

Four essays on the child welfare system

The year 2019 represented a watershed moment for Aotearoa New Zealand’s child welfare system, as a public spotlight was shone on systemic ethnic inequities during ongoing legislative changes aimed at centering Te Tiriti o Waitangi and whānau, hapū, and iwi considerations in policy and practice.

In the midst of this dialogue, Victoria University of Wellington’s School of Government hosted the “Children, Families, and the State”—a seminar series focused on the historical, current, and future role of the state in the lives of families and children. The seminars, and the discussion it generated, was due to the calls to action from speakers across the

system, including leadership at Oranga Tamariki, within the family court, non-profit providers, commissioners and advocates, and academics.

The following essays in this edition of *Policy Quarterly* capture viewpoints from several of the seminar speakers. Despite their different perspectives, common threads unite them. A greater recognition of the structural causes of the historical and current patterns of ethnic inequities in child welfare system contact, a commitment to whānau, hapū, and iwi-centred policy, practice, and partnership, the authors argue, are vital for a more just and empowering system.

Ian Hyslop

Child protection, capitalism and the settler state: rethinking the social contract

Child protection is an emotive and complex field which is constructed within a conflicted milieu: it does not sit outside the context of capitalist economics, the orthodox liberal political rubric, and our history of colonial oppression (Stanley and de Froideville, 2020). The following is a necessarily broad-brush analysis which aims to name some of the elephants – the uncomfortable reality of discriminatory outcomes in a society divided by inequalities structured by relations of domination – that are skirted around in policies targeted at

the imaginary ‘good Kiwi’ electorate of a mythical middle New Zealand.

History, inequality and racism

The policy and practice of child protection social work has followed the twists and turns of the political policy roller coaster that has careened across Aotearoa New Zealand over the last 30 years. A focus on the contested nature of policy prescriptions and practice development, however, risks masking some of the underlying realities of liberal capitalist societies such as ours. Child maltreatment is a social

problem which is linked with structurally reproduced inequality – with class, race and relative poverty (Parton, 2019). The children who come into the care of the state are disproportionately poor and Māori. In recent history, state welfare systems have visited a painful legacy of institutional abuses upon these children, often culminating in incarceration and wider social damage, particularly for whānau Māori (Stanley, 2017).

The germinal report *Puao-te-Ata-Tu (day-break)* (Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, 1988) brought these concerns into the light, explicitly naming racism as the key obstacle to the advancement of Māori people. It was this message which fundamentally shaped

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the design of the Children, Young Persons, and Their Families Act 1989 (now the Oranga Tamariki Act). The legal framework of the act pivoted around the belief that whānau, hapū and iwi could provide adequate care for their children if furnished with respect, authority, information and support in terms of financial and social service assistance. This vision was never adequately resourced and by 2015 the Expert Advisory Panel on Modernising Child, Youth and Family had inverted this narrative, focusing on the cost visited upon the state and wider society by dangerous families rather than the damage done to Māori by state violence (Hyslop, 2017).

There is a deep whakapapa to this discursive shift. The 1990s blitzkrieg of public sector readjustment essentially moved the focus from whānau empowerment to whānau responsibility with minimal state assistance. The below-subsistence-level benefit cuts devised by Ruth Richardson echo the less-eligibility framework of the 19th-century poor laws (Hyslop, 2016). The avalanche of neo-liberal reform was stabilised by the social development agenda of the 2000s Labour-led governments, with an overriding policy emphasis on employment as the antidote to social exclusion (Lunt, 2010). This economic prescription was closely aligned with the soft neo-liberal 'hand-up' ideology of Tony Blair's New Labour in the United Kingdom (justified in part by the individuated social mobility sociology of Anthony Giddens). Benefit levels were not raised in the Labour-led years, but a Working for Families tax relief package was introduced to incentivise low-wage work, consistent with the demands of globalised capitalist economics.

The social investment agenda of the recent three-term National-led governments ratcheted the policy needle a little further to the right with the adoption of an actuarial accounting focus on the future cost generated by failing citizens (Baker and Cooper, 2018). The 2015 Expert Advisory Panel report posted a target of reducing forward liability associated with poor outcomes for Māori by 25–30% within five years (Modernising Child, Youth and Family Panel, 2016, p.22). There is, frankly, more than a hint of eugenics in this prescription: the perception of the

threat of a feral underclass which animated Victorian social science (Jensen and Tyler, 2015). Effectively, the National-led government proposed a watering down of the commitment to whānau decision making, a clearer focus on child-centric/trauma-informed care and early calls on out-of-home permanency to stop the intergenerational transmission of social disadvantage: safe and loving homes at the earliest opportunity. The extremely narrow view of causation evident in this analysis is consistent with the neo-liberal imagination. Responsibility is individualised and neatly divorced from

acted surprised when it came to pass (Hyslop, 2019).

The now infamous Hawke's Bay uplift video brought muscular child protection – state violence directed against a specific section of the population – into our living rooms. In addition to the internal Oranga Tamariki review and the promise of procedural reform, we have four inquiries in progress at the time of drafting this commentary piece. The fairground ride has, of course, come full circle. The over-representation of tamariki Māori in the state child protection system is, as it always has been, a product of how the historic

The over-representation of tamariki Māori in the state child protection system is, as it always has been, a product of how the historic legacy of colonisation, structural inequality and institutional racism plays out in the lives of children and families.

the deep structural inequalities which presently characterise social life in Aotearoa New Zealand (Hyslop and Keddell, 2019).

Resistant narratives

This neo-liberal construction of child maltreatment as a product of deviant, irresponsible individuals, divorced from the wider context of austerity, poverty, inequality, racism and postcolonial history, has not gone uncontested. The final shape of the Oranga Tamariki Act reflects conflicted agendas and interests, specifically Māori voices, and includes principles related to whakapapa, whanaungatanga, mana tamaiti and te Tiriti o Waitangi alongside the injunction to ensure that: 'where children and young persons require care under the Act, they have – (i) a safe, stable, and loving home from the earliest opportunity; and (ii) support to address their needs' (Oranga Tamariki Act 1989, s4(1)(e)). The writing was clearly on the wall from 2014 for more small children (disproportionately Māori) to be brought into the permanent care system. Although most informed commentators predicted this outcome, the state agency Oranga Tamariki

legacy of colonisation, structural inequality and institutional racism plays out in the lives of children and families.

Rethinking the social contract

Much needs to be done. Real change requires a radical redistribution of power and resources. Social workers need to get closer to the lived realities of whānau living in hard times. We need to rediscover discretion and compassion, hear survivor voices and engineer local responses. We need to transfer authority, means and mana to Māori, not just responsibility. And beyond this we need to confront the deficiencies of the capitalist social form. The market functions to perpetuate and intensify uneven accumulation. Call me old-fashioned, but if we are to live in an egalitarian society where a semblance of real freedom is possible, people need decent housing, income security, education and health services as part of the universal social contract. Social protection is the pathway to child protection. The current social wellbeing agenda falls well short of this objective.

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Emily Keddell

The case for an inequalities perspective in child protection

In 2014, children living in the most deprived 10% of neighbourhoods in Aotearoa New Zealand had 21 times the chance of having a substantiated finding of child abuse than children living in the least deprived 10%, were 35 times more likely to have a family group conference held about them, and over nine times more likely to enter foster care (Keddell, Davie and Barson, 2019). Each step increase in deprivation resulted in a sequentially higher chance of child protection system contact, clearly illustrating the systematic

relationship between living in high deprivation areas and contact with the child protection system.

An inequalities perspective on the child protection system

This pattern can be usefully understood using an inequalities perspective (Bywaters, 2015; Bywaters, Brady et al., 2016; Bywaters et al., 2019). Where there appear historical and seemingly intractable patterns of disproportionate representation, social inequalities are considered the underlying

contributor. Specifically, in child protection, 'child welfare inequalities can be defined as unequal *chances, experiences and outcomes* of child welfare that are systematically associated with social advantage/disadvantage' (Bywaters, 2015, p.9, emphasis added). An inequalities perspective on the child protection system draws attention away from individual and family-level causes of system contact to consider structural contributors and their underlying inequities (Bywaters, 2015). This perspective highlights – similarly to a health inequities approach – the inherently political nature of the fundamental inequities contributing to the expression of inequalities in system contact; disparities

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