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Waitakere Anti-Violence Essential Services

Comments on the White Paper for Vulnerable Children (31 October 2012)

Key References:

Website: www.childrensactionplan.govt.nz

Summary Actions Chart: <http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/policy-development/white-paper-vulnerable-children/white-paper-for-vulnerable-children-summary-actions-chart.pdf>

White Paper for Vulnerable Children Volume II: <http://www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/policy-development/white-paper-vulnerable-children/whitepaper-volume-ii-web.pdf>

Introduction:

This commentary discusses aspects of the White Paper from the perspective of the family/whanau violence (FV) sector with reference to the submission on the Green Paper produced on behalf of the Waitakere FV network by WAVES Trust. It proceeds in three parts: firstly, outlining the definition of 'vulnerable' children provided in the White Paper Volume I which is discussed in more detail in Volume II (see link above) and describing its relevance to FV. Secondly, which of the suggestions made by the WAVES Network have been picked up in the White Paper's *Children's Action Plan*. Thirdly, what is missing.

Defining Vulnerable:

The lack of a definition of 'vulnerable' was a key point of concern for stakeholders attending various consultation meetings on the *Green Paper*. The *White Paper* gives the following definition to vulnerable:

Vulnerable children are children who are at significant risk of harm to their wellbeing, now and into the future, as a consequence of the environment in which they are being raised, and in some cases, due to their own complex needs. Environmental factors that influence child vulnerability include not having their basic emotional, physical, social, developmental and/or cultural needs met at home or in their wider community. (White Paper, Volume II, p.31)

The White Paper Volume II (Chapter One) provides extensive discussion about the factors contributing to children's vulnerability, across the following main areas:

- Neurological development (ante- and post-natal)
- Parenting and attachment
- Other threats to health development including:
 - poor maternal health behaviours in pregnancy
 - poor maternal mental health
 - parental substance abuse
 - parental antisocial behaviour and criminality
 - material hardship and financial stress
 - poor quality and unstable housing
 - malnutrition
 - exposure to violence in the family
 - recurrent child maltreatment

These risk factors are balanced against protective factors such as parental-child attachment, positive parenting, family stability and functioning, social support, and high-quality ECE centres and schools.

This definition is generally very good for two reasons. Firstly, it includes *exposure to violence in the family* as a risk factor for vulnerable children. This is a major development for the FV sector, which has long been aware that children living in homes where adults are abused are themselves at risk of physical and psychological abuse, and developmental harm.

Secondly, the definition focuses on *significant risk of harm to [children's] wellbeing*, a forward looking definition that does not necessarily require evidence that harm has already occurred in the form of injuries or developmental delays for example. This is a looser definition than that contained in the 1989 CYF Act, which focusses on serious and avoidable impairment. If implemented well and adequately resourced, policies using this definition of 'vulnerable' should enable a greater range of government interventions in children's lives than is currently available.

Ultimately the extent to which this definition of vulnerable enables greater support for children affected by FV will depend upon the way that it is interpreted in practice and the amount of financial resource the current and future governments are willing to commit to services responding to these children.

The Minister has indicated that she expects this definition of vulnerable to identify around 30,000 children in need of support, not the 165,000 flagged as vulnerable by the *Green Paper*. We suggest that these 30,000 children are probably already well-known by government agencies. In 2010/11 57,000 children were reported to CYF as part of Police FV processes and most are not taken up for further action. Another 19,000 children are notified to CYF from other sources and are not picked up for further action and 16,500 referred to Partnered Response. Many of these children are likely to be identified as 'vulnerable' and subject to the monitoring and intervention proposals in the *White Paper*. Whilst it is vital that these children begin to receive support, many more will remain outside the loop under the proposed reforms.

We hope that future governments will pursue more expansive goals.

Children's Action Plan:

The WAVES Network will be gratified to see that many of their representatives' recommendations, summarised in the WAVES submission on the *Green Paper*, are reflected in the measures announced in the *White Paper*. In particular the following recommendations from the network have been included in the *Children's Action Plan*:

- A non-stigmatising public helpline to respond to concerns about children that can make referrals to community agencies or CYF.
- Expansion of services provided by government to more children than is currently able to be provided by CYF.
- More public accountability for CYF.
- Better links between education, health, and social services sectors.
- Enhanced opportunities to better share information about children across social and government services.
- A public awareness campaign to improve public knowledge about child abuse and neglect.
- Coordinated regional/local networks of children's services (although it is not clear whether this will be across the board or only in relation to services working with children identified as vulnerable).
- Strengthening CYF relationships with local iwi.
- A *Working with Children Code of Practice* for professionals.
- Requirement for services working with children to have policies and protocols around responding to concerns about child abuse.
- Agreed minimum qualifications and training standards for children's service workers.

There are also some changes mooted that may cause concerns within the sector, for example:

- The development of a new Vulnerable Kids Information System to track high-risk children as well as adults and offenders. The focus on risk assessment of children in welfare families has concerned many and the media has reported mixed views see: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10841709
- Families Commission unit to review parenting support provisions to ensure the right balance and mix of services to address families' needs (2013), and to review programmes (2014). The *Green Paper* forecasted that there would be retrenchment of funding for (unspecified) existing services in order to pay for the changes proposed in the *White Paper*. We still do not know which services will be reviewed or evaluated and what the government thinks is 'the right balance and mix of services'.
- Government agencies being able to apply for Child Abuse Prevention Orders preventing high risk individuals from living or associating with children, which may mean future children will be removed at birth. There are mixed feelings about this initiative, including:
 - The *White Paper* gives loose criteria for issuance of these orders which may not be practicable when it comes to drafting the legislation. It is not clear how risk to children will be defined and will these orders be issued to mothers whose children are abused by others?
 - Stakeholders working in child protection have indicated that this is a welcome move to protect children especially subsequent children in abusive families.

- Some within the FV sector would like to see these orders available to prevent violent men from cohabiting with women who have children.
- Some question how breaches of these orders will be adequately policed and whether police will be resourced to do so.

What's missing?

Despite the concept being introduced by the *Green Paper*, there is no discussion about investing in children's wellbeing or primary prevention of child abuse in the *White Paper*.

The *White Paper* language continues to emphasise targeting and re-focusing of priorities and funding that continues to leave services in the dark as to whether their role in service provision to children will have a long term future.

There is potentially a lack of durability in the proposed reforms. The *White Paper* does not propose a Children's Act and the legislative changes mooted are only those required to implement specific initiatives. Cross-party and cross-ministry support are not discussed. The *White Paper* proposals appear largely contained within the MSD remit with no apparent need for commitment from other ministries (e.g. education and health) outside the arena of information-sharing. There is no requirement on ministries outside MSD to act in a child-focused manner or to review their policies affecting children.

There is no discussion about how the Government will set about amending existing NZ legislation to comply with the United Nations Convention on the Rights of the Child (UNCROC), apart from developing a strategy for child abuse and neglect (*White Paper*, Volume II, p.9). Whilst there are good proposals for extending Maori and/or kaupapa-based service provision the government's obligations to Maori children under Te Tiriti o Waitangi are not explored or acknowledged.

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