a child is the subject of an assessment order) and where the assessment of ongoing risk indicates that longer term plans need to be made to secure the future care and protection of that child, a FGC may be called to explore all possibilities within the family to care for the child
- Under Section 30 (a) – when an advisory panel report and other assessment indicates that a FGC is a suitable means of making protective plans for children, a FGC may be convened by the Secretary to progress the matter
- In any other circumstances where the Secretary considered it necessary and desirable to convene such a conference.