



Aotearoa New Zealand Association of Social Workers  
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## **AOTEAROA NEW ZEALAND ASSOCIATION OF SOCIAL WORKERS (ANZASW)**

Submission on the Vulnerable Children Bill

To the:

Social Services Select Committee

Submissions due Wednesday 30<sup>th</sup> October 2013



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## **2. INTRODUCTION**

Aotearoa New Zealand Association of Social Workers, or ANZASW, is the professional body for social workers in New Zealand. It is imperative that we provide a voice for our members on the Vulnerable Children's Bill and its direct effect on the social work profession.

ANZASW put together a working group of members who wrote this submission from their knowledge of, and experience in, the care and protection sector.

Social work practice is about providing assistance, understanding and encouragement to sensitive, stressed and vulnerable clients. Social workers are focused on improving client's wellbeing whilst affecting long term change. Our members have a significant professional interest in the potential or intended effects the Vulnerable Children's Bill will have on their abilities to help clients.

As social workers we strive and fight for social and economic equality. This fight needs to be echoed by the government with the intent to affect long-term change. This will allow us to protect the children of the future.

## **3. AOTEAROA NEW ZEALAND ASSOCIATION OF SOCIAL WORKERS**

Aotearoa New Zealand Association of Social Workers (ANZASW) is the professional body for a national collective of more than 3,500 social workers, who have day-to-day involvement with the most vulnerable people in our society. Our work is guided by a Code of Ethics that is aligned with the International Federation of Social Workers (IFSW).

Social work is founded on principles of human rights and social justice. We are guided by the Treaty of Waitangi and respect the equality, worth and dignity of all people. In accordance with the March 2012 IFSW Global Agenda<sup>1</sup> "we commit ourselves to supporting influencing and enabling structures and systems that positively address the root cause of oppression and inequality. We commit ourselves wholeheartedly and urgently to work together, with people who use services and with others who share our objectives and aspirations, to create a more socially-just and fair world". We

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<sup>1</sup> International Federation of Social Workers, International Association of Schools of Social Work and International Council on Social Welfare (2012). 'The Global Agenda for Social Work and Social Development Commitment to Action'. Available at [isw.sagepub.com](http://isw.sagepub.com) (accessed 13 June 2012)

believe the overarching principles of social work are respect for the inherent worth and dignity of human beings, doing no harm, respect for diversity and upholding human rights and social justice.

Our mission is to enable people to develop their full potential; our skill-set is problem solving and facilitation of positive change in individuals, organisations, whānau and communities. We recognise the environment contains opportunities for people to be both agents of change and victims of factors beyond their control. As a profession, we strive to alleviate poverty, foster social inclusion and liberate those who are vulnerable or oppressed. Social work is evidence-based and draws on theories of human development, behaviour and social systems.

Social workers respond to crises and emergencies along with the personal or social problems that arise from experience of barriers, inequities and injustices within our society. Our interventions involve problem solving, development of coping strategies, one-on-one counselling and therapy, family and group work, agency administration, community organisation and helping people to access services, resources and support systems within their community. We work across government and non-government settings including community organisations, iwi agencies, private practice, youth justice, child protection, mental health, addictions and disability. We are involved in research, training, education, professional development, competency assessment, data gathering, risk assessment, structural analysis, interagency protocols and the improvement of social policy.

#### **4. OPENING STATEMENT**

On paper this Bill seems logical and timely but in reality if there is no detailed plan of funding, resources and management then this Bill is set up to fail. In order to change this, resourcing and management plans need to be detailed and enforced with the intent to improve services across the board.

The focus of this Bill is too narrow removing the attention from the improvement of a child's well-being and placing it on risk assessment of adult behaviour (NZCCS 2013). Eileen Munro's (2011) report in relation to UK child protection legislation concludes that child protection has lost sight of the needs and experiences of individual children in favour of compliance and procedures. New Zealand seem to be heading in this direction and this Bill reiterates this which is concerning from a social work perspective.

We see the changes proposed in the Vulnerable Children's Bill as a reaction to the devaluing of the principles of the existing CYP&F Act. This devaluing has occurred as a result of poor implementation and resourcing. We need to go back to a family/whanau approach to child protection and allow the correct information and resources to be allocated to the wider family to become a part of the decision making process.

Our preference is to return to what made us cutting edge on the care continuum and put processes and systems into place to ensure practice requirements are set and adhered to. This requires acknowledgement that the care and protection sector needs strengthening. However the existing CYF&P Act could have been the framework for this, allowing us to hold on to our family centred approach rather than narrow views on care and protection all together.

Reinforcement of primary principles of care of child does not seem to value the context of familial relationships which are likely to remain post care. We cannot allow decisions to be made on a child's future and placement without a family consultation that includes the wider family as well. NZ has always been at the forefront of family focused child protection legislation and this Bill is taking us two steps back. Without the proper funding for NGO's, information systems and interventions the government are condemning the family to fail.

While we support the definition of Vulnerable Children in this Bill, we urge cross agency support to consider vulnerability in the wider context of poverty, housing and other social indicators that significantly impact children and family.

## **5. COMMENTARY ON SPECIFIC PROVISIONS WITHIN THE BILL**

### **Child Protection Policies**

These currently exist for all state and state funded NGO's and while measures to ensure compliance are increased we do not see the policies themselves as adding further value to child protection.

### **Joint Responsibility of all CEO's and Ministries**

This is an aspect of the Bill that we support and are hopeful will be implemented and monitored in such a way that it has a significant impact on the care and protection sector. This joint responsibility will ensure that CEO's not only work together to ensure better protection for children but they will also share accountability ensuring their investment in the success of this cross-agency system. This will most likely have a positive effect on the children at the high-end of the at-risk continuum which is encouraging (NZCCS 2013). We note in particular the government approach to reduce assaults on children by 5% and we would be interested to see how these measures apply across the state sector.

### **The issue of Poverty**

The Vulnerable Children's Bill has a concerning lack of processes and action plans for preventing children from becoming vulnerable in the first place. There is no emphasis on changing and improving the social and economic determinants of wellbeing. These include employment and income, housing, connected communities and parental health and education. There is an alarming increase in the number of children living in poverty in New Zealand, according to the Expert Advisory Group (EAG) there are currently 270,000. The Vulnerable Children's Bill does nothing to alleviate this. In fact it chooses to ignore the issue of poverty and its direct effect on child abuse all together.

### **Funding and Resources**

The Bill anticipates that there will be increased reporting of abuse across the board for vulnerable children. It is clear that CYF will not absorb this increase and contracted relationships with NGO's are the only way volumes can be addressed. It is our understanding that as a result of the CYF caseload review their caseloads are likely to become smaller and increasingly CYF's work is becoming focussed around assessing risk and the provision of care options for children with the most challenging behaviours. All other care and treatment will be expected to be picked up by the NGO sector.

However, according to Minister Paula Bennett's statement in Anna Turner's (Turner 2013) article Non-Government Organisations cannot be fully funded by the government, as this would come to

mean that they are no longer NGO's. This means that the pressure for funding services to help and protect society's most vulnerable is removed from the state and placed into the hands of the public.

This will not result in an improvement; in fact the services will still be limited and under-resourced. NGO's will struggle to keep up with growing caseloads and intervention work, things will get missed or overlooked, shortcuts will be taken and we will be back to square one again. The work done in interventions is essential, and can sometimes require 6-12 months of intensive support. In our opinion however this work delivers a bigger reward to society in the long run with more opportunity for long-term changes and increasing levels of prevention.

Without being resourced the most vulnerable children will be subject to waiting lists (many services operate waiting lists currently as they have insufficient resources to respond to the volume of referrals) and they will not receive timely and appropriate services.

We note with concern for example the family court reduction in parental separation from six to three sessions. If NGO services are required to limit interventions and focus on cost effective brief interventions needs will not be met appropriately. Some families do and will require long-term support and with this the families can provide quality parenting well into the future and break cycles of abuse and neglect.

Following on from funding services is the concern about funding of the proposed FGC co-ordinators. We note in the Bill the potential for FGC co-ordinators to be employed by NGO's and iwi social service providers. Whilst we don't oppose this we are mindful of the support, training and monitoring required to ensure a consistent service delivery for all children, young persons and their families. There is no assurance that all outcomes will be resourced equally nor is there an explanation of the criteria for funding. For this aspect of the Bill to be successful and effective in protecting vulnerable children it needs to be sustainable and monitored. Without proper funding and management these isolated appointments would lack collegial support, training and specialist oversight.

It is illogical for the government to lean on NGO's to pick up the extra workload knowing that they cannot fully fund this. It leaves NGO's alone in regards to how to manage and resource their increased workload, and in the spotlight when it comes to cases being overlooked or mismanaged. Without an appropriate funding and management plan surrounding the added responsibilities NGO's will undertake, the protection for vulnerable children will be limited.

## **Information Collecting Systems**

There is a distinct lack of detail when it comes to the information system that will determine how these new processes and practices will be monitored and adhered to. This is concerning and will affect the impact this Bill will have in society. We have proven in the past that information collecting systems are not a strong point in New Zealand and without an efficient and effective system there will be glitches and breaches throughout all areas of implementation. We will need to overcome these significant issues and shortcomings in relation to data collection and collation if we want any hope of implementing and monitoring change (CPAG June 2013). Issues of privacy and in particular the opportunity to challenge the "opinions or "beliefs" formed as a result of unproven allegations will need to be managed very carefully so as not to infringe human rights.

We need time to pilot and thoroughly work through an appropriate information collecting system with a specific testing group, not the whole country. We cannot expect this to be up and running in a matter of months with no issues. If a new information system does get rolled out early next year without the adequate time to test and troubleshoot, it will simply be set up to fail as we have seen in the past. The failing system will then be the scapegoat for the failings of the Vulnerable Children's Bill. To avoid this there needs to be more time to test and develop a system that is assured to work and be utilised.

### **Selective list of offences**

The concern with the offences that have been selected is that certain offences that would impact one's ability to care for and work with a child have been omitted. For instance there is no mention of domestic violence, class A drug or serious drink driving offences. These would come under review of ANZASW membership fit and proper assessment so why would they not be considered within the scope of this Bill? There is also no consideration for the patterns of offending which is strangely selective.

As the intent of this Bill is to protect society's most vulnerable it is recommended that these offences should be considered and monitored within the scope of this Bill to truly ensure the safety of New Zealand children.

### **Screening Process**

Screening processes and safety checks are an essential part of not only social work but any profession that works with society's most vulnerable. That is why there are currently requirements for police checking of social workers, teachers and agencies working with children. The proposed screening process in the Vulnerable Children's Bill needs to be clarified in more specific detail to understand how this differs from the existing processes. The definitions of core and children's workers are confusing and we wonder why there are different levels of screening or safety checks being suggested.

The implementation of the screening and vetting process in the Vulnerable Children's Bill is resource intensive, and there is a real potential that organisations and agencies working with vulnerable members of society will have to bear the brunt of these costs. It is proposed (Cost Recovery for Certain Police Services Public Consultation paper DECEMBER 2012 – MARCH 2013) that to recover costs the Police would charge between \$5.00-\$7.00 per screen and \$10.00 for an urgent screen. For ANZASW alone that would amount to approximately \$2000.00 per annum for new members.

We believe that where the service is in the interest of "public good" there should be no charge for police screening. This would be consistent with the functions of maintaining public safety as well as community support and reassurance. There also must be a balance between meeting the Vetting costs for agencies and organisations working with the vulnerable members of society, largely funded by way of Government contracts and those organisations that will gain a profit from being able to advertise "staff" have been 'police checked'.

There needs to be clearer requirements and responsibilities for agencies and organisations that will need to adhere to, and potentially fund, the screening processes proposed in this Bill. Additionally there needs to be room for funding of police screening for agencies and organisations who cannot

afford it. If this is not available the intent of the screening process and the protection for vulnerable children is compromised.

Additional to the issues of resourcing and management there is a significant risk that this process will result in delays that make it difficult to appoint new staff in the areas that need it. It will also further deter employers from considering the exception process for applicants that receive an adverse police check.

There also needs to be further explanation of how exactly this new vetting system will link up with the already existing registration processes for teachers and social workers and health professionals working with children and families. These processes already require police checks on a regular basis, so it would be important to know if this new process overrides these checks or somehow tie in with these registration processes. It will be important that this is streamlined and explained in detail so everyone has clarity about the processes.

## **6. NO OPPORTUNITY FOR CHANGE**

It is important to note that as social workers we support and encourage the intents of this Bill in relation to ensuring the children of New Zealand are safe. In cases where parents or employees are not fit to care for or work with children because of their past offences we are supportive of the action to be taken within the scope of this Bill. However the concern we have surrounding this is the lack of acknowledgement of change and reform in people which could have a negative long-term effect on society.

The fixed list of offending leaves no room or consideration for how long ago the offence/allegation occurred, what has changed and what the offender has learnt. Protecting children is most definitely our priority, but there is a corresponding need to promote and encourage change and improvements in offenders. This is particularly crucial from a prevention perspective.

### **Parental Perspective**

In New Zealand we have a unique family focussed approach to care and protection, one that we should be proud of but one that the Vulnerable Children's Bill seeks to change. The focus on risk assessment and permanency "homes for life" within this Bill allows for a lack of communication with the extended family and consideration for the changes an individual has made. The concern is that it creates an environment in which agencies can judge a parent solely on their past and the door is left open for what can be considered "forced adoption". If the drive for permanency has not at an early stage appropriately engaged with and considered the views of the wider family/whanau this shift from intervention to risk assessment will leave people pigeon-holed for life and less hopeful about their future in terms of family.

This is especially concerning when dealing with subsequent children of parents who have previously had children removed from their care. The Bill supports a pre-conceived idea of these parents allowing children to be removed from their homes without any need for in-depth consultation and assessment with the parent or their wider family. Following on from this Kin are being excluded from caring for children within their own family because of convictions, which reinforces the notion that the legislation doesn't allow for offenders to change/rehabilitate themselves.

The negative effect of this is the very real possibility that parents will not even attempt to change because they will be red-flagged no matter how hard they try. From their perspective there is no chance, therefore no reason, to prove that lessons were learned and changes have been made both in themselves and their environment. This will also increase the risk of mothers not presenting at medical and midwifery services due to fear that their children will be taken off them (NZCCS 2013). This puts not only the child but the mother at risk; therefore the hope of being able to keep and raise subsequent children if the correct changes are made is critical for families and society.

More importantly than the effect this has on the adults involved in these cases is the effect that this has on the child/ren. In the cases of parents who have made changes and are now fit to parent it would be more detrimental to a child to remove them. What happens to these children in the period of time between being removed and having their family fight to get them back? What are the psychological and emotional costs to the children in this instance?

This Bill needs to acknowledge that we currently have few processes in place to prepare people for parenthood. In a situation where a child is removed from a parent we need to take that opportunity to provide the education and support needed to equip them with the tools necessary to be able to parent in the future. If we do not provide these services we are reinforcing the message from this Bill that these parents cannot change, and the state will not provide opportunities to do so. Given that changes and improvements in the parent are the best thing for the subsequent child, interventions and engagement with struggling families is essential to the effectiveness of this Bill (NZCCS 2013).

Support and consultation should begin during pregnancy for these parents, with the inclusion of the wider family. That way an accurate assessment can be made with the parents and wider family group before removing a child. With more assessment and consultation these cases could be dealt with far more efficiently and could better protect these children.

### **Employee Perspective**

Applicants and current employees may be judged and scrutinised for offences/allegations that no longer determine who they are and how they conduct themselves both personally and professionally. It is necessary to reiterate that we support the intentions of this aspect of the Bill as it seeks to prevent people working with children that are a threat to the children's safety and wellbeing. It is rather the scope of the Bill and the potential for using allegations of "belief of abuse" to discredit somebody and have their employment terminated or application denied that is concerning.

This is taking rights away from the employee and giving employers a pre conceived notion of what is and isn't acceptable on paper (Hornsby-Geluk 2013). There would be no fair processing of each applicant. Again giving no room for reform and no regard to how the person has changed or what they have learned.

There is an exception clause within the Vulnerable Children's Bill where there is a chance to undergo a risk assessment and prove that changes have been made. Most risk averse agencies, and CYF in particular, are more likely to default to non-appointment on the basis of an adverse screening outcome rather than endure the cumbersome exception process, especially when positions need to be filled.



At the heart of what we do as social workers there is a need to believe that everyone can change and to strive to provide opportunities to do so. This is important when considering a job application or a parent's right to raise or have contact with their child/ren. From a social work perspective, the Vulnerable Children's Bill ignores the capacity to change and denies people the opportunity to do so, once again shifting the responsibility off the state onto the individual.

### Potential for false allegations

The intent to prioritise the protection of the most vulnerable members of society and place a child's right before an adult in relation to child abuse is vital and supported. However there is potential with the Vulnerable Children's Bill that it can be/will be applied to all children and therefore all parents and employees. The ability to allow decisions to be made in regards to allegations, accusations and belief of abuse may open the door for false allegations.

Vengeful ex partners could and do make up abuse, children could accuse their teachers and employers would now have the power to dismiss the application or employment of these people without need for evidence. This would not only raise human rights issues for the parent or employee, but either way changes their life and lifestyle forever. Once labelled or targeted, this may stick for the rest of their life. Innocent people would have to jump through expensive hoops to take on the difficult process of proving their innocence, with no guarantee they will not be tainted or targeted in the future.

Whilst it is understandable that, in relation to protecting children, the 'guilty until proven innocent' approach would be taken it is unclear how this will impact those that are victims of revenge. If we consider the impact this would have on a child, wider and family and community it would be everybody's best interests to ensure the correct decisions are made surrounding accusations and suspicions before any definite decisions are made in terms of employment and custody.

## 7. REFERENCES

Child Poverty Action Group Inc. (CPAG). July 2013. *Child abuse: an analysis of Child, Youth and Family data*. Retrieved from <http://www.cpag.org.nz/news/?m=201307>. Accessed 21<sup>st</sup> October 2013

Child Poverty Action Group Inc. (CPAG). June 2013. *Child abuse: what role does poverty play?* Retrieved from <http://www.cpag.org.nz/in-focus/child-abuse-poverty-1/media-release-child-abuse-what-role-does/>. Accessed 21<sup>st</sup> October 2013

Expert Advisory Group (EAG). 2012. *Summary Diagram: Solutions to child poverty – Evidence for Action*. Retrieved from <http://www.occ.org.nz/assets/Uploads/EAG/Final-report/Summary-diagram.pdf>. Accessed 21<sup>st</sup> October 2013.

Hornsby-Geluk, S. 2013. *Children's bill threatens fundamental rights*. Retrieved from <http://www.stuff.co.nz/business/opinion-analysis/9091182/Childrens-bill-threatens-fundamental-rights>. Accessed 7<sup>th</sup> October 2013

Kete Kupu. 2013. The Vulnerable Children's Bill: Opportunity Knocks But Once But Did We Open the Door Wide Enough To Make A Difference?. *NZCCSS Kete Kupu*. Issue 28. September 2013. p.8

New Zealand Council of Christian Social Services (NZCCSS). 2013. *NZCCSS Analysis of the Vulnerable Children Bill*. Retrieved from <http://www.nzccss.org.nz/site/searchpub.php>. Accessed 21<sup>st</sup> October 2013

Munro, E. 2011. *The Munro Review of Child Protection: Final Report A child-centred system*. Norwich: TSO (The Stationery Office)

Turner, A. 2013. Govt urged to increase helpline funding. *The Press*. 2nd October 2013