Areas for Advocacy

February 2010 **Beyond Social Services**

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Executive Summary

This paper captures issues pertaining to the following areas, and Beyond's proposed approaches to advocacy:

- 1. Children and youth offending
- 2. Beyond parental control (BPC)
- 3. Child protection

While the staff team at Beyond can reach the different stakeholders at the ground level which include other youth and children agencies, community partners, the grassroots and others, we require the assistance of the Board to reach the stakeholders at the structural level, which include government agencies, the police, the legal system, etc. We have outlined the processes in place and the advocacy needed at these various levels.

This is a summary of cases, where circumstances are complex and varied. We hope this will serve as an introduction to some of the concepts and philosophies prominent in this sector. Future papers will address individual issues in greater detail.

Introduction

While there are a variety of approaches striving to deal with the same problem at different levels, sometimes the rigidity of one approach constrains the ability of other interventions. For example, when a youth is institutionalised for a minor misdemeanour, schools are unable to exert positive peer pressure for the youth to change. Instead, the exposure to negative peer pressure in the institution may be counter-productive. Oftentimes the negative stigma and labelling, real or perceived, bleeds over onto the family, and finger pointing begins. Family bonds are weakened, making it harder for the family to function in its role to normalise the youth back into society. The youth, who may have been just reckless or ignorant before, eventually becomes alienated and turns to worse crimes. These are real challenges faced on the ground; and what we have learnt is that many times single-minded, good intentions go awry.

Advocacy is important because ideas need to be shared for the sector to appreciate each others views. Here, it is important to note that being critical is not the same as criticising others. Through advocacy on issues pertaining to the youth and family sector, we hope to build consensus on the broader social problems we face, thus bringing together others in the helping sector concerned with the same issues as us. It allows us to collaborate and train together, pooling information and experiences from different practitioners who play different roles and have different perspectives.

As practitioners doing case work, our experiences make it crucial to give voice to individuals who suffer. At the heart of social work is the use of problem solving in human relationships, as well as real situations, and empowerment in order to enhance the well-being of individuals. At the core of our helping principles is the belief that children and families are best served within the community, and that many of the problems that arise can be resolved there. Secondly, the primary responsibility of child welfare is held by the family, which acts as a first line of defence in difficult circumstances and hence, should be given appropriate support.

While professionals or structured policies may diagnose and enforce their solutions on families and individuals, it is of limited help if such solutions do not empower the family to face subsequent challenges in life. Social workers too, face the same problem of individuals becoming dependent on their help if processes are not empowering. In many instances, external parties fail to understand the problem in depth. We focus solely on symptoms such as attendance in school, drinking at home, how severely the parents punish the child, because these are the societal expectations that we want the family to uphold. To truly render aid to such problems, we must ask the correct questions on why these problems are occurring, and the family must trust us enough to answer. This is where advocacy also comes into play. We advocate in order to surface the needs of the family, to reverse the negative stigma placed on struggling individuals, and to show that many times, it is not about good children or bad children, good parents or bad ones, but about the diverse situations we all find ourselves in.

Our efforts in advocacy are threefold, and strive to bridge differences of opinion in a realistic and respectful fashion.

To increase awareness in the public sector regarding the developmental needs of children

We hope to engage the general public in broadening our cultural understanding of the delicacy of children as they develop to be moral citizens and socially conscious individuals. In order to achieve a "many helping hands" approach to solving social problems, individuals must be educated and empowered to identify the areas where the family and the community can contribute to help the young people in the community. Such advocacy is on the ground level and addresses individuals.

To enhance inter-agency collaboration

Advocacy at the organisational level is about building partnerships in the sector so that it enables us to cooperate in developing a strategy that is comprehensive at tackling complex problems from various angles and at various levels, while still being coherent to our mutual understanding of the

fundamental problem. Ultimately it provides us with a platform to build a holistic one-stop service for clients, staffed with professionals experienced at tackling multi-faceted problems.

To enhance cooperation between state agencies and civil society

At the structural level, is advocacy regarding protocols and policies in place. There should be a constant feedback loop on protocols and policies in order to examine how the broad, sweeping strokes of governance impact on the people we serve and how they can be refined and improved upon. Subsequently, the role of civil society, VWO's and interest groups, will be clarified, as they fill in the finer, day-to-day management of cases.

This paper will attempt to capture some of the issues we face on the ground, and our ideas on how the entire sector can move forward in terms of :

- 1. Children and Youth offending
- 2. Beyond Parental Control (BPC)
- 3. Child Protection

Where relevant, we have introduced cases to reflect that in each instance circumstances are incredibly varied, and to introduce concepts and philosophies at play in this sector.

The eventual result of each of the above is that children can be institutionalised, and thus become estranged from their caregivers, causing longer terms, deep seated issues in both the children and their families. Taking into consideration research on the ills of institutionalisation, attachment theory, moral development of children, and the family's rights and responsibilities, we will explore each of the above areas.

To begin, here is a case of a youth which reflects how using the law to address her social problems was more harmful than helping.

Linda was aged 14 yrs old when she was voluntarily admitted to a children's home in June 2007 by her mother. Her parents were getting a divorce and her mother was unable to provide appropriate care and stable accommodation for Linda and her younger sister.

In early 2008, while in the children's home, Linda engaged in sexual relationship with a male resident in the home and was transferred to a women's home. This was disciplinary action taken by the children's home for breaking the rules. Linda was very upset to be transferred as her movement was monitored and she had to observe the strict rules and regulations at the women's home.

She has attempted to run away a few times as she strongly dislikes the environment at the women's home. Linda contacted Beyond Social Service (BSS) caseworker and informed that she wanted to be discharged from the home and wanted to stay with her mother. Linda was strongly encouraged to go back to the women's home by BSS caseworker who will then facilitate a proper discharge from home. After she went back to the women's home, she was in solitary confinement for 3 days to reflect on her mistake. During this period of time, she was also unable to go back to school for her studies. Linda was very depressed about her situation and wanted to be discharged from the home.

During Hari Raya festive season, BSS caseworker facilitated home leave for Linda to celebrate the occasion with her family. Linda desperately wanted to be out from the women's home ran away for the 2nd time. After a few family meetings to prepare the care plan for Linda, BSS caseworker facilitated the discharge from the women's home.

The solitary confinement achieved limited success in "rehabilitating" residents like Linda to reflect their "mistakes". In fact, it made Linda sore about her predicament and upset with her family for "causing" her to be in both the children's and women's home. Her relationship with her family was strained and BSS caseworkers had to rebuild Linda's relationship with her family members especially with her mother.

Attachment Theory and associated problems faced by institutionalised care

Institutional care is unable to provide children with the individualised, warm, and continuous relationships that primary caregivers (usually mothers) can give. Such relationships are absolutely necessary condition for successful human development. If a child is institutionalised for long enough, or from an early age, he or she begins to lose the capacity of forming the breadth and depth of human relationships necessary for survival and development. This theory of attachment between a child and caregiver, as put forward by psychiatrist John Bowlby and psychologist Mary Ainsworth, is one of the most prominent psychological theories developed in this last half a century, and is a key tenet in most childcare literature.

Adults who formed healthy attachments during early childhood will have the capacity to experience healthy adult life. Children who were emotionally deprived, however, will continue to remain emotionally isolated as adults, have difficulty with relationships, and may act in deviant or delinquent ways. They are all too often manipulative in their behaviour, using others for their emotional support without reciprocating or letting anyone get close to them emotionally. Some are haunted by loneliness. As adults they often cannot hold on to either jobs or relationships. Put in another way, they have learnt early on that nobody is really there for them. In return, the only way to survive is to make sure that they are not there for anybody.

The moral development of the child

Attachment also provides the foundation of a conscience. In a "normal" home, attachment to parents results in the child wanting to act in ways that please the parent. If early connections are weakened or problematic, there is a decrease in the desire to please the people important to us -- because people are just not that important to us. Related research has identified children with histories of attachment difficulties displaying traits such as poor self-esteem and lack of empathy.

As we begin to understand more about the developmental needs of children and youth, we realise that it is important to show them and teach them how to be adults as opposed to just treating them as adults and expecting them to think along the same lines. A child that breaks a glass just cannot yet grasp the amount of effort that goes into making it. He may not fully understand how difficult it is to earn money until he has his first job, yet we expect him to value it just because someone tells him this is so. Adolescence is a particularly tough phase, as a teenager begins to doubt what adults say, yet without adults, he has no rudder to guide him.

Furthermore, moral development involves much more than fairness and money. It involves understanding how people feel, what relationships have been broken, what higher principle has been violated, and taking responsibility for one's decisions. Sometimes it involves choosing the lesser of two evils, or prioritising one idea over another, difficult choices for adults, more so for youths who have not fully developed a sense of who they are and what they value. Neuropsychological research in human development indicate that the network of brain regions, primarily in the prefrontal cortex, involved in moral cognition only fully develop by early adulthood (21-25). These areas are responsible for interpreting and assimilating the cultural and context-dependent knowledge, semantic social knowledge and motivational states that form the moral links between the individual and society.

Contamination within children's homes

While the standard of care in children's homes has improved over the years, criminalising children that have made impulsive mistakes poses the risk of contamination. Bullying and harassment still occur between children, some of whom exhibit more delinquent behaviours than others. Children may develop aggressive attitudes in order to protect themselves, as well as sexualised behaviours that are age-inappropriate.

Even though there are rehabilitative programmes in place within the children's home. In the end, they are taking place within an artificial environment and seldom involve the family group. In order to maintain a more permanent change in the child, experiences must be gained in a realistic, natural setting, where a child is nurtured and guided by individuals that have a long-term commitment to be there for him/ her.

The contention of family rights and responsibilities

The primary duty and responsibility of the care of children lie with his/ her parents. The removal of a child takes away a large motivational aspect for families to stay together, find work, or keep off drugs. This indirectly affects not just the family, but the community around them. In the event that a child is returned to a family after a period of institutionalisation, the family bonds are weakened and the child may blame his/ her parents for sending her into the home. Additionally parents sometimes have trouble dealing with the changes they see in their child. This makes parental roles in normalising the child into society as young adults more difficult.

Hence it is important to re-examine the threshold at which powers to remove children are exercised. Are members of the family posing a direct risk to the safety of the child? Or are the parents struggling, and require support in order to ensure the child is kept safe and well-cared for? The interventions employed must be delicately measured out and sensitive to the context of the family.

(I) CHILDREN AND YOUTH OFFENDING

Currently there are a few diversion measures in place for youths such as the StreetWise Programme (SWP) and the Guidance Programme (GP) in order to keep youths out of the courtrooms. While the philosophy behind them is admirable, sometimes the execution leaves much to be desired.

For GP, aimed at first time offenders, the process is dragged out and usually only begins six months after the offence has been committed. While one might argue that this heightens the dread in the child, making the programme more effective, we have observed that children, being children, have already minimized their own involvement by the time the programme starts. In other words, while the event is fresh in their minds, they already begin to rationalise their role in what occurred and whether or not they should feel guilty and why. By the time the guidance programme starts, the child, having already accepted that it was his/ her fault or pushed away blame to other circumstances, is only going through the motions.

(a) Enhancing existing structures with restorative principles by engaging all stakeholders involved with children

What we are advocating goes beyond just a programme-centric approach. What our society needs for youths is a fundamentally restorative approach that enhances the existing structures for dealing with children and youth offending.

Two Different Views

CRIMINAL JUSTICE RESTORATIVE JUSTICE Crime is a violation of Crime is a violation of people the law and the state and relationships Violation creates guilt Violation creates obligations Justice requires the state Justice involves victims, offenders, and community members in an effort to put to determine blame (guilt) and impose pain (punishment) things right Central focus: Central focus: offenders getting what they deserve and victim needs and offender responsibility for repairing professionals taking harm within the community

Restorative justice focuses on the offender's role in putting things right with the victim in addressing the wrong he or she has done. It is based upon a common sense of understanding of wrongdoing, that crime is a violation of people and of interpersonal relationships. These violations create obligations on the part of the offender and the need to put right these wrongs. In doing so, the offender is presented with a greater understanding of what kind of suffering his or her actions have caused and subsequently takes responsibility of his or her actions by helping to set it right. It teaches youth offenders that as a society, we are all interconnected. It also promotes the nurturing of values, both concrete and symbolic, for us to live peaceably with one another.

Here is an example of a case:

Section 3 of the Vandalism Act, Chapter 341, read with section 34 of the Penal Code, Chapter 224

The Accused

3 Indian youths aged 20, 18 and 17 together with an adult friend ripped off lightning conductor strips from a void deck at 2.30 am. After selling them off as scrap metal, they spent the income on food and music cds. All 3 came from lower-income families and at that point in their lives were not meaningfully occupied for a large part of the day.

The Intervention

- Legal Aid
- Family Group Conferences were coordinated where the respective families came up with care and supervision plans as well as a restitution plan.
- The youths sent a letter to HDB asking for the cost of the damage and made good with salary earned from part-time jobs which they found
- The youths sent a letter of apology to the HDB officers who they had inconvenienced and organized an afternoon tea event for them as a gesture of appreciation.
- Voluntary work opportunities with disadvantaged children were organized for all
- Educational counselling
- Concrete practical assistance and emotional support for the parents

Court Decision

18 months probation

Other Outcomes

- 2 youths have resumed their studies and 1 is now serving National Service
- All 3 youths seemed to have matured from the experience and continue to serve as volunteers at a soccer programme for young children during their spare time

The employment of Family Group Conferences is one of the most internationally successful models for restorative justice. While its primary aim is to address the hurt that has resulted from the offence, it helps the youth take more responsibility for their offence by giving them an avenue to personally address and make reparation.

Currently, FGCs are used as an option by the court to aid decision making when handling young offenders, but we hope to see them used more and more in conjunction with police functions, as an opportunity for diversion from court proceedings entirely. In the New Zealand legal framework, FGCs function at different points as a first option for youth offenders. FGCs may be court appointed, or used at an earlier level at the discretion of the police.

(b) Bringing this message to the public

Whether it be in the legal system, in schools, or through the press, we hope to bring home the message that a child learning to avoid punishment is not akin to moral development. While deterrence has its place in helping to control large groups of people, it does not give rise to the development of a social conscience necessary for civic-minded individuals. It is the difference between nurturing young adults that eventually want to give back to society and help their fellow man, versus an adult that will do anything as long as they can get away with it. Moral development is about learning how to see things from the other's perspective and nurturing the obligation and courage to set things right. It is the difference that we want to make in the lives of the children and youths we touch.

The FGC is just one example of how restorative approaches can be applied to involve stakeholders, such as the police, more directly and personally. Similarly, by empowering teachers, caregivers, babysitters and any children's agency with the discretion to use restorative approaches, we can build meaningful relationships within our community. It is this flexibility and relationship that forms the strong underlying foundation of a community-based approach. These relationships serve as protective factors for the child because they build trust and rapport with the families involved, instead of just functioning as external parties which scrutinize every action.

(c) Increasing the age of criminal responsibility

We recommend increasing the age limit of criminal responsibility to 14 (currently it is at 7) based on the fact that children, even though they may recognise that some actions are displeasing to adults, do not fully understand what is right and wrong, or the consequences of their actions, until after adolescence. We are currently pursuing this through the UNCRC alternative report as well as by engaging stakeholders to adapt more current practices and standards. We are also setting about increasing awareness and understanding about the developmental needs of children and youth to the public through our newsletters and research projects.

(d) Increasing the upper age limit of the Children and Young Persons Act

Additionally the CYPA should be extended to cater to youths until 18 for the same reason. Currently youths that are over 16 are tried in a community court which claims to be restorative in nature. However youths that are tried in this court are still held guilty of their crime and recorded on the list of criminals. They are still sent to adult prison. Because the decisions made are no longer guided by the principle of welfare for the child and provisions for his education, they are more inclined to punishment rather than rehabilitation.

(e) Advocacy for individuals already being charged for offences

As social workers, we work closely with our clients through their ups and downs. Sometimes, we also have facts that should be considered that influence sentencing. However, in the legal system, social workers have no right of audience, nor the right to submit reports unless called for by the judge. Many of the youths we work with cannot hire lawyers and are unable to present themselves in the court setting confidently. Hence it is the prerogative of the judges, as well as the investigation bodies such as probation and MCYS officers, that we rely on to present the relevant information. Unfortunately, in practice, this seldom happens. We recommend that the legal system be strengthened in exercising powers to request for more information in order to make the best decisions for the best interest of the child.

Board Support needed in :

- 1. Establishing certification courses and standards for Family Group Conferences
- 2. Meeting with the Advisory Panel of juvenile court to discuss restorative approaches in the judicial system
- 3. Setting up a team made up of staff and expert advisors to provide a position paper on possible alterations in the law
- 4. Meeting with the police commissioner to explore alternatives in discretionary offences

(II) BEYOND PARENTAL CONTROL (BPC)

The majority of parents that file BPCs complain that their children are "unmanageable" or running away from home. Some other complaints include theft, unwanted pregnancy and mental instability. Children are then usually sent to an approved home where in many cases a breach occurs, usually due to the child running away from that home. Further orders that are made include warrants for arrest in order to bring the child back to court, which subsequently leads to the child being sent to another home.

It is important to note that each time a BPC complaint is made on a child, the minimum duration to be sent to an approved home is two years, which is sometimes more punishing to the child than orders made for juvenile delinquency. Furthermore, during this period, the parents have great difficulty getting back their children should their circumstances improve for the better, or should they have a change of heart.

The current regime for beyond parental control is separate from care and protection and from juvenile delinquency. However, it is linked to the stigma of juvenile delinquency. Although these children have committed no crime, the orders made are against the child and they are placed in remand. In this manner, the court uses a process which is akin to the criminal justice process even though no legal boundaries have been breached. What is even *more* unjust is that during the investigation period, the child is held in remand without opportunity for bail because he or she is not deemed a criminal. This investigation period can last up to a month.

These children, at an early age, exhibit anti-social behaviours like smoking, drinking and truancy from school. Admittedly, some of them are difficult children, but that does not make them criminals. Instead, criminalising them exposes them to more delinquent behaviours and the process is further complicated when children are now further sentenced to these homes for bad behaviour or running away. Inevitably, they can become trapped in the system until they age out at 18 years of age.

Conflict in the home is inevitable, and the easiest way children deal with it is to run away. The BPC framework, if lacking appropriate checks and balances, allows parents to do the same thing in putting their children away.

While parents are encouraged to explore other options first, in a BPC, no one can gainsay them if they are adamant. There is no lawyer needed to provide evidence for "unmanageability" and the voice of the child in these proceedings are usually ignored. The key issue here is that "unmanageable" is a dynamic interaction between the child's behavioural issues and the parent's ability to manage them. Since in the law, and in conventional wisdom, neither party is at fault, it is not particularly consistent that the child is made to suffer and the parent is not made to be accountable.

(a) Reclassifying BPCs under issues of children in need for care and protection

We feel that BPC should be categorised under a care and protection regime. This would provide a framework where the family can receive services and only be separated when the situation becomes dangerous to the child. Currently, the Children and Young Persons Act, already defines a child that is beyond control as needing care and protection because the parent or guardian is unfit, unable or has neglected to exercise proper supervision and control over the child. We feel that this method of classification frames the problem in the appropriate light with regard to the child's best interest. It also provides more protection for the rights of the child. In this way, parents complaining that their children are beyond control will be subject themselves to some scrutiny, instead of haphazardly passing responsibility for taking care of their children to the state. Furthermore, BPCs would no longer be used as a threat in order to get kids to behave.

In the United Kingdom, the procedure for children entering state care was revised into a single route as determined by the court and the previous system of voluntary care was replaced by provision of accommodation. Local authorities were prohibited from providing accommodation, or voluntary

admission into state care, if there were any objections from persons with parental responsibility, and who were willing and able to provide or arrange for accommodation for the child. Additionally, any person with parental responsibility may, at any time, remove the child from accommodation provided by local authority. Hence, accommodation was viewed as a service to families, who entered it by choice, removing the negative stigma attached to 'giving away one's child' or being an 'incapable parent'. More importantly, it ensured that 'voluntary consent' was not abused as a back door route into formal state care by administrative action.

(b) Making provisions in the CYPA for the state to ensure families are supported

While it is unrealistic to completely remove the notion of institutionalising children because their parent admittedly cannot handle them, we advocate for more safeguards within this process by recategorising BPCs as a matter of children in need of care and protection.

This would also help to obtain all the necessary information to get a picture of each complex family situation and identify the real problems that give rise to conflicts at home. In this way, it would open up opportunities to provide support for these families, and allow the state and relevant agencies to explore the resources of the extended family and the community in greater depth. All these avenues should be explored fully as intermediate measures first (and should carry on even if the child is placed in institutional care), before the state adopts harsher measures such as institutionalising the child. Thus, the child's best interest served at all stages.

Board Support needed in :

- 1. Setting up a team made up of staff and expert advisors to provide a position paper on possible alterations in the law
- 2. Meeting with the police commissioner to explore alternatives for detention during the investigative period, other than remand, as BPC is not a criminal offence
- 3. Engaging MCYS in order for other youth agencies to intervene before the case goes to court

(III) CHILD PROTECTION

In the current legal framework for child protection, the Ministry for Community Development, Youth and Sports (MCYS), is designated as the sole "protector" of children. However, they function mostly as an investigating body, whose intervention comprises predominantly of finding alternative care arrangements for the child. Whilst the power to remove children from family care does seem crucial when there is a significant risk of physical harm to the child, it does come with some complications

Firstly, their power for removal comes from the CYPA. The court serves as a check to make sure the power for removal is used appropriately. However, in care and protection issues, evidence takes the form of a social report based on the MCYS investigation on the state of the family. While the court is empowered to obtain other information from different stakeholders (like teachers, babysitters, social workers), this seldom occurs in practice. Hence only one side is heard. Prior to the recent high court case, where the judge overturned the decision to return the child to a mother labelled as "obsessive" as there was no imminent danger to the well being of the child, parents were not even given information on the issues identified in the social report before going to court. Inevitably, many of the clients we serve are less educated and lack the confidence, and funds, to put up a fight.

Secondly, the environment of the courts in Singapore is still fearfully adversarial. Even though in a care and protection issue, there are no criminals, yet there is the implication of guilt. The judge sits high above the parties involved, his role is not to amicably resolve family disputes or to understand the reasons or perspectives from different individuals. Instead it is to help decide, for the best interests of the child, whether or not parents are fit caretakers based on the report of the ministry. The processes are formal and not family- or child- friendly. While this role is important when the safety of the child is at stake, much can be done to ameliorate the situation and reduce risks before it reaches this stage.

Furthermore, the threat of bringing the parents to court is enough, in many cases, to make the family fearful and compliant to the recommendations of the ministry, which frequently, is to institutionalise the child. Once consent is given, the child is only returned back to the parents at the discretion of the CPO. Voluntary consent is not the same as giving up parental rights, and since the court has not ordered it, parents should have the liberty to take back their children.

An external party with expertise does not have the moral right to intervene with personal lives unless the situation is life threatening. A banker cannot shift your funds without your compliance; a doctor cannot operate without your assent. While there is no doubt that their intentions are well-meant, the removal and institutionalisation of the child is a drastic measure that has a long lasting impact on family relationships and children. Sidestepping the legal framework, by using the threat of authorities to gain compliance, is a practice that lacks the checks necessary to balance such a drastic intervention.

Two Different Models

CHILD PROTECTION CHILD WELFARE Best interests of the child are narrowly Best interests of the child are broadly focused on protection of the child defined to include the welfare of the family Discretion-based Law-led rather than discretion-led Assessment based on standardised tools Assessment based on interaction between family and social workers Acknowledges different perspectives Aims at objectivity Considers strengths and resources Centred on difficulties and problems Seeks to understand difficulties in order Treats difficulties as signals of risk to find ways to provide support More readiness to intervene, but Less readiness to intervene, but when it does, uses the full authority of the law interventions seen in terms of benign behind it 'helping' and support Community oriented Individual rather than community oriented Preventive rather than remedial Remedial rather than preventive Protecting children from harm and Central focus:

Developed from S Fargion, Synergies and tensions in child protection and parent support. Insights from the Italian case (2007)

Ensuring the welfare of children within

the community

Fig. Child Protection vs Child Welfare

professionals taking charge

What is Child Protection?

Before we proceed further, we must be very clear about the dichotomy between child protection and child welfare. Child Protection is necessary when the child is at great risk of being harmed and there is sufficient evidence to show immediate risk.

When neglect, abandonment or child abuse (both physical and emotional) is suspected, the ministry and the judicial system must quickly step in to ensure the safety of the child. Next they must investigate the veracity of the alleged abuse as well as determine the severity, and come to a decision regarding the care arrangements of the child, or remedial measures to mitigate the risk of further harm if the child is to remain with the current caretakers. Child protection is focussed on safety and the child's risk of suffering harm. It is essential that the investigations be objective and corroborated with evidence, especially because the court interventions are imperative, enforced by the full power of the law.

However, in our experience working with families under scrutiny, sometimes issues like the parents prison record are investigated, when there is no causal link between a parents infractions and their ability to keep their children safe, nor do they serve as appropriate evidence to establish the facts of the alleged abuse. For example, in the MCYS social evaluation, they may take the fact that the parent is very prepared (with appropriate records) to answer all question and construe it as evidence that they are hiding something. They may hypothesize that since both parents do not sleep in the same room, it indicates that the mother is uninvolved and therefore not a protective figure. If the parents deem the injuries such as a black eye as not severe enough to go to hospital (where they have to pay more), it may be construed as hiding guilt or lack of commitment or inability to recognize the child's needs. Most commonly, the parent's hostility at MCYS intrusion in their lives is construed as unreceptive to MCYS' recommendations and therefore lacking moral commitment in taking care of their child.

All these arguments are theoretical in nature and the harder you dig, the more dirt you will find, especially since family is one of the most challenging aspects of our lives. Unless one can determine with good evidence, as compared to suspicion, that child abuse has or will occur, and as such the child is at a significant risk of harm, it does not justify as drastic an intervention as court ordered removal. The confusion arises because questions about parent's ability to care for the child are an issue of child welfare, and families can be supported. This is in contrast with child protection, where the child must be removed from the immediate risk posed by parents.

What is Child Welfare?

Child welfare is a different concept based on the ideals and standards we as a society want our children to have. We want children to attend school, we want them home at a reasonable time, we do not want them to witness their parents fighting, we do not want them to hang out with neighbourhood gangsters, or having underage sex, or begging, or running away from home. Some of these circumstances do contain inherent risks, but unless the parent is forcibly encouraging his or her child to have underage sex, the family needs support instead of judgement.

It is important to acknowledge that all families have their fair share of problems, and that few families are perfect. However, some families, poor and under-privileged, are in a difficult situation of struggling to get by as well as managing their children. Conversely, a child not wearing a child seat in a car is experiencing probably the highest risk of bodily harm, but usually a stern warning and/ or a stinging fine is sufficient, given that a car seat costs considerably less than a car.

The recent High Court case has brought the distinction between child protection and child welfare to light.

A seven year old girl was returned to her parents after the high court reversed the rulings of the family court. The girl was not physically abused, but child protection officers were worried about the long-term psychological damage her mother might inflict on her. They had argued that the girl was so isolated from external contact that she did not even know she had an older sister - who was herself removed five years ago and placed in her grandparents' care - as well as grandparents. The parents had appealed to the High Court against her removal. They also complained they did not know why they had been hauled to court and given no chance to respond.

Referring to the fact that parents were not given a case summary before the hearing, the judge 'strongly' suggested that the CPS change its practices. While Justice V. K. Rajah acknowledged that the 40-year-old housewife was an 'obsessive' and 'difficult' parent, he noted: 'The removal of a child from the parents is a very drastic remedy that should be resorted to only when there is a real fear of imminent physical or psychological danger.'

Concerns over child welfare are still valid questions that we want to pursue in Singapore's status as a modern society. However we must use the right tools for the right job. The issue of child welfare is not about parents posing a threat to the safety of their children, nor is it a competition of who can provide the best care, the parents or the state. Risk assessments are still based on human judgement, which is fallible especially since it is made by an external party not experiencing situations first hand. Hence concerns that are raised should be made sensitively, and in collaboration with the parties that are directly involved. This not only validates the accuracy of risk measurement, but also improves the viability of the solutions that are implemented.

Risk is inherent to life. There is no escaping it, whether it be in the home environment or even in institutionalised care. However the protocols of the current child protection system strive for the ideal of zero-risk, under the philosophy that "no child dies on my watch". While this is admirable, it is also unreasonable, especially when combined with a regime that is punishing to the parties involved.

Should MCYS, with the full power of the law, close down schools that still practice corporal punishment? It seems that families are the only ones under scrutiny in the child protection system even in cases when the risk involves the child not receiving the full benefits of the education system.

A risk averse perspective, in areas where child abuse cannot be substantiated, must take action commensurate with the degree and type of risk involved. However, if one strives for taking no risks at all, it skews one's judgement into thinking that families and VWOs are taking an unreasonable amount of risk. This becomes a barrier to working together. Hence, it is important to investigate indicators of risk fairly in the context of the situation in which it arises. Sometimes a boy complains that his father has beaten him to escape getting into trouble for fighting in school. Sometimes divorcing couples accuse each other in order to get custody of the child. Each situation is complex, and it is necessary to work closely with the family to fully understand the truth of the circumstances, while continually assessing the risk involved.

Since there is no mandate in law to work closely with families, or for inter-agencies to collaborate or share information, policy statements such as "many helping hands" or "family first" remain just that – statements. Ultimately, if the need to minimise risks is viewed paramount to all other kinds of risk, such as the risk of separation from the family, the best way to ensure minimum risks for all children is to take them all away from birth and do away with the idea of parenthood altogether. This is a slippery slope which arises from confounding assessment of risk between child protection and child welfare issues.

(a) Clearer definitions in the law

We hope that the best interest of the child can be enshrined in the law by firstly clarifying the issues of child protection and child welfare. The threshold of unacceptable risk is different between the two areas and clearer guidelines should be present.

(b) Families to be supported under the CYPA

By including a provision to support families under the CYPA, it would balance out overzealous concerns for the children with the need to take into account the family's interest and situation. Of course, if the courts determine that the parents themselves are abusing children, they must act in favour of one or the other, but many times this is not the case.

It must be acknowledged that the primary responsibility and duty to care for and raise the child lies with the parents, without comparing one family's ability to care for the child with another, or with the state's ability to care for the child. This would help to avoid discrimination against more unfortunate families. It is also in line with the idea that the best place for the healthy development of the child is within their own families. Hence the state's obligation is not to pass judgement on families that are struggling, but to respond and support parents and families to provide the best care for children.

(c) Increasing the participation of families and other stakeholders

Providing a mandate in the law to work with parents will provide a more collaborative, and hence more accurate approach in understand problems and coming up with applicable solutions. It will empower the families, while still allowing the relevant professionals to play a consultative role and provide the necessary services. In this way, many of the under-supported, over-stressed families would be able to keep their child safe and well cared for.

In the United Kingdom, lack of inter-agency collaboration was found, time and again, to be at the heart of many of the mistakes and gaps in the child protection system. Eventually, a law had to be passed to ensure that all relevant parties cooperate together in keeping the child as safe as possible within the family. In Singapore, agencies like VWOs have an obligation to share information with the authorities in matters as serious as child protection. More inclusive participation of such stakeholders would aid in obtaining a more objective and thorough view of the problems a family is facing.

Additionally, open-minded collaboration with different parties would allow us to continually develop a wider range of interventions and alternatives beyond institutionalisation.

Board Support needed in :

- 1. Engaging MCYS to work together at the intake stage, before a case file is opened. When cases deal with child welfare, they can be diverted from the system if the risk is low and family preservation work is possible
- 2. Setting up a team made up of staff and expert advisors to make recommendations for changes in the legal framework so as to support families and inter-agency collaboration

(IV) CONCLUSION

Moving forward with the correct attitudes

While each of us have our own set of individual standards and priorities, the United Nations Convention on the Rights of the Child (UNCRC) sets out 54 standardised guidelines we as a signatory nation should subscribe to. 40 of the guidelines comprise of substantive rights pertaining to children under the age of 18 and fall under 4 main categories.

- 1. Survival (that children have a right to life and the needs that are basic to existence)
- 2. Development (that children should have opportunities to reach his or her fullest potential)
- 3. Protection (that children should be safeguarded against all forms of abuse, neglect and exploitation)
- 4. Participation (that children have an active role in the community)

At the same time, these rights are balanced by respectfully maintaining the role of family and parents as the primary caregivers to the child. It is important to note that The Convention places equal emphasis on all of the rights for children. There is no such thing as a 'small' right and no hierarchy of human rights. These rights are indivisible and interrelated, with a focus on the child as a whole. Governmental decisions with regard to any one right must be made in the light of all the other rights in the Convention.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 9

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

These are concepts that span child protection and welfare which we should continually strive for, and the obligations set out in the UNCRC fall upon the government, families and organisations involved with children alike. Instead, at times it is used to point fingers at each other to say "you do not have the best interest of the child at heart because you did not send your daughter to school/ because you have not allowed your student to engage in play and recreational activities appropriate to the age of the child/ because you have not provided enough pre-school assistance for special needs children". In truth, the UNCRC should not be used as a benchmark to police different parties because we are all deficient when compared to perfectly standards of ideals.

Instead, it is an aspiration that is worth working towards. The spirit of the UNCRC is for us to work together towards the full realisation of children's rights, for the community to help the state in its function, the state to help families and vice versa. While families serve as the primary caregivers, the issues of child welfare extend far beyond the home environment. The onus is on all of us as *adults* to make the world a better place for children.

CURRENT ADVOCACY MEASURES

Social advocacy works through different channels to expand the awareness of society at large as well as inform others of alternative solutions and perspectives. One channel is through the press and the media. Secondly, by offering and coordinating training/opportunities for collaboration for workers in the sector, we build partnerships with those we must work with. Thirdly, by updating stakeholders and those in the industry with publications, newsletters and studies, we seek to promote the employment of new practices and methods set by the current standard of social work worldwide. Lastly, our advocacy to relevant authorities functions to consult with law makers and policy makers to improve the current structures in place so as to avoid the adverse impact that some laws have on certain groups of individuals.

- A) Increasing Awareness in the General Publish
- B) Offering and coordinating training/opportunities for collaboration for workers in the sector
- C) Publications and studies
- D) Updating stakeholders
- E) Advocacy to relevant authorities

A) INCREASING AWARENESS AMONG GENERAL PUBLIC

On many occasions the press presents a human interest case from a seemingly judgemental perspective. As readers, we tend to lay blame on either one party or the other. Seldom do we pause to ask what this reflects of our society. A society where such issues are so taboo, that instead of informing youths of the alternatives around them which they can responsibly turn to, we explain the consequences of their actions in terms of fines and jail terms. Most things in the press are somebody else's problem, and seldom does the blaming perspective spur readers into taking steps to prevent something from re-occurring.

Our job is to work through the press to present a side of society which offers solutions instead of judgements, alternatives instead of blaming. Not to arrogantly say our way is better, but to balance the manner in which information is portrayed to the public. In our opinion, the culture of finger-pointing is useless without constructive criticism. It is essential we make readers conscious of the complexity of circumstances, to inspire them to view others around them with sensitivity, and to show them that they themselves can play a role to make society safer, and more nurturing for children and youths.

Recently, in response to the highly publicised high court case where a child was returned to her parents after appeal, the New Paper featured an article highlighting how the community can work together to keep a child safe. Beyond was interviewed regarding this issue, and we provided cases to show how alternatives to institutionalisation involving the community can be put in place to ensure the best interests of the child. The article aimed to increase public awareness of community responses that are not punitive in nature to the child or the parents.

B) OFFERING AND COORDINATING TRAINING/OPPORTUNITIES FOR COLLABORATION FOR WORKERS IN THE SECTOR:

(1) SSTI Diploma of Social Service Practice (Residential Children and Youth Care)

This diploma course was offered by Potsdam University of Applied Sciences in partnership with the Social Service Training Institute. The course ran from April 2009 to Jan 2010 at the Social Service Training Institute. Participants included staff from Beyond Social Services, Muhammadiyah Welfare Home, Grace Haven, The Haven, Andrew and Grace Home, Singapore Children's Society and Movement for the Intellectually Disabled of Singapore (MINDS).

The staff from Beyond Social Services worked together in the planning of the course to make it more relevant to the local context. The course aimed to share new ideas and frameworks used in other developed countries with regards to residential work, as well as nurture and build a pool of competent and motivated helping professionals for working with children and youth in residential settings in Singapore

In the local context of residential care, children's homes are often viewed as a long term care arrangement. This is due to a lack of foster parents and natural parents being deemed as "unfit to care for the child". Because of the lack of capacity to work with the family to reintegrate the child, children are often left to "age out" of the home at the age of eighteen.

Internationally, a major shift in residential work has been towards reintegrating children back into their community and preserving families. This is consistent with social work principles, as well as Beyond's principles, that the best place for a child is within his/ her family. In this programme, lecturers and participants shared in discussing the challenges and ideas developed in countries with regard to residential social work and how they could be applied here.

Participants felt that the course content was very good and that this was the kind of material that social workers should be introduced to. However, although many of them found the course content to be useful learning, they were not optimistic that such ideas could be implemented in their work setting. This became apparent when 2 of the course participants dropped out as they felt that what was being taught was not part of their role as workers in a residential home. This we felt, was more the case of a structure where residential home case workers have little say in aspects of case management, rather than residential children's' homes lack of capacity and capability.

On the positive side, the diploma allowed us to improve upon informal lines of communications between a few children's homes. Subsequently, we were able to share ideas on some of the cases we received and this led to case referrals and collaborations.

"Strong casework in the Voluntary Children's Homes is essential to ensure that their residents leaving institutional care can do so safely, can maintain or improve their social outcomes and remain well integrated within the community. However, VCHs vary in terms of the intensity of casework intervention with families, and the extent to which the community is prepared to provide of post-care follow-up and support. This is usually due to the VCHs' lack of capacity and capability."

Report of the Inter-Ministry Committee on Dysfunctional Families 2008

(2) The Good Company

An alliance of 6 social service providers that help troubled youth by pooling resources and having a shared SMS hotline. The alliance first met in July 2009 and was launched officially on 1 Sept 2009 (Teachers' Day).

The Good Company consists of:

- Beyond Social Services (teenage pregnancy, juvenile justice, child protection)
- 2. Beautiful People (career, peers and relationship guidance)
- 3. MILK Compassion Fund (death of breadwinner)
- 4. Society Against Family Violence (family violence issues)
- 5. Students Care Service (educational difficulties and school adjustment)
- 6. We Care Community Service (drug and substance abuse)

The Good Company aims to provide a one-stop service to children and youth who need access to appropriate Social services during their most vulnerable moments. Collectively the alliance deals with matters such as teenage suicide, drug and inhalant abuse, teen pregnancy, family violence, amongst other troubling issues. The use of the SMS hotline is due to our experience that young people find it to be a relatively non-threatening form of communication. It helps to provide easy access to social services or caring adult guidance to those feeling troubled and vulnerable.

The Good Company has allowed the pooling of resources within the alliance toward a holistic service for the well-being of troubled children and youths. In this manner, referrals are not pushed back and forth among the related agencies.

The networking and collaborative gains from this alliance of agencies have also helped us to deepen the understanding of each other's services. Sharing sessions, case discussions and clinics are periodically held to generate consensus and new ideas from a ground-up approach, allowing us to collaborate and better deploy resources.

The publicity material for the Good Company has generally been designed for the school population. A New Paper article on 13 Oct 2009 mentioned The Good Company. Following the article, Chia May Ling, Senior Manager from the Service Division at NCSS has informed us that several schools have called her up to enquire. She has informed them that it is a good ground-up initiative that NCSS is aware of.

WHO'S INVOLVED

- 1. BEYOND SOCIAL SERVICES (teen pregnancy, juvenile justice,
- child protection)

 2. BEAUTIFUL PEOPLE
 (career quidance, peers
- and relationships)

 3. COMPASSION FUND (death of breadwinner)
- 4. SOCIETY AGAINST FAMILY VIOLENCE (family violence)
- 5. STUDENTS CARE SERVICE (educational difficulties, school adjustment)
- **6. WE CARE COMMUNITY SERVICE** (drug & substance abuse)

REPORT: **BENSON ANG** bang@sph.com.sg

ONE mother felt her son, 11, needed help because he had difficulty concentrating in class and coping with his mother tongue lessons.

She contacted Beyond Social Services, but the organisation's focus is curbing deli-

quency, not dealing with youths with learning problems.

But thanks to a new alliance of social service providers, she was directed with minimum fuss to another organisation, Students Care Services, which specialises in this area.



2. BEAUTIFUL PE (career guidance, and relationships)

Going forward, the challenge is perhaps not about more of the same services, or having more programmes and manpower. We need to be creative and nimble as we respond to ground needs as users become more sophisticated. We will face fresh challenges and we need to think about how we can collaborate, better share and deploy resources to provide better coordinated and integrated services. An example of a grounds-up approach is a new alliance of six social service providers called Good Company, which provides a one-stop case management service for student related issues.

- Vivian Balakrishnan during NCSS Members' Conference, 29 Oct 2009

C) PUBLICATIONS AND STUDIES

(1) The Beyond Book

A compilation of 7 short stories to form a book that explains our working philosophy, principles and approaches in the field of children, youth and family work. It is an ongoing project to be completed by the end of 2010.

The book is part of an ongoing effort to strengthen the social capabilities/skills within Beyond and also to inform the general public as well as others in the sector with regards to Beyond's philosophy and approach.

It targets aspiring or current social workers in the field as well as relevant professionals who have an interest in issues surrounding children, youth and family work. Trainee social workers will find the content to be educational as the stories incorporate social work principles and theories. The chapter to be included in the book has been chosen for case discussion in Lunds University, Sweden.

(2) The Circle of Courage Resilience Survey

The survey is an MOE approved study that is being carried out in 8 schools. The National Youth Council has also approved funding for the research. We seek to understand the needs of youth based on the Circle of Courage resilience model that looks into their senses of Belonging, Mastery, Independence and Generosity. The project is slated to be completed by mid 2010.

Resilience at its core looks at the capacity of people to cope with stress and other negative influences around them. Why do some youths get into trouble with authority and others do not, even though they come from similar backgrounds? As young people mature, they develop a sense of independence as they venture out and enjoy the company of their friends. On the flip side, being out on their own without adult supervision could also mean that young people may be unable to handle the negative influences and land themselves in trouble. Resilience is about equipping youth so that when they "hit the streets", they do so wisely.

Protective factors (internal and external) surrounding these youths play a huge role in empowering them in dealing with these negative influences. This project looks to understand local youth holistically in terms of both internal and external protective factors. The survey is based on the Circle of Courage framework used in countries like the United States and Australia. The framework looks at 4 universal needs of youth: Belonging, Mastery, Independence and Generosity. Understanding the needs of youths will help professionals and stakeholders who work with youths to inculcate resiliency.

D) UPDATING STAKEHOLDERS

(1) Another Week Beyond

A weekly message that keeps staff, stakeholders and supporters informed about the current news and views of the organization. The message is sent out every Friday and has a weekly readership of 1,057 readers. Readership includes the staff, board and management of Beyond Social Services, those in partner agencies, as well as supporters who have agreed to be on the mailing list.

In the message, actual case stories and successful solutions are shared. While describing the cases, care is taken not to portray our beneficiaries in a deficit light. Instead the approach taken, consistent with the principles of Beyond, builds on their strengths and/or the capabilities of the community around them. We aim to engage, inform, and inspire readers by sharing case stories as well as our experiences working with children, youth and families.

Readers have been known to contact Beyond regarding friends and people whom they feel need help. Fellow professionals have also contacted us for referrals and advice after reading Another Week Beyond.

(2) Juvenile Justice Newsletter

A monthly newsletter from the Executive Director of Beyond Social Services that keeps staff and stakeholders in schools informed about the current news and views of the organization with respect to social work in schools. The newsletter has a readership of 1,032 educators and professionals which include the principals and key staff of most primary and secondary schools and institutions in Singapore.

The main aim of the newsletter is to inspire schools and authorities to take a restorative and inclusive approach to dealing with youth offending and delinquency, as well as suggest other alternative measures of discipline. Strategies and solutions regarding the disciplining of youth are shared and actual cases (with names changed) are highlighted.

Readers are generally appreciative and thankful that they are kept informed of Beyond's activities and general direction. School counsellors and teachers have been known to contact Beyond for referrals and advice.

E) ADVOCACY TO RELEVANT AUTHORITIES

(1) Consultation Paper with respect to the Babes Programme and Mandatory Reporting

A discussion and consultation paper to the Attorney General's Chambers regarding mandatory reporting of underage sex when both parties are consensual. The paper was sent out on 8 Oct 2009

The paper starts out by giving information regarding the Babes programme and the youth we serve as well as highlighting section 22 of the Criminal Procedure Code of the public to give information to the police of the commission of the seizable Penal Code offences of *statutory rape* (section 375) and now *sexual penetration of minor under 16* (section 376A).

The paper delves into how the above law has a sizeable impact on the programme itself as well as the beneficiaries that the Babes programme serves, in particular how these young persons and their families are less likely and less willing to seek and receive support and assistance when they are told that either their child or the child's consensual sexual partner has committed a criminal offence that must be reported to the police.

Attorney-General Walter Woon notes in The Straits Times, Nov 07, 2009:

'Other cases involving underage sex - for example, when one party is an adult - may have a clear-cut answer, but teen cases are hard to prosecute...It's basically kids having sex...What do you do if the couple think they're in love? It's less easy if the girl consents,'

Mr Seah Kian Peng, who chairs the Government Parliamentary Committee for Community Development, Youth and Sports, said while there is a need to tackle the problem if an illegal action took place, it is also necessary to calibrate the punishment meted out. He said:

'Perhaps it is time to review the laws while taking into account societal norms. Personally, I feel that underage sex is wrong, but punitive action may not always be the solution as it doesn't really fix the problem.'

Currently, our consultation paper has been referred to the Ministry of Law and the Ministry of Home Affairs for their consideration.

(2) Kids United Home Prospectus

A paper highlighting the service concept provided by the Kids United Home, a small group residential home. It also gives an overview of the child protection and residential work setting in Singapore as well as a brief comparison with residential work in other countries. It targets management and staff of children homes and relevant professionals in the sector who seek to understand the role and purpose of a small group home setting in Singapore. The prospectus was completed in June 2009

The paper engaged community partners and stakeholders such as other welfare homes, MCYS and NCSS regarding the viability of the small group home concept, a relatively new concept in Singapore. Another important aspect of this advocacy was highlighting the relevance of a short term live-in facility in the local context. This approach is designed to minimize the unintended ill-effects long-term institutional care for children who can, over time, be reintegrated with their natural family groups.

Despite a success rate of almost 70% in integrating children back into a supportive and healthy family environment in an average of 11.5 months, we have learnt that once children have been removed from their families, the Court or MCYS determines for how long they will remain in out-of-home care. It is the official investigation and assessment that ascertain how long children are likely to remain in institutional care. As such, very limited discretion is given to home operator in the discharge of children, or in working with their families, despite first hand observations of the progress of the child or the family. Consequently, the majority of these cases include longer-term stay in residential facilities, and at times, until the child ages out.

This is not in line with why the Kids United Home was started, which was to provide short term care and reunite families. As such, after much dialogue between key staff members of Beyond Social Services and the KU Home Management Committee, it was recommended that we close the KU Home as an entity. While we close the KU Home, the need to support children and family needing respite care still remains.

(3) Collaborating on the Alternate UNCRC report

Beyond Social Services is contributing reports and case examples to the Singapore Association of Social Workers as they come up with an alternate report to the UNCRC. The final outgoing report is to be sent to the United Nations Committee on the Rights of the Child by the middle of 2010.

As a signatory to the United Nations Convention to the Right of the Child, Singapore is required to furnish periodic reports to the United Nations to be examined on our progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country. The Convention deals with child-specific needs and rights. It requires that states act in the best interest of the child.

The UNCRC also welcomes alternate reports from the ground from civil society as well as children's groups. The Singapore Association of Social Workers has taken the lead to come up with such an alternate report to the UNCRC. Beyond will provide case studies and information regarding issues such as the mandatory reporting of child abuse, the child's right to nationality, the age of criminal responsibility and filing of Beyond parental Control measures on children.

The report provides a ground up perspective to the United Nations as to the progress the Singapore government has made in implementing the Convention since its last report to the Committee. While not designed to be critical in nature with regard to the governments' efforts, the paper does look at service gaps and gives recommendations based on our experience working in the sector.