

The Family Group Conference: Does it work for child protection?

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ABSTRACT

This paper summaries the values, goals and philosophy underpinning the care and protection system in New Zealand and in particular emphasises the importance of: participatory practice involving families, whanau and communities; diverting families from more formal processes and keeping them within their families and communities, empowering families and children to take decisions about their own lives, and broadening the safety net for children, and improving the quality of social work practice.

It identifies some of the key ingredients in a successful conference process including: developing and reaching agreements about quality plans for children, supporting and resourcing these, ensuring participant satisfaction with outcomes, and the critical importance of preparations for the conference; including the provision of appropriate information to participants.

It reviews the research literature on family group conferences from New Zealand and elsewhere. This research provides information on the key finding that have emerged through evaluation research and practitioner experience in the area of care and protection. It also identifies important aspects of practice that were of concern in New Zealand in 2005.

It reports on a major study of later life outcomes for young people who have been involved in youth justice family group conferences. This research identifies best practice likely to enhance wellbeing, empower children and families, and ensure culturally responsiveness. The findings reported here also focus on the features of best practice that are associated with positive life outcomes for children, young people and their families, and are also likely to be relevant to care protection processes.

We conclude that there is little doubt that the care and protection family group conference has the potential to make a real contribution to empowering participants, harnessing the support of family, whanau and community and increasing the safety net for children but that success in achieving these goals is dependent on effective practice and supportive policies.

INTRODUCTION

There is no simple answer to this question. All the research suggests that this depends. It depends on who is involved and on how those involved relate to one another. It depends on the issues involved. But most importantly for us today, it depends on the effectiveness of professional practice in preparing for the conferences in managing it and in providing services and support afterwards.

In New Zealand, while some important investigations have been carried out on care and protection conferences (for example: Paterson and Harvey, Mason, Connolly) there is relatively little empirical evidence that conclusively links specific aspects of practice to outcomes. Nevertheless, the experiences with care and protection family group conferences reported in these studies has led to a growing consensus around the key features that are important to achieving good outcomes for children and their families. Some additional information is available from other countries (particularly UK (Marsh & Crow), Australia (Ban), USA (Merkel Holguin) and Canada (Pennell and Burford). And extensive research has been carried out in New Zealand relating outcomes from youth justice FGCs to best practice (Maxwell et al, 2005).

The purpose of this paper is to examine the values, goals and philosophy underpinning the care & protection system in New Zealand: with a particular emphasis on the role of the family group conference and the importance of engaging families/whanau in achieving positive outcomes for children and young people.

We identify key ingredients or characteristics that are desired from the conference, and highlight how these ingredients contribute to effective outcomes in care and protection. We provide a brief analysis of research on family group conferences from both New Zealand and overseas and then describe the implications of this research for best practice.

VALUES GOALS AND PHILOSOPHY

Family must be active participants in the decision making process.

The Children Young Persons and their Families Act (1989) demands the inclusion and promotion of the family & family group in every facet of our work with children & young people. In a very simple sense the values and goals regarding the care & protection system in New Zealand, and indeed the family group conference, are clearly prescribed in the objects and principles of the legislation as outlined in sections 5, 13 and 208. When referring to the 'exercise of power' the act outlines the responsibility of the state to, wherever possible, actively involve the family, whanau, hapu or iwi in the decision making with regard to their own.

The legislation in itself however is insufficient to enable this potential of the Family Group Conference to be attained. The organisations charged with its implementation must support the values of family/whanau decision making within its ethos. The individuals working with our children, young people and families must embrace the principles of the act and trust that at best the majority of the family, and at worst someone somewhere in the family, will have ability to contribute and indeed be a partner in the process. It only takes one person to completely change the life of a child.

First, the family members must be identified and particular effort should be made to involve key members of the family in order to achieve true whanau participation, especially those of particular significance to the children and/or young people. Blocking by parents can be common, however Co-ordinators and social workers must remember it is the child/young persons right to have involvement of extended family and exclusion should be utilised with utmost caution.

The voices of the children and young people are essential in the decision making process. There may be occasion when physical attendance due to age, maturity, or emotional safety may not be possible; however, their exclusion should be considered carefully in consultation with other relevant participants. Often their voice can be heard with careful support, for example: the flexibility of moving in and out of the conference with a support person can be an effective strategy if the child is anxious or concerned regarding any part of the process. If they are not attending the family group conference, careful consideration must be given at the conference to obtaining their views presenting them to the conference.

Empowering families to make decisions regarding their own lives

The Family Group Conference stands firmly on the tikanga of valuing family/whanau and vesting faith in their decision making on behalf of their children. The conference must do more than simply invite participants to enter into a process; it must legitimately seek and also genuinely consider the views and wishes expressed by whanau. Children and their

parents are nested in a family system that has a history, with unique ways of functioning. All families, even dysfunctional ones have strengths, and they are essential elements in resolving issues. The right of the child to be safe, secure, and adequately cared for is vital, and there must be faith in the ability of the whanau to contribute insight, knowledge and solutions.

‘Empowering’ can be translated to mean ‘to give power to’. A commitment to engage with family at the earliest stages of involvement in the care & protection system should be initiated and facilitated. Family should be involved in the investigation stage or at the point a care or protection concern is identified. Early and effective engagement with whanau is more likely to increase the chance of that families will take responsibility for planning the conference and ensuring that a plan is developed to which they will be committed. Families know their functioning best and are more likely to consent to a plan they have been responsible for.

The old attitude of the expert model ‘we know best’, still held by some professionals’, can prevent positive engagement with families. The expert model provides professionals with considerable power and control regarding which family members will be given the opportunity to participate in decision making, and which will not, or at what point they will participate in the family group conference. When professionals are cynical or judgemental about the importance or competence of the extended family they often fear losing control in decision making and consequently family are disenfranchised. Inevitably in such circumstances the family group conference process is likely to fail or there will only be token agreement about outcomes

I would go as far as say that where family come up with plans and decisions which are sufficient and practicable and will deal with the issues facing the child, then as a question of law, the social worker and other professionals must agree with those decisions. Effect must be given to them. This shouldn’t prevent suggestions for improvements being offered. However, at the end of the day the legislation obliges family decisions to be given primacy provided that they are likely to work for the child.

Children & Young people have a right to maintain connections and have a sense of belonging

The statutory care & protection system in NZ is recognised internationally. However it is a system. One thing is clear – children & young people cannot be loved by a system. A system cannot provide children with a sense of belonging. Their turangawaewae can never be a statutory agency or a Social Service organisation, no matter how dedicated the worker or impressive the range of services.

No matter what other decisions may be made with regard to their care, children & young people have a fundamental right to maintain a sense of belonging and connectedness with their family & family group. Family criminality, drug abuse or violence may limit

options for the safe placement of children within families; however these factors do not disqualify families from planning and committing to safe outcomes for their children. The greatest travesty of any system would be to cast adrift a child or young person from their family if there is any chance of maintaining or strengthening this connection.

One of the functions of the family group conference is to prevent the unnecessary 'elevation' of intervention and intrusion in the life of the family and child or young person. The primary goal, of course, should always be to ensure the safety & wellbeing of the child or young person and this should not be compromised. Family court action should be the last option if children and young people can be safely placed within their whanau and communities.

through the formulation of a safe and robust family group conference plan. Although abuse or neglect of a child or young person can raise emotion, the temptation to sever family links or remove the child from the family 'for their own good' without conferring with family must be resisted.

Involving community and relevant professionals

The role of the professionals and community groups is critical in the family group conference process. They can provide support and help in monitoring decisions. The professionals often hold information and knowledge of their communities and families which can contribute significantly to the family's ability to make decisions and contribute to the ongoing safety and support of children. Like families, members of the community hold history and knowledge and often have unique ways of working with their own. To dismiss the potential and power of the community to make a difference for their families is very short-sighted. Thorough preparation prior to the FGC is critical in achieving good outcomes at conference and it is essential in ensuring the right mix of family, professionals and community are involved.

KEY INGREDIENTS

Information & Preparation

Thorough preparation is absolutely critical in achieving effective outcomes from family group conference. A fundamental role of the co-ordinator when preparing for conference is to ensure that all the relevant information is available to the family group so that the family can make informed decisions. Information must be presented with respect, and in a way that is appropriate to the whanau, taking into account any cultural considerations.

Key whanau, professional and community members need to be identified and involved from the outset. Practical considerations relating to the time of the conference and the venue such as heating, refreshments, phone links, and accessibility need to be considered to enable full participation.

Participant satisfaction

As indicated earlier, family and whanau are more likely to own and achieve the objectives of the plan if they were appropriately involved and actively participated in the making of it. More than this though, the family need to have planned exactly how they will achieve their goals and the time frame they will be working to. The plan needs to be realistic and family need to feel supported in achieving the goals

The role of monitoring progress should be assigned to community agencies that are trusted by the family. The key agencies involved in the implementation of the plan should preferably be those with a proven relationship and standing within the family. While this cannot always be achieved, outcomes are more likely to be positive in this environment.

The family group conference outcome

A key ingredient of an effective family group conference is an agreed plan with outcomes that resolve the concerns that have been identified for the child and/or young person. The plan must provide a detailed, time framed blue-print in which there is no doubt regarding the people who have responsibility for the plan. Ideally there should be a shared vision and goals among all parties and both family/whanau and agencies should be clear about their role and associated timeframes. The overall goal of the plan should be clear, precise and understood by all involved. Key individuals and or services that are accessible and can provide ongoing support should also be identified.

Support & resourcing

A family group conference plan, no matter how well intentioned or written is meaningless if it cannot be put into effect after the conference. Wherever possible, pre-conference discussion and investigation should occur about the resources that are available to meet the needs already identified. A social worker needs to know and pre-plan if there are any service gaps as these might effect whanau decision making providing this does not pre-empt a process that enables family decision making. Knowledge and

involvement of local community resources is vital to ensure realistic plans can be made and given effect.

RESEARCH FINDINGS

The essential nature of the link between these values and outcomes is indicated by findings on the effectiveness of the FGC process in enabling both families and professionals to reach agreement about plans for children (Marsh and Crow, 1995). In New Zealand early research by Paterson and Harvey (1991) and the Mason Inquiry (1992) indicated that over 90% of FGCs reached agreement on plans to promote the welfare of children. Similar research in Melbourne, Australia (cited in Marsh and Crow, 1998) and New Foundland, Canada (Pennell and Burford, 1995) confirms these findings.

Findings in all these jurisdictions also produce evidence of high levels of satisfaction with the decisions. Marsh and Crow (1995) comment that

“The FGC, in practical terms, feels different to participants when compared to other sorts of meetings. The difference stems from the principle that the meeting is for the families and it is theirs rather than for the professionals. (p121)

They comment further that the independence of co-coordinator, and the differences in venue, time and length and the greater involvement of parents. Relatives and young people are also indicators of family ownership of the meeting.

There is evidence for the importance of these values in research conducted by Pennell and Burford, 1995 who comment on the importance of private family time as being:

“essential to promote unification between generations and sides of the family. Without this, the members are left with the impression that it is the professionals who will look out for the long range interests of children. As long as the family members acknowledged there was a problem with family violence or neglect and the survivor, if any, was not to blame, they were positioned to come up with sound plans (Marsh and Crow, 1995, p95).

Marsh and Crow also cite other evidence from the research on the quality of outcomes for children in that placements appear to be stable, contact with the wider family is increased, plans are implemented at a higher rate than elsewhere and estimates of re-abuse suggest that plans both benefit and protect children (p 163). They conclude that high quality conferences appear to be more effective than other strategies in arriving at quality and effective decisions about the future of children in need of care or protection. They also comment that these findings may or may not be true over time if the quality of conference declines (p178).

More recently (2004), Connolly has published the findings of research in New Zealand on care and protection family group conferences using qualitative interviews and focus group discussions with care and protection coordinators. Her summary of the key practice issues stresses the importance of a climate of honesty in the FGC, enabling families to have private time and recognising the power differentials within families and between professionals to influence the process (p53).

Connolly also points to some broader practice issues that emerged from her research. Firstly: the findings pointed to the need to invest time, effort and resources in the processes around the FGC if CYFS is to find family-based solutions; in times of pressure, this creates a tension for staff when the state also has a responsibility to ensure child protection. Secondly she raises the problem of slippage from a family-driven model to a professionally-driven one over time and the need for continued training to redress this problem. Third she points to the problem of creating ideological drift as staff turnover has led to a weakening of organizational knowledge of the values, goals and basic philosophy underpinning the family group conference process (p53).

BEST PRACTICE IN YOUTH JUSTICE FGCS

Detailed empirical evidence on the relationships between outcomes and practice in FGCs has been slow to accumulate for child care and protection cases both here and elsewhere. However, such evidence is available of a large scale study in the area of youth justice carried out in New Zealand from 1999-2002 (Maxwell et al 2003)¹. The goals of this study included to:

- Assess the extent to which the process met objectives, and
- Identify best practice by:
 - Identifying practice factors associated with re-offending and
 - Identifying factors related to positive outcomes

While there are many important differences between youth justice and care and protection, the family group conference is premised on the same values and is in practice, very similar in the New Zealand context in requiring preparation of all parties, an effort to involve wider family, facilitation by a co-coordinator who is neutral with respect to outcomes, control of the family over issues such as time, venue, and process, the provisions of family time and the expectation that decisions will be reached through consensus. There are other similarities in the nature of plans: these are expected to emphasise ways to repair harm and to prevent any recurrence of harm, and the provisions of services and support for children and families.

Not only are there important similarities between the two types of FGC, there is a consistency between the findings from Connolly's research based on coordinators views and the research relating to practice to outcomes carried out by Maxwell and her colleagues on youth justice FGCs. For this reason, a summary of the findings of the youth justice research is being presented here.

¹ This study examined a retrospective sample of 1003 FGCs held in 1998 and another 115 held in 2001-2002. In 2000-2001, 520 of the 1998 sample were located and interviewed to determine their views of their experiences while growing up, at the time of the FGC and subsequently. File data was collected on all those in the retrospective sample. The data was analysed using multivariate techniques to determine predictors of outcomes. Additional qualitative data and data on the views of FGC participants was available from the 115 cases of FGCs observed in 2001-2002.

Meeting objectives

The objectives for care and protection and youth justice conferences are somewhat different. However, both types of conference include the aims of enhancing the wellbeing of children and young people, empowering children or young people and families to reach their own decisions and to be culturally responsive. In the area of youth justice these goals are being largely but incompletely achieved and it is likely that this is also true for care and protection conferences. The relevant results were as follows:

Enhancing wellbeing Measures to enhance wellbeing were included in the plans for about half the young people who had an FGC. Furthermore, the elements of plans intended to promote wellbeing were not necessarily being fully implemented because the necessary services were too rarely available for the young people who needed them and because those that were available were not necessarily effective. This undoubtedly reflects limits on the type and quality of services available for both children and young people in many parts of country at that time.

Empowerment The main process goals of the family group conference - ensuring that the appropriate people participate, that those affected are involved and that there is consensus decision making - appear to be being largely achieved. However, only about half the young people who attended reported feeling involved. Decision-making did not always reflect a true consensus and there was evidence that, at times, professionals dominated decision-making. Given the pressure on resources that there has been in both care and protection and youth justice over recent years – it seems unlikely that the results for care protection would have been any better.

Cultural responsiveness The data on the experiences of Maori and Pacific family group conferences shows that they can be successful in engaging families and arriving at successful outcomes. Success appears to be facilitated when the process treats the family members with respect and acknowledges them and their role in a manner, which goes beyond token gestures. The participants need to feel validated and central to the process rather than merely being provided with an opportunity to participate. They need to be left to take charge of decisions rather than have professionals suggest or make decisions for them. They need to be spoken to in a language and a manner they understand by people who understand and can respond to them in ways that are affirming and respectful. They may need encouragement to provide their young people in turn with the support, affirmation and forgiveness that the young person will need if they too are to become part of a solution that sets wrongs right and builds towards a constructive future. In addition, speakers of English as a second language must always be enabled to understand the process.

There was clearly room for improvement in the way family group conferences are managed in these respects. Best practice would be for the convener to ascertain the specific cultural expectations of the participants prior to the conference and to clearly explain the use of any culture-specific processes to all participants at the beginning. In

particular it is important that the convener ensure that all participants in the family group conference are introduced to each other. When interpreters are not able to be present, any non-English speakers should be identified and encouraged to seek clarification (perhaps from a family translator) throughout the conference. Again, given the resourcing constraints in both systems, it is likely that the same generalizations would apply to conferences for care and protection.

Effective practice²

The analysis of data has identified a number of best practice features that relate to actions that are equally relevant in both care and protection and youth justice family group conferences. It is gratifying to find that many of these endorse the values and principles set out in the legislation. Others echo points already made from a consideration of best practice through the eyes of experienced practitioners. In summary, the key features of best practice that have emerged from observation of youth justice conferences, a consideration of the views of participants and statistical analyses of outcomes are:

- Ensuring that coordinators receive professional support and backup in an office where morale is high and their contribution is valued.
- Effective preparation of core professionals. It seems crucial for all professionals who may be called upon to take part in a family group conference to receive training in their role. Training should include identification of key tasks and knowledge of best practice guidelines. The use of simulated role play situations involving coordinators and other local professionals under the guidance of a skilled trainer could allow rehearsal and discussion of options that would optimize the chance of constructive and effective outcomes consistent with best practice.
- Ensuring the right participants are invited including fathers, as well as mothers, including other people who will be able to support the young person and ensuring that the numbers of professionals are limited to those who are essential for the process.
- Effective preparation of other participants. For families, young people, and any others unaccustomed to attending conferences, preparation appears to be best achieved at a face to face meeting with the co-coordinator, where information is given on the purposes of a conference, the order in which things are likely to occur, the role that each will be expected to play and possible options for outcomes.
- Consulting participants about preferences with respect to time, place and process. The Act requires that all the key participant be asked about preferences with

² Although these conclusions have been drawn from the results of a study of youth justice conferences, the phrasing has been suitably modified so that the statements are likely to be relevant to the rather different circumstances in a care and protection conference. And only those aspects of best practice that transcend the differences between the two types of conference have been reported here. Thus this is only a list of factors likely to be common to both situations and other factors are also likely to be important for the two different types of conference.

- respect to process prior to the conference and that these wishes are responded to whenever that is possible and the other key participants agree.
- Greeting participants on arrival, introducing those who do not know one another, ensuring appropriate seating arrangements and beginning with formal introductions.
 - Explaining any culturally responsive processes that may be used, such as karakia and prayers, and the language that will be used.
 - An early discussion in the conference of the relevant facts and seeking agreement about any responsibility for harm.
 - An opportunity for all to be fully involved in a discussion of options for responding to the issues before the family and children or young people deliberate privately.
 - Ensuring that the child or young person and family are given time to deliberate privately.
 - Listening to and considering the proposals of the family and the child or young person.
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- Encouraging an open discussion to ensure that all participants can express their views on the proposals and negotiate modifications where there is agreement.
 - Avoiding domination by one or more parties of any part of the proceedings, especially by the professionals.
 - Ensuring that all are treated fairly and with respect and encouraged to contribute at all key phases, including prior to the private family time and after the child or young person and family have made their proposals.
 - Ensuring that all are in full agreement with the final plan, but, if this is not the case, recording details of the non-agreement.

The research focused on identifying a number of desirable outcomes of practice from the perspective of the young person and many of the findings are likely to be equally relevant when a child or young person is present in a care and protection conference. These include:

- Being well prepared for the conference, i.e. consulted about arrangements and informed about what will happen
- Having people present that support and care about him or her
- Understanding what happened
- Be treated fairly and with respect
- Not being stigmatised and excluded
- Participating fully through presenting views and being involved in decisions.

When young people responded to the conference in these ways, they were more likely more likely to experience positive outcomes as young adults. Other participants also responded positively when they were:

- Prepared for what would happen;

- Greeted, introduced and enabled to participate fully;
- Understood what was happening;
- Treated with fairness and respect;
- Involved in the decision about outcomes.

In addition, there will doubtless be aspects of practice that are important but have not been identified here because of the type of data collected and the questions that were asked. For example, the need for professional supervision, regular conferences and meetings with other coordinators in the area, and the use of regular team meetings of all local professionals³ have been identified as important by Youth Justice coordinators and others in both this and previous research (Levine et al, 1998; Maxwell and Morris, 1993; Maxwell et al, 1997; Morris and Maxwell, 1999). These are undoubtedly important aspects that would also be identified by care and protection staff.

Having programmes which the children and young people can be referred to and that are effective in rehabilitating and reintegrating them is also a need for effective outcomes from both types of conference. Parents often need services that will support them. Information on the characteristics of effective programmes and services is provided elsewhere (Maxwell, 2005).

CONCLUSIONS

The family group conference has been, and will continue to be, a successful process for many families and professionals seeking change and restoration. Furthermore, data from a large-scale study of youth justice conference demonstrates that involvement in a family group conference can make a real difference to later life outcomes even when other factors relating to family background, early life experiences, and involvement in offending are considered.

Practice that makes families a central part of the decision-making process offers an optimum combination of the resources and wisdom of the family, the community and government. Primacy of the family must never be used as the basis for the withdrawal of support of government and community. However, the domination by professionals can disempower families and result in them becoming disengaged from the process of implementing the plans and decisions of the conference.

In New Zealand, both policies and day to day practice can be improved. There needs to be more support for both children and families and for the professionals who manage the processes. It is time for a renewal in best practice in all aspects of the care and protection system.

However, any changes needs to continue to embrace the values and key ingredients described here. The research reported here endorses these values and many of the key

ingredients of the process. These are vital pre-conditions for successful care and protection outcomes.

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