

A MOA IN THE ROOM: MĀORI SOCIAL WORKERS EXPERIENCES OF FAMILY GROUP CONFERENCING

*Paora Moyle**

ABSTRACT

In Aotearoa New Zealand the family group conference (FGC) is a mandated decision-making process between the state and families through which matters related to the care and protection of children are dealt with. Māori continue to be over represented in the care and protection system and a critical factor inhibiting understanding of this position for them is the culture of silence that exists around the effectiveness of the FGC and related care and protection issues. Furthermore, like ‘a Moa in the room’ it is compelling that New Zealand leads the world in FGC yet fails exceptionally in research that advances the practice, particularly for its Indigenous people from whom the model was sourced. Using a Māori-centered approach and qualitative methods this study explored seven Māori social workers views about how recent legislation changes to FGC and newer policies such as Whānau Ora are impacting upon outcomes for whānau Māori. This paper discusses a selection of the preliminary findings from the study, the meaning and implications for key stakeholders in the field of care and protection social work.

Keywords: Family group conference, Kaupapa Māori, Indigenous social work development.



* Paora Moyle is an Indigenous social worker and independent practice consultant/supervisor in Aotearoa. Email: pmoyle@windowslive.com

INTRODUCTION

The FGC has been a legislated process in New Zealand for almost 23 years. It was inspired by the *whānau hui* a traditional problem solving method for Māori before being formalised into the Children Young Persons and Their Families Act (CYP&F Act) 1989 (Love, 2000). Since it's introduction, the FGC has spread throughout Europe and has been proclaimed as being innovative and family-centred in nature (Connolly, 2006). This has resulted in an abundance of international literature on the benefits of FGC for families including the potential empowerment for Indigenous people (Levine, 2000; Libesman, 2004; Doolan, 2006; Connolly, 2006; & Tauri, 2010). In contrast however, little attention has been paid to developing the New Zealand context of FGC practice (Smith, Gollop, Taylor, & Atwool, 1999; Connolly, 2006; Atwool, 2006; & Doolan, 2006).

In 2007 the New Zealand government introduced legislation changes to the CYP&F Act 1989 to address deficiencies that families have been identifying over the years regarding what they described as an eroding FGC process (Waldegrave & Coy, 2005). For example, the strengthening of FGC practice, enabling the fuller participation of children in the FGC, and how families are better informed of and involved throughout the whole process (NZ Parliamentary Library, 2007). Although these changes are largely centred on improving practice around youth justice FGCs they also impact upon care and protection FGC practice, particularly where there is a cross over of both youth justice and care and protection issues for children and young people.

METHOD

The participants were long serving Māori social workers that were members of the Aotearoa New Zealand Association of Social Workers (ANZASW), practising in the care and protection sector in the lower North Island region. They were an even spread of being based in CYF, in the health sector or community organisations. Consultation with and blessing for this project was sought from Indigenous member groups within ANZASW. The Massey University Human Ethics Committee also approved the project. The chosen methodology was a Māori-centred approach, drawing strongly from Kaupapa Māori theory and principles, using qualitative methods.

RESULTS and DISCUSSION

One of the key findings the participants described in this study was how they support their non-Māori colleagues to work more effectively with whānau. Particularly apparent through the various '*in between*' roles (i.e. translator, cultural advisor and teacher) they take on when supporting non-Māori practitioners to affect better outcomes for whānau. According to the participants they do so not because it's in their job description but because they are

compensating for the lack of bicultural capability or cultural competence of practitioners in the care and protection system. Furthermore as Indigenous practitioners they are undervalued and ill rewarded for their cultural and professional expertise in care and protection and this takes a toll on them. This finding was highlighted in two key examples that participants referred to most. These were *Patch and Dispatch Practice* and *A Child's Whakapapa*, which are discussed next.

Patch and Dispatch Practice

The results from this study showed that the inability of social workers to work biculturally with whānau contributed to what participants described as 'patch and dispatch' practice. What this means is that whānau Māori were only being assessed in terms of their presenting issues and often without the social worker 'researching back' into the underlying issues. This is looking at past files/case notes in terms of the history of the whānau's involvement in the care and protection system and finding out (or not) what previous interventions had been tried with them.

The research also found that 'patch and dispatch' practice was a consequence of non-Māori practitioners inability to appropriately assess the needs of whānau (i.e. account for the impact of colonisation, such as loss of tribal organisation and homelands and generational issues such as family violence). Furthermore, 'patch and dispatch' was a significant contributor to whānau repeatedly coming to the notice of the care and protection system. This means that in cases where whānau were not assessed appropriately, they were being referred to a FGC without the opportunity of less informal interventions being explored with them. This despite, Connolly's (2006) assertion that the FGC model as a high-end legal intervention, which is intrusive and should only be used where there are high levels of risk. In terms of assessed risk, 'patch and dispatch' also occurred when the assessment tools used to assess risk for a whānau were culturally inadequate. This finding is consistent with Stanley's (2007) work where he asserts that the Risk Estimation System (RES) only assessed risk for a child within the realm of direct physical harm. However the harm caused to a child by separating them from their whānau was not recognised as a risk, by either the social worker or the RES tool.

Another finding of 'patch and dispatch' practice was where social workers nursed a pre-determined outcome for a whānau and used the FGC process to rubber-stamp that outcome (i.e. uplifting a child). According to participants this practice was premised on the mainstream view that a child's needs are paramount and thus viewed as separate from the need to strengthen its whānau. 'Patch and dispatch' practice aligns with the findings of Rimene (1994), Love (2002), Pakura (2005) Maxwell & Pakura (2006) who each talk about the FGC being used to forward the social workers agenda. This rather than it being utilised to determine ways to strengthen the whānau balanced with the child's best interests, as the legislation advocates for.

In this sense the FGC is being used as a state-centred rather than a family-centred decision-making process, which would seem to stem from the social worker's mistrust of whānau Māori to make competent decisions around the safety and wellbeing of their children. As a result the social worker may take control of the proceedings, or worse predetermine the outcome. This finding supports Stanley's (2007) work with social workers where he found that the majority of them held predetermined ideas about the outcomes they regarded as being in the best interests of a child. Thus, they used the FGC to formalise an ongoing role for CYF and the level of intervention they see as necessary to ensure a child's safety. The social workers from Stanley's research described using the FGC as an increased intervention step and as a way to formalise monitoring of families. For others, the conference provided the mandate to formalise support plans around families (Stanley, 2007).

The participants perspectives regarding 'patch and dispatch' practice suggested that social workers directed by institutional policy and 'culture' are still focusing only on the child and not balancing this with the strengthening of the whānau, which means promoting the needs/decisions of the whānau to better enable the needs of the child to be met within its whānau. This is bias practice and arguably evidence of ethnic inequality for whānau Māori in the care and protection system. Whether it's intentional or not and accepted or not, there is a growing body of literature, particularly in health that provides consistent evidence that frontline practitioners do treat people differently based on ethnicity (see for example, Reid, 2000; Crengle et al, 2006; & Jansen, 2011). Although ethnic inequality in New Zealand is entrenched and social and economic factors contribute to and compound these inequalities, they alone do not cause inequalities, it is also fed by bias practice (HRC, 2012). Consequently as Tauri (2010) asserts, bias practice completely misses the social and economic benefits of diversity. For example, taking full advantage of a child's whakapapa (genealogy, line of descent) and benefit of the whānau being involved in the long-term care of that child. The whakapapa of a child in relation to participant's support of non-Māori practitioners was also a key issue for participants of this research, which is discussed next.

A Child's Whakapapa

Whakapapa is fundamental to Māori and forms the basis of their history, of kinship underpinning the whole concept of whānau (extended family), hapu (sub-tribe) and iwi (tribe), and an essential element in how Māori see themselves, as the Indigenous people of New Zealand. It is a human right and guaranteed under Te Tiriti. The results concerning the centrality of a child's whakapapa and place within it's whānau as fundamental to their long-term wellbeing found that as a practice this was commonly being overlooked in care and protection social work. The reasons for this may be varied, but lamentably the participant's views lead one to conclude that where there are no bi-cultural capable practitioners, there are Māori children being transacted through the system without their whakapapa and thus the support of their extended family group.

In Rimene's (1994) review of the CYP&F Act she determined that practitioners who were largely Pakeha and middle classed, were incapable of networking with whānau, hapu and iwi at the time. Later when CYPFS were developing a data system that captured the ethnicity of a child, Kuni-Shepard (1997) researched non-Māori social workers working with whānau. He found that they were not recording the whānau, hapu and iwi details of Māori children coming to notice and it was not a case of the system being incapable of capturing that information, but instead non-Māori practitioners were choosing not to seek the whakapapa information of Māori children because it was too difficult, despite the new Act requiring them to do so. A critical consequence of this then being, essential whānau were not invited to the FGC (Pakura, 2005). Pakura who was the chief social worker at that time stated this despite her later assertion in the same paper, that the Crown's recognition of whakapapa as central to the identity of our Indigenous people was a success.

Although the findings from this research do not quantify the practice of not investigating a child's whakapapa, the fact that the participants testify to it happening is incomprehensible. Arguably the first claim to being Māori is through whakapapa; it is not the percentage of Māori blood one possesses but one's connection to the past and also future investment for whānau, hapu and iwi. In this sense whakapapa is not only identity it is also an obligation that Māori have to be able to fulfil. This means that understanding and knowing one's whakapapa is crucial in terms of Māori cultural identity and without this knowledge Māori may not lead full and meaningful lives. Through whakapapa an individual or group cultural identity is affirmed. Thus, a Māori child is a taonga and their whakapapa completes them, it is their history, citizenship, cultural identity and sovereignty; through affirming that they come from thousands of their tupuna (Moyle, 1998).

The importance of whakapapa for a child is well documented throughout the literature (Walker, 1987; Jackson 1988; Moyle, 1998; Eruera, 2005; and Hollis 2012). What is not documented or made public is that predominantly this work is not happening for tamariki subject to care and protection involvement. If social workers are not encouraged to value whakapapa and held to account for carrying out this essential mahi then the status quo will remain. Even after 23 years of changes to improve the over-representation of Māori in the welfare system, findings align with the literature to show that nothing of consequence has really improved for whānau Māori. This also has implications for members of ANZASW and the Social Work Registration Board (SWRB), both of which expect a level of cultural competency for working with whānau Māori. Obviously that standard is not high enough, or perhaps some social workers know how to 'say' they know how to build whakapapa connections but don't actually do it. Raising the notion that they might lack the skills to do this essential mahi or actually consciously choose not to, even though they know they should. Which then raises the questions: What is biculturalism or cultural competency in Aotearoa New Zealand? Is it a myth? And why is this not being talked about in the sector?

A Mōa in the Room

‘A Moa in the Room’ refers to ‘what is not being talked about’ in care and protection, such as Māori who make up half the total families that participate in the FGC; yet research that engages directly with them and their experiences of this process is non-existent (Love, 2000; Libesman, 2004, Atwool, 2006; & Tauri, 2010). Instead, Māori are generalised onto the mainstream mix of any FGC research carried out, thereby rendering them invisible and denying Māori validation of their own diverse and unique realities. This is monoculturalism at its best and does nothing to advance Māori; rather it perpetuates their disempowerment (Libesman, 2004 & Tauri, 2010).

The findings regarding patch and dispatch practice and a child’s whakapapa also has implications in terms of meeting rather than contravening the principles of Te Tiriti, the CYP&F Act, the United Nations Convention on the Rights of the Child (UNCROC) and United Nations Declaration on the Rights of Indigenous People (UNDRIP). To this end it is worth referring to the most recent Human Rights Commission (HRC, 2012) document titled, “Inquiry into the determinants of wellbeing for Māori children,” that states whānau Māori have the right to:

(a) Enjoyment of all their rights on an equal basis as other children (Te Tiriti, article 3; UNCROC, article 2; UNDRIP articles 1, 2, 21)

(b) Live as Māori, including the right to te reo, and te ao Māori (Te Tiriti, article 2; UNCROC, article 30; UNDRIP, articles 5, 9 and 11-15) (see HRC, 2012: 17).

According to this document the Crown has obligations to protect these Indigenous rights and the standards indicate that government investment (present and future) should address inequalities experienced by Māori. This means to support and empower whānau Māori and communities to secure their children’s wellbeing, and maintain and strengthen te ao Māori and te reo Māori (HRC, 2012), including providing sufficient culturally competent practitioners.

The results of this research regarding ‘patch and dispatch’ and ‘a child’s whakapapa’ showed that whānau Māori are treated differently to non-Māori in care and protection. Further, whilst ethnically based decisions made by social workers may affect a small number of Māori, institutional policy and practice can systematically disadvantage all Māori; the consequences of which can compound and endure for many years. As highlighted with the cultural genocide of whānau, hapu, and iwi resulting from assimilation policies imposed by the Crown between 1847 and 1960 (Walker, 1987 & Jackson 1992). What this results in for whānau Māori, as Reid, Robson, and Jones (2000) assert, is that a fiscally driven universal approach assumes that everyone has equal access to social services and at the same time ignores the obstacles faced by Māori and other ethnic minorities in accessing services. Thus, as described by the participants the ‘one world-view one-size fits all’ approach to social service provision both permits the unconsciousness of ethnic inequalities and privileges non-Māori (absolves them of any responsibly or wrongdoing). In so doing, it arguably provides evidence of structural discrimination. Thus, what underpinned whānau experiences of FGC when it was introduced in 1989, underpins what they still experience in FGC practice today;

that is fiscal control, cultural incompetence and structural discrimination, including the systems failure to invest in research towards developing authentic family-centred FGC practice.

This research found that the inequality that Māori practitioners and whānau Māori experience in FGC and related care and protection processes is born from ethnocentric (Pakeha as superior) monoculturalism (the one 'right' culture). These are powerful and engrained characteristics of 'one-world view and one-size fits all' culture. They cannot be seen but are very real concepts that operate outside the level of individual or collective conscious awareness, and therefore are harmful to Māori (Jackson, 1988, Rimene, 1994; Love 2002; Tauri, 2010 & 2012). Both concepts define the reality of structural discrimination, that advantage non-Māori whilst disadvantaging Māori (HRC, 2012). Although most social workers believe in equality and diversity, the inability to deconstruct these two concepts allows practitioners and organisations to continue implementing policies and practices that disadvantage whānau Māori. For example, the ministry and its policy arm that do not engage directly with Māori when carrying out research or evaluating programmes. Or the academic institutions that approve post-graduate level research that exclude the Māori experience even though Māori form 50% of the statistics in all systems (MSD, 2010). It is also worth asserting the need for authors who have written extensively on FGC (who are mindful or not of their contribution in the marginalisation of Māori) to have the courage and foresight to challenge the status quo. Or at least ask the hard question, "On whose back am I promoting my expertise?" And not least, the results of this research asks both the professional and regulatory bodies (i.e. ANZASW and the Social Workers Registration Board) to question if they are doing enough to address the lack of bicultural capability in current social work practice?

CONCLUSION

This study was limited to interviews with seven Māori social workers in the lower North Island region and is therefore it was not exhaustive or representative of all Māori practitioners working in care and protection. However, the findings from participants showed that the care and protection system ignores whānau Māori's experiences of the FGC. This is proactive monoculturalism and rather than serve to improve the over-representation of whānau Māori in the system, it perpetuates their marginalisation. Māori have a right under Te Tiriti o Waitangi to be accountable to their own people and processes, and the ministry as an agent of the Crown is obligated to resource and ensure this (HRC, 2012).

Furthermore, research on the key issues raised in this study is required. And only research that directly engages with Māori will provide authentic and valid findings towards improved FGC practice and related care and protection issues for them. Findings that make researchers and policy advisors aware of the range of drivers and explanations for Māori over-representation, such as institutional racism, biased practice, and long-term impact of social

and economic dislocation via the colonisation process (Tauri, 2004). Successful innovation requires organisations and key stakeholders (i.e. leaders and practitioners) to be risk-takers and to have the courage and competence to engage in positive change through true biculturalism and partnership with Māori throughout Aotearoa. It's time the 'Moa in the Room' left the building!

REFERENCES

- Atwool, N. (2006). Participation in decision-making: The experience of New Zealand children in care. *Child Care in Practice*, 12(3), 259-267. Retrieved from: <http://dx.doi.org/10.1080/13575270600761727>
- Connolly, M. (2004). A perspective on the origins of family group conferencing. *American Humane FGDM Issues in Brief*. Retrieved from: <http://oldaha.pub30.convio.net/assets/docs/protecting-children/PC-fgdm-ib-fgc-origins.pdf>
- Connolly, M. (2006). Fifteen years of family group conferencing: Coordinators talk about their experiences in Aotearoa New Zealand. *British Journal of Social Work*, 36(4), 523-540.
- Crengle, S., Lay-Yee R., Davis, P., & Pearson, J. (2006). Comparison of Māori and non-Māori patient visits to doctors. *National Primary Medical Care Survey*, Report 6. Retrieved from: [http://www.moh.govt.nz/notebook/nbbooks.nsf/0/D222772D6D01D0FACC25748C007D64D8/\\$file/NatMedCaReport6Dec2005.pdf](http://www.moh.govt.nz/notebook/nbbooks.nsf/0/D222772D6D01D0FACC25748C007D64D8/$file/NatMedCaReport6Dec2005.pdf)
- Doolan, M. (2006). *Youth justice: Capturing the essence of our practice*. Retrieved from: <http://www.practicecentre.cyf.govt.nz/practice-vision/youth-justice/youth-justice-capturing-the-essence-of-our-practice.html>
- Eruera, M. (2005). *He Korero Korari. Supervision for Māori: Weaving the past, into the present for the future*. (Unpublished doctoral dissertation). Massey University, Palmerston North, New Zealand.
- Hollis-English, A. (2012). *Māori social workers: Experiences within social service organisations*. A thesis submitted for the degree of Doctor of Philosophy. University of Otago, Dunedin, New Zealand.
- Human Rights Commission. (2012). *Inquiry into the Determinants of Wellbeing for Māori Children*. Submission to the Māori Affairs Select Committee. Retrieved from: <http://www.hrc.co.nz/2012/Māori-children-denied-basic-human-rights>

- Jackson, M. (1992). *The Treaty of Waitangi*. Nga Kaiwhakamarama I Nga Ture: Wellington Māori Legal Service, Wellington.
- Jansen, P., & Jansen, D. (2011). Māori and Health. In *Cole's Medical Practice in New Zealand*, pp.48-60 (p.53). Retrieved from: <http://www.mcnz.org.nz/assets/News-and-Publications/Coles/Chapter-5.pdf>
- Kuni-Shepherd, O. (1997). The policy and practice of recording iwi affiliation. *Social Work Now*, 6, 12-16. Retrieved from: <http://www.cyf.govt.nz/about-us/publications/social-work-now.html>
- Levine, J. (2000). The Family Group Conference in the New Zealand Children, Young Persons, and Their Families Act of 1989 (CYP&F): Review and Evaluation. *Behavioural Sciences and the Law Behaviour*, 18: 517–556.
- Libesman, T. (2004). Child welfare approaches for Indigenous communities: International perspectives. *National Child Protection Clearing House*, 20, 1-39. Retrieved from: www.aifs.gov.au/nch/pubs/issues/issues20/issues20.html
- Love, C. (2000). Family group conferencing: cultural origins, sharing and appropriation-a Māori reflection. In Burford, G. & Hudson, J. (Ed.s). *Family group conferencing: New directions in child and family practice*. New York; Walter de Gruyter Inc.
- Love, C. (2002). *Māori perspectives on collaboration and colonisation in contemporary Aotearoa/New Zealand child and family welfare policies and practices*. Partnerships for Children and Families Project. Wilfred Laurier University, Ontario, Canada.
- Maxwell, G. & Pakura, S. (2006). *The Family Group Conference: Does it work for child protection?* Presentation for the Study tour: A Restorative Justice System for Juveniles: Information for Mexico from New Zealand. Retrieved from: <http://igps.victoria.ac.nz/events/completed-activities/RJ%20Mexico/CareProtFGC.pdf>
- Ministry of Social Development. (2010). The Statistical Report. Retrieved from: <http://statistical-report-2010.msd.govt.nz/>
- Moyle, P. (1998). *Walking the talk: A record of Crawford whakapapa and selected stories from Ngati Porou*. Unpublished Research Report, Victoria University of Wellington.
- New Zealand Parliamentary Library. (2007). *Children, Young Persons, and Their Families Amendment Bill (No 6) 2007*: Bills Digest No 1602. Retrieved from: <http://www.parliament.nz/en-NZ/PB/Legislation/Bills/BillsDigests/3/2/b/48PLLawBD16021-Children-Young-Persons-and-Their-Families-Amendment.htm>

- Pakura, S. (2005). *The family group conference 14-year journey: Celebrating the successes, learning the lessons, embracing the challenges*. Paper presented at the American Humane Association's Family Group Decision Making Conference and Skills-Building Institute, 6–9 June 2004, in Harrisburg, Pennsylvania, USA. Retrieved from: http://www.iirp.edu/pdf/au05_pakura.pdf
- Reid, P., Robson, B., & Jones, C. P. (2000) Disparities in health: common myths and uncommon truths. *Pacific Health Dialog*, 7(1), 38-47.
- Rimene, S. (1994). *The Children Young Persons and their Families Act 1989: From a Māori perspective*. Unpublished masters thesis. Victoria University of Wellington. Wellington, New Zealand.
- Smith, A., Gollop, M., Taylor, N. & Atwool, N. (1999). Children's voices in foster or kinship care: Knowledge, understanding and participation. *Journal of Child Centred Practice*, 6(1), 9-37.
- Stanley, T. (2007). Risky work: child protection practice. *Social Policy Journal Of New Zealand Te Puna Whakaaro*. Retrieved from: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/index.html>
- Tauri, J. (1999). *Family Group Conferencing: The myth of Indigenous empowerment in New Zealand*. Retrieved from: www.usask.ca/nativelaw/publications/jah/.../Fam_Grp_Conf_NZ.pdf
- Tauri, J. (2010). *Indigenous perspectives and experiences: Māori and the criminal justice system*. Retrieved from: <http://www.sfu.ca/~palys/Tauri%20chapter%20on%20Māori%20the%20CJS.pdf>
- Tauri, J. (2012). *The Indigenous Criminologist*. Retrieved from: <http://juantauri.blogspot.co.nz/2012/03/media-politics-and-darkies-behaving.html>
- Waldegrave, S., & Coy, F. (2005). A differential response model for child protection in New Zealand: Supporting more timely and effective responses to notifications. *Social Policy Journal of New Zealand*, 25, 32-48.
- Walker, R. (1987). *Nga tau tohetohe: Years of anger*. Penguin Books.