

# HOW THINK TANKS WORK

How does a think tank influence policy? Research Fellow Jeremy Sammut explains.

Since 2009, the Centre for Independent Studies (CIS) has called for the greater use of adoption to solve the systemic problems in the Australian child protection system. Adoption is a ‘boo’ word, and is taboo in this country, in part because of the history of Forced Adoption and the Stolen Generations. Despite the cultural minefield, more abused and neglected children need to be removed earlier and permanently from their dysfunctional families to address the flawed policies and practices that compromise child welfare. Adoption is essential to prevent the damage the current system does to too many children unfortunate enough to be caught up in it.

These policy recommendations have been developed in series of six reports published over the last six years, which have worked through the major issues and different dimensions of child protection in this country. The story of how and why the CIS came to support adoption demonstrates how and why a research-based and independent (thanks to its supporters) think tank has the opportunity to influence policy debates by allowing researchers to study, think, and write about controversial issues. This story is also the story of how and why the CIS’s child protection research came to dissent from the standard, partial, and misleading account of the problems and solutions in this policy area—an account that is supported by the overwhelming majority of academic specialists and stakeholder groups, who form part of a closed world dominated by much unquestioned, often self-serving, orthodox thinking.

## Needles and Haystacks

The Centre’s research into the child protection system began in 2008 in the wake of the infamous Ebony case in NSW—the little girl who was starved

to death by her parents despite the family being well known (having been reported many times due to child safety concerns) to the NSW Department of Community Services (DOCS).

The orthodox explanation for the catastrophic failure to protect Ebony that was, and still is, advanced by many specialists and stakeholders is one that seemed plausible and which, at face value, was initially accepted. The explanation was that cases like Ebony ‘fell through the cracks’ and proper statutory investigations (to determine whether children needed to be legally removed from parents) were not conducted because DOCS was swamped by reports of ‘less serious’ cases. At the time, DOCS was receiving over 300,000 reports of risk of child harm a year—so it was superficially plausible that finding the Ebonys was like looking for the needle in the haystack.

The policy solution according to this account of the problem was to allow supposedly ‘less serious’ reports (those that involved welfare concerns that did not involve risk of imminent child harm) to be followed up by non-government organisations (NGOs) that would provide support services to these families and children. In theory, this would allow DOCS to concentrate on, and not miss, the most serious cases. For NGOs in the child and family welfare charitable sector, there are millions of taxpayers’ dollars in program funding resting on translating this account of the problem into policy.



**Jeremy Sammut** is a Research Fellow with the Social Foundations Program at The Centre for Independent Studies.

This policy was also superficially attractive because the CIS, along with others on the centre-right, have a long history of recommending outsourcing to the not-for-profit sector as the way to fix failing social services.

But as the research progressed, this solution was questioned. A turning point was the discovery of a presentation by a DOCS bureaucrat which stated that of the more than 300,000 reports received, half of them concerned just 7,500 families across the state.

Ploughing through the three-volume report of the Wood Special Commission of Inquiry—which was called in response to the death of Ebony—established that these statistics were correct.

### Three Realities

How could the ‘less serious’ reports be the problem when so few families accounted for half of DOCS workload? A very different policy problem now had to be unpacked.

The explanation that emerged, as the research developed, was that understanding the real systemic problem with the child protection system depended on grasping three crucial realities.

The first was that these 7,500 families represented the worst of the worst in terms of the welfare-dependent underclass of problem families in the community, who have serious child welfare concerns due to major and entrenched parental drug and alcohol abuse, domestic violence, and mental health and other social and personal problems.

The second reality was that these families are frequently reported, sometimes by neighbors, sometimes by relatives, but often by mandatory reporters: by police, teachers, doctors, and nurses with a legal obligation to report concerns about children to DOCS.

The third reality was that the reason these families are reported multiple times is that ‘nothing happens’ in response to initial reports. Re-reports are then made by the same reporters in an attempt to provoke DOCS into taking action to address serious and unresolved concerns about children’s wellbeing.

In response to the vast majority of reports, no caseworker actually visited the family to check on the welfare of the child. It speaks for itself that lack

of monitoring exposed children not just to greater risk of harm, but to real and continued abuse and neglect. This also meant the loss of crucial opportunities to collect the evidence needed to convince courts that children should be removed from the custody of their parents.

Here was another question to answer: what accounted for the lack of response? The sheer number of reports and re-reports meant workload had indeed become a problem. But this was a problem of DOCS’s own making, because the initial lack of response was a matter of flawed policy. The standard form of child protection practice in Australia is called ‘family preservation’. This means that children are kept with even the most dysfunctional families, while a range of ‘family support’ services, usually outsourced to NGOs, are provided to parents.

In theory, this sounds like good policy. And, of course, all families need to be given some help and support to have the opportunity to get their acts together and properly care for children. However, the flaw in this approach is that the problems of highly dysfunctional parents are virtually impossible to solve. Prolonged efforts to fix these problem families and keep them intact means these damaged parents stay damaged—and damage their children.

This is the story of how and why the CIS’s child protection research came to dissent from the standard, misleading account.

This is what the high level of re-reporting measured: that family preservation policy and the provision of family support services sought to fix even unfixable families—even the kind of families who starve their children to death.

Proponents of the standard account argued that Ebony was an extreme case and not representative. It is true that child abuse does occur on a continuum. But the most significant point was that if extreme cases like Ebony’s were missed, then also missed were the relatively less severe but still damaging cases among that hard core of 7,500 dysfunctional families. That this was occurring—that children were being harmed by prolonged exposure to abuse

and neglect in the name of family preservation—was what the re-reporting data was indicating: children remained in harm's way because nothing had been done.

### Hard End and High Needs

That this analysis was correct was confirmed by examining the problems in the out of home care part of the system. Here again, the debate about the cause of the problems was dominated by questionable orthodox thinking and standard explanations—myths, actually—that needed refuting.

The debate about the cause of the problems was dominated by questionable orthodox thinking.

Since 2000, the number of children in care has more than doubled to more than 40,000 currently. This superficially supports the orthodox position, which is that too many children are in care because child protection authorities are too quick to remove them, and because we do not do enough early intervention and family support to help problem families. This advice echoes the standard account of the problems in the statutory part of the system

Yet the policy literature specially dealing with out of home care offered a different explanation, an explanation that reflected the different interests of the key NGO stakeholders who deliver outsourced out of home care packages.

What this policy literature advised governments to do was to fund (in addition to paying foster parents) more expensive professionalised or therapeutic care packages in order to accommodate the requirements of the increasing numbers of children (if not virtually all children in care) who have some degree of 'high needs'—that is, who suffer from abuse- and neglect-related developmental, emotional, and/or behavioral problems that require some form of professional assistance; for example, from a psychologist or behavioral or other kind of therapist.

Why are there so many children with 'high needs' in care? This was the explanation given in a review of the out of home care system authored by leading child protection academics:

Child welfare services are recognising the importance of family support and early intervention. Out of home care is viewed as a last resort and the purpose is always for children to be reunited with their birth parents if possible. This shift in the 'hard end' of child welfare practice has meant that children who enter out of home care are likely to have chronic child maltreatment and family disruption prior to entering care, and therefore have more complex needs than children entering such care in the past.

The significance of this paragraph—which marked another turning point in the research—was that the problem with the out of home care system could not be lack of family support and early intervention, let alone children being too quickly removed from their families.

What actually occurs—consistent again with the re-reporting statistics—was that children are kept with families, and are exposed to prolonged abuse and neglect. This means when they are finally removed as a last resort, they have been damaged.

Because of their abuse- and neglect-related high needs, the placements of these damaged children with foster carers are highly likely to break down. This adds another damaging layer of instability to the lives of these children, which is aggravated by the fact that foster care is considered a temporary resort. Many children languish in care while further attempts are made to work with parents so that family reunifications can be attempted. These reunifications are also prone to breaking down when parental problems resurface, which forces children to re-enter care.

This process of prolonged maltreatment, removal as a last resort, and multiple reunification and re-entries into unstable foster care, can consume almost the entirety of childhood. One important measure of what is going on, and how damaging it is, is that the most damaged children are ending up living in residential care.

In the last decade, the number of children in residential care has more than doubled. The reason children and young people are forced to live in residential care is that their needs are so high,

their behavior and other problems so severe, that they can't live with their parents, nor can they live with a normal foster family. The only option is 'institutionalisation' by placement in a group home staffed by professional carers. Residential care also includes 'secure facilities' which are basically asylums-cum-prisons for the most disturbed and violent children.

### **A Failed System**

This account of the flaws in the current system detailed the consequences for vulnerable children, and also identified the problems with the standard account and orthodox policy advice. Compiling this account and critique has enabled the CIS's research output to draw, with some authority, a broader conclusion about the overall performance of the system. This conclusion is that that a child protection system that harms children is, by definition, a failed system.

Rather than not doing enough to support families and too quickly removing children, the reality is that too much, too prolonged family preservation is done by child protection authorities, who do too little, too late to remove children. These children are then exposed to further harmful instability while they linger in and out of care because of overextended efforts to achieve family reunification.

Of the more than 40,000 children currently in care in Australia, more than two-thirds have been in care continuously for longer than two years. Yet there were only 81 adoptions from care in 2012–13, 78 in New South Wales and just three in the rest of the country.

Given the parlous state of child protection in this country, the adoption reforms introduced by the NSW government are an overdue effort to address the real systemic flaws in the system. New permanency planning laws legislated in 2013 have placed time limits on the period in which realistic decisions must be made about finding permanent and stable homes for children in care. Legal action will be commenced to free children for adoption if they are deemed unlikely to be able to go home safely within six months of entering care for children under two years of age and within 12 months of entering care for children aged two years and older.

Similar to the NSW reforms, and inspired by the same analysis of the problems and solutions, are the Victorian government's recently legislated permanent care laws, which again centre around enforcing timely and realistic decision-making to achieve stability for children.

These are positive signs that the policy is shifting. The NSW and Victorian initiatives have demonstrated the constructive role that think tanks can play in policy debates. The purpose of rigorous and detailed research is to accurately describe the policy problem so the solutions proposed are evidence-based and credible. The ultimate objective is to thereby attain influence by putting the right ideas into the minds and mouths of the politicians with the ability to determine policy outcomes.

The purpose of rigorous and detailed research is to accurately describe the policy problem.

### **Accepted Versions**

But despite the progress in NSW and Victoria, challenges remain. The Queensland government, for example, has decided to go down the path of 'more funding' for early intervention services. South Australia is currently holding an inquiry, which is likely to also recommend more family support, which is what all official inquiries tend to advise based on recent experience with similar inquiries in NSW, Northern Territory, Queensland, and Victoria.

Why is it that official inquiries restate the accepted wisdom? It is because they are high profile political exercises, and governments are unlikely to welcome, let alone implement, recommendations that will provoke a firestorm of protest by academics and stakeholders with ready access to the media.

Furthermore, the accepted wisdom is promulgated and fed into official inquiries by academic specialists, who almost universally endorse family preservation, which they teach at universities to the social workers who staff child protection authorities. This closed circle of mutually reinforcing knowledge accounts for why both most academics and departments like DOCS are ideologically

wedded to family preservation. But beyond their ideological commitment, many academics also rely on departmental approval to conduct career-sustaining research. An academic who dissented from the orthodoxy would jeopardise departmental approval, without which they would be less likely to publish and may perish in the modern academy.

The result is a lack of intellectual rigor and integrity in the field. For example, some academics who argue for a more professionalised out of home system also argue that more early intervention and family support is needed to fix the statutory system. In other words, they are not honest and consistent about the damage done to children by family preservation.

This closed circle of mutually reinforcing knowledge accounts for why both most academics and departments like DOCS are ideologically wedded to family preservation.

The accepted wisdom is also promulgated and actively promoted by NGO stakeholders who claim to be committed to advancing children's best interest. My experience is that stakeholders in the

sector have a vested interest in family preservation in order to secure funding for family support services. Moreover, the same NGOs can benefit from funding flows when damaged children end up requiring long-term care placements.

### **Accuracy and Advocacy**

The political economy of the status quo means that one of the great problems in this policy area is the lack of genuine advocacy for children. Because the CIS is genuinely independent—we do not accept any government funding—we are therefore positioned above the perpetual political struggle for scarce public resources. By being able to do the policy grunt work, the CIS's child protection research has therefore been able to provide the missing advocacy for children. We have been able to advocate in children's best interest by presenting policymakers with an honest, evidence-based, logical, and coherent account of the problems and solutions for child protection in Australia.

*This article is based on a speech given at a board room lunch hosted by Grant Samuel. Jeremy Sammut's latest child protection report, **The Kinship Conundrum: The Impact of Aboriginal Separatism on Indigenous Child Protection**, was published in December 2014.*