

# Drawing the line in the Centre: the difficulties in defining child neglect in the Northern Territory

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## Introduction

The Australian Institute of Health and Welfare defines child neglect as:

any serious omissions or commissions by a person having the care of a child which, within the bound of cultural tradition, constitute a failure to provide conditions which are essential for the healthy, physical and emotional development of a child.<sup>(1)</sup>

In the Northern Territory the most common type of maltreatment substantiated by the child protection agency is child neglect: 50% of all substantiated cases were for child neglect in 2009-10. Neglect is arguably the most damaging type of child maltreatment with regard to the long term consequences for a child's cognitive, socio-emotional and behavioural development and is particularly detrimental if it occurs early in life.<sup>(2,3)</sup> Despite the prevalence and serious consequences of child neglect, it is the least studied or understood type of child maltreatment.<sup>(4)</sup>

Since 1884 when Wolock and Horowitz<sup>(5)</sup> coined the phrase 'the neglect of neglect' to describe the then current state of research and response to child neglect, a series of writers have documented the ways in which child neglect has been overlooked both in the literature and in the practice of child protection.<sup>(4,6,7)</sup> Although a common form of notification to child protection agencies, child protection workers find child neglect a difficult area of practice<sup>(6,8)</sup> particularly with families who are socially disadvantaged<sup>(7,9,10)</sup>, and in cross-cultural contexts.<sup>(8,11)</sup>

Defining neglect is difficult because of differing cultural and community standards. Neglect is the failure to receive socially acceptable standards of care<sup>(12)</sup>; however, the way that care is expressed and organised is not the same everywhere, and it is apparent that neglect is, in part, culturally determined.<sup>(13)</sup> International research indicates that 'cultural relativism' exerts a powerful influence on worker decision making, particularly in cases of child neglect with minority groups.<sup>(10)</sup>

The Human Rights and Equal Opportunity Committee's *Bringing Them Home Report*<sup>(14)</sup> suggested that cultural bias in child protection agencies has contributed to high rates of Indigenous children appearing in child protection data. This report singled out neglect as influencing these high numbers because it is 'more subjective and culturally particular'. Historically, the issue of child neglect has had an enormous influence on Aboriginal people, and the *Bringing Them Home Report*<sup>(14)</sup> provided evidence of the ways in which, historically, an Aboriginal child was seen as synonymous with being a neglected child.

This research arises from my seven years experience as a child protection practitioner and manager both in Alice Springs and in the remote Aboriginal communities throughout the Central Desert region of the Northern Territory. This experience highlighted for me the difficulty workers had in making sense of, and knowing how to respond to, cases of child neglect, especially, but not exclusively, when these involved Aboriginal children. The demography of the Northern Territory is unique: 32% of the population is Indigenous compared with 2.5%

of the Australian population<sup>(15)</sup> so that here, cross cultural work has a clear focus on working with Aboriginal people.

Parton<sup>(16)</sup> argues that much existing research fails to address what actually constitutes child protection work, that is 'how agency staff identify, confront, and investigate their sense making skills, and how they resolve the conflicts inherent in their task'.<sup>(17,18)</sup> Buckley<sup>(18)</sup> explored the dissonance between official child protection discourse and the complexities and dilemmas of everyday practice, discovering a 'range of contextual factors which impacted on the identification, investigation and management of child protection cases' but which had 'little visibility in the formal blue print'.

Risk assessment frameworks and tools place emphasis on the technical-rational aspects of practice<sup>(19,20)</sup> and rely on 'an idealised form of decision making ... that does not exist in practice'.<sup>(21)</sup> Horwath<sup>(6)</sup> argues that the assessment of child neglect is both a technical-rational activity *and* a practice-moral activity, although the latter aspect to practice, which acknowledges that personal and professional values and beliefs also influence judgement is often minimised or ignored by practitioners and managers. However, anxiety related to the assessment task, feelings about the child or the family, the organisational context and personal and professional values, influence the way practitioners make judgements about a case<sup>(22-24)</sup>.

There has been negligible research into the day to day work of child protection workers in the Northern Territory, and no Australian research could be found which explores how Australian child protection workers 'operationalise' child neglect in their practice or the factors that influence their sense making skills in this area.

This study attempts to fill a gap in this knowledge by exploring with child protection workers the factors that influence the identification and assessment of child neglect in their practice, 'making visible the elements of child protection work that do not necessarily fit into the "official" discourse, but that inevitably determine the careers' of child neglect cases.<sup>(17)</sup>

## Methods

This research is concerned with understanding how child protection workers on the front line go about the business of making sense of child neglect. It takes a social constructivist approach, accepting the 'relativistic and subjective nature of the social world where all knowledge is perspectival and contingent'.<sup>(25)</sup>

### Participants

Eligible participants were those who were employed in the statutory child protection service, involved in front-line work with children and families and/or who participated in case planning decisions about children and families.

### Data collection/analysis

The study utilised in-depth qualitative interviews and a 'critical incident technique' where participants were asked to think about a case, or cases, of child neglect that caused debate, disagreement or remained unresolved for them. Fook<sup>(26)</sup> suggests this is a useful technique as it allows a detailed focus on the issues that are important and salient for the worker.

Data was analysed using a process of thematic analysis. Themes were generated inductively from the information contained in the interview data. Data management was supported by the use of NVIVO software.

### Limitations

This is a small scale exploratory study of child protection workers who volunteered to be interviewed. Therefore it is debatable about the extent to which the findings can be generalised to the child protection workforce as a whole.

## Results

### Demographics

Thirty workers participated in the interviews. Participants came from all but one of the seven child protection offices. Participants worked variously across remote, urban and mixed remote/urban practice.

## Findings

### The Community Standard

There were a number of themes that emerged from the interviews. A key theme related to the 'community standard'. Critical to understanding how child protection workers make sense of child neglect in the Northern Territory is the way they make sense of the concept of 'community standard'. This term is invoked by child protection workers to describe the way that child neglect is understood to vary according to context. Context here refers to geographical, social, cultural (including the perception of the degree of acculturation of the family to the mainstream society) and the number and accessibility of support services available.

Child protection workers explained their use of the community standard with reference to: the policy and legislative expectations as understood by them; cultural relativism and not wanting to replicate the Stolen Generation practice of equating Aboriginal parenting with child neglect; an understanding of their role as 'punishing families' and not wanting to punish poor families; and as a result of an assessment that the current situation of Aboriginal children is not only tolerated by the wider community (the community standard of toleration) but addressing many of the situations of child neglect are beyond the mandate of the child protection system.

The 'community standard' as a method to determine child neglect is implied in the Policy and Practice Manual current during the period of this research:

Definitions of neglectful behaviour are dependent upon societal standards of acceptable parenting. Thus the definitions of what constitutes ideal parental behaviour, the threshold for inappropriate parental behaviour, and what are considered to be adequate standards of care, varies across communities.

In addition, the most recent Inquiry into the child protection system, titled Growing Them Strong Together<sup>(27)</sup> supports child protection workers looking beyond the case characteristics in order to decide which cases are properly the business of the child protection agency, since not to do so could:

... lead to more children and families coming under the purview of NTFC which does not have the resourcing to adequately deal with current numbers.

Whilst the application of the 'community standard' could be applied to any family, it primarily used as an agency justification to exclude allegations about child neglect involving Aboriginal families from the statutory system. That is, it is used in order to justify why the child protection agency ought not get involved in a number of cases of child neglect notified to the agency by other health and community service providers. This paper presents those findings which illustrate the tensions experienced by child protection workers as they endeavour to apply the 'community standard' to cases of child neglect.

### Justification for the community standard

The justification for the use of the community standard is made with reference to the policy of the Department:

I think there is a cultural, a way of living that is the standard of the community that you are in, and as you know we are obliged under legislation to work within the community standard.

Workers typically understand the *purpose* of this standard to be to ensure that workers do not impose their values on a different cultural group:

My understanding, if someone was to say community standards in a conversation I would assume they were trying to say don't try and put your Western views on top of an Indigenous culture because the way you do things is different to the way the Western world does things, so you are impinging on them.

To 'see' a situation as unacceptable was equated with 'imposing values':

So for me to see children all crowded on a dirty mattress in a one bedroom house or no walls, I would then have to question my values and how that sits with my values as well as is this a child protection concern or is this just the way this family does it and have been doing it for centuries.

If workers were to 'impose' their own values, then children might prematurely or unnecessarily, be brought into care for child neglect, you would have, in the words of another participant *all sorts of strife*:

... child neglect has unbounded parameters around what that means, because if you look at child neglect, if you just took a very Western middle class white point of view and said right, we are going out to remote communities and we are going to look at child neglect you would bring half of the children, or three quarters of the children into the care system. And sometimes workers are new to the system want to do exactly that.

### **Having to become accustomed to a different standard**

Becoming accustomed to a different standard, or watching others become accustomed, was a significant theme in the interviews. Workers spoke of their shock, despair and helplessness when witnessing living conditions that they had never expected to see in Australia.

An experienced child protection worker talks about taking a new worker from overseas to a town camp for the first time:

I suppose I am a bit more used to seeing this type of situation than she was, she is fairly new and has never seen anything like this in her life, and it was really shocking ... another worker that I took out with me, he has worked around Australia ... he got really upset and said he had never experienced anything like this in his life. He said anywhere else this kid would have been removed a long time ago. So you are having to, people like that are having to really readjust their professional judgements and actions, their whole, they have to really push it out even though they don't want to.

More experienced workers socialise new workers so that they make sense of what they see. Here an experienced Aboriginal worker talks of having to explain to a new worker:

I thought that house was what you might call a clean house for that standard, but [new worker] was a bit shocked about that ... and I said well, this is just the way that they live, and, um, he thought 'Oh my god!'. He said 'This is terrible!' ... And I was saying, well this is how the people live and this is accepted by them, so ...

Here, how something *is* becomes how it is *supposed* to be, because this is *how people live*, that is, is *culture*. In this way, certain areas are set aside as not being in need of assessment.

A number of workers spoke of the culture shock experienced by new workers:

I think people get very disoriented when they come from another area to [place], cause everything is so different, and they are not quite sure how to handle this big cross cultural issue and that great big divide they find when they are working with, I guess, quite cultural Aboriginal people.

Despite their initial shock workers talk about having to 'see past' their initial impressions:

The family might live in a house where you might say I wouldn't let my dog live in that house or whatever, but that kid is getting loved, and getting its cultural needs met to grow up healthy, and what that culture expects, it is getting fed. They see the surface. I would say look beyond that first impression, find out more and you might see something different.

### **Being in a bind**

Although workers wanted to avoid 'imposing their own values', and constructed their work—particularly with Aboriginal families—as an area where they continually needed to be on guard against this, the struggle to divorce values from decision making was ongoing. This is particularly because they identified neglect in practice as being essentially subjective:

The other thing I talk to people about is the subjective nature of neglect, because as much as people feel they are objective they are not and you never completely divorce yourself from your own values, so we talk about neglect as being a very values based thing, and so you attempt to divorce yourself a little bit from your own values around that.

Assessing neglect was an act of *interpretation*, made easier when it is supported by the certainty provided by being aligned to medical issues:

A clearer area is medical neglect and failure to thrive ... but everyone has their different boundaries around child neglect. The intake process and the investigation process is all about interpreting.

A worker who argued strenuously against using values, reflected on how neglect is assessed in practice:

Yeh, there you go, it is probably my values, I suppose, and past experience ... and yeh, if I had a five year old I wouldn't like my five year old to be left by themselves.

Participants identified the importance of being 'objective', and divorcing themselves from their values; at the same time they expressed doubt about whether this was in fact possible. In addition, they agonised over whether this was desirable:

It is actually interesting watching them when they come from a different state and they get a notification and they say 'oh this would never be accepted in NSW or whatever ... 'this is disgusting' and you watch them as they start getting used to the system and used to, sort of, accommodate to it and then all of a sudden it is, oh well, this is the standard that is here so it is okay. But the million dollar question is: is it okay?

Suppressing their initial responses, which they saw as values based, rather than based on professional knowledge about what is good for children, was acknowledged as being a *slippery slope* and a response which risked losing sight of the children:

I think it can be, it is a dangerous slippery slope. If we start accepting something as okay, it is below what is good enough, but we will accept it because that is how everybody is, then the next step you accept to, and the next thing. And soon you have children being severely compromised I think ... So yes it becomes relative and if you look around and every house is covered with dog shit and broken glass then by virtue of that, the house you are looking at is okay and to me that is an odd way of thinking, very odd. It is like two wrongs don't make a right, and if you have a whole community full of wrongs, how does this make it right?

Workers spoke of having a 'professional standard' and/or 'personal standard of what is okay—and an 'organisational' or 'realistic' standard of what is okay:

So it is a really different pattern here, and I wasn't expecting the pattern, but I did know I would have to lower my threshold. I would have to accept a greater level of what I would term neglect. I think, particularly working in [place] you look around at people's living conditions, and you think according to my definition of child neglect I should remove all these children. I am not going to do that and there are so many reasons you wouldn't take that approach.

I mean me, my standards, that place is not clean enough, but when you see the other houses I have been into, I thought that house was what you might call a clean house for that standard.

## Discussion

The assessment of child neglect, especially in situations of social disadvantage and cultural difference, is complex. In the Northern Territory child protection practice also occurs in the shadow cast by the Stolen Generations history. Horwath<sup>(6)</sup> argues that child protection is not simply a technical-rational activity, but also practice-moral activity. Key to the latter is the use of values. Child protection workers in this study did not see their personal values as being of help to them as they went about their day-to-day work in assessing child neglect, but as things to 'divorce' themselves from, even though this proved difficult. To be shocked, or to see a situation as wrong, was to risk, in their minds, being assessed as 'judgemental' or, worse, racist. This leaves

workers in a bind: they have a personal standard which indicates that what they are seeing is not adequate care, and a belief system which tells them that to think this is flawed.

At the same time, workers acknowledged the impossibility of an objective definition of neglect—seeing it as context dependent and requiring an assessment of context.

This was supported by their perception that they pay attention to the ‘community standard’. Rather than the community standard being an aspirational standard that a community desires for children, or a standard that could be inferred by the notifications they receive about inadequate care, the community standard is interpreted with reference to ‘what is’. Further, ‘what is’ comes to be seen as ‘culture’, and therefore is immune from assessment, since to make a judgement about culture is to be culturally insensitive, at best, and racist at worst. Cultural relativism exerts a powerful influence on how workers come to make sense of situations of child neglect.

This distrust of personal values raises issues about how social workers come to understand the role of values in their work, and how they are prepared, in undergraduate training, to incorporate values in their assessment. Given that it would appear impossible to ‘stand outside your values’, rather than seek to eliminate values in assessment, child protection workers might be better assisted by acknowledging the useful role that values might play, and the role they *do* play, in decision making. This then makes them transparent and subject to reflection.

This research also highlights that preparation and education around cross-cultural practice is a critical issue. Workers assumed that *the way that* many of the families which came to their attention were living reflected Aboriginal culture, and therefore these ways of living could not be challenged. The paradox is that in their desire to exclude Aboriginal families from the child protection system, Aboriginal culture becomes equated with poor levels of care, and vulnerable children and families may miss out on necessary service provision.

The recent Inquiry into child protection practice in the Northern Territory, the Growing Them Strong Together Report<sup>(27)</sup>, highlighted that ‘at a deeply personal level people working in the Northern Territory ... have to manage a significant cognitive dissonance’. Exploring this dissonance during professional supervision and preparing practitioners to work in cross cultural contexts is key. However, the aforementioned Report highlighted that neither supervision nor adequate preparation is the norm. A number of recommendations were made in relation to initial and ongoing support and training for child protection practitioners, and these must be prioritised.

In addition, this research highlights the need for the participation of Indigenous workers in initial and ongoing assessments of child neglect. The need to employ increased numbers of Aboriginal health and community services workers both within the child protection service and the non-government sector was also highlighted as an urgent priority in the *Growing Them Strong* report.

## Conclusion

Child neglect is a significant issue for Aboriginal children in the Northern Territory<sup>(1)</sup> and research illustrates that child protection workers struggle with this area of child protection practice particularly in cross-cultural contexts and situations of social disadvantage.<sup>(20)</sup> The issue of child neglect has particular resonance in child protection work with Aboriginal peoples where historically child neglect, seemingly defined as Aboriginality, was the justification for removal of large numbers of Aboriginal children.<sup>(14)</sup> Clarifying where to ‘draw the line’ is important and especially difficult in cases of child neglect.<sup>(28)</sup>

This paper has illustrated some of the tensions that child protection workers experience when working with cases of child neglect involving Aboriginal families in the Northern Territory. It highlights the critical importance of the provision of adequate preparation and ongoing supervision and professional development for child protection workers, and the need for more Aboriginal workers to assist in the assessment of child neglect.

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