A grass roots approach to influencing child welfare policy

Kathleen Kufeldt*, Marie Simard†, Paul Thomas‡ and Jacques Vachon†

*Adjunct Professor, Muriel McQueen Fergusson Centre for Family Violence Research, University of New Brunswick, †Professor, École de service sociale, Université Laval, and ‡Professor, Dalhousie Law School, Canada

Correspondence:
Dr Kathleen Kufeldt,
46 Toronto Street,
St John's,
Newfoundland, A1A 2T4,
Canada
E-mail:
kathleen.kufeldt@nf.sympatico.ca

Keywords: child welfare legislation, children's rights, foster care, Looking After Children

ABSTRACT

This paper provides a brief review of child welfare issues identified by a Canadian Task Force convened for the 1979 Year of the Child. Project experience with the use of Looking After Children is linked to the issues identified in 1979. A fairly extensive discussion of legal considerations is presented to provide a context for the challenge of influencing policy. Finally, the possibility of influencing policy from a grass roots approach that can transcend jurisdictional boundaries is presented as offering hope for change in a child-centred direction.

INTRODUCTION

Social work at its best is concerned with human rights and, as stated in the Canadian Code of Ethics, is concerned with maintaining the ‘best interest of the client as the primary professional obligation’. In child and family social work dilemmas arise when there are competing rights and interests, none more so than in child protection. Ife (2001) discusses the ‘complexity of children’s rights and the conflict with the idea of parent’s rights’ (p. 47). Because of the power imbalance he argues that ‘a human rights perspective must give priority to the right of the child’ (p. 48). He then balances this assertion with the caution that one does not necessarily know what is in another’s best interests. Indeed, a strong argument can be made that children have the right to be with their own family. Herein lies the dilemma and the rationale for family preservation taking priority.

While family preservation, particularly when supported by services to the family (Cameron 2003; Pearson et al. 2003), can best serve the majority of children, a significant minority do need more active protective intervention. A Canadian Task Force convened for the 1979 Year of the Child (Task Force on the Child as Citizen 1978) identified serious limitations to children’s rights as citizens including their right to protection. This paper provides a brief review of child welfare issues identified by the Task Force, followed by a fairly extensive discussion of legal considerations. These provide a context for the challenge of influencing policy. More recent project experience with the use of Looking After Children is linked to the issues identified in 1979. Finally, the possibility of influencing policy from a grass roots approach that can transcend jurisdictional boundaries is presented as offering hope for change in a child-centred direction.

PROTECTION ISSUES IDENTIFIED IN THE YEAR OF THE CHILD

The Task Force identified that legislation protected only minimum standards for the care of children, focusing on fitness or unfitness of parents rather than on the child’s needs. It highlighted the fact that children had to be hurt before they could be helped. We know that children have died on both sides of the Atlantic because of such policy limitations. Suggestions of Professor Cruikshank, a noted advocate for children’s rights, were quoted:

If we start to focus upon what ‘ought’ to be provided for children, instead of what ‘must not’ happen to children I think that the legal system can begin to accommodate the goals of children’s services. We can then begin to concentrate on the child’s needs instead of the fitness or unfitness of the parents. And isn’t that what ‘protection of children’ is supposed to be about? (Task Force on the Child as Citizen 1978, p. 83; Cruikshank 1975, p. 8; Kufeldt 1995)

The Task Force also included a critique of ‘governmental neglect.’ Issues identified include:
• failure to track children
• separation of siblings
• physical and emotional neglect while in care
• bias of government funding
• public access to information.

Despite the appeal for reform, these issues persist. Media reports, such as a CBC documentary series running 5–10 August 2002 (CBC Radio 2002), as well as current research findings, suggest that too little progress has been made. Problems identified in 1979 persist into this 21st century. Adequate protection of children was further eroded in the mid-1980s by the introduction of the philosophy of family preservation. This philosophy, though admirable in intent, has not been supported by the necessary infusion of required resources. Funding biases persist and one unintended outcome has been an increase in discontinuity as some children oscillate back and forth between home and care. Paradoxically the Canadian Charter of Rights, intended to protect all citizens, has not helped. Rather it reinforces the current philosophy, giving greater credence to the liberty rights of parents than to the rights of children. Admittance Restricted (to children as citizens) is as alive today as it was in the 1979 Year of the Child.

It is not easy to achieve a global impact on child welfare policy and legislation, particularly in Canada where 13 jurisdictions are involved, and where, because of historically rooted legislative frameworks, the federal government has no mandate to establish national standards. Accordingly our research team decided to focus its efforts at the grass roots. In other words, if we could affect practice at the front line in a positive direction then a ‘trickle up’ change might be achieved. Our national project (Kufeldt et al. 2000), funded by Human Resources Development Canada, adapted and tested the British Looking After Children model in the six most eastern provinces. Results are indeed shifting policy and practice from a residual, reactive crisis approach towards a proactive child-centred vision. Interprovincial and international consortia are responding to the new insights.

In this paper we will link our project experience to the issues identified by the 1978 Task Force. First, however, we will visit the legal context.

THE LEGAL CONTEXT

In Canada, matters relating to child welfare are within the legislative jurisdiction of each province and territory (see Note 1). The exercise of ‘sovereignty’ in this sphere is subject only to the tenets of the Charter of Rights and Freedoms (see Note 2). As noted above, before the enactment of the Charter, the Task Force on the Child as Citizen provided a negative picture of the design of child welfare legislation in Canada. Has anything changed since 1978? Certainly, from a legal perspective, the basic scheme of legislation has not. Among other shortcomings are different regional definitions of age of entitlement to care and protection and indeed what those entitlements might be. This section of our paper is a critical analysis of the degree to which legislation allows the state to intervene, and also of the impact of the Charter of Rights and Freedoms. A key question is the degree to which children’s citizenship rights may be suborned by those of their parents. Indeed, as will be demonstrated, the Charter has been utilized by parents to enhance their rights.

Legislative backdrop

Uniformly, the provinces of Canada have adopted the least intrusive model of child protection legislation. While upholding the child’s best interests principle it nevertheless introduces the presumption that these interests are best served by remaining in the family of origin. Only two provinces include the caveat that where there is uncertainty then the child’s interests should be paramount. The focus of the legislation therefore in terms of ‘protecting’ children is to delineate in its definitions of abuse and neglect primarily what should not be done to children. If such prohibited conduct is found to exist after trial, then the child is in need of protective services. The legislation then goes on to provide various options for the court on disposition. Typically, the child may be returned to the parent, with the state acquiring the ability to ‘supervise’ the situation. Alternatively, in a situation where a more intrusive methodology is found necessary, the child is ordered to be in the temporary care of the state while the parent seeks assistance. At the apex of the intrusive pyramid is permanent care or wardship to the Minister to the exclusion of parental rights. The legislation, thus, is descriptive of an after the fact process which seeks to curtail the rights of parents found to be at fault. Very little focus is given to preventive work. Constitutionally, while an agency can intervene initially in the life of a family on suspicion of abuse and neglect, unless it can be proven to the satisfaction of the court that the events fall within the meaning of the local legislation the child must be returned home. Since resources, and legislative support, for family support services are lacking, this
generally means that a child must experience quite serious harm before help is provided.

Should children have the right in our society to the security of living without the fear of abuse or neglect by parent, guardian or indeed a government department? How could a system be put in place to enshrine such rights? The Charter of Rights and Freedoms has been heralded as the font of the rights that underpin our society. Yet has it been employed to enhance or delineate the rights of children in such situations? The answer is no.

The Supreme Court of Canada has not been called upon to determine the status of children in the family on a large number of occasions. Significantly, where it has been involved, the cases clearly show a distinction in treatment of children’s rights where private family disputes arise, as opposed to those where the state intrudes. In two cases (see Notes 3 and 4) access parents sought to invoke the Charter to protect their freedom of religion and freedom of association. In both cases, the Supreme Court of Canada held that the best interests of the child were paramount to the exclusion of the parents’ Charter rights.

When, however, one examines cases involving the state protection of children, a very different picture emerges. In R.B. v. C.A.S. of Metropolitan Toronto (see Note 5), La Forest J. said:

...The right to nurture a child, to care for its development, and to make decisions for it in fundamental matters such as medical care, are part of the liberty interest of a parent... The common law has long recognized that parents are in the best position to take care of their children and make all the decisions necessary to ensure their well being.

...Although the philosophy underlying state intervention has changed over time, most contemporary statutes, and in particular the Ontario Act, while focusing on the best interests of the child, favour minimal intervention.

...The state can properly intervene in situations where parental conduct falls below the socially acceptable threshold, but in doing so it is limiting the constitutional rights of parents rather than vindicating the constitutional rights of children.

La Forest J.’s approach was endorsed recently by the Supreme Court of Canada (see Note 6). This case involved the right of a parent to secure legal aid after a child had been apprehended. The Supreme Court held that Section 7 of the Charter guaranteed every parent the right to a fair hearing when the state sought to obtain the custody of their children:

[The parental] role translates into a protected sphere of parental decision-making which is rooted in the presumption that parents should make important decisions affecting their children both because parents are more likely to appreciate the best interest of their children and because the state is ill-equipped to make such decisions itself. In other words, parent decision-making must receive the protection of the Charter in order for state interference to be properly monitored by the courts, and be permitted only when it conforms to the values underlying the Charter. (Emphasis added.)

The result of these decisions is that the Supreme Court of Canada has endorsed the scheme of our legislation. The least intrusive model is here to stay. Legislative draftpersons must now be mindful of these decisions in making any amendment. Derogation from the norms set out by La Forest J. can be met with a constitutional challenge by parents.

Effects of the legislation

In private family litigation regarding children, the key factors which are looked at by the courts in determining the best interests of the child are safety, consistency and stability. A private family dispute is any dispute regarding a child’s parenting where the child is not in need of protective services. Such disputes include:

1 questions arising between parents and/or between a parent and another person before or after separation or divorce;
2 questions arising where a child has been placed with a non-parent but placement is not made as a result of abuse or neglect.

It is fair to say that most jurisdictions, in private family litigation, have moved away from the goal of maintaining the blood tie to a more general best interests test where the notion of bonding carries great weight. Certainly, this laudable notion to ensure safety, consistency and stability has been heartily approved by the Supreme Court of Canada. Similarly, courts in private family litigation have adopted child development literature which postulates that moving a child after bonding has taken place will be harmful to a child.

A truly different picture emerges when one examines the results of child welfare legislation. Once a child is found in need of protective services, gradual intrusion may take various forms but there is a general trend. In a disposition hearing, a court may simply place the child with the parent under the ‘friendly supervision’ of an agency. Such supervision may take various forms. There can also be placement with a relative to provide family and cultural continuity, again under the supervision of an agency. This placement, while intended to be temporary, may become more permanent in nature depending on the birth
parent’s situation. A more intrusive step is to grant temporary care and custody to the agency with periodic reviews as required by statute. Lastly, the most intrusive alternative is permanent care and control, or wardship, being given to an agency which is given the bundle of rights consonant with custody.

The picture that emerges in practice is that here is a much flawed system, if one agrees that the needs of the child are safety, consistency and stability. A child may be temporarily placed in foster care for short or long periods. A child may be returned from care to a parent and placed yet again, due to a parent’s inabilities, often with a different caregiver. The system, thus, has the potential for multiple placements with many changes of carers. Some children might be in and out of care over lengthy periods of time before a wardship order is made. It must also be remembered that an appeal may be taken from any disposition made by a court, thereby lengthening the time periods. While legislation stipulates specific time periods within which a protection hearing and a disposition hearing must be held after apprehension, these times are not always adhered to, due to factors affecting agency or court practice.

In short, the legislation does not provide for an early permanent solution; no permanent plan can be made for the child until all phases have been explored.

The least intrusive model of child welfare legislation has been followed in a large number of jurisdictions outside North America. Interestingly, the much heralded Children Act 1989 of England and Wales is basically the same model. Research from the UK, Europe and North America paint the same picture of instability, more or less. A Canadian study by MacDonald (1972) shows that in the case of 364 children in care for two years or more, the average number of moves was 9.9. Anderson’s (1974) study cites one child placed who had experienced 26 moves. In England, the study by Rowe et al. (1989) showed that in a period of 12–23 months, 26% of children in care had one move, 9% had two moves, 8% had three or more while 2% had five or more moves.

In our Looking After Children in Canada Project the mean number of placements for the children studied was four and, at the extreme, one youth had 31 placements (Kufeldt et al. 1998). In a study of 87 adults who had grown up in permanent care, nine (10%) had experienced more than six placements. Only seven (8%) had experienced fewer than three changes (Kufeldt 2003). Both studies demonstrated a clear relationship between number of moves and educational outcomes. Indeed, such instability affects every dimension of child well-being. The lack of continuity in schooling is exacerbated by inadequate contact between the child protection agency and the school. Multiple behavioural problems are endemic – rejection is an overwhelming factor. The ‘liberty interest’ of the parent appears to subsume the basic needs of children.

It is truly unfortunate that the Supreme Court of Canada has given a ringing endorsement to the least intrusive model of child welfare legislation without considering whether it meets the needs of the child. While provinces are seeking to review their child welfare options, all thinking must be tempered by the Charter rights of parents. Philosophically, much is to be said for the emphasis placed by the Children Act 1989 of England on ‘parental responsibility’ rather than on ‘parental rights’ (see Note 7).

To facilitate direction, the Children Act 1989 places a general duty on local authorities to provide services to all children in need and their families. There is a further duty on local authorities to identify children in need and to publish information about services and to bring information about these services to the attention of those who might benefit from services (see Note 8). The Act extensively details the services to be provided. Parental responsibility continues despite the fact that a child has been taken into care. The Children Act 1989 dictates that the care of the child be a partnership between the parent, the agency and any other interested party whether the child be at home or away from home in the child protection process (see Note 9). An integral feature of ‘partnership’ is that the Act also dictates contact between parent and child at all levels (see Note 10). Both ‘partnership’ and ‘contact’ are relative terms, by definition. Both serve the purpose of continuing the involvement of the parent consonant with the best interests of the child in a particular case. Parental responsibility correctly focuses on providing for the needs of the child. It is the preferred legislative underpinning.

Despite these laudable legislative measures, the Children Act 1989 still provides a least intrusive scheme. Multiple placements still occur. Abundant research demonstrates problems with contact and partnership at government and practice levels in England, as well as in Canada (Kufeldt et al. 1989, 1996; Aldgate 1991; Ryburn 1991; Thoburn 1991; Simard et al. 1993, 1998; Cleaver 1994; Simard & Vachon 1996). Yet, the vision of the British government in its Quality Protects initiative (1999) for the future of children’s social services includes not only the support of families but also, inter alia:
The project has been piloted in six provinces. Because the Looking After Children materials cause a shift in the culture of child protection, from reacting to parental shortcomings to focusing proactively on children’s development and well-being, we anticipated that they would be a vehicle for change. Though each province has its own legislation, policies and priorities, the universality and flexibility of the Looking After Children materials allows each province to focus on the children without first having to redevelop policy. The initiative provides a mechanism for each province to evaluate and monitor the progress of a child in care despite several different placements and regardless of court delays. In so doing it assists caregivers in enhancing the well-being of a child in care and provides much needed continuity should the child move between provinces. Importantly, ensuring more stability for children in the care of local councils.

Helping children who need them find secure homes with adoptive parents.

Making sure that where adoption is the right thing, children in care are adopted as quickly as possible.

Making sure that, where long-term fostering is the right thing, children in care are placed in long-term foster care as quickly as possible.

Parental responsibility correctly focuses on providing for the needs of the child. It is the preferred legislative underpinning. But despite these laudable legislative intents, the Children Act still provides a least intrusive scheme, with the risk of multiple placements.

The AARs take the form of a set of simple questions with respect to each of the seven developmental dimensions. These have been developed for six sequential age bands, reflecting the expected outcomes at the various ages. Thus, for instance, the self-care section for the toddler asks about toilet training, self-feeding, etc., the older child progresses to the ability to prepare a snack, then for the older teen there are questions that focus on the various skills needed for independent living. The questions are designed with a triple purpose: they document current developmental outcomes, encourage discussion with the young person and those responsible for the various aspects of care, and provide information that helps develop action plans and plans of care. The format for each dimension is the same: there is a statement of aims followed by lead and support questions related to these aims. For each question the social worker, with the young person and the caregiver, is asked to document whether further actions are needed, as well as the reason if no action is required. At the end of each dimension is a summary of outcomes and finally a list of actions to be undertaken with time line and person responsible. They are not designed to be treated as a check list but rather as a vehicle for discussion to document both strengths and deficiencies that need to be addressed.

The initiative provides a mechanism for each province to evaluate and monitor the progress of a child in care despite several different placements and regardless of court delays. In so doing it assists caregivers in enhancing the well-being of a child in care and provides much needed continuity should the child move between provinces. Importantly, ensuring more stability for children in the care of local councils.

Helping children who need them find secure homes with adoptive parents.

Making sure that where adoption is the right thing, children in care are adopted as quickly as possible.

Making sure that, where long-term fostering is the right thing, children in care are placed in long-term foster care as quickly as possible.

Parental responsibility correctly focuses on providing for the needs of the child. It is the preferred legislative underpinning. But despite these laudable legislative intents, the Children Act still provides a least intrusive scheme, with the risk of multiple placements.

Looking After Children

The Looking After Children protocols emerged from the work of a British Working Group commissioned to study the issue of outcomes in child care (Parker et al. 1991). The methods developed to assess and improve outcomes for children in need of state intervention are based on the premise that children in the care of the state and its agencies are entitled to the same standards of care that responsible, caring parents in the community give to their own children. Its core instruments, the Assessment and Action Records (AARs), address in comprehensive fashion all key dimensions of child development: health, education, family and social relationships, identity, social presentation, emotional and behavioural development and self-care. It thus constitutes a quite profound cultural shift in child welfare services. It expands our thinking from the somewhat narrow, reactive protection focus to that of a proactive child development, child well-being, approach. The fact that it includes conscious attention to the effect that current interventions have on the long-term outcomes for children and youth is the strength, and the key aspect, of the approach.

WHAT IS LOOKING AFTER CHILDREN?

The Looking After Children materials cause a shift in the culture of child protection, from reacting to parental shortcomings to focusing proactively on children’s development and well-being, we anticipated that they would be a vehicle for change. Though each province has its own legislation, policies and priorities, the universality and flexibility of the Looking After Children materials allows each province to focus on the children without first having to redevelop policy. The initiative provides a mechanism for each province to evaluate and monitor the progress of a child in care despite several different placements and regardless of court delays. In so doing it assists caregivers in enhancing the well-being of a child in care and provides much needed continuity should the child move between provinces. Importantly,
Looking after children: Paternalistic or parental?

In choosing to design a Canadian pilot of the LAC AARs we were influenced by our own concerns about the narrow focus of child protection on risk rather than need. We note that British writers such as Howarth (2000) and Rose (2000) have expressed similar concerns. In addition, as the 1978 Task Force cautioned, the risk threshold is such that children must be hurt before they can be helped.

In addition to LAC’s concern with child well-being we liked the focus on good parenting and partnership and particularly its theoretical grounding in child development theory. We have since furthered our understanding of its potential by linking it to resilience theory (Klein et al. 2004; Kufeldt et al. 2004).

Criticisms of LAC by writers such as Garrett are puzzling to us. When making statements about paternalism is he perhaps confusing culturally appropriate behaviour with political correctness? In accusing the developers of the programme of promoting their own ideology, is he perhaps reflecting his own ideology? We wonder whether he has ever talked to the users, most particularly youth themselves. The young people in our study were highly positive about the experience. Garrett’s multiple publications and that of Knight & Caveney (1998) take particular issue with the questions related to Social Presentation. But what good parent does not want his or her children to be employable, to meet their educational potential, and to make a good impression on others? The writers seemed concerned with what they term efforts to fit into the prevailing market economy but provide no convincing arguments as to the alternatives. We do agree, however, with these critics’ cautions about social workers’ reactions to having to respond to bureaucratic demands from above, and their concerns about the potential stigmatization of poverty.

Partly because of the former caution, and also in line with change theory, we addressed the project directly to frontline workers and promoted voluntary use and ownership rather than asking for compulsory directives from the management level.

With respect to the issue of poverty, we tested the AARs, as did the British developers, with a community population. To ensure that we included those struggling with poverty we recruited families from a low income housing estate, some of them single mothers. They endorsed the appropriateness of the questions and the way in which the questions were asked. Some shared heart-breaking choices and sacrifices that had to be made in trying to meet their children’s needs. Their responses certainly reinforced the need to eliminate poverty as the first line of defence in the protection of children. Even more compelling was a debriefing session with a First Nations community which had been part of the project. Workers explained that because of poverty many of their foster families could not meet all of the standards, e.g. ‘Books in the home are a luxury that we cannot afford’. When asked whether the AARs should be modified the answer was a resounding No! They explained that their people had the same aspirations as other parents, their children had the same needs, and they knew what the ideal conditions should be. In fact they felt that to be treated differently, or to have a watered down version, would in itself be stigmatizing.

Nobody would claim that LAC has all the answers, or is the perfect approach. Nevertheless, to date, it is the best guide to good practice that we have in this challenging field. In discussing the complexity of child protection and the balancing of rights, Dingwall et al. (1995, p. 244) suggest that

... the inherent difficulties are not a justification for avoiding judgment. Moral evaluations can and must be made if children’s lives and well-being are to be secured. What matters is that we should not disguise this and pretend that it is all a matter of finding better checklists or new models of psycho-pathology – technical fixes when the proper decision is a decision about what constitutes a good society. How many children should be allowed to perish in order to defend the autonomy of families and the basis of the liberal state? How much freedom is a child’s life worth?

Judgements must be made and in this continuing search for solutions LAC does at least address the needs of the growing child to receive good parenting. In the next section we discuss, from our experience, how its use can address the deficiencies identified in the Year of the Child.

How can looking after children address deficits in child protection?

It is clear that adequate protection of children requires vastly improved social supports for families as well as appropriate legislation. In the meantime, the Looking
After Children instruments do provide a way of helping to remedy some of the legislative deficits. We believe that their value cannot be underestimated in light of the Canadian experience. It is also suggested that the Looking After Children materials would be much more valuable to children in the community at risk than current risk assessment tools. Those presently used focus on risk of harm whereas the Looking After Children instruments focus on need. Thus expanded use has the potential to address the criticisms posed by Admittance Restricted. They address what should be done rather than what ought not to be done to a child. They are progressive and proactive in locating children’s interests at the forefront of activity. We will briefly focus in turn on each deficit identified by the Task Force.

Failure to track children

Looking After Children is intended to be applied annually. It provides an initial snapshot of the whole child, strengths as well as deficits. At the individual level it tracks the progress of the child, promotes appropriate action plans, identifies the need for permanency planning, as well as the appropriate permanent plan, and is focused on the child’s best interests in proactive fashion. At the aggregate level it provides valuable information for management that can assist in developing targets for the coming year. A few examples are ensuring that all immunizations are documented and up to date, reducing the percentage of children below grade level and examining organizational arrangements that contribute to discontinuity.

It thus enables agencies to track the progress of each individual child; it also provides a tracking mechanism for the agency as a whole.

Separation of siblings

Our findings indicated that, of our total sample of 263 children, 147 had other siblings in care. Of these, almost one third (32%) were placed separately. Thirteen per cent had no contact with their siblings. The project also highlighted the degree to which young people wished to restore contact with family members, including extended family. There were some poignant stories about reconnecting with grandparents and, in one particular case, a very successful reunification with the birth father. Documentation of amount of contact and desire for contact highlights the degree to which well-meaning interventions can cause separation of siblings and other family members. This can then be translated into action plans to take remedial action.

Physical and emotional neglect while in care

There are various ways in which the AARs identify the degree to which discontinuities affect the development of the children and youth. In addition there are some very specific questions that provide indicators of physical or emotional neglect. Examples are:

- Do you get picked on or teased, e.g. because you are in care?
- Do your foster parents seem interested in the things you do?
- Do they praise you when you have done something well?
- Do any of the adults you live with show you physical affection? Does this seem about right to you?
- Have you ever been frightened that you could be picked on or harmed (abused) physically or sexually by other young people or adults?

Hopefully the use of the AARs will reduce the situation of children having to suffer further abuse and neglect in silence.

Bias of government funding

The bias referred to by the Task Force is the automatic provision of funds for children in care vs. the parsimonious attitude towards family support and prevention. While there has been some improvement since 1978, particularly with respect to acknowledgement of family support in some provinces’ legislation, services fall far short of the need. Added to this is failure of the Canadian government to fulfil its promise of the elimination of child poverty. Yet ‘the impact of poverty on the capacity to parent can no longer be questioned. Adequate income is the most basic and powerful preventive measure’ (Kufeldt & Thériault 1995, p. 358).

While Looking After Children does not directly address this issue, we have piloted with ‘at risk’ families. We found that it does have the ability to assess in a child-centred way where the risks to the child’s development lie. Intervention can then be targeted to the actual need, whether it be service within the home, or substitute care. In this way decisions regarding expenditures will be based on the child’s needs, independent of any hidden bias. In the long run this is likely to be proven as a more cost-effective way of serving children. In one case we found that the
provision of preschool toys made a difference at minimal cost!

Public access to information

The activities of child welfare agencies are shrouded in secrecy to protect the privacy of the children and families served, and indeed families are entitled to have their privacy respected. Nevertheless, without an informed public, radical reform and support of services to children is unlikely to occur. The Task Force suggested some limited public access to the courts for two major reasons:

First, there must be some way to assess the effectiveness of our courts, the professionals who work in those courts daily are not in a position to make an objective assessment. Second, we cannot expect the public to become educated and concerned about the rights and needs of children if a main forum for decisions about children is closed to the public. (Task Force on the Child as Citizen 1978, p. 91)

What Learning After Children has the potential to offer is the generation of a national database that would enable agency and public monitoring of the quality of protection services. Certainly, findings in recent studies regarding educational outcomes for children in care (National Youth in Care Network 2001; Kufeldt et al. 2003) should be sufficient for a wake up call.

CONCLUDING COMMENTS

In conclusion we would like to comment on our initial premises. Can one impact on policy through a grass roots approach, and is it possible to generate research in child welfare that transcends interprovincial and international boundaries?

Change through the grass roots

We were cautioned by our consultants (see Note 11) from the British Learning After Children initiative that successful implementation required a significant culture shift. This proved to be the case. Some workers made the shift with ease, for others it was more challenging. We derived two major messages from this. The first is that moving to a child-centred approach is indeed a highly significant shift in culture. Legislative changes or directives from the top down do not have the capability to generate that shift. Contrarily they may in fact invoke resistance. The second message is that the most effective route to such a shift is to build and encourage ownership and capability at the local level. This approach is empowering to workers, caregivers and the young people themselves.

Is change at the grass roots sufficient to impact legislation? Prediction is premature. Suffice it to say that interest in Learning After Children has spread across the country. Most jurisdictions are at least engaged in pilot projects. Some are expanding its use throughout their system. For the most part seeds sown in the pilot project (Kufeldt et al. 2000) seem to have fallen on fertile ground.

Transcending interprovincial and international boundaries

The positive impact on the lives of the young people involved is without doubt the most exciting and rewarding aspect of the project. This is mirrored, however, by excitement at the macro level. The British developers of the model (Parker et al. 1991; Ward 1995) were commissioned to develop a method of assessing outcomes in their own country. Their work very quickly garnered international interest. A growing consortium of experts and practitioners from around the world meet biennially to share experiences and to work together to improve services to children. Work is in progress to develop an international database. Such a resource can potentially help link policy to outcomes.

In Canada interprovincial links operate formally and informally. At the formal level Directors of Child Welfare have their own vehicle for exchange of ideas and knowledge. The establishment of a national comparable database would provide them with solid data to aid their deliberations. If the network of coordinators and trainers established for the purposes of the project continues to thrive, it can provide mutual support within its membership.

Clearly children’s needs are universal and transcend national and cultural differences. The opportunity to work with colleagues within our own borders and with those in other countries has been rewarding for the research team. Most rewarding has been the joint contribution to improving the lives of that most vulnerable group – children in need of protection.

ACKNOWLEDGEMENTS

Our acknowledgements and thanks go in the first place to our funding source, Human Resources Development Canada, and our HRDC consultant Evariste Thériault. We also wish to thank our invalu-
able research assistants, Traci-Lyee Andrews, Joannmary Baker, France Nadeau and Eleanor Philpott. Not to be forgotten are our British consultants, the coordinators and trainers, as well as the many young people, workers and foster parents who collaborated in the project.

REFERENCES


A grass roots approach to influencing child welfare policy K Kufeldt et al.


NOTES

1 Constitution Act (formerly the British North America Act) (1867) 30 and 31 Vic. C3, Section 92. The statute has no reference to children. The provinces assume jurisdiction on the basis that child welfare matters are included within the assignment of ‘Property and Civil Rights in the Province’.


7 Children Act (England) 1989, Sections 2, 3 and 4.

8 Children Act (England) 1989, Part III and Schedule 2 Part 1, Section 1(1).

9 Ibid. Sections 22(4), (5); 33(3), (4); Schedule 2, para. 15; APCR Regs. (1991).

10 Ibid. Section 34 (1); Schedule 2, para. 15; Review Regs. (1991).

11 A complete listing of our consultants and key contributors to the project can be found in Kufeldt et al. (2000, p. x).