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**National Framework for Protecting  
Australia's Children: Fixing Problems with  
Collective Hope?**

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**Abstract**

The National Framework for Protecting Australia's Children serves the function of providing unifying policy and priorities for the 6 States and 2 Territories with jurisdiction over child protection. Plans are underway for a successor to the 2009-2020 Framework, which will address specific and important problems in order to achieve tangible improvements on key performance indicators. This paper argues that a targeted, action-oriented approach of this kind needs to be accompanied by principles that seek to redress known institutional weaknesses in the system that might otherwise be overlooked. The first Framework aspired to give voice to children, families and carers. While little progress was made on this front, this paper makes the case for carrying forward principles of empowerment of those who have traditionally been silenced. The argument rests on the importance of principles in instigating a collective hope process that moves the sector toward meaningful coordinated reform. Survey data from a sample of 387 third parties who work with child protection authorities and their clients are analysed through the lens of collective hope to demonstrate how a principle-based Framework, wrapped around targeted action, can strengthen prospects of future success and protect against failure.

**Key words** National Framework, social inclusion, child protection reform, collective hope, collective efficacy

## 1. Introduction

Australia is in the process of developing a new National Framework for Protecting Australia's Children to supersede the 2009-2020 Framework (Council of Australian Governments 2009). The old and the new Frameworks have the purpose of coordinating policy and regulation across the 6 States and 2 Territories that have jurisdictional authority over child protection, and of assembling national statistics on the children and families who are within the purview of child protection authorities.<sup>1</sup> The new Framework will focus on supporting specific cohorts: Aboriginal and Torres Strait Islanders who are over-represented in child protection systems, young people transitioning from out-of-home care to adulthood, young parents who may have been in care as children, and young people who may be kinship carers. Better linkages and data sharing across government departments with policies relevant to child protection (e.g. housing, education, health, welfare, employment, migration) also are on the agenda of state and federal governments as they work together to agree to a new 10-year plan. The intergovernmental Community Services Ministers' Meeting (CSMM) communique heralded a successor Framework that emphasized prevention and early intervention, with clear and measurable outcomes defined within the Framework (Community Services Ministers' Meeting 2020).<sup>2</sup>

The next Framework appears to be aiming for greater specificity than its predecessor. One feature of the CSMM communique, of relevance to this paper and central to the 2009-2020 Framework, was that Indigenous over-representation would be addressed following the principle of “ensuring co-design and engagement with Indigenous communities, and ensuring

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<sup>1</sup> <https://www.aihw.gov.au/reports/child-protection/nfpac/contents/summary>

<sup>2</sup> <https://ministers.dss.gov.au/media-releases/5656>

the voice of the child is included in decision making” (Community Services Ministers’ Meeting 2020).<sup>3</sup> This one statement carries forward the older Framework’s broader hopes for a system that empowers children, parents, and families. The question that this paper addresses is the balance to be struck in the new Framework between principles of empowerment and specific priorities for action. Present indications are that there may be temptation to privilege key performance indicators over the principles that should be encompassing actions. Such a direction risks sidestepping the fundamental weakness that has characterised child protection systems since their inception, that is, oppression and domination of marginalised groups. Better outcomes that are meaningful in terms of children’s well-being will not be achieved until oppression and domination are addressed (Braithwaite 2021; Buckley, Carr & Whelan 2011; Jenkins, Tilbury, Hayes & Mazarolle 2018; Yang & Ortega 2016). This paper argues that both principles of empowerment and action priorities are important and that there is room for both in a new Framework.

### **1.1 Successes and Failures of the 2009-2020 National Framework for Protecting Australia's Children**

The 2009-2020 Framework was aspirational. Most notable from the perspective of this article was the emphasis on social inclusion and fostering effective working partnerships that bridge professionals, community and families. Listening to voices beyond child protection officials, that is, children, parents, families, carers, community workers, professionals, and other government officials, was required under the 2009-2020 Framework. Also required was the inclusion of children, parents and families in decision making. These elements of the Framework challenged the domination and lack of transparency of Australia’s child protection

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<sup>3</sup> <https://ministers.dss.gov.au/media-releases/5656>

authorities through inviting a broader set of eyes to see what was happening in child protection systems. Supporters of the 2009-2020 Framework sought greater accountability around the actions of child protection authorities (Lonne, Parton, Thomson & Harries 2008). Lobbying for and launching the Framework was an exercise in collective hope for the community and non-government sector: Reform seemed possible after more than 50 government-initiated inquiries into child protection issues over a 20-year period, which seemed to make remarkably similar recommendations (see Australian Institute of Health and Welfare 2020; Lonne, Harries & Lantz 2013).

The National Framework for Protecting Australia's Children 2009-2020 was described as a public health approach to child protection (Council of Australian Governments 2009). The public health emphasis was to shift the balance away from a predominantly justice system approach. The public health approach aspired to deliver support and services to strengthen families and lift well-being for all Australian children. An NGO Coalition led by Families Australia (Babington 2011) fought hard for a role as equal partners with governments in designing and implementing child protection policies. The introduction of the Framework was a triumph for those who were working alongside child protection authorities, particularly the welfare and community sectors, whose knowledge and expertise was being underutilised and undervalued (Hamilton, Cleland & Braithwaite 2019).

The 2009-2020 Framework was to become largely a vehicle for discovery rather than great achievement in terms of improving children's well-being. Those who consider the 2009-2020 a success point to increased awareness of the need for reform in child protection, progress in coordinating data collection, conducting research across state/territory jurisdictions, and building effective models of collaborative practice (Department of Social Services 2020). In

the past decade, foundations have been laid for developing innovative programs that break down silos of practice among professional groups and between government and non-government bodies (for example, see Coates 2017; Humphreys, Healey, Kirkwood & Nicholson 2018; Price-Robertson et al 2020; Venables, Healy & Harrison 2015). Social and professional networking within child protection on how better outcomes might be achieved are likely part of the richer conversations that stakeholders claim accompanied the first National Framework for Protecting Australia's Children (Families Australia 2020).

The most striking failure of the 2009-2020 Framework lies in the statistics from the Australian Institute of Health and Welfare (2020), which show no improvement in the proportion of children who are safe in the care of their families. From 2015, the number and rates of children not living with parents for child protection reasons have risen. Child protection services (investigation, care and protection orders, or out-of-home care placements) are received by 1 in 33 children. For Indigenous children, 1 in approximately 6 experience child protection services. For non-Indigenous children, the rate approximates 1 in 48. Rural-urban differences also are reported in the latest statistical update. Children from geographically remote areas and from low socio-economic areas are more likely to be substantiated child protection cases.

## **1.2 The Lure of Targeted Action in the New Framework**

On the basis of these figures alone it is reasonable for governments to switch to a more targeted approach for the new Framework. At very least, a targeted approach allows actioning the complex set of reasons for pushing those numbers higher, many of which lie beyond parenting, and may include poverty, homelessness, unemployment, domestic violence, substance misuse

and ill-health. Dealing with one problem and addressing all possible causes through coordinating services that cut across government departments is a sensible approach.

It is also an approach likely to appeal when limitations are placed on resources and the human capital that can be accessed to lead reform. As others have pointed out, child protection struggles with human capital problems associated with high caseloads, high attrition, poor success in staff recruitment, lack of supervision and poor training (Lonne, Harries & Lantz 2013; McFadden, Campbell & Taylor 2015). Focused problem solving on high-risk targets is a well-established practice in the regulatory literature (Braithwaite, Harris & Ivec 2013; Burford, Braithwaite & Braithwaite 2019). Malcolm Sparrow (2000), in his influential book, “The Regulatory Craft,” argues that regulators can make a tangible difference to resolving thorny problems through an approach in which they “pick important problems and fix them.” The approach of reviewing risk, specifying the most important problem, and developing paths to a solution contrasts with an approach of working to more general and abstract goals, which likely are beyond reach because of resource scarcity or problem intractability.

Since Sparrow captured the imagination of governments with a way of effectively addressing what appeared to be an impossible workload, a technocratic approach to risk management has evolved with tool kits of assessment protocols, diagnostic and decision charts, and treatment and intervention options. Recent developments in interprofessional expertise enhance mutual understanding across different professional silos, and in effect share and “order” technologies for professionals working in child protection. But they do not adequately address the social inclusion of those relegated to voluntary or non-professional roles. An important principle that appeared in the 2009-2020 Framework appears to have been left behind in planning for the



future, and that is the inclusion of those who are at the receiving end of child protection policy and practice – families, children and carers.

### **1.3 Making the Case for Principles in the New Framework**

The 2009-2020 Framework recognised structural obstacles to participation of third parties and families in decision making, as well as persistent stigmatization of families (see Buckley et al 2011; Holland 2014; Parton 2014 for discussions of these problems internationally). However, confronting the problem and finding solutions was not, in practice, a major priority in implementing the Framework. A government evaluation conducted by PwC (Department of Social Services 2020) and another by Families Australia (2020) revealed the way in which the scope of activity of the National Framework was narrowed to child protection authorities. Child protection authorities dominated in the National Forum and Working Groups. There also seemed to be lack of consensus on priorities for funding and how initiatives might be coordinated. Looking behind the failure of governance arrangements to further reform is a more fundamental question: Were government child protection authorities on board with the principles of the 2009-2020 Framework that other voices should be heard?

This article presents data that suggest that they were not. The evaluations of the 2009-2020 Framework conducted by Families Australia (2020) and PwC (Department of Social Services 2020) do not produce evidence showing child protection authorities capitulating to a more open and democratic style of engagement over the decade. In the course of Family Australia's consultations in 2019-20, concerns were raised that the voices of children, families, carers and community support workers were still not being heard. In particular, the voices of Indigenous Australians and people from culturally and linguistically diverse backgrounds continue to be

overlooked. The CSMM communique (Community Services Ministers' Meeting 2020) and the Department of Social Services' evaluation (2020) mention inclusion of these groups in service and policy design, with a view to providing a better understanding of their difficulties in navigating the service system. This falls short of the recommendation from Families Australia (2020) that children, parents, families and their supporters take part in making decisions about their children's futures. The question that follows is why is it so difficult to give families and children greater voice in the decisions that affect them personally, and how will this objective be progressed in the new Framework. An abundance of research attests to the importance of children and families being involved in decision making (Buckley et al 211; Burford & Pennell 1998; Harris 2012; Holland 2014).

Generally speaking, power and control are neither readily relinquished by a group nor transferred willingly to another group. Traditional institutions in the human services privilege those with power and silence those with least power through many channels (Burford et al. 2019; Hamilton, Cleland & Braithwaite 2020; Braithwaite 2021). Institutional change is required to give families and children greater voice (Burford et al. 2019). Institutional change means culture change in how things are done and also in how people think about their actions, including reasons and purpose. This is the context in which principles and values become important. Principles and values enable humans to share their views of a better world and commit to what is a desirable state of affairs for child protection work in the future (Braithwaite, Harris & Ivec 2013). A discussion of how actions further values and principles aids self-reflection, identifies points of genuine conflict, and can lead to resolution and new pathways (Braithwaite & Bush 1998; Dryzek & Braithwaite 2000). Values and principles need to sit behind key performance indicators to make sure that oppression and marginalisation can be steadily etched away (Braithwaite, Harris & Ivec 2013). The argument of this paper is that

the principle of listening and being responsive to the voices of children, families and carers needs to be a prominent part of the new child protection Framework.

## **2. Purpose and Outline of this Paper**

This article reviews empirical data on the early implementation of the 2009-20 Framework. The data were collected from professionals, community workers and volunteers working alongside child protection authorities. The data show that the principles in the first Framework of empowering children, families and carers were important to this sample, but that actioning the principles was blocked. The analytic framework used for understanding the constructive role that principles of family, carer and child empowerment might play in the new Framework is collective hope – the process of collectively setting long term goals, building coalitions of collective efficacy and creating new pathways for goal realization. This paper shows some of these elements in place. Further reform depends on strengthening the collective hope process through placing principles of empowering children, families and carers centre stage to frame inclusive discussions of targeted action.

### **2.1 The National Framework for Protecting Australia's Children as a Collective Hope Process**

The National Framework 2009-2020 raised hopes for reform that were shared by governments, state and federal, non-government and community organizations, researchers, practitioners, carers and families. For collective hopes to be realised, three elements are necessary: (a) a shared vision with its sub-set of goals; (b) collective efficacy in the form of a shared belief that

together we can do this; and (c) institutional pathways along which collective efforts can be channelled to achieve the goals (Braithwaite 2004).

First, a set of goals need to be supported and respected by the collective. The meaning of collaboration in the hope process is not so much that everyone does the same thing, but rather that pursuit of one goal is not undertaken in such a way as to undermine other goals that have been endorsed within the Framework as part of a broader mission. In other words, there is synergy in the pursuit of a set of goals that will contribute to successful realization of the outcome of safe children raised in healthy family environments. This issue is implicitly recognised in the collaborative competence models currently discussed widely in the professionalization literature (Hood, Gillepsie & Davies 2016). The shared vision for the 2009-2020 Framework was to keep “Australia’s children and young people safe and well” (Council of Australian Governments 2009, p.11) with seven principles to guide action, which were derived from the United Nations Convention on the Rights of the Child (Council of Australian Governments 2009, p. 12).

The second element in the hope process that is necessary for success is collective efficacy. Those involved in child protection need to have confidence that they can pool their skills and knowledge and work as a team to enable better outcomes for children, parents and families. Professionally organized groups are most likely to have collective efficacy. Further, current efforts to acquire interprofessional expertise (Hood et al 2016) contributes to broadening a climate of “can-do-ness” for those involved, although the difficulties of acting in a coordinated fashion should not be underestimated (Potito, Day, Carson & O’Leary 2009).

The third element for the realization of collective hope is the availability of institutional pathways that can be used to bring about reform in the system. The process of developing the National Framework for Protecting Australia's Children is in and of itself an institutional pathway, as are the subcommittees formed to further the ambitions of the Framework. But are these sufficient pathways to achieve the collective goal of safe and well children and young adults raised in healthy family environments? More specifically, are pathways lacking that would enable those working with families and children to exercise their collective efficacy and contribute to better outcomes in the child protection system?

## **2.2 Were Third Parties the Missing Link in the Collective Hope Process?**

The primary concern of this article is how do third parties who contribute alongside child protection workers engage with this collective hope process for reform. The term, third parties, is used here to refer to professionals and informal supporters, to those who are paid and those who are unpaid. Third parties may be working in other government departments such as housing or health, or they may be from community groups or non-government organizations, or they may be foster carers or family members.

An assumption of this paper is that the success of the first National Framework depended significantly on third parties and child protection authorities working together – as intended. As the evaluations showed, some advances were made over the decade in this regard, but not as much as had been expected. Were third parties not up to the challenge of joining in the collective hope process? Were they resistant to taking part? Or were they left out of reform initiatives?

To investigate this further, an analysis was carried out of quantitative and qualitative data collected through a self-completion survey sent to a varied sample of third-party actors in the child protection system. The survey was conducted a year into the operation of the first National Framework for Protecting Australia's Children. The survey asked third parties how well positioned the sector was to embrace the Framework and be part of a collective hope process for reform.

Using the collective hope concepts of shared goals, collective efficacy and open institutional pathways as a starting point, the following research questions are addressed in this article:

1. (a) How much child protection practice was in accord with the principles of the National Framework for Protecting Australia's Children 2009-2020?  
(b) Did third parties, among themselves, have a consistent view on how statutory child protection agencies should be working to achieve the overarching objective of the Framework, greater safety and well-being for children?
2. Did third parties believe they had a contribution to make to achieving the objectives of statutory child protection agencies? Did they have collective efficacy?
3. Did third parties feel that statutory child protection agencies were accustomed to drawing on third party skills and knowledge? Were institutional pathways for influencing outcomes available to third parties?

### **3. Method**

A web-based survey was used to contact anyone who worked alongside or engaged with statutory child protection authorities on a paid or unpaid basis. Within scope were those

working in government departments or not-for-profit welfare agencies, community groups, and volunteers providing care or support for children and families. Networks for those holding positions in education, health, law and justice, ~~from management to the front line~~ were targeted. Participants were invited to give insight into how child protection authorities engaged, and should engage, with families and third parties in order to provide care and protection for children. The survey was an invitation to think about how the Framework would contribute to system reform.

A final sample of 427 participants was accessed utilising a snow ball sampling technique. Those who worked alongside child protection authorities were contacted through email networks that the researchers were able to access either directly or indirectly through colleagues. As the project gained momentum, snowballing was encouraged, with survey contacts invited to widen the web by forwarding details to those in other relevant networks. We describe this as a snowball sample of third parties – people who work alongside child protection agencies and are part of child protection-related email networks. Given how the sample was collected, there is a bias toward participants who are connected in some way with formal groups, networks and organizations.

The survey ran from February to August 2010. It comprised 209 close-ended questions, mainly about ways that child protection systems operated, but also including a demographic module for purposes of sample description. An additional 8 questions requested free text responses. This paper uses the qualitative data and a subset of responses from the quantitative data set related to elements of collective hope. Descriptive statistics for the full quantitative survey are available on-line (Ivec, Braithwaite & Reinhart 2011).

In order to ensure the sample comprised individuals who had had recent and substantive experience with child protection authorities, six screening questions on the nature of contact with child protection authorities in the past two years were applied to the original data set. The data for analysis were restricted to those who had either intensive or modest contact over a number of cases in the past two years, or intensive or modest contact over one case or issue in the past two years. This meant 40 cases were excluded on grounds of having only distant contact or little contact with child protection authorities over the past two years. A final sample of 387 participants was used in the following analyses.

The sample of participants represented all Australian states: 22% came from New South Wales, 15% from Victoria and 14% from Queensland (the largest Australian states). Two smaller jurisdictions were strongly represented: South Australians comprised 23% of the sample, and the Australian Capital Territory 13%.<sup>4</sup> Of the remaining sample, 6% were from Western Australia, 4% from Tasmania, and 3% from the Northern Territory.

The majority of the participants were women (79%) and had mandatory reporting obligations (75%). Survey participants included doctors, nurses, psychologists, counsellors, lawyers, teachers and educators, police, welfare and health workers, and foster carers. They identified with the following sectors involved in child protection work: family support (37%); education and child care (21%); medical and health (19%); general welfare (19%); housing and crisis accommodation (16%); drugs, alcohol, domestic violence and sexual assault (11%); police (11%), out of home care and foster care (9%); and legal (5%). Most participants identified with more than one category, indicating that their work was cross-sectorial.

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<sup>4</sup> ACT is a very small jurisdiction, but it is likely the study attracted most support here because it was the researchers' home base.



The average number of years that participants worked alongside child protection agencies ranged from less than a year to 43 years, with a mean of 12 years. Ages ranged from 22 to 71 years of age, with a mean age of 44 years. The majority had completed secondary school (82%) and had pursued post-secondary qualifications, with 42% holding or undertaking a bachelor degree. The majority were Australian born (80%) with 8% identifying as Aboriginal or Torres Strait Islander. Another language was spoken at home by 13%.

No claims can be made about the representativeness of this sample because of how it was recruited. The sample, as described, is diverse and as such captures a range of voices with substantive experience of child protection systems across Australia.

## **4. Results**

Quantitative data is first presented to give an overall snapshot of shared goals, collective efficacy and open institutional pathways, all necessary for the realization of collective hopes. Subsequently, the qualitative data are used to reveal the diversity of experience and frustrations of third parties. Third parties' commitment and efficacy were strong, and many had positive stories to tell, but there was an absence of leadership from statutory authorities to productively harness third party contributions. In other words, open pathways for hearing the voices of third parties were not supported by child protection authorities.

### **4.1 Quantitative Findings on Collective Hope**

#### ***4.1.1 Policy Principles: Enacting Framework Principles***

At the time of the survey the Framework was barely a year old so it was too early to ask such a broad sample about implementation goals. It was reasonable, however, to ask third parties whether they thought the child protection system as a whole was acting on the principles that underpinned the Framework. This can be interpreted as buy-in to enact the Framework, or as ‘system readiness’ for reform.

Participants used a 7-point rating scale from extremely well to extremely poorly to indicate their view on 11 principles from the for National Framework for Protecting Australia's Children 2009-2020 (Protecting Children is Everyone’s Business, p.12) (see Table 1 below). The principles covered working with a child focus (their rights, their safety and wellbeing), working with the inclusion of the family, and having a sound and clear rationale for decisions making. The wording was adapted from the national framework document to be meaningful to the broad base of participants receiving the survey.

The midpoint of the 7-point rating scale was 4 meaning that the principles scoring above 4 were seen to be actioned well and those below 4 were seen to be actioned poorly. All principles were seen by third parties as being actioned poorly. The lowest (poorest) ratings were given to “children’s and family’s participation in decision-making”, “children's rights to participate in decisions affecting them” and “communicating support to and working in partnership with families”.

**Table 1:** Descriptive statistics for believing that the child protection system as a whole enacted the principles underpinning the National Framework for Protecting Australia's Children (NFPAC)(scores ranged from 1 = extremely poorly to 7 = extremely well)

<b>NFPAC principles</b>	<b>Mean (SD)</b>	<b>% above midpoint (4)</b>
<b>Child-focused human rights perspective</b>		
Children's right to grow up in an environment free of neglect and abuse	3.65 (1.40)	30%
Children's rights to participate in decisions affecting them	3.36 (1.23)	18%
Upholding children's rights through our systems and institutions	3.54 (1.37)	27%
Improving the safety and well-being of children	3.57 (1.33)	28%
<b>Family-inclusive social research perspective</b>		
Family's right to participate in decisions affecting them	3.45 (1.30)	24%
Communicating to families that they are valued and supported in their caregiving responsibilities	3.18 (1.25)	17%
Working in partnership with families in their caring responsibilities	3.27 (1.30)	19%
Basing interventions and policies on evidence	3.71 (1.33)	28%
Basing interventions and policies on experience of best practice	3.57 (1.35)	24%
Preferring for children to be reunited with their natural parents*	3.83 (1.53)	35%
Using out-of-home care as the last resort*	3.65 (1.53)	31%

\*These principles were not explicitly mentioned but were used as more grounded statements to represent the following principle: The safety and wellbeing of children is primarily the responsibility of their families, who should be supported by their communities and governments (*Protecting Children is Everyone's Business*, p.12).

A principal components analysis (with varimax rotation) was used to ask the question of whether these principles were tapping into a smaller subset of higher order values.<sup>5</sup> This was the case, with 4 items representing child focused principles and 7 items representing family inclusion and evidence-based practice. Possibly the principles directed at children emanate

<sup>5</sup> A principal components analysis (with varimax rotation) produced two factors. The first factor was defined by the four child-focused, human rights-oriented items in Table 1. By averaging responses to these four items the child-focused principles scale was formed with a mean of 3.53 (SD = 1.16) and alpha reliability (internal consistency) coefficient of .89. The remainder of the 11 principles defined the second factor and were concerned with family-inclusive, social research-oriented principles. A scale was formed from responses to these seven items following the same procedure as before, producing a mean of 3.52 (SD = 1.12) and an alpha coefficient of .92. The scales correlated highly with each other ( $r = .70$ ).

from a more legal, human rights perspective, while the other principles are rooted in a relational, social research perspective. Importantly, there was no basis for thinking that the third-party community thought that the system was performing better in terms of one set of principles than the other. They were generally critical of the ways in which all these principles were being actioned.

From the perspective of third parties, the Framework was tapping into areas for significant improvement in the child protection system. In other words, this sample was strongly of the view that the system was not in a good position to reform itself in line with the National Framework for Protecting Australia's Children. Much work needed to be done to align actions with principles.

#### ***4.1.2 Goals: Regulatory Philosophy for Statutory Child Protection Authorities***

A set of 25 statements were presented to third party participants about how child protection should operate. These statements represent regulatory philosophy in the sense that they are statements about what authorities should be doing to keep children safe and well. Responses were made on a 5-point strongly agree to strongly disagree scale. Following a principal components analysis (with varimax rotation), four regulatory philosophy scales were constructed using the same procedures described above. A regulatory philosophy scale score of 1 indicated strongly disagree with this regulatory philosophy, a score of 5 indicated strongly agree with this regulatory philosophy.

Descriptive statistics for these scales appear in Column 2 of Table 2. Each scale is discussed below. The statements to which third parties responded for each scale appear in Appendix I.

The Enforce and Punish Scale comprised 6 items that rejected showing kindness, compassion or assistance to people who harm their children and favoured legal action and tough enforcement to bring about change. According to this view, people who harm children will not cooperate unless forced to. Third parties tended to reject this philosophy, with the scale mean falling below the midpoint of 3 (see Table 2 below).

The Educate and Persuade Scale comprised 6 items that favoured obtaining compliance, cooperation and change through education, encouragement and persuasion. The assumption was that parents wanted to do the right thing and needed understanding and support to do so. Third parties tended to accept this philosophy, with the scale mean falling above the midpoint of 3 (see Table 2).

The Rigid Adherence to Rules Scale had 5 items, one of which advocated strict adherence to avoid errors while the other four items downplayed rigid adherence, even while acknowledging rules were useful. Rigid adherence was not a position favoured by third parties generally, evidenced by the low mean in Table 2.

The fourth and final regulatory philosophy, the Engage Families Responsively Scale, comprised 6 items, tapping into being responsive to families and children and including them in working out ways to resolve the issues of concern to authorities. The emphasis was on negotiation and working together to find solutions. To engage with families responsively was the most popular regulatory style as evidenced by the high mean score in Table 2. The items in this scale were consistent with the principles of the National Framework for Protecting

Australia's Children 2009-2020, suggesting that the Framework captured the aspirations of this sample of stakeholders very well.

**Table 2:** Descriptive statistics for Regulatory Philosophy Scales, and comparison between police and family support workers (scores ranged from 1 = strongly disagree to 5 = strongly agree)

<b>Regulatory philosophy scale</b>	<b>Mean (SD) alpha coefficient</b>	<b>Mean (SD) Police N = 40</b>	<b>Mean (SD) Family Support N = 143</b>	<b>t-statistic</b>
Enforce and Punish	2.57 (.74) Alpha = .79	3.38 (.68)	2.45 (.72)	-7.29***
Educate and Persuade	3.53 (.70) Alpha = .82	2.60 (.64)	3.73 (.61)	10.28***
Rigid Adherence to Rules	2.25 (.66) Alpha = .77	2.66 (.72)	2.18 (.61)	-4.26***
Engage Families Responsively	4.21 (.53) Alpha = .72	3.81 (.61)	4.27 (.53)	4.72***

\*\*\* significant at or less than .001

As a group, third parties had a clear preference for engaging families responsively and were less enthusiastic about rigidity and punishment. But were all professional groups within the broad spectrum of third parties of this same mindset? To check this out, scores on these scales were compared for police versus family support workers. This particular comparison was chosen because the groups were discrete, that is, police did not tick the category for doing family support work and family support workers did not tick the category for police work. For many other types of work there was overlap in how participants described the job they were doing or had been done recently. The question asked was did these professional silos of 'police' and 'family support worker', both extremely important roles in the child protection context, have a different regulatory philosophy that is likely to interfere with third parties having shared goals going forward.

Independent t-tests were used to compare police and family support workers on the four regulatory philosophy scales. Mean scale scores for police and family workers appear in Columns 3 and 4 of Table 2. From the last column of t-statistics in Table 2, significant differences were found on all four regulatory philosophy scales. From Table 2, police were more likely to endorse an enforce and punish regulatory style and rigid adherence to rules than family support workers. Family support workers were more inclined to favour an educate and persuade style and to engage with families responsively than police.

While these differences are important sources of tension, it is equally important to recognize that on two of the four regulatory philosophy scales, police and family workers were not polarised. From the mean scores, both groups were inclined to reject rigid adherence to rules (below the midpoint of 3) and both were inclined to accept responsive engagement with parents (above the midpoint of 3). The significance of these findings will be discussed in the qualitative section of the results. For now, it is important to note some tension in collective goals. This is not a reason to jettison a collective hope process. It is a reason for dialogue and recognition of different points of view that need resolution, rather than an invitation for a struggle for domination (see Braithwaite 2021 for discussion of this issue).

#### ***4.1.3 Collective Efficacy: Contribution to Statutory Child Protection Work***

Participants were asked how often they had seen third parties contribute positively to child protection work through providing support to families, bridging differences between families and statutory authorities, advocating for better outcomes, providing understanding of the situation, and helping child protection workers. Participants used a 5-point scale from 'never' to 'almost always' to indicate how often they had seen collective efficacy at work. The 6 items

used in this scale appear in Appendix I. A factor analysis of the responses produced one single factor and so the responses to items were averaged, as for previous scales, to produce a collective efficacy score for each participant.

The mean of these scores was 3.61 (SD = .78) revealing that for this sample of third parties, responses on average fell between the rating scale points, 'sometimes' (scored 3) and 'often' (scored 4). In other words, third parties affirmed their sense of their collective efficacy as a group (this does not deny some individuals will feel less efficacious than others). The alpha reliability coefficient for the collective efficacy scale was .89.

Important to note here is the boundaries of collective efficacy in this research context. Child protection systems comprise diverse and numerous actors organized loosely or tightly in often overlapping groups. In this particular paper, collective efficacy does not refer to the team-like nature of all actors in the system. Collective efficacy here refers to third parties. Could they see themselves as a group playing a positive role in the lives of children and families - did they feel they had the capacity and skills and motivation to work collectively to make a difference? Third parties are the group who many would like to see play a bigger role (see for example Holland 2014 for research support for this position). The question asked here through the collective hope model is whether or not this is a realistic aspiration for the second 10-year Framework. It seems from these data that the answer is yes. They were confident they could play a part in reforming the system through supporting families and authorities and bridging the gap between them.

#### ***4.1.4 Pathways: Are Third Parties Included?***



The availability of institutional pathways, particularly pathways to governments, is a vexed issue in many liberal democracies. At an abstract level, the question for many citizens and third parties alike is “will government listen to us, and do they care?” Trust and integrity in government are at the heart of such discussions of pathways (Braithwaite 2003).

For the purposes of this article, we focus the lens on a more concrete measure of the degree to which institutional child protection pathways are available for use. In doing so we acknowledge that statutory child protection agencies in some jurisdictions feel incapacitated by legislation that prevents sharing of information. Whether this is poorly drafted legislation or risk averse interpretation does not matter for current purposes. When problems persist for a decade, it is reasonable to assume that there is opposition somewhere in the system to making change.

The quantitative measure of open institutional pathways is whether third parties see statutory child protection authorities making use of the knowledge, skill and readiness of families and support agencies to better understand the child protection cases that they need to resolve.

Participants responded to 11 items on a 7-point rating scale indicating how well or poorly statutory child protection agencies performed in engaging families and support agencies in deliberations around their (a) coercive interventions, (b) provision of resources, and (c) recommended support networks. The items are listed in Table 3 along with responses. Participants saw these pathways as blocked rather than open. The least well-established pathways were with support groups. Consultation with support groups over the use of coercive measures, provision of resources, and links to support networks was considered inadequate. The percent considering such consultations reasonable (above the midpoint of 4) was 7% - 9%. From these data, child protection authorities appear to be consultation-shy in relation to support

groups, and third parties more generally. The percent of participants seeing reasonable consultation with families was only slightly higher (10-15%).

**Table 3:** Descriptive statistics for indicators of open pathways of engagement for support workers and families with statutory child protection agencies (scores ranged from 1 to 7, with 7 indicating more pathway use and 4 representing the midpoint)

<b>Indicators of open pathways</b>		<b>M (SD)</b>	<b>% above midpoint</b>
<b>How well do child protection authorities engage with NGOs and other services they deal with?</b>			
	Extremely poorly (1) ..... Extremely well (7)	3.26 (1.24)	18%
<b>How well do child protection authorities engage with families?</b>			
	Extremely poorly (1) ..... Extremely well (7)	3.45 (1.21)	21%
<b>Statutory child protection authorities use their coercive powers to intervene (e.g. monitoring or removing children)...</b>			
	Without enough consultation with other support agencies (1) ..... With more than enough consultation with other support agencies (7)	2.29 (1.39)	9%
	Without enough consultation with families (1) ..... With more than enough consultation with families (7)	2.87 (1.59)	15%
	Without sufficient understanding of the situation (1) ..... With a great deal of understanding of the situation (7)	2.98 (1.60)	19%
<b>Statutory child protection authorities use their resources to provide programs and assistance to families...</b>			
	Without enough consultation with other support agencies (1) ..... With more than enough consultation with other support agencies (7)	2.31 (1.30)	8%
	Without enough consultation with families (1) ..... With more than enough consultation with families (7)	2.67 (1.41)	10%
	Without sufficient understanding of the situation (1) ..... With a great deal of understanding of the situation (7)	2.67 (1.42)	12%
<b>Statutory child protection authorities use their position to improve the networks of support for families...</b>			

	Without enough consultation with other support agencies (1) ..... With more than enough consultation with other support agencies (7)	2.28 (1.27)	7%
	Without enough consultation with families (1) ..... With more than enough consultation with families (7)	2.61 (1.38)	11%
	Without sufficient understanding of the situation (1) ..... With a great deal of understanding of the situation (7)	2.64 (1.39)	10%

An important observation to be made in relation to these data is that consultation over coercive measures, that is, using care and protection orders or out of home care placements, is not markedly different from consultation over support networks and resources – at least that is how it is seen by third parties taking part in this survey. This is surprising: Why would a statutory authority not consult over useful resources and social networks for particular cases? These data suggest that statutory child protection agencies have a long road to travel if they are to enact the principles of family inclusion and extend partnerships with other sectors. It would appear that generalized reticence to consult, no matter what the issue, needs to be overcome.

A principal components analysis (with varimax rotation) of the 11 indicators of open institutional pathways grouped the items about consultation with support groups on one factor, and items about consultation with families on the other.<sup>6</sup> Descriptive statistics for both constructed scales (see Appendix I) reflected a state of closed rather than open pathways for support groups and families alike, with the means for both scales below the midpoint.

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<sup>6</sup> A principal components analysis (with varimax rotation) produced two factors, accounting for 69% of the variance. One was defined by consultation with support agencies, the other by consultation with families. Two scales were formed based on this factor analysis, open pathways for support groups' voices and open pathways for families' voices. Descriptive statistics for the scales reflected a state of closed rather than open pathways (for support groups M = 2.80, SD = 1.04, alpha = .90; for families M = 2.72, SD = 1.34, alpha = .90). The correlation between the scales was high (r = .69).

## **4.2 Integrating quantitative and qualitative findings on collective hope**

This paper conceptualises the National Framework for Protecting Australia's Children 2009-2020 as a vehicle for building and actioning collective hope among third parties. The quantitative data were used to show that first, hope was needed, given the poor performance on enacting the Framework principles. Second, there was both tension and agreement in regulatory philosophy for pursuing goals. Third, collective efficacy was strong among third parties. Fourth, child protection authorities were not in the habit of opening pathways to enable the potential of third parties to be realised.

### ***4.2.1 Goals and Regulatory Philosophy***

The qualitative data captured the sources of frustration in how child protection authorities [CPAs] operated. Departures from the principles set out in the Framework were openly expressed: “The need for a [child protection] authority is clear, however this investigative and then punitive authority we currently have is poorly thought out, being a result of evolution rather than design.” For another: “[Clients concerns are treated in a] bureaucratic, impersonal way ... a family support worker protects them from feeling exposed and vulnerable.”

Failure to meet legislative responsibilities in relation to Indigenous and culturally diverse groups presented an even more fundamental problem: “I have found child protection authorities to ignore the requirement of legislation to consult with recognised agencies in relation to a range of decisions concerning indigenous clients including placement and contact decisions;” and “Child protection authorities are not responsive to the needs of families from different cultural backgrounds, even to the extent that they do not adhere to the legislation and policies.”

Reform expectations varied, including being “evidence based”, “accountable for decisions”, and developing “a multidisciplinary approach.” A more critical professional framed a call for reform in these terms: “I would like to see child protection workers, as social workers, abide by their Code of Ethics and maintain a focus on human dignity and social justice. I would like them to recognise the impact their interventions have.”

This criticism highlights tensions in preferred regulatory styles between different professional groups that were accentuated in the qualitative analysis. At the level of practice, differences emerged between preference for a law enforcement approach versus a public health approach. “You can’t change human nature” was how one police officer described the police “reality”. Most police believed family support workers and child protection were blind to this unpleasant fact. They were prepared to agree that it was best to engage with families responsively, but their next priority was to enforce the rules (see Table 2), possibly to avoid what Dingwall, Eekelaar and Murray (1995) call “the principle of optimism” that all will be well.

Participants who were police officers tended to be first responders to violence, investigators of abuse, or liaison officers with schools or child protection. Their specialist interest was on uncovering criminal networks, including child pornography and abuse networks. This side of their work is distant from many third parties who predominantly deal with families needing help in crises. The police lens on child protection led to this view: “[The Framework and statutory child protection agencies] will always be judged on how they deal with the worst and most challenging cases of abuse/neglect.”

The view of reform that many police officers had was that the balance had gone too far in the public health direction and put children at risk by giving families a second chance. A law enforcement champion had this to say: “A greater emphasis [is needed] on providing a safe environment for the child rather than so much effort into reuniting a child with a drug addict or alcoholic parent or attempting to utilize other members of the family to help support and raise the child.” According to another police officer: “[The system needs] specific training programs for social workers with in-depth work experience in areas that are ‘top heavy’ with cases of child abuse, incest and neglect.” Police expressed the view that “CPAs need the ability or willingness to act/intervene earlier to be effective ... before the kids of dysfunctional families start creating new problem dysfunctional families of their own.”<sup>7</sup>

More of the police than community workers expressed an enforce and punish philosophy, and some (not all) stigmatized families. Most of the sample of third parties rejected stigmatization, as they should. In spite of this tension between some police and others, there was no doubt as to more widespread police commitment to the safety of children: “In my role as a police officer I have removed numerous children from extremely dangerous situations to have [CPA] return the children to the household within 24 hours ... [CPA] never contacted [the investigating officer].” The point to note here is that police officers felt undermined by child protection authorities. Yet they believed in the contribution they could and should be making: “More needs to be done to identify the families that slip through the cracks either by moving within the State or Interstate to avoid identification of problems or evade intervention once issues have been identified.” Police saw themselves with well-honed skills that could be better used:

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<sup>7</sup> There were other disrespectful comments reflecting discrimination and oppression of marginalised groups. The authors do not condone these views. Facing them and debating them is important, because they are at the heart of overcoming institutional domination in the child protection system (Braithwaite 2021).

“Police are trained with well-equipped investigative skills and the aptitude to handle difficult situations.”

Most third parties saw themselves at odds with what might be described as the “can’t change human nature” perspective. They were strongly of the view that things could be done and should be done to help families. They were clear in articulating their support role: “Families need practical supports to bring up children” and “Third parties can provide a holistic picture of the family, often based upon length of support and involvement. They can provide practical support ... and provide emotional support.” They were also clear about their advocacy role: “Often third parties or advocates are seen by child protection authorities as a 'thorn in their side' – a person standing between them and the parents. However, authorities need to realise that it is a parent's right to have a support person to assist them.”

Police and family support workers told different stories of their personal experiences with the child protection system. Each participant had his or her own reality told with sincerity and commitment to keeping children safe. These findings reinforce the value of innovations that build cross-sectoral understanding and collaboration (see for example, Price-Robertson 2016). Survey respondents appreciated initiatives to build shared understandings among different professional groups: “Collaborative intervention between police and domestic violence service and our health service ... with a new arrival refugee family... [We engaged a] community leader and pastor in taking more protective action to reduce the risk to the woman.” And for another: “Relationships between my organization (police) and government agencies have benefitted greatly from cross-training and development of personal professional relationships.”

#### ***4.2.2 Confidence in Contributions and Collective Efficacy***

The majority of the participants were confident in acting as a third party in child protection cases as the following set of quotes illustrates:

“As a third party I establish good trusting relationships with parents, I can straddle rules of child protection whilst listening to parents and preparing them for case reviews”;

“If a third party builds up a relationship with a family then they will ask questions and have answers explained in terms they understand. If only working with [CPS] a lot of big words go over their heads and because they don't understand, then they feel shame”; and

“1. Provide individual and family support to address interpersonal and parenting issues; 2. Assist to develop insight into present or possible safety risk for the child; 3. Present a less threatening or 'supervisory' face to intervention; 4. Assist in 3-way dialogue.”

Among those who commented positively on a third-party role, there were frequent references to teamwork: “Parents will often open up to foster carers and relate better to us. I have had parents tell me things they would never tell the department, and that way, we work together as a team, parents, department and carers.” Participants considered truth telling, that is, “being open and honest” with each other, as an important example of third-party success: “Support service providers are able to spend more time working with the client, therefore experience more of the client’s reality, their truth.” Mention was made on a few occasions of “the family telling the agency what the family thinks the agency wants to hear”: “When working with



people and agencies in a round table setting, ... the client is mindful that the truth needs to be spoken to all parties.” A priority for the new Framework should be to gather evidence and decide on the design of the institutional space for truth telling by parents, authorities and third parties. In this regard, it is of note that a body of research evidence is already available on the benefits of restorative justice and family group decision making (Burford et al 2019).

The confidence around third party contributions was frequently expressed in these terms: “Third parties can play an important role diffusing the emotion of the situation and keeping the child at the centre of the matter. Families often need an advocate to negotiate for them, particularly around their rights and responsibilities.” But some respondents considered this as over-confidence. Some criticism was made of third parties as biased and not always clear-sighted and helpful in their contribution: “Professional advocacy or parenting support organisations or peer support organisations often make the process and outcome more difficult for the family as they advocate for the parents and assume that the children are best off in the care of the parent.” Another view was “Third parties need better training as the support person. I’ve had situations where they take over the meeting or side with one parent/carer over the other.” This view was not the norm, but it was mentioned often enough to be taken seriously. Further, it gave some credibility to police concerns. Selecting “appropriate” third parties was raised by several participants.

It is worth emphasizing that most participants were not privileging the voice of professionals over families and carers. In future reforms it is important to be mindful of not alienating volunteers and those whose knowledge comes from life experience rather than professional training. There were many examples of appreciation for care and emotional work performed outside the formal professional role: “[The third party] was helpful in listening to the issues

raised in the meeting and something simple as getting cups of tea for people in the meeting seemed to level out the tension.” Another commented: “A friend of a mother comes at contact visits to clean the house and give the mother more opportunity to spend quality time with the children” or “the mother of a father is at contact visits to support her son.” The collective efficacy of those involved in community support was reflected in praise and appreciation of emotional work done in a variety of ways by a variety of people. One participant described the contributions she saw as “amazing”.

Of the 176 participants who provided a response to the open-ended question of whether they had a positive story to share about the use of third parties, 87% told of effective third-party intervention. The third-party stories contributing to a picture of collective efficacy involved helping families be heard, to understand what was happening to them and what was expected of them, to accept CPA decisions, to meet care plan responsibilities, or to improve their situation to keep their children. Other times, third parties did emotional work with families, out of hours, or when a child or parent went missing. There were also third parties helping with transition to out-of-home care, preparing children as well as families. Third parties expressed their collective efficacy in a variety of ways but their connection with the reform process was less well established. One respondent described their contribution as a band-aid to a broken system.

#### ***4.2.3 Institutional Pathways for Third-party Contributions***

Respondents who wrote about their interactions with child protection authorities reported absence of institutional pathways where they could be heard and their contributions recognised. Overall, third parties were not made to feel welcome or valued: CPAs are “dismissive of other health professionals’ expertise”; “not willing to take on board issues raised by other case

workers from outside the child safety bureaucracy;” and “[third parties are seen] as a threat to CPA direction.”

Some found that child protection authorities were very deliberate in closing down communication and opportunities for partnering: “I can only relate stories where parents had third party intervention assistance – Support Groups and Advocates and the reaction from the CPS worker was HOSTILE.” Others backed up this story:

“I have known of families that have spoken very highly of their third-party support in explaining process and procedure, [but] unfortunately child protection workers will sometimes actively work to undermine third party workers as they are perceived as a threat”; and

“Child protection agencies treat third parties with contempt. They use the word partnership [but] do not actually work as partners. It seems that [the department] considers partnership to mean everyone doing what they want”.

The absence of institutional pathways for children, parents, families and third parties to participate in child protection interventions was widely acknowledged. This was attributed to child protection authorities having practices of poor communication, aloofness and unaccountability. The vast majority of respondents did not consider the problem to be solely with individual workers and their motives. Some sympathy was expressed for “many on the ground workers desperately trying to make a change but ... caught up in bureaucratic paperwork and demands that are unachievable”. There was also acknowledgment of others in the child protection system who would “railroad anyone in their way.”

Institutional reform is difficult, and it is particularly so in an institution like child protection where oppression of all players has existed for extended periods of time (Braithwaite 2021). When institutional oppression prevails, capacity to reinvent a system is likely to meet many obstacles, not least of which is cutting off access to new ideas and insights that spark creativity in problem solving. Some reflected on reform in terms of too little creativity in the system and the need to open pathways for self-initiated change:

“Listen to creative ideas. Allow NGO's to be creative. Often the NGO practitioners are ex-child protection workers who might have been in the field a long, long time and know the system much better than the CP worker attempting to stifle creativity and innovation”.

## **5. Discussion**

Before discussing the results and implications for design of the new Framework, one particular weakness of this study warrants acknowledgement. The sample of third parties is diverse, but it is not a representative sample. Moreover, third parties represent only part of the child protection system. This leaves open the questions: What do child protection authorities think? What do children and families think? We cannot answer these questions from this data set. All we can know is what a diverse sample of third parties think of how child protection authorities operate and what they perceive to be the experiences and needs of children, carers and families.

While fully acknowledging sample limitations, the way in which these data are used provides some confidence that the findings warrant serious consideration. First, third parties are

important actors in the system and are often overlooked. Knowing what they think matters. Their views can be diverse, as illustrated here by the comparison of police and family support workers. But there was a logic in maximizing diversity of third-party respondents. If we discovered consistency of response among a richly diverse group, the issues raised could not readily be dismissed as the idiosyncratic views of one group. The survey results, both quantitative and qualitative, revealed many consistencies. Serendipitously, differences of importance also emerged, which offered a deeper insight into obstacles for reform.

The 2009-2020 National Framework for Protecting Australia's Children, because it was aspirational and principle-based, gave opportunity for a collective hope process to gather momentum and bring reform. By 2020, it was clear that progress had been much slower than hoped. There was no evidence that child protection authorities were doing better in safeguarding the wellbeing of children and young people. This paper uses a model of collective hope to identify why change did not occur and to set out an improved plan for 2021-2030.

One of the strengths for the sector as it entered its reform period was that third parties brought commitment and collective efficacy to the process. The qualitative and quantitative data, interpreted through the theoretical lens of collective hope, confirmed that there were many people who believed change was needed, and who wanted to contribute to that change in order to make the lives of children better. There were observations around limited capacity to see things from all perspectives and discriminatory attitudes and behaviours, but the overwhelming message from third parties was that they were able and ready to make a difference. Across many domains, the power of collective efficacy, the belief of a group that together they can make a difference, has contributed to better outcomes from crimes on the streets to learning in classrooms (Bandura 1977; Sampson, Raudenbush & Earls 1997; Hattie 2009).

The weaknesses on which the collective hope model shone a light were poor pathways and conflicting goals. The fact that third parties were unable to provide input or feedback to child protection authorities that was heeded or acted upon meant that child protection authorities had no reason to be responsive or to change the way they did things. Closed pathways for influence, even on matters relating to what kind of support might benefit families and children, meant that child protection authorities were operating in their own bubble of assessments, toolkits, decision-making protocols and internal hierarchical accountability. The hopes of the 2009-20 Framework of greater transparency and external accountability over child protection decisions and the inclusion of third parties, families, children and carers in the deliberations were shattered by the tone-deafness of child protection authorities, regardless of jurisdiction. The fact that health professionals, police, social workers, community workers and foster carers could agree that the authorities did not consult or listen to their views underscores the seriousness of the problem of separation of child protection hierarchies from both those who help them do their jobs and those who are in need of child protection services.

Readers will have views on the reasons for the separateness of child protection authorities. A management style that is hierarchical, ritualistic, oppressive and unaccountable (sometimes referred to as authoritarian) will be one line of argument (Parton 2014). Privacy laws will no doubt be in the minds of others. How privacy laws can work in a protective rather than harmful way is beyond the scope of this article. Suffice to say that communication blockages are a function of growing rituals of legalism around privacy within human services, which have the effect of de-humanizing large swathes of clients whose priority is to accept help and care for their families. A significant number of those who responded to our survey would argue that all families who need and seek help should have seamless access to multi-disciplinary teams who

can provide effective support. Moreover, this should be possible to achieve whilst respecting privacy.

While there is every reason to believe that most people who come to the attention of child protection authorities are open to receiving help, others are not (Harris 2012; Harris & Gosnell 2012; Kemp, Marcenko, Lyons, & Kruzich 2014). Some families may disagree with the expectations of child protection or object to their way of working (Harris 2012; Ivec, Braithwaite & Harris 2012; Losoncz 2013). Those with grievance have a right to be heard. Many third parties reported stories of this kind, which were left to them to resolve as best they could. Sometimes they could intervene constructively to put families and authorities on a more cooperative path, other times not. In other instances, child protection authorities were dealing with intentional and horrific exploitation and abuse (as reported by police respondents), occurring within families or across organized criminal networks. The goals of different third-party groups (specifically, police and family support workers) and the different regulatory philosophies they espoused revealed the tensions that surely lie in child protection authorities about what they are expected to do. The short answer to this tension is that they need to be able to deal with both scenarios – the public health scenario and the criminological scenario with no child falling through gaps in-between.

Having a basketful of very different lived experiences that need to be dealt with in different ways lumped together in a child protection authority should not be a problem, if there is diversity of human capital within the authority, and if strong linkages exist with the community (including third parties) in order to ascertain the correct balance of skill sets required to do the job. When bureaucratic institutions grow in response to fear mongering and political gamesmanship (Parton 2014; Warner 2015) and, as the data above confirm, in ignorance and

denial of community need (Featherstone, White & Morris 2014), ineffective organizational performance is likely to result. It should not be beyond the capacity of governments to re-design institutions so that they meet the needs of the community and promote the safety and well-being of children.

History tells us that the oppression of children and marginalised social groups is difficult to reverse when that oppression has been institutionalised, as it has been in child protection (Braithwaite 2021). It is best to assume at the outset that it is a constant battle, rather than an end-state within our reach. What is achievable is being as certain as we can that interventions are helpful, and do no harm. For that reason, the new 2021-30 Framework should articulate clearly, once again, the principles of social inclusion and empowerment of children and families in the decisions made to keep children safe and well. Included in this process are third parties who have valuable knowledge and understanding to offer, as well as support to those who are trying to do their very best for children in danger. There are well-tested models for putting these principles into practice in the form of family group conferencing, restorative justice and responsive regulation (Burford et al 2019). These models, while not new, have pushed back against the growth of regulatory measures that silence and oppress, and were designed to deal with contestation, such as that between police and family support workers, or families and child protection workers. Skilled facilitators can steer those involved in a child protection case to find resolution and an action plan in a safe and respectful space (Burford & Pennell 1998; Pennell 2004). Not all cases are suited to this intervention of course. But such innovations that ensure the voices of those outside child protection authorities are heard should be a priority in the new Framework. Perhaps the brightest light for Australian child protection lies in the Community Services Ministers' communique of 2020 that commits to working with Indigenous communities to ensure greater safety and develop a trajectory of well-being for



their children. Targeted child protection action, wrapped in a regulatory philosophy of listening and working locally with Elders and families, may pave the way for a better future for Australia's black and white children alike.

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## **Appendix I: Scale Items**

The Regulatory Philosophy Scales asked participants how a child protection authority should engage with the community in order to achieve its goals. Participants rated sets of items on a 5-point strongly disagree (= 1) to strongly agree (= 5) rating scale.

### Enforce and Punish Scale

1. People who harm their children are not going to cooperate with a child protection authority unless they are forced to.
2. In order to change the behaviour of people who break the law, a child protection authority has to legally intervene.
3. It is better for a child protection authority to be a tough enforcer of the legislation, even at the risk of being considered punitive.
4. People who harm their children don't deserve 'kindness' from a regulatory agency.
5. A child protection authority can't afford to show compassion or sympathy towards those they regulate.
6. Without the power to take legal action families would ignore a child protection practitioner's requests for them to meet parenting expectations.

### Educate and Persuade Scale

1. It is best for child protection authorities to obtain compliance through advice and encouragement rather than taking legal action.
2. Child protection authorities who rely on their legal authority are less effective than those who rely on persuasion.
3. Families usually try to do what child protection authorities ask of them.

4. Most of the time child protection authorities are dealing with families who want to do the right thing.
5. Only by understanding a parent's perspective can workers be effective.
6. It is better to try to persuade families to do the right thing voluntarily even at the risk of being considered 'soft'.

#### Apply Rules Rigidly

1. Rules are there only as a guide; each child protection case should be considered on its merits. (reverse)
2. Sometimes child protection authorities should bend the rules to suit special situations. (reverse)
3. In statutory child protection work, rules are useful, but the situation not the rule should determine the outcome. (reverse)
4. To avoid errors in judgement, child protection workers should stick strictly to the rules.
5. It is desirable for child protection authorities to use discretion in their administration of the legislation where permitted. (reverse)

#### Engage Families Responsively

1. Parents should be involved in making decisions about their children in the child protection context.
2. Negotiation and compromise are effective when working with families in child protection.
3. Child protection authorities should use common sense by applying the legislation in a way that is not dogmatic or legalistic.
4. Parents should be given a chance to make changes that show they are good parents.

5. Children should have a say in decisions that affect them.
6. The support of the family is critically important in child protection.

The Collective Efficacy Scale representing the contribution that third parties believed was made to resolving child protection matters was measured on a 5-point rating scale through asking participants whether they had seen the following happening:

(‘never’ = 1, ‘occasionally’ = 2, ‘sometimes’ = 3, ‘often’ = 4, or ‘almost always’ = 5)

1. The involvement of third parties helps families better cope with the process when child protection matters are being negotiated.
2. Third party advocacy for families in child protection matters leads to better outcomes overall.
3. It is important for families when dealing with child protection authorities to have the support of a third party.
4. Third parties can help both child protection workers and families bridge their differences.
5. Third parties have a better understanding of a family's situation than child protection workers.
6. Third parties have a greater capacity to effectively intervene than child protection workers.

Open Institutional Pathways Scales, one focused on support groups and one focused on families. Participants responded on 7-point rating scales. The anchors for these rating scales varied with the question. A score of 7 indicated the presence of a stronger institutional pathway.



### Open to Support Group Voices

1. Statutory child protection authorities use their coercive powers to intervene (e.g. monitoring or removing children)...

(a) “Without enough consultation with other support agencies” through “With more than enough consultation with other support agencies”

(b) “Without sufficient understanding of the situation” through “With a great deal of understanding of the situation”

2. Statutory child protection authorities use their resources to provide programs and assistance to families...

(a) “Without enough consultation with other support agencies” through “With more than enough consultation with other support agencies”

(b) “Without sufficient understanding of the situation” through “With a great deal of understanding of the situation”

3. Statutory child protection authorities use their position to improve the networks of support for families...

(a) “Without enough consultation with other support agencies” through “With more than enough consultation with other support agencies”

(b) “Without sufficient understanding of the situation” through “With a great deal of understanding of the situation”

4. How well do child protection authorities engage with non-government organisations and other services they deal with? (from extremely poorly to extremely well)

5. How well do child protection authorities engage with families? (from extremely poorly to extremely well)

### Open to Families' Voices

1. Statutory child protection authorities use their coercive powers to intervene (e.g. monitoring or removing children)...

“Without enough consultation with families” through “With more than enough consultation with families”

2. Statutory child protection authorities use their resources to provide programs and assistance to families...

“Without enough consultation with families” through “With more than enough consultation with families”

3. Statutory child protection authorities use their position to improve the networks of support for families...

“Without enough consultation with families” through “With more than enough consultation with families”