TOWARDS AN INCLUSIVE EARLY CHILDHOOD AGENDA

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Introduction

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families found that child welfare and juvenile justice departments are failing Indigenous families across the country.[1] They specifically noted that if interventions into Indigenous families were to bring some benefit, they needed to be completely overhauled.[2] Subsequent research into the NSW Department of Community Services found that while many Indigenous children are trapped in circumstances where they experience traumatic events as a 'normal' part of their daily lives, the Department demonstrated little awareness of the intergenerational effects of trauma, and in many cases abandoned any real commitment to assisting these children.[3]

The Federal Government is embarking on an early childhood agenda. If this agenda is to substantially assist Indigenous children, it needs to thoroughly understand the colonial experience that in obvious, as well as more subtle and complex ways, pervades many Indigenous families' lives. This article suggests that the Federal Government's 'National Agenda for Early Childhood' is most likely to improve outcomes for Indigenous children if it identifies 'risk and protective factors' which are particular to Indigenous communities. It also suggests that 'neutral', 'impartial' child protection laws and 'risk factors', which do not embody the particular experiences of Indigenous communities and families, are not capable of providing a framework for the protection or improvement of Indigenous children's lives. A community development approach to early childhood, which embodies the historical and personal experiences of Indigenous families, is most likely to bring about better outcomes for Indigenous children. Such an approach is consistent with democratic ideals of inclusive participation in decision-making processes.

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[1] *Bringing them home: report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, Human Rights and Equal Opportunity Commission (HREOC), 1997.

[2] *ibid.*, p 459.

[3] With the support of the Secretariat of National Aboriginal and Islander Child Care (SNAICC) and former National Inquiry Commissioner Mick Dodson, research was undertaken into substantiated cases of emotional abuse and neglect against Indigenous children in NSW. See Cunneen, C. and Libesman, T., *Report into substantiated cases of emotional abuse and neglect against Indigenous children in NSW*, 2002, available at http://www.austlii.edu.au/auother/Indig

The National Inquiry

Australian Indigenous children are routinely denied basic human rights. In 1997, the Human Rights and Equal Opportunity Commission (HREOC) published *Bringing them home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children from their families ('the National Inquiry').[4] Term of reference (d) of the Inquiry required examination of separation of Indigenous children under current laws and practices.

The National Inquiry found that a range of social, cultural and economic reasons make Indigenous children more susceptible to child protection interventions. These underlying factors include high levels of unemployment, poverty, poor health, homelessness and poor educational outcomes. They arise from the intergenerational effects of earlier assimilationist policies, as well as being the direct outcome of dispossession and marginalisation. In addition, failure to understand and respect cultural difference, particularly different familial structures and child–rearing practices, can lead to adverse decisions by child welfare agencies.[5]

A major component of earlier assimilation policies included the forced separation of Indigenous children from their families. Many individuals, families and communities experience intergenerational effects of these removals including loss of parenting skills, behavioural problems, violence, unresolved grief and trauma, depression and mental illness. All of these factors make a parent more susceptible to difficulties in raising their own children and increase the likelihood of further intervention by welfare departments.[6]

The systematic programs of forced removals lasted into the 1960s and have had a pervasive impact on Indigenous individuals, families and communities. While many Indigenous communities across Australia told the National Inquiry that they had significant child protection needs, not a single submission to the National Inquiry from Indigenous individuals or organisations saw welfare department interventions as an effective way of dealing with these needs. Fear and distrust of welfare agencies continues. In contrast to the Indigenous submissions, State Government submissions to the Inquiry were apologetic for past practices, claimed to acknowledge principles of self-determination, and wanted to deliver culturally appropriate services to Indigenous people. Despite this the National Inquiry found that:

> Departmental attempts to provide culturally appropriate services to Indigenous communities has not overcome the weight of Indigenous peoples' historical experiences of 'The welfare' or the attitudes and structures entrenched in welfare departments ... For many Indigenous communities the welfare of children is inextricably tied to the well being of the community and its control of its destiny.

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[4] HREOC, *op cit.*

[5] *ibid.,* chapters 11, 21 and 25.

[6] *ibid.,* See also Raphael, B., Swan, P. and Martineck, N., 'Intergenerational aspects of trauma for Australian Aboriginal people in (ed.) Danieli, Y, *Intergenerational Handbook of Multigenerational Legacies of Trauma,* Plenum Press, New York, 1998.

> Their experience of 'The Welfare' has been overwhelmingly one of cultural domination and inappropriate servicing, despite attempts by departments to provide accessible services ...[7]

Research into current separations

While a high level of dissatisfaction with departments was reported to the National Inquiry, very little specific information about contemporary welfare interventions into Indigenous families was known. Following the National Inquiry, research was undertaken into current separations of Indigenous children in NSW.[8] This research was both qualitative and quantitative. It looked at 80 NSW Department of Community Services files where substantiated findings of emotional abuse or neglect had been made.

This research found that while the Department has a commitment to appropriate service provision to Indigenous families they fail to translate this policy into practice. The reasons for this failure include limited resources, bureaucratic procedure, a lack of awareness of Aboriginal community experiences, and an entrenched method of casework that does not facilitate a holistic approach. The most significant of these factors was the failure by caseworkers to connect the community and personal history of Aboriginality with the families with whom they were working.[9]

In most of the files that were assessed there seemed to be an abandonment of any real commitment to assisting the children or families. Many of the children lived lives characterised by dysfunction, abuse and violence, with little or no intervention despite reporting their abuse. Many children live with constant fear and little or no security. It appeared to the researchers that a process of objectification to the point of dehumanizing these children was evident in the Department's response to a number of families within their care. Intervention occurred when it was far too late and appeared to have greater bureaucratic rather than practical or humanitarian significance.[10]

Many children in the file cohort examined are trapped in circumstances where they experience emotional, physical and sexual abuse as a 'normal' aspect of their daily lives. That people living in such despair may become frustrated, violent and anti-social should not surprise anyone. That many of these children should not perceive themselves to have a meaningful future is also not surprising. A number of young children in the file cohort examined had made serious suicide attempts. Suicidal intentions in parents and children were frequently recorded with no Departmental action, response or recommendation.[11]

A notable aspect of the Department's work is the incidental way in which Aboriginality is treated. This is reflected in the record keeping which does not include a system for identifying Indigenous children under the

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[7] HREOC, *op cit.*, p. 459.

[8] Cunneen, C. and Libesman, T., *op cit.*

[9] *ibid*, p. 9.

[10] *ibid*, p. 9.

[11] *ibid.*, p. 37.

Department's attention. The files reviewed demonstrated a serious lack of understanding of previous policies of forced and unjustified separations of children from their families. Not a single file reviewed, explored or explicitly questioned whether an intergenerational experience of previous removal was impacting on the family. Domestic violence was present and recorded in 69 of the 80 files reviewed. Domestic violence, although a pervasive factor in many families lives, was often treated within files as incidental. Drug and alcohol problems were recorded in 64 of the 80 files. Little attention was focused on the underlying causes of drug and alcohol abuse despite the impact which this has on child abuse. Further, in circumstances which suggest that children are abusing drugs, this was not investigated. Family planning was not mentioned in any file. For most women in the file sample, having large families was not a matter of choice. Many of these families would have benefited from early intervention including assistance with family planning. Shelter is a basic human right yet many families experienced periods of homelessness. In 66 of the 80 files reviewed, families spent periods in emergency housing, crisis accommodation and/or refuge accommodation. Many of these families also spent periods with no accommodation. Children in the file sample are denied basic human rights including the right to adequate food, shelter, education and the right to develop and maintain their cultural identity.

The Federal Government's Early Childhood Agenda

While Australian child welfare systems generally are floundering and failing children, and particularly with respect to Indigenous children, there is growing interest in and understanding of the importance of early childhood. Large-scale programs in the United Kingdom and United States have been introduced to attempt give children a good start and thereby optimise their chances in later life.[12] The Australian Federal Government is also embarking on an early childhood agenda. It is important that the failures in child protection systems are not replicated in early childhood programs.

The Federal Minister for Children and Youth Affairs launched the Government's 'National Agenda for Early Childhood' with a consultation paper in February 2003.[13] The Federal Government has identified early childhood as a priority area for their third term of office.[14] A considerable body

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[12] 'Head Start' is a Federal US Government program that started 37 years ago to help children from low-income families to get a good start to schooling. More than 900, 000 children participate in 'Head Start' each year. There are, however, numerous large early intervention programs in the US. For a discussion of the Chicago Child-Parent Center, a large early intervention program see Reynolds, A., 'Developing early childhood programs for children and families at risk; research based principles to promote long term effectiveness', *Children and Youth Services Review*, Vol 20, no 6, 1998, pp. 503 –523. For information about the British early intervention program see 'Sure Start' at www.surestart.gov.uk.
[13] Commonwealth Task Force on Child Development, Health and Wellbeing, 'Towards the Development of a National Agenda for Early Childhood', *Consultation Paper*, February 2003.
[14] *ibid,* p. 2.

of research suggests that early childhood experience impacts on later life chances, including health, literacy and numeracy, chances of contact with the child protection or criminal justice systems, and substance abuse.[15] The unacceptable outcomes for Indigenous children - with specific concerns over health and the significant over-representation of Indigenous children in out of home care - have been identified as key areas to be targeted for improvement.[16]

While the Government is to be commended on its establishment and prioritisation of an early childhood agenda, the manner in which it will be implemented with respect to Indigenous communities will determine whether improved and sustainable outcomes will be achieved. Large budget allocations and medium and long term 'road maps' for early childhood are being developed very quickly.

The Government approach to early intervention

The Government has adopted a 'developmental and early intervention' approach to improving outcomes for Australian children.[17] Emphasis is placed on improving outcomes for disadvantaged sections of the community with particular reference to Indigenous children.

For the above purpose, risk and protective factors have been identified as predictive tools to be used to identify targets for improving outcomes for children. In their consultation paper, the Commonwealth provides a list of risk and protective factors, which they suggest, 'are identified in common across the research literature spanning fields as diverse as health, criminology, education, family functioning and child abuse.'[18]

Risk factors include:

- Children's characteristics such as low birth weight, disability, low intelligence, poor social skills, poor problem solving skills, unsupervised play, poor self-esteem;

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[15] See for example, Health Canada, *Aboriginal Head Start on Reserve National Evaluation Framework*, unpublished report of Health Canada, 1999; Becker, Jean and Galley, Valerie *Aboriginal Head Start Summer Pilot Program: Evaluation and Final Report*, unpublished report, 1996; Reynolds, A., 'Developing Early Childhood Programs for Children and Families at Risk: Research Based Principles to Promote Long Term Effectiveness', *Children and Youth Services Review*, vol 20, 1998.

[16] Commonwealth Task Force on Child Development, Health and Wellbeing, *op cit.*, p. 1.

[17] See Hon. Larry Anthony, MP, Minister for Children and Youth Affairs, Press release, 20 February 2003. The Minister's press release and consultation paper appear to draw heavily on a report by National Crime Prevention *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, National Crime Prevention, Attorney General's Department, Canberra, 1999.

[18] Commonwealth Task Force on Child Development, Health and Wellbeing, *op cit.*, pp. 17 and 18. The same compilation of risk and protection factors is reproduced in National Crime Prevention, *op cit.*, pp. 136 and 138.

- Parents and parenting style such as single parenthood, young maternal age, drug and alcohol misuse, criminality, abuse and neglect;
- Family factors such as poverty, family instability, disorganised, divorced; and
- Community factors such as socioeconomic disadvantage, unhealthy cities.

Protective factors include:

- Parental and child characteristics such as social skills, at least average intelligence, good problem solving skills, independence, self help;
- Parents and parenting style including competent and stable care, fathers involvement, mother's education and competence;
- Family factors such as consistency of primary carers, small family size; and
- Community factors such as family friendly work environment, cultural identity.

While a considerable body of literature suggests that early life experience has a significant impact on chances in later life, this does not provide a neutral agenda for addressing the factors which underlie affirmative or destructive life experiences. While commonly identified risk and protective factors may provide common indicia of probable life chances, to be useful they need to be contextualised, particularized with respect to communities and groups, and prioritised.

A body of literature suggests that the historical, colonial experiences of Indigenous communities have had a significant impact on current experiences.[19] Each community has had its own particular experience of the colonial process and the impact of this needs to be understood. Contextualising and particularizing risk and protective factors within Indigenous communities will assist with understanding and addressing the problems that underlie commonly manifested risks.

Prioritising risk and protective factors from a list also assists in understanding where the emphasis is to be placed in terms of understanding what underlies affirmative or destructive early childhood experiences. For example, weight may be placed on factors which point 'blame' to parents or in the alternate, weight may be placed on broader social factors.

A large body of research has persuasively suggested that an individualistic approach to early intervention is much less likely to be successful in Indigenous communities compared with a community

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[19] In the context of child welfare, see for example HREOC, *op cit.,* Raphael, B., Swan, P. and Martinek, N., *op cit.,* Cunneen, C. and Libesman, T., 'Indigenous children's human rights' in Garkawe, S., Kelly, L. and Fisher, W. (Eds.) *Indigenous Peoples and Human Rights,* Institute of Criminology and Federation Press, Sydney, 2001.

development approach.[20] The advantage of a community development approach for addressing risk and protective factors in Indigenous communities is evident when one considers the experiences of intergenerational trauma and dispossession experienced by many Australian Indigenous people. As the research discussed above demonstrates, an individualistic, crises-based response to Indigenous children's wellbeing fails to recognise, let alone address, the underlying causes of abuse and neglect.

Disaggregating the very different experiences of different sections of the community into a list of risk and protective gives the appearance of neutrality and universality. This facilitates viewing parents and families in isolation and separate from the historical, cultural, and personal factors which form the matrix of their experiences. Disaggregated from experience, universal responses to risk and protective factors may appear impartial, beneficial and even self-justifying. It is easy to create a screen of neutrality and objectivity around an early childhood agenda that aims at improving the health, well-being and life chances of all children. Considering Indigenous children's well-being in a historical context will assist to unveil this screen of neutrality, and contribute to a deeper understanding of the problems faced by families and ways in which these may be addressed.

Developing a risk assessment framework specific to Indigenous communities

There is a great deal of discussion about risk and protective factors in mainstream criminology and child protection literature.[21] This has, however, been developed without the involvement of Indigenous peoples or communities. Risk prediction has significant application in the criminal justice system and appears to be gaining credibility in child protection literature. Anecdotal evidence suggests that the apparently 'scientific' and 'neutral' measures provided by risk predictors in practice discriminate against Indigenous peoples in much the same way as IQ tests used to.[22] Further, some . of the 'accepted' risk predictors, such as low intelligence, appear to adopt

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[20] See for example Gungil Jinibah Centre, *Learning from the past*, Southern Cross University, Queensland, 1994; Cunneen, C. and Libesman, T., 'Postcolonial Trauma: the contemporary removal of Indigenous children and young people from their families in Australia, *Australian Journal of Social Issues*, vol 35, number 2, 2000; Awasis Agency of Northern Manitoba *First Nations family justice: Mee-no-stah-tan Mi-ni-si-win*, Thompson, Manitoba: the Agency, 1997.

[21] See for example Bank, L., Patterson, G.R. and Redi, J.B., 'Delinquency prevention through training parents in family management' in *The Behavior Analyst*, 10, 1987; Booth, C.l., Spieker, S.J., Barnard, K.E. and Morisset, C.E. 'Infants at risk: The role of preventative intervention in deflecting a maladaptive developmental trajectory' in McCord J and Tremblay Re (eds) *Preventing antisocial behaviour:Interventions from birth through adolescence*, The Guilford Press, New York, 1992; Homel, R., Lincoln, R., and Herd, B., 'Risk and Resilience: Crime and violence prevention in Aboriginal Communities', *Australian and New Zealand Journal of Criminology*, vol 32, no 2, 1999.

[22] Noted by Chris Cunneen at the Criminology Research Council Round Table, No 73 on Indigenous community based programs, Canberra, December 2002.

psychometric frameworks that were discredited in the 1960s and 70s as culturally determined and biased.[23]

If risk predictors are to be used to determine effective ways to provide early intervention for Indigenous children, it is important that research specific to Indigenous communities with respect to risk and protective factors be conducted. While a range of policies and practices operate in different communities, little is known about the comparative effectiveness of these programs. Further, little is known about why some communities have demonstrated resilience in the face of colonial experiences and others have not. In developing Indigenous specific risk and protective factors, consideration should be given to what factors lead to greater community cohesion? Is it related to relative disadvantage? Is it related to land, language and strength of culture? Is it related to the impact of non-Indigenous state interventions?[24]

Towards effective early intervention

The failure of case-based programs developed and delivered by government bureaucracies is born out by the research discussed above. The case-based method of delivering child welfare services fails to understand the issues in a historical and cultural context. A related problem is the failure to address the underlying causes of problems experienced. This is because caseworkers address children and families in isolation, and usually in the context of a crisis at a particular point in time. However, child welfare interventions in Indigenous families are usually, for those families, deeply imbued with collective and individual historical memories of forced and unjustified removal of children by colonial officials. This perception and understanding of processes and procedures undertaken by child welfare departments is in subtle and more obvious ways, in conflict with bureaucratic understandings of impartial and beneficial processes guided by 'neutral' legislation.

A related limitation with bureaucratic as opposed to community based programs for Indigenous children's well being is the location of responsibility, commitment, and accountability of the service providers. Bureaucrats work within impersonal departments which diffuse authority. Within bureaucracies individuals carry out functions, they play particular roles, and they can often separate their personal lives and moral identity from their work roles. In contrast community-based programs are developed with the knowledge of and by those whom the programs will serve.[25]

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[23] See for example. Butler, L., 'Psychology as history, and the biological renaissance: a brief review of the science and politics of psychological determinism' *Australian Psychologist*, 33 (1) 1998; Suzuki, L. and Valencia, R.; 'Race-ethnicity and measured intelligence', *American Psychologist*, Vol 52, issue 10, October 1997.

[24] These questions were referred to by Chris Cunneen at the Criminology Research Council Round Table, No 73 on Indigenous community based programs, Canberra, December 2002.

[25] See Hill, K., 'Aboriginal peoples the end of the line – a regional perspective on policy and the benefits of linkages between agencies', *Journal of Indigenous Social Policy*, pp. 105 – 109, 2002; and Beetson, J., 'Consultation and negotiation with Indigenous Peoples', *Journal*

The core objective of child welfare policy, that is to ensure that children are emotionally and physically healthy and looked after, is presumed to be a neutral given, rather than a complex outcome of social, cultural and historical factors. Hence, common sense judgments about children's wellbeing and child protection are made from a dominant perspective, without cause to pause and consider the prejudices and presuppositions inherent within that perspective. Rules, which may appear as universal and rational and without the need for embodiment, are usually embodying dominant historical and social experience without acknowledging this.[26] That is, without recognition that the common sense judgment of Indigenous families and children are imbued with quite different memories and experience.

Central to an impartial framework for delivering child welfare services is the presumption that all children are treated with equality. A basic precept of equality, that is that relevant differences be taken into account, is only superficially recognized in child welfare legislation and policy. This superficial recognition takes the form of adding provisions such as an Indigenous child placement principle onto the 'neutral' legislative and policy framework. However, to take recognition of Indigenous children and families seriously requires a willingness to challenge deeply held assumptions about the universality of experience. That is, experience of daily living, of moral values, of opportunities or lack there of, of public life, and of the relationship between these experiences and the decisions that people make. It requires evaluation of whose judgments can form a valid basis for decision-making and where responsible decision making should be located.

Conclusion

Child welfare decision-making places departmental officers in a position where particular moral contests need to be judged, but the legal and policy framework at best only tangentially incorporates the experience of those whom decisions are being made about. If experience is accepted as part of the process of judging, the relationship between individual and community judgment, and the location of personal and collective decision-making need to incorporate Indigenous experience. A community-based approach to addressing Indigenous children's well-being through its embodiment of the historical and personal experiences of Indigenous families, opens up the capacity to dynamically incorporate this experience into decision making.

Likewise, an early childhood agenda which looks to universal risk and protective factors to improve Indigenous children's life chances will fail to understand the depth of specific experience which underlies the manifestation of risks for Indigenous children. A response to Indigenous children's needs

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of Indigenous Social Policy, 2002, pp. 87 –93 for discussion of why a community-based approach to policy development will provide better outcomes for Indigenous communities.
[26] For discussion of the significance of embodiment in processes of decision-making see Nedelsky, J., 'Communities of Judgment and human rights' *Theoretical Inquiries in Law*, vol 1, 245, 2000, pp. 245 - 282.

which is grounded in community knowledge and experience is more likely to be able address the underlying causes of poor outcomes for Indigenous children.

A community development approach to Indigenous child well-being offers the opportunity to consider structures which incorporate values of substantive equality and democratic inclusion. It offers the opportunity to think about principles of self-determination in a manner which will provide practically better outcomes for children, and which will strengthen democratic ideals by enlarging debate and democratic structures to incorporate Indigenous experience.

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Natalie Bateman is a Yuin woman whose grandparents moved from the South Coast of NSW to the La Perouse Aboriginal community in Sydney. Since 1985 Natalie has lived in the NSW mid North Coast town of Nambucca Heads, which is located on the traditional lands of the Gumbayngirr people. Many of Natalie's works are inspired by the landscapes and coastal seascapes found throughout the Nambucca Valley region. Natalie's work reflects the lifestyle she lives, her love for her family and of the coast and sea life. Natalie's totem is "Umburra", the black duck.

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