*Article*

# 'Warm Eyes', 'Warm Breath', 'Heart Warmth': Using Aroha (Love) and Warmth to Reconceptualise and Work towards *Best Interests* in Child Protection

**Susan Young [1,\*], Margaret McKenzie [2], Cecilie Omre [3], Liv Schjelderup [3] and Shayne Walker [4]**

[1]   Social Work and Social Policy, The University of Western Australia, Crawley, WA 6009, Australia
[2]   College of Community Development and Personal Wellbeing, The Otago Polytechnic, Dunedin 9016, New Zealand; Margaret.McKenzie@op.ac.nz
[3]   Faculty of Social Sciences, The University of Stavanger, Faculty of Social Sciences, 4036 Stavanger, Norway; cecilie.omre@uis.no (C.O.); liv.schjelderup@uis.no (L.S.)
[4]   Gender Studies and Criminology, The University of Otago, Sociology, Dunedin 9016, New Zealand; shayne.walker@otago.ac.nz
\*   Correspondence: susan.young@uwa.edu.au

check for updates

**Abstract:** The attributes 'warm eyes', 'breathe warm air', 'heart warmth' and aroha (love) guide our work in child protection. These quotes are from a young person from the Change Factory 2020, a MFAMILY student in 2020 and Jan Erik Henricksen Key Note at the 4th International Indigenous Voices in Social Work Conference, Alta, Norway 2017 respectively, to describe the way young people and families want workers to be. We reflect on the child rights and family inclusion provisions of the United Nations *Convention on the Rights of the Child (UNCRoC)*, and the Aotearoa New Zealand (ANZ) legislation *Children, Young Persons and their Families Act* (1989), in contributing to the *best interests* of the child. We examine current events in our locations, Aotearoa New Zealand, Norway and Western Australia, as demonstrating that these joint principles are far from universally used in child protection practice. The sole use of Article 3 of the UNCRoC, in particular, often results in excluding families as legitimate stakeholders. In seeking to achieve the *best interests* of the child, we apply a practice framework to example vignettes. Here, we have added micro-practices to address the identified gaps in relationship building, engagement and enabling practices in working towards the practice of *best interests*.

**Keywords:** child rights; family inclusion; child protection; co-constructing social work; practice frameworks; young people and children

## 1. Introduction

Our work as social work educators, researchers and practitioners in Aotearoa New Zealand (ANZ), Norway and Western Australia (WA) with child welfare and protection over many years has led us to question how the *best interests* principle has been applied in our countries. A mantra in policy, legislation and practice, this concept has, in many cases, seemingly become a taken-for-granted rationale for removing children from their parents as a first rather than a last step in the aim of protecting children. Over the years, we have argued that the sole reliance on Article 3 of the United Nations *Convention on the Rights of the Child* (UNCRoC) often has the consequence of excluding parents and family/whanau as legitimate stakeholders in their children's lives, and pits professionals against parents, children against parents and risk-focused approaches against family support measures. We have become increasingly interested in the concept of 'love' as an aspect of practice. As educators, we draw on Honneth (1995) conceptualisation of recognition—of which, the three cornerstones are love,

rights and solidarity. As practitioners, we have listened in person to young people in Norway as well as through their reports (Neumann 2016; Sanner 2016; Forandringsfabrikken 2017). The Change Factory in Norway is a network of young people who all have experience of child protection through the mental health, justice, education and health systems. As 'pros' (The young people's name for themselves as professionals in their own lives.), they present talks to other young people, professional workers, educators, policy makers and politicians to encourage systems and practice change. In particular, they want to be shown warmth and love from those who work with them. Alexander, a pro, speaks for many of the pros when he says:

> *"I would like it if more of the people in the system showed some warmth and love when they encounter us. I would like them to show more humility, be more open, instead of using well-rehearsed methods and conversation techniques," says Alexander.* (Kjellander et al. 2016, p. 55)

Here, it is clear that the pros wish for a more reciprocal relationship, recognition that the young people have an equal part to play in their development, and that workers and young people can have a warm working relationship of benefit to them both. Both 'love' and 'warm eyes' is a common theme in their talks; when they say they look for workers who have 'warm eyes,' they know then they can trust the workers to treat them with care. 'Warm breath' is another concept which encompasses a similar expressed need and was spoken by a young Kenyan social worker from her experience with young people in her country. Young people seek to have the space between the worker and young person filled with warm not cold air, reflecting the ability to be approachable and collaborative. Professional objectivity is experienced as coldness. Having 'heart warmth' is an attribute an Indigenous social work colleague has developed over the years of his practice and forms the centrepiece of his practice framework. All these concepts are saying the same thing: young people in the child protection systems want workers who will work with them showing warmth, and, for the young people of the Change Factory, love.

We are mindful that in some of our countries, to openly express or even use the word 'love' brings dangers. We are also mindful that the young people who are part of the child protection world need to have warmth and love shown to them, especially by professionals who carry the authority for what shall happen to these young people in their hands. It is not an insignificant responsibility, and it requires a more nuanced approach to the rights of the child than relying solely on a professional judgement of what constitutes the *best interests* of the child.

However, perhaps rather than defending the use of 'love', we return to the ANZ concept of aroha. The child protection process in Aotearoa New Zealand tikanga (Māori cultural constructs) (Smith 1999) encompasses customs, ethics, values, culture and principles for living daily life (Mead 2003). As a tikanga, aroha has a multi-layered meaning and is not only an expression of love but also the enacting of care, concern, respect and compassion for others (Barlow 1991). When discussing research with Māori, Smith (1999) encourages us to have aroha kit e tangata (a respect for people). The expression of aroha creates an innate positive effect on others that adds to their experience and meaning in everyday life (Barlow 1991). In Aotearoa New Zealand, workers are encouraged to have an integrated approach in their work with Māori families that is tika (correct in our thinking and knowing), pono (having integrity with what we know) and aroha (acting out of love) (Tate 2010). In practice, aroha is more than just knowing a concept or feeling an abstract emotion, aroha has a doing component that is related to the 'ha' (to breathe, to taste) and the 'aro' (to pay attention, take notice). Those we work with in the child protection process recognise the 'aro' when we take notice, but it is the 'ha' that they remember because we breathe life into the context or situation. In contemporary formal and informal greetings, Māori hongi—they gently press noses together (Barlow 1991; Ka'ai 2004) and some, at the same time, touch foreheads. This intermingling and sharing of the 'ha' is more than a metaphor, it is part of the powhiri (formal welcome) ritual and integral essence of the child protection processes with Māori families. Everyone has the opportunity to breathe into the co-construction. Aroha as a takepu (applied principle) (Pohatu 2004) is an intrinsic part of how we 'become the theory,' as it affects the way we

behave with children and young people. Aroha is at the heart of co-construction as we take notice of one another, listening, learning and growing. It creates a whakawatea (to clear a pathway or make way) so that we can work together honestly and deeply. We take these 'warmths' and love as guides to practice with the young people and their families in the child protection system.

## 2. The United Nations *Convention on the Rights of the Child* (1989) and the Aotearoa New Zealand *Children, Young Persons and Their Families Act* (1989)

Two significant milestones occurred in 2019. The United Nations *Convention on the Rights of the Child* (UNCRoC) (1989) and the Aotearoa New Zealand (ANZ) *Children, Young Persons and their Families Act* (1989) both reached thirty years of operation. The ANZ legislation was momentous, as not only did it enshrine Māori practices, it was the first statute in the Western world to actively include families in the decision-making processes when children were considered to be at risk, only two decades after child abuse, then called 'baby-battering', became a policy matter for child welfare authorities. Sourcing inspiration from Indigenous experiences and practices in the troubled world of race relations was an opportunity for hope. However, the journey related to child welfare and child protection since then, while witnessing some achievements in the countries in which we work, ANZ, Norway and Western Australia (WA), hope-filled child protection policy and practice is becoming little more than a chimera. In each of our countries, and indeed in much of the rest of Western child protection, efforts to retain inclusive, participatory, positive partnerships with families are met with challenges and oppositions (Kojan and Lonne 2012; Hyslop and Keddell 2018; Powell et al. 2020). Times have changed, stresses on families have changed and the preparedness of society to sanction any other than parent-blaming responses seems now a figment of a long distance past. Increasing numbers of children, particularly Indigenous children, are coming into the care of the state, and increasingly families are being faced with reduced time to prove their worthiness before their children are legislatively permanently removed from their care (Keddell 2018; Skivenes and Sørsdal 2018; Mackieson et al. 2019). However, far from abandoning hope, we have been witnesses to practices that signal optimism, and these have led us to develop for our own practice and hopefully for others, a way of conceptualising alternate child protection measures in policy and practice. This article uses the two legislative innovations from 1989 to examine the current state of child welfare and child protection in our jurisdictions and articulate ways of responding in this present century to current challenges for child protection practice, with particular reference to how the *best interests* principle may be enacted to truly meet the *best interests* of the child.

### 2.1. Enacting the Best Interests Principle in Child Protection

'In the *best interests* of the child' has become somewhat of a mantra in child protection settings (Long and Sephton 2011; Eriksen 2018; Salminen 2018; Leloup 2019; Sandberg 2019) but has proven to be problematic in articulation and implementation. The Article in the Convention which introduces the *best interests* principle is Article 3. Some writers have suggested that this Article is one of four 'foundational principles' (George and Awal 2019) along with Articles 2 (protection against discrimination), 6 (right to life) and 12 (the right to be heard). Article 3 has three subsections, but the most commonly cited is that 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the *best interests* of the child shall be a primary consideration'. There are three main interconnected issues: the original wording with a lack of definition, the interpretation authority, and the use of Article 3 in isolation. The wording of the Article is itself indeterminate, allowing for different interpretations. The use of 'a primary consideration' rather than 'the' primary consideration, suggests other factors may be considered, and the lack of definition of what constitutes *best interests*, linking it in Article 3(2) to well-being and welfare, provide for considerable latitude in understanding and, by extension, decision making by authorities (George and Awal 2019). The second issue is one of authority. Not only are the main stakeholders, the child and the parents, omitted from this Article, there is no indication as to which of the authorities should have the final say in cases where there are disputes, as there usually are.

Finally, the reliance on Article 3 as the main consideration for decision makers contravenes the original intent of the Committee on the Rights of the Child who showed a much more nuanced consideration of what was to be included in the *best interests* principle. The General Comments show that this principle is to be taken together with 'other articles: article 9: separation from parents; article 10: family reunification; article 18: parental responsibilities; article 20: deprivation of family environment and alternative care; article 21: adoption'. The Committee evidently sought to indicate that *best interests* was inclusive of a range of other rights which had to be given due weight. Further, the General Comment states: 'The Committee has already pointed out that "an adult's judgment of a child's best interests cannot override the obligation to respect *all* the child's rights under the Convention."' (CRC 2013, Section 1.A) (Authors' emphasis). While the Committee did not specifically cite Article 12 in this list, which requires that children have a right to participate and to be heard, the idea that adults, and in the main, professional representatives of authorities, unilaterally have the right to determine what is in the best interests of the child was not the original intent. As there is no weighting as to which of the 'State Parties' or other institutions or authorities shall prevail when there is a dispute as to what constitutes the *best interests* of the child, the subjectivity and value-laden nature of the Article lays it open to many different interpretations. There is no absolute arbiter. Hence, when disputes come to courts, whom are the judges to heed?

Such single applications of the *best interests* principle without reference to other, equally important, rights consolidate the prevailing status quo. The binaries in practice of professionals versus parents, children versus parents and risk-orientated practice versus family support remain firmly entrenched.

The UNCRoC is now almost universally ratified by member nations. Some countries, such as Norway, have written child rights principles into their national laws, while others, such as Australia, which belatedly ratified the Convention, leave reflection of the principles as less specific in their legislation. However, all jurisdictions face the challenges of a loosely defined and ultimately differently interpretable consideration of what constitutes *best interests* and what to do in the *best interests* of the child.

## 2.2. Participation and Decision Making in Child Protection

The ground-breaking legislation, the *Children, Young Persons and their Families Act* (1989), enshrined Māori practices of family decision making in ANZ, leading to the development of the Family Group Conference (FGC) in a move that was intended to strengthen and encourage family participation in providing safety for children. Family and others, not merely parents, were to be included. These stakeholders were, moreover, considered to be competent—perhaps not in all things, but they could contribute to decisions and practice about keeping children safe. Significantly, there was recognition that a group of people, not just the immediate parents, could perhaps achieve protection for the child together rather than separately. Participation, inclusion and joint decision making were embedded in the legislation. FGC has been subject to criticism from both opponents and advocates (Frost et al. 2014; De Jong et al. 2015; Thørnblad et al. 2016; Dijkstra et al. 2018), with some studies suggesting worker attitudes and access to supportive resources for families are vital for success (Williams et al. 2015). This points to the importance of comprehensive support for programmes including ensuring that there are adequate resources available for both staff and families, invoking Articles 18 and 19 of UNCRoC. That ANZ appears to be currently resourcing the FGC process indicates that, despite the continuing underlying neo-liberal policy context (Keddell 2018), family support remains a policy direction. FGC has been adopted in many countries around the world, with Norway being a strong supporter, having adopted it in the late 1990s—further, by 2016, approximately half of all Norwegian municipalities have reported using FGC. Recent amendments to child welfare law in Norway specify that all families coming to the attention of the Child Welfare Services (CWS) should be offered FGC.

## 3. Child Protection in Aotearoa New Zealand, Norway and Western Australia

The two legislative prescriptions referred to above provide a background to our enquiry as to how to enact a child protection process in our jurisdictions which pays due homage to their intent of participation, inclusion, collaboration and partnership. For, if child rights as envisaged by the UNCRoC and family inclusion as intended by the CYP&F Act are unattainable, what is the future for child protection practice? This article, then, sets the achievements from thirty years ago in relation to child rights and family inclusion in decision making about their future in juxtaposition to the developments in our respective countries and the on-going debates as to just what *child rights* and *family inclusion* mean.

*Country Contexts*

The differing social policy heritages of our countries notwithstanding all have regulatory and distributive measures in our welfare states to ensure child safety and child well-being. The Social Democratic tradition in Norway means that child welfare is largely considered as being encompassed within the family service approach (Gilbert 2012) and there is an expectation that *child* welfare includes *family* welfare. Australia is characterised as risk oriented (Skivenes and Sørsdal 2018), while ANZ fell somewhere in between in 1989. Contemporary ANZ aligns much more closely to Western Australia, (which although not an autonomous country does constitutionally have jurisdiction over child welfare matters) where the predominant risk management discourses of child protection (Keddell 2014; Hyslop and Keddell 2018) are rapidly being supplemented by the emerging neuroscience discourse (Lowe et al. 2015), thereby solidifying the medical–social model (Parton 1985), with its resultant (and not entirely intended) parent-blaming consequences.

In both Western Australia and ANZ, the management of child protection changes with government change. A recent example in ANZ is the re-focusing (Oranga Tamariki 2019) of its child welfare services to emphasise early intervention in contrast to remedial services. Researchers (Keddell 2018; Atwool 2019) suggest that the reforms have not altered the neo-liberal philosophy underpinning 'vulnerability' and the social investment of the state in 'good' citizens, continuing to highlight individual responsibility and consequent culpability for the frequent failure to meet societal norms. Although ANZ has been labelled as subscribing to a child and family welfare model, rather than a child safety policy position (Gilbert et al. 2009), the neo-liberal agenda of individualisation remains (Hyslop and Keddell 2018) and there are still unacceptably high numbers of children taken into care, a large proportion of whom are Māori and Pasifika. That the neo-liberal agenda is present in ANZ is indicated by what Keddell, Hyslop and others report as its seemingly entrenched patterns of child protection practice (Beddoe and Joy 2017; Hyslop 2017; Ware et al. 2017; Hyslop and Keddell 2018; Keddell 2018, 2019a). A documentary (Summer Newsroom 2019) about an attempted 'uptake', or removal of an infant at birth, went viral in 2019, forming a talking point in many institutions in Australia, and no doubt elsewhere, where social workers expressed surprise that this should occur in ANZ, while also acknowledging its prevalence in Australia.

The recent active reforms, including changing the name of the child welfare department to Oranga Tamariki (OT), and the legislation title to The Oranga Tamariki Act or the Children and Young Persons Act, which notably omits family from the title, purport to promote the centrality of the paramountcy of a child-centred approach. However, commentators (Keddell 2019a) suggest that protection and safety from risk have displaced participation and the use of the family decision-making process of FGC and this is commensurate with the changed focus and renaming of the government department seen in the legislation title. The proposed law name itself was controversial (Becroft 2016), and universally rejected by Māori and Pakeha (European) for its potential for stigmatising and labelling. Hyslop (2017, p. 11) points out that despite the visionary nature of the Act which led to FGC in giving greater authority to families, ever 'since there have been a succession of enquiries, reviews, and reports proposing changes to the statutory child welfare system in New Zealand,' resulting in continued challenges to the ANZ child protection system. Such actions are in danger of ignoring the relational context of children

(Featherstone et al. 2014). In this context, removal is framed as a gain, invoking a 'child-focused practice', where, as the child is the client, parents and whanau can legitimately be excluded.

Australia and ANZ, therefore, are becoming more, rather than less, similar in child welfare practice, which still remains professionally driven. In Australia, the adoption of a national framework for child protection in 2009 (COAG 2009) used a public health model of primary and universal prevention, but practice remains focused on tertiary prevention, or concentrating predominantly on risk. Arguments for taking the primary route to prevention are still being made (Sanders et al. 2018; Lonne et al. 2019), with community or universally available resources or local supports for families among the more urgent needs (Babington 2016). Pockets of family support approaches exist but are mainly performed by the non-government sector. Examples include programmes run by the Family Inclusion Networks (FINs) around Australia using a Family Inclusion Framework of practice (Ross et al. 2017) and family peer support.

Having jurisdictional authority in child protection practice, recent government changes in Western Australia have re-introduced some significant preventive and early intervention strategies for young people and children. Nevertheless, child abuse notifications and substantiations are increasing and, disturbingly, the proportion of Indigenous and Torres Strait Islander children being removed from their families is the highest for many years, at 54% of all out-of-home placements (O'Donnell et al. 2019). The need now is to formulate appropriate responses that will neither continue nor encourage this trend but instead provide the necessary and culturally appropriate supports so that this is reversed. This is the most urgent need in WA, but practice within the state authority system remains firmly reflective of the risk orientation, where its purpose states: ' . . . to protect children and young people from abuse and neglect; to support families and individuals who are at risk or in crisis' (DCPFS 2017, p. 7). The fact that 54% of all home placements are Indigenous and Torres Strait Islander children suggests that authorities consider care in their homes to be of such concern that they have to be removed for their own safety. This alarming proportion of the population showing signs of risk or crisis in itself surely cannot be read to mean that all individual Indigenous and Torres Strait Islander families are so disproportionally failing as to be constantly causing their children to live in risk environments enveloped in crisis.

The situation in Norway is showing signs of risk and crisis, even with its emphasis on family support. A recent assessment of new developments the authors refer to as 'the New Child Protection' (Kojan et al. 2019) suggests that far from providing the support families with multiple challenges need in order to ensure the well-being and safety of their children, these new measures are on the contrary failing parents who are then constructed as failed parents. Despite strong family support provisions, more children are coming to the attention of the authorities, with Norwegian statistics recording 57,000 notifications in 2018 and 15,000 children receiving placement provisions (Statistisk sentralbyrå 2018). As other countries' experiences attest, out-of-home care places children in particularly vulnerable positions, with results from a systematic review of 20 studies indicating poor outcomes over nine measures (Kääriäläa and Hiilamoa 2017). Although some reports suggest that the Norwegian Child Welfare Services, including the specific child welfare agency (CWS), its workers and judges in the courts, enjoy popular support (Juhasz and Skivenes 2017), they also receive considerable criticism. Such criticism relates to opposition of their ability to and practice of removing children from their families, citing injustices and unprofessional conduct (Stang 2018). Even the comparative study, conducted in 2017, which found populations in the Nordic countries generally have greater confidence in the public systems of child welfare than counterparts in the UK and US, still concluded that trust in these systems was 'alarmingly low' (Juhasz and Skivenes 2017). Recent events, such as the well-publicised removal of a 10-year-old child from his mother in Stavanger, Norway, using five cars and seven police (Bjørå 2020), suggest that the management of child protection cases in Norway is indeed in some disarray.

The immediacy of these concerns is shown in some current adjudications by the European Court of Human Rights, which has before it 36 cases from Norway—of which, it has ruled on 6. While two of these have been dismissed, the judgements in relation to the remaining four are damming. The court

criticised the Norwegian courts, citing some examples of when the court considered the authorities to be at fault in their actions:

- *'Severing parent-child ties without adequate decision-making process'* (ECHR 2019;)
- *'the potential negative long-term consequences of losing contact with her mother for A and the positive duty to take measures to facilitate family reunification as soon as reasonably feasible were not sufficiently weighed in the balancing exercise'* (ECHR 2018;)
- *'Regime of contact at variance with aim of family reunification. Authorities' failure to consider possibility of family reunification in light of child's best interests'* (ECHR 2019).

Three main issues have been found: inadequate explanation of decisions and the evidence used for the decisions; reliance on out of date information, for example psychologists' reports that were over two years old; and the propensity to ignore the possibility of reunification in the decision-making process. That CWS did not include all relevant Articles in their decisions as expected by the Committee on the Rights of the Child is shown most clearly in the ECHR judgements. These criticisms—indeed, judgements—clearly demonstrate that in the opinion of the Court, CWS workers are removing children from their families without being adequately able to explain why it is in the *best interests* of the children to do so. There may be many reasons for this tendency, perhaps the most compelling, as found in many jurisdictions, is that child protection work has become risk averse (Laird et al. 2018). Seemingly, the Norwegian courts have 'rubber stamped' the professionals' decisions, reinforcing the problematics of Article 3 of identifying the final arbiter. It is hard to escape the paternalism, risk-averse nature of practice, and judgmental attitudes towards 'failed parents' in these practices, which are not unique to Norway, for we also find these in ANZ and Western Australia.

In our work over these three decades, we have met and worked with many young people and children in different contexts. With increasing dismay, we have watched the retreat from the principles of the UNCRoC and the ANZ legislation. Recently, our attention has been drawn to 'love' as a necessary attribute and action in the lives of children and young people, not just from their families and friends, but also from their workers. 'Warm eyes', 'breathe warm air', and 'heart warmth' are expressions spoken by young people, children and workers as describing the way children want workers to be when they are working with them. Warmth of expression, ensuring the setting for the work is one of warmth and that people working with young people are emotionally close are important to these young people—they do not want us to be their friends, but they do want warmth. Not long after the legislative frameworks for inclusion and participation were developed in 1989, Honneth (1995) realised the importance of love as part of a greater social whole. Along with rights and solidarity, love forms the tripartite foundation for social solidarity and thence recognition, a practice that enables growth and development through the sound formation of identity. Young people in the child protection systems are often torn by conflicting identities or forced to withdraw from a given identity through the actions of those who state they are acting in their *best interests*. Young people want to have workers who can help them retain their identities, to grow positive identities that do not force them to negate the connections they had and above all show understanding of this need with warmth (Cossar et al. 2016; Kjellander et al. 2016; Lefevre 2017). While warmth, along with empathy and other characteristics, has been a founding attribute for social work clinical practice for many years (Rogers 1956) and central to the therapeutic relationship, the recent predisposition in child protection has moved away from showing warmth in the ways young people want to be shown.

We next present examples from our countries which we will use to examine possible ways of practicing to avoid or address binary thinking in practice.

## 4. Three Vignettes

### 4.1. Norway

Britt (not her real name) is 17 years old and has been participating as a 'pro' with the Change Factory (Forandringsfabrikken in Norwegian) for a year. 'Pro' is the name the young people in the Change Factory call themselves to indicate that the knowledge they have about their lives is at least equal to that of others, particularly adults and other professionals. They provide education about their lived experiences to other young people, professional workers and policy makers, especially politicians. Their aim is to create change in the policy and practice that governs much of the treatment of young people in the education, mental health, children's services and justice systems. The Change Factory has been operating for 15 years and has recently been successful in adding some of their suggestions and wording to the new Norwegian Child Welfare Legislation. It may be that Norwegian law for the protection of children is the first in the world to include provisions about 'love' in the treatment of young people and children—a word that characterises the way the young people of the Change Factory want to be treated (Kjellander et al. 2016). One of the acts of the young people in response to the events mentioned earlier concerning the police handling of a child removal in Stavanger was to write to politicians and the police to strongly request that child rights be included in police policy and manuals (Editor 2020).

Britt told her story. She was a clever and studious child, advancing rapidly at school which she loved. Her parents separated and she had to spend equal time with each parent, but increasingly her time with her father was difficult and abusive. While there was no evident physical or sexual abuse, Britt began to withdraw, begging her mother to let her stay away from her father. Her mother refused, saying it was the law. Britt started staying away from school, her grades dropped dramatically, she began self-harming and eventually there were several attempts at suicide. She was taken into care and, with the greatest of good fortune, a teacher in the special school which she had to attend found something in her to value and praise. Instead of being told she would amount to nothing and it was a waste of time to teach her, which had been the response from teachers in middle school, this teacher formed a supportive encouraging relationship with Britt. It was so successful that Britt was able to catch up the three years she had missed in the first six months at the school and was now back at the level where she should be. One of the staff at the school mentioned the Change Factory and Britt has been a 'pro' now for a year, giving talks to school children, professional workers and politicians. She eventually wants to work with people, to show them that there is hope.

### 4.2. Western Australia

A sixth-grade (aged 10) Indigenous student was referred to the school social worker by a teacher for behaviour issues. She was inattentive in class and disruptive to other students with what the teacher considered to be attention-seeking behaviour. She did not complete her school work in a timely manner and was operating at a lower level in her grade than her year. The teacher was also concerned that the student would come to school in less than clean clothes and regularly attended the breakfast club, suggesting that she was not fed at home. The teacher had only ever seen the child's carer, who appeared to be an elderly and frail woman, once.

The social worker attended the class and observed that the student did not appear to be overly distracting but did ask questions loudly and did not appear to respond to the teacher's instructions. Overall, the social worker thought the student presented with low confidence and anxiety and appeared uncomfortable to be singled out by the teacher.

The school files had minimal information, recording only that the student had been enrolled by her grandmother at the school in the past month. No other family details were available.

The social worker arranged to speak to the student, who was quiet throughout the meeting, responding only with 'yes' and 'no' answers to questions and sometimes not at all. After several short sessions with the student, the worker understood that the child had difficulty both understanding and

hearing him. He also realised that this student had come from the country, which is home to a wide and diverse set of Indigenous groupings. Both of these realisations led him to silently reflect about the child's background (context). While she was light skinned, the worker knew from his previous studies in his social work course that Indigenous people were very varied in skin colour, which itself did not indicate any particular locational or cultural belonging (Fredericks 2013). He also knew that the prevalence of ear conditions for desert Indigenous children was a concern (Burns and Thomson 2013). However, he knew that he needed more information. Gradually, the child responded sufficiently for the worker to ask whether he could visit the home and talk to her grandmother. The student agreed.

When the worker visited the home, he encountered a frail-looking elderly Indigenous woman whose command of English was rudimentary. The house was sparsely furnished and not well kept. The worker wondered about the ability of the grandmother to care for the child, but he witnessed evident warmth and affection between the two. The grandmother was reluctant to talk to him. The worker explained that he was working with her granddaughter at the school because she did not appear to be able to attend well in class and he wondered whether there was some reason for this. He asked whether the granddaughter had had any ear complaints which might affect her hearing. At this, the grandmother responded more readily and asked whether the worker could do something about this.

The worker gradually gained the grandmother's cooperation and pointedly did not comment on or question her about her ability to look after her granddaughter or why she was doing so. Taking the girl to the health clinic and having her hearing issues addressed started the process of the grandmother beginning to trust the worker and, while they were waiting at the health clinic, they were able to talk about where she came from. Over the following weeks of working with this family, the worker was able to assist in several matters—the issue of the child's interactions with the teacher was effectively resolved with medical treatment for the ear complaint. Other issues included the family's relocation from relatives and supports as a consequence of the death of the child's mother and the need to establish local connections and supports. While not from the metropolitan area, this family did indeed have connections locally which were able to be found (Collective Action and Family Capital). These were able to provide support to the grandmother who was also encouraged to seek medical attention. Although she was initially cautious about being involved with a social worker for fear of the possibility of having the child removed, the worker was able to demonstrate that he could be trusted to work alongside her with her wishes and how she foresaw her and the child's future.

### 4.3. Aotearoa New Zealand

In November 2018, workers from Oranga Tamariki (OT), the ANZ child welfare department, discovered that a 19-year-old mother who had previously had a child removed was expecting again. In February 2019, they logged a report of concern and it was referred for FGC in mid-March. In March and April, meetings were held with the mother and her whanau (family) support which included a number of Māori NGO workers. The mother clearly expressed her determination to keep this baby and discussion was held regarding the mother's progress and strategies in improving her parenting skills. She entered a residential parenting programme on April 1, and the baby was born on May 1 at Hastings Hospital. The very next day, Oranga Tamariki sought and was granted a 'without notice S78 Custody Order'.

Four days later, on May 6, three team members from Oranga Tamariki attempted to remove the baby (male) from the parents at the Hospital. Those in the room, i.e., parents, whanau and midwives reminded the OT staff of the plan which they thought had been agreed. Meanwhile, the media had been alerted and the whole event was being filmed and recorded on phones. OT workers reluctantly agreed that the mother and baby could stay at the hospital until a whanau hui (meeting) could be convened. A strengthened plan was discussed but, on May 7, the OT team decided to proceed to remove the child and a removal was attempted later that evening. The mother and her whanau support (especially the two midwives) bravely resisted several attempts and the OT workers withdrew after midnight on

May 8. A hui was held later that day and it was agreed that the mother and baby would return to the residential parenting programme and this occurred on May 9 (Oranga Tamariki Professional Practice Review Group 2020).

*4.4. Summary*

These situations provide a backdrop for our desire to have a process we articulated in 2012 (Young et al.) disseminated more widely. In that article, we introduced our conceptualisation of a process for carrying out child protection work in a way that honoured the principles found in social work practice: positive unconditional regard, non-judgement, the dignity and worth of all people, self-determination, person in environment, and the power of social networks, among others. All these attributes have characterised the practice of social work in the West for over a century. They are now being implemented with practices that are older but until now rejected, those of the Indigenous communities who have had systems of care for millennia. Acknowledging these as having equal status and value in social work education and practice is an ongoing process with greater success in some parts of the world than others. However, there is a growing Indigenous body of scholarship and practice models that is adding to the ability of social work as a profession to work more responsively with Indigenous peoples as well as learn from them in applying approaches to protect children (Ryan 2011; Nietz 2017; Blacklock et al. 2018; Gallagher and Louis 2018; Krakouer et al. 2018; Douglas and Saus 2019; Thomspon and Wadley 2019). We have emphasised FGC as an original Indigenous model, as it still incorporates much of what we would hope to have included in child protection practice—the inclusion and participation of, and partnerships with, families; respect for and acceptance of locally grounded knowledge; the willingness to work with different contexts and situations as described and experienced by the people themselves. All these practices and principles reinforce to us that there are different ways of undertaking the business of protecting children, even when, as they often do, they result in children having to be removed from their parents. We hope that in many of these situations, the relational way of working enables positive relationships to be maintained for, and in, the *best interests* of the children.

## 5. Constructing and Applying a Framework: The Co-Constructing Social Work Framework

In designing a practice framework, we did not set out for it to be definitive or impositional, being very mindful of one of its elements, which is that of context. How could we seek to impose a universal framework at the same time as upholding the value of acknowledging contextual differences and imperatives? A current example of the way frameworks born from one set of circumstances and principles are changed by a universalist approach comes to mind. The Signs of Safety (SoS) (Turnell and Edwards 1999) model is now used in many countries in child protection practice in addition to that location in which it was developed. Born from a grassroots, bottom–up practice drawn from one of the author's extensive experiences working with Indigenous people in WA, it was intended to be contextually driven and responsive to families and their situations. Its subsequent adoption by the state welfare department with the requirement that all staff had to use it in their work with families deprived it of much of the essence which created it. To all intents and purposes, it became a risk assessment tool rather than a mechanism for engaging with families in order to collaboratively assess what needed to be done to keep children safe—a subtle but important distinction. Adopted at the highest level with mandatory training for all workers, there was, nevertheless some resistance from workers who worked directly with remote Indigenous people. In collaboration with local Indigenous families, they found it necessary to translate the practices so that it could be applied in those settings. Local people were suspicious that the process was merely another way of removing their children.

Frameworks such as SoS are often adopted by agencies to meet their desired goals and policies, but they make no allowance for worker judgement or discretion. The practice of the Oranga Tamariki and Norwegian CWS workers was to follow implied or actual agency directives and expectations. Neither of these situations were found to be in the *best interests* of the child. The workers in remote

communities directed to use SoS uncritically found it to be both culturally unresponsive as well as potentially damaging to ongoing relationships with the communities.

An alternative approach is to take practice frameworks as incorporating three forms of knowledge to assist workers to use their professional judgements and make choices (Trevithick 2008). Reflecting the theory–practice–theory continuum that is a foundational principle for our work (Young et al. 2014a), or as Lewin states 'there is nothing as practical as a good theory' (Lewin 1945, p. 129), Trevithick (2008) cites Polanyi's theory of knowledge to formulate the intersection between factual knowledge, theoretical knowledge and practice knowledge. Here, practice informs theory and theory informs practice. The theory–practice cycle means that practice is not reducible to a tick-the-box exercise that is uncritically reliant on agency directives. There will be alternatives in explanations (theory) and choices as to what to do (practice). Using a practice framework means practitioners will need to identify their own values and beliefs. Our beliefs and values have been described elsewhere (Young et al. 2014a) but the principles for our practice rely on and are drawn from the principles contained in the UNCRoC and the ANZ legislation which gave rise to FGC.

We repeat the framework for co-constructing social work here (Table 1), to which we have added another column that includes micro-practices as we found these to be missing from our original framework. It is to give words and ideas to how to incorporate into practice the concepts in our title (warm air, warm breath, heart warmth and aroha). In the first two vignettes, we identified worker actions and attitudes which align to warmth and love. In the ANZ vignette, some of the workers also showed warmth and love in supporting the young family. In their desire to uphold what they considered to be protocol in situations where risk had been identified, other workers were not able to show the same warmth and love. Acting in a statutory CP role, which is often by its nature confrontational and complex, bringing great stress, it was clear that that the key concepts of warm breath, heart warmth, and aroha were absent. This family and these workers were in opposite corners. Despite the many instances of mini engagements witnessed in the documentary describing the events, there was no visible foundation of the statutory workers and the family working together in partnership for the *best interests* of the child in this room. On the day, the Māori Oranga Tamariki workers thought that they were operating on the basis of aroha to protect that baby. It was not how it was perceived or experienced by the whanau. They were absolutely heartbroken over what happen.

We do not underestimate the complexity and stress in such situations as these and we acknowledge the commitment and hard work of many Oranga Tamariki staff on a daily basis. We offer our framework, with its additional practice and reflection elements, to assist in the operationalization of a co-constructing social work framework, which incorporates warm eyes, warm breath, heart warmth and aroha for improved relationship making and participation in the *best interests* of the child.

The framework provides sets of reflective questions as well as practical actions, which we hope workers will use for a more nuanced practice, thereby enacting the theory.

The Key Elements for practice include practices which have long histories of use in the past, such as Collective Action (Hudson 1999; Jack 2006), introduce practices which re-frame commonly presented (but differently applied) concepts, such as Child Centred, and articulate concepts which may not be familiar in the child protection environment, such as Family Capital and Reciprocity. Family Capital will be familiar to those practitioners who routinely use a Strengths approach, but possibly Reciprocity with its connection to Recognition perhaps less so. These concepts and their related practices all speak to how we think the *best interests* of the child may be addressed. We have detailed this in relation to some of the salient Articles of the UNCRoC elsewhere (Young et al. 2012, 2014b) to indicate the complex nature of the work and especially when seeking to apply the Articles in relation to the rights of the child. We do not deal with these in depth here, save to note that our position is that, in line with the discussion above, there are many more considerations to be made when working in the *best interests* of the child using the Articles of the UNCRoC. The Articles underpin the Key Elements and we next apply them to the vignettes described above.

**Table 1.** Key Elements for practice.

| Key Elements | Description | Practice Implications | Principles for Micro-Practices: Building Trust, Engaging, Reciprocity, Enabling and Valuing |
|---|---|---|---|
| Child Centred | Seeking, listening to and acting on the child's definition of his/her daily life | Accepting the competence of the child<br>Working directly with children as agents in their own right<br>Including children as partners in the work<br>The importance of intersubjective recognition | *Listen, ask and learn.*<br>*Listen to the child*: invite the child to tell the story s/he wants to tell<br>*Ask*: What is important to you? Who is important to you?<br>*Learn about this child's life*: Find out about interests, experiences, likes, dislikes, who matters, what matters, and who and what the child would like in his/her life<br>Involve the child and others s/he would like to be involved; be family inclusive, not exclusive; learn the practice skills of walking and talking alongside; strengthen, maintain, support existing relationships and networks. Search for kin and their connections, roles and potential |
| Contextual | Situatedness (time, place, history, culture) | Using local and specific designs generated from the local context rather than programmes designed elsewhere | In *listening, asking and learning* about the child's life, identify what is important about the people and place.<br>*Ask:* How are things done here? What are your kawa (customs, rules)? Who are the people? What do they do? When and how?<br>Be non-intrusive; respect cultural and family values and beliefs; seek clarification and understanding of diversity; examine own privilege and ask: how is it impacting on this piece of work? What is different here? |
| Collective Action | The whole is more than the sum of the parts<br>The whole has greater longevity<br>Distributed leadership | Engaging in equal partnerships<br>Learning the practice of "together" and "alongside"<br>Assisting in developing local leadership<br>Assisting families and children to design their solutions | *Ask:* Who is it important to involve in what should happen? How do we include them? What should we do together? What has been tried in the past?<br>Enable, include, maintain, advocate, facilitate, value; do not judge, critique, risk assess<br>Seek consensus, be collaborative, and cooperate to co-produce possibilities and plans that are attainable, workable and "fit". Believe in possibilities, value difference and diversity |
| Reciprocity | The family as theorist<br>Shared responsibility<br>Trustworthiness<br>Recognition | Working with diversity<br>Listening to the experience of the family<br>Developing equal partnerships | *Ask:* What can I do what would help? This is what I bring, and resource, and do: Have warm eyes, warm breath, heart warmth, open ears, open mindedness<br>Be an Ally |
| Family Capital | Family knowledge, history, capability, contacts | Considering the potential of third-generation practices to inform the work<br>Accepting family expertise | *Ask:* Why do you think this is happening? What have you done that worked? How did you do that? Who was involved, can they be here? What would you like to try? What ideas do you have? Who can help? Who do you call on?<br>Value and support, resource autonomy<br>You are the theorist of your life |

## 6. Discussion

The situations in the three vignettes will be largely recognisable to people working in the child protection arena. Perhaps the most surprising is that of the ANZ example, which when it occurred, in Australia at least, was met with cries of 'how could that happen in New Zealand?', closely followed by recognition that it also occurred on a regular basis in Australia. Less surprising is the expectation that removals and out-of-home placements occur in Norway, although the statistics cited earlier indicate a growing trend there too. Nevertheless, in each case, we identify actual and potential responses which may be offered from the co-constructing social work framework. Perhaps as a summary, we can identify positive Child-Centredness as present in the way that one teacher responded to Britt in contrast to the negative Child-Centredness offered by others. More potent was the Reciprocity, particularly using Recognition, evident in the interactions with Britt and her subsequent emergence into a 'pro'. In the WA example, context was everything, along with the potential for Reciprocity. In the ANZ example, Collective Action was paramount, as was Family Capital. We will discuss these in turn.

Some of Britt's early experience showed that she was not listened to or heard, invited to participate or considered to be competent as an agent in her own right. It was only when one teacher responded positively to her that she was able to re-position her destructive trajectory and gain confidence and hope for her future. The teacher evidenced positive instead of negative Child-Centredness and enabled Britt to respond positively through that engagement. Many practitioners in child protection practice claim to use a Child-Centred approach, but all too often it refers to having the child at the centre of the concern, but not necessarily accepting, believing, or working with the child's interpretations of his or her life, much less considering a child to be a competent agent in that life. Even when practitioners seek to engage children in decisions about their lives, how the children experience that is not necessarily what the practitioners believe is the case. Recent research from Denmark (Hestbæk 2018, p. 135) presents this as a paradox, as practitioners report that they have talked with children extensively about the decisions and processes, to which the children agree, but the children do not experience that as participation.

Reciprocity is perhaps the more salient of the Key Elements to describe Britt's situation. Here, it is useful to invoke Honneth's concept of recognition, particularly in relation to what he refers to as an ethical life in which love, rights and solidarity are the cornerstones. More than self-realisation, recognition is an essentially social entity that requires an acceptance and understanding of the complex sociability of the lived experience of young people (Noble 2009). Häkli et al. (2018) formulate a tripartite framework for what they term 'positive recognition,' which involves the practices of 'getting to know (each other)', 'acknowledging (what matters)' and 'providing support (for contextual agency)'. Operationalizing Honneth's philosophy of recognition adds to its potential and we make use of these understandings here, applied to Britt's circumstances. Evidencing 'love', 'rights' and 'solidarity' as invitations to reciprocity, the teacher, who recognised the potential of a self-realising young woman in Britt, was able to acknowledge what mattered to her and helped her to become contextually agentic in the process of getting to know her. Together, they were able to meet their joint goals of agency. It is also not inappropriate to note the presence of 'love' in Honneth's ethical life, and its central position in the work and being of the young people of the Change Factory, which Britt now represents. In telling her story, Britt identified the 'warm eyes' of the teacher as her turning point in her life.

The second of the vignettes presents a common situation in WA where grandparents are carers for their grandchildren, for many different reasons. In this case, not only is a frail and elderly woman caring for a young child, but they are also located a considerable distance away from their country, which is a significant and potentially damaging separation for Aboriginal and Torres Strait Islander people (Zubrick et al. 2010), and their supports. The concerns of the teacher about the child and the potential inability of the grandparent to adequately care for her may be sufficient for some workers to take the child into alternative care. Instead, the worker realised that he needed more information and researched the Context much more thoroughly. He also needed to gain the trust of the grandmother as well as the young girl. He chose a Child-Centred approach in his interactions with the girl and

particularly displayed this in forming a trusting relationship with her before also seeking to form a trusting relationship with her grandmother. The process of recognition mentioned above was used effectively here, leading to Reciprocity, in which there was trust and an opportunity for the grandmother to contribute her theory of her and her granddaughter's life. The worker showed himself to be emotionally open, evidencing 'heart warmth' and willing to work with the everyday life of the grandmother. Together, they were able to formulate plans for support which would include Collective Action with other members of the extended family. The child's hearing improved, both she and her grandmother were supported, and their lives could proceed together until it would be time, if they chose, to return to their country.

The ANZ vignette is significant because it was so public. Being broadcast on national TV, it attracted considerable public scrutiny and criticism. Māori marched in the streets with cries of racism. Four reviews and enquiries were called: the Oranga Tamariki Professional Practice Review Group Practice Review into the Hastings Case (2019); Manaakitia A Tātou Tamariki The Children's Commissioner (2020); Pēpi Māori and the care and protection system; and The Whanau Ora Commissioning Agency (2020) Ko Te Wā Whakawhiti: It's Time For Change, A Māori Enquiry into Oranga Tamariki and The Ombudsman. This last has not yet been released. The findings and recommendations of the Oranga Tamariki Professional Practice Review Group were accepted fully. The review found that indeed there were legitimate concerns for the safety of this baby that warranted statutory involvement with the parents and the whanau, but that alternative measures should have been implemented that presented options and recognised Māori values and culture. They also found that communication and engagement with the whanau to form working relationships had not been effective or used, and that the statutory authority delegated to Oranga Tamariki social workers was not consistently well understood or appropriately applied (Oranga Tamariki Professional Practice Review Group 2020, pp. 5–9). All these findings recall those made by the ECHR about Norwegian practice. Recommendations cited that restorative, site-based and procedural changes be made. These specified that as relationships with the family had been damaged, it was imperative that processes to restore these be undertaken. Instituting changes to the organisational culture which permitted these events to occur were deemed necessary, and these included the use of consultations, advisory panels and supervision, and procedural changes to ensure that proper oversight of statutory actions and implementation is established. Worker training and mentoring in appropriate skills and knowledges were also considered to be paramount. Lastly, a coordinated approach should be taken with other relevant agencies, such as health bodies, Police, etc., to ensure consistency across the country.

All the workers in this event were operating with the same intent in mind, to protect the baby. We cite this case not to find fault with Oranga Tamariki staff and their practice but to apply our co-constructing social work framework and learn from this unfortunate case. Closer examination of the review reveals the approach taken was not Child Centred as the state, through its agents, caused stress to the mother, which potentially stressed the baby. Local Māori (whanau and NGO) solutions within the Context were either ignored or misunderstood. There seemed to be very little understanding and partnership behaviour, and there was an effort to exert 'power over' rather than 'power with' this mother and whanau. Collective Action was entirely possible as the whanau collective (including Māori NGOs) were designing and implementing their own solutions back in March 2019. There was no acknowledgement of the Family (whanau) as theorists, as originally Oranga Tamariki paid what eventuated as lip service to their ideas. Recognition of the mother's willingness and ability to achieve the desired standard of care, and of love, rights and solidarity, which are the foundations for productive partnership work, was lacking. Initially, the state could have shared responsibility in a spirit of Reciprocity and trustworthiness. The family (whanau) had brought a huge amount of Capital into this situation—they had proven capability, knowledge and contacts.

An underlying, if insidious, element is to be found here. Keddell (2019b) calls it the 'weaponisation' of trauma, in which the parent's experience of trauma in their own childhoods is used to justify action against them as their circumstances must by definition be risky. Instead of providing support and

care and assistance to overcome what might well have been traumatic childhoods for the sake of their children, if not their own, removals are seemingly the only option.

We did not set out to theorise *best interests* but, in examining our contexts and some of the events occurring there and applying our practice framework, we have arrived at a better understanding of what a future of applying *best interests* might include. First and foremost, the notion of the *best interests* of the child is itself somewhat of a misdirection, as it separates the child from others and, predominantly in practice, from parents. In being the main arbiters of what is considered to be in the *best interests* of the child, professionals also distance themselves from parents in their efforts to be child centred. They also predominantly use strategies which solidify the separations through risk-focused instead of family support approaches. Decisions by child protection workers in the *best interests* of the children often remain unexamined or unexplained, as shown in some of the judgments handed down by the ECHR, except that they are claimed as being in the *best interests* of the child. Taking refuge behind a concept as its own justification is inadequate and potentially damaging. A more appropriate approach to *best interests* is to accept that the entity for consideration is family, not parents **or** children. Starting from a family rather than a child position allows for all views and situations to be considered, even when the final decision is for the child to be removed from the parents. Many jurisdictions recognise the importance of family relationships—indeed the comments from the ECHR noted how some of the decisions in Norway contravened its own policy position by not paying enough attention to family relationships. While there is widespread acknowledgement that these relationships can be fraught, may be challenging to maintain and, in some cases, not appropriate or actively damaging, nevertheless, most children themselves seek to have some sort of relationship with their families of origin. The dual separations—of the children from the parents, and the professional workers from the parents—make establishing and maintaining a working relationship which can result in family restoration, or continuation of parent–child relationships, so much more difficult. Trust is now often lacking, active or passive resistance is more likely, and parents are likely to withdraw and cease to engage (Featherstone and Gupta 2018).

Parents, **as** parents, are not recognised in Honneth's terms as having love, solidarity and rights. They are only recognised for what they do not have, that is the ability to **be** parents, however much their children want them to be. Research (Rambøll Management Consulting A/S 2018 from 2018 shows that 90% of children and youth placed in institutions or foster care often or always feel that their parents love them and 73% said that their parents were very important to them. Parents are emotionally important) to their children, even if they do not have sufficient parenting skills. Articles 8, 18 and 19 all make provision for the state to afford support to ensure that children may have relationships with their parents and for parents to be supported by the state to enable them to do so. The need to manage complex social relationships in these situations requires complex solutions. As Hyslop (2017, p. 1802) reminds us, 'Contrary to the view of child protection expounded by politicians and presented in the popular media, child protection social work involves social understandings of social processes: it is a nuanced, uncertain and applied practice'. As such, it needs nuanced approaches.

## 7. Conclusions

The aim for this article is to propose a way of conceptualising practice for child protection that meets the imperatives of the two legislative milestones which gave rise to thinking about the *best interests* of the child and family inclusion. We have been dissatisfied with how the two informing Acts have been disregarded or selectively used and our framework for our practice seeks to provide a more comprehensive approach to the business of keeping children from harm. In particular, we believe that child protection practice in our jurisdictions, as well as some others, has reached an impasse beset by binary practice. In setting professionals against parents, children against parents and risk-focused practice against family support practice, there seems to be no end to the destructive and largely irreparable relationships between all these stakeholders in which children, because of their

lesser power, are most likely to continue to be the losers. We know that children's trajectories after out-of-home care are most likely to lead them to the most negative of social indicators.

We expressed our wish at the beginning of this paper for a child protection practice that contained hope—hope for positive outcomes for children and their families who had come to the attention of child protection authorities. We offered a reconceptualisation of the *best interests* principle, as it seems to us that concept is misused and inadequately applied. The sole reliance on a professional judgement to make decisions for children serves no interests well, let alone the *best interests* of the child. We have adopted the concepts of warmth and love into our practice, while at the same time being mindful of the challenges of doing so in some of our contexts. Honneth (1995) provides us with the theoretical framework and colleagues from ANZ, Norway and Kenya and the young people from the Change Factory contribute the practical framework, for we aspire to be the theory we espouse, having long embraced Lewin (1945) dictum to practice theory and to theorise practice. Many others before us have expressed the desire—indeed, the need—for a more compassionate, responsive, inclusive and participatory practice with families and children who find themselves in the child protection system (for example, Scott 2000; Jack 2004; Lonne et al. 2008; Featherstone et al. 2014). We add our voices to this list with the addition of some practices we and others have found to be useful in forming and maintaining relationships with families. By adding a final column to our model, that of micro-practices in the form of sets of reflective questions for practitioners, we hope to have drawn attention to how to make progress in the implementation of such nuanced practice. The co-constructing social work framework was designed to attend to the nuances and complexities of child protection work. The framework has been informed by young people and children, both directly and through observation of others' work. We are mindful that children and young people have repeatedly stated that they want relationships with their parents, that they want to be part of families, and that they want workers who will help them achieve that. They want workers who have warm eyes, who breathe warm air into their environments, and who have and show heart warmth. They want to be shown love (aroha). We, as workers, owe it to them to listen and work towards achieving these in our interactions with young people. Our goal is to have warm eyes, breathe warm air and have heart warmth in our interactions with children and families which we enact with love.

**Author Contributions:** S.Y., conceptualisation and writing—original draft preparation; M.M., conceptualisation, resources, and writing—review and editing; C.O., conceptualisation, resources, and writing—review and editing; L.S., conceptualisation, resources, and writing—review and editing; S.W., conceptualisation, resources, and writing—review and editing. All authors have read and agreed to the published version of the manuscript.

## References

Atwool, Nicola. 2019. Child-Centred Practice in a Bi- and Multi-Cultural Context: Challenges and Dilemmas. *Child Care in Practice* 1–18. [CrossRef]

Babington, Brian. 2016. What road ahead? Directions and challenges for the national framework for protecting Australia's children 2009–2020. *Developing Practice: The Child, Youth and Family Work Journal* 44: 4–15.

Barlow, Cleve. 1991. *Tikanga Whakaaro—Key Concepts in Maori Culture*. Victoria: Oxford University Press.

Becroft, Andrew. 2016. Ministry for Vulnerable Children Name 'Stigmatising and Labelling'. Available online: https://www.stuff.co.nz/national/faces-of-innocents/82699004/ministry-for-vulnerable-children-name-stigmatising-and-labelling (accessed on 25 February 2020).

Beddoe, Liz, and Eileen Joy. 2017. Questioning the uncritical acceptance of neuroscience in child and family policy and practice: A review of challenges to the current doxa. *Aotearoa New Zealand Social Work Review* 29: 65–76. [CrossRef]

Bjørå, T. 2020. Barnevernet startet politiaksjon mot 10-åring. In *Stavanger Aftenblad*. Stavanger: Stavanger Aftenblad.

Blacklock, Aunty Sue, J. Meiksans, G. Bonser, P. Hayden, K. Menzies, and F. Arney. 2018. Acceptability of the Winangay Kinship Carer Assessment Tool. *Child Abuse Review* 27: 108–21. [CrossRef]

Burns, J. F., and N. J. Thomson. 2013. *Review of Ear Health and Hearing among Indigenous Australians*. Mt Lawley: Australian Indigenous HealthInfoNet.

COAG. 2009. *Protecting Children Is Everyone's Business: National Framework for Protecting Australia's Children 2009–2020*. Canberra: Commonwealth of Australia Canberra.

Cossar, Jeanette, Marian Brandon, and Peter Jordan. 2016. 'You've got to trust her and she's got to trust you': Children's views on participation in the child protection system. *Child & Family Social Work* 21: 103–12.

CRC. 2013. *General Comment No. 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (art. 3, para. 1)*. New York: United Nations.

DCPFS. 2017. Annual Report. Available online: https://www.dcp.wa.gov.au/Resources/Pages/AnnualReports.aspx (accessed on 26 February 2020).

De Jong, Gideon, G. Schout, J. Pennell, and T. Abma. 2015. Family Group Conferencing in public mental health and social capital theory. *Journal of Social Work* 15: 277–96. [CrossRef]

Dijkstra, Sharon, H. E. Creemers, F. J. A. van Steensel, M. Deković, G. J. J. M. Stams, and J. J. Asscher. 2018. Cost-effectiveness of Family Group Conferencing in child welfare: A controlled study. *BMC Public Health* 18: 848. [CrossRef] [PubMed]

Douglas, Marcela, and Merete Saus. 2019. Invisible Differentness in Sámi Child Protection Services. *Child Care in Practice* 1–15. [CrossRef]

ECHR. 2018. *Case of Jansen v. Norway*. Application no. 2822/16. Strasbourg: E. C. o. H. Rights.

ECHR. 2019. *Case of Abdi Ibrahim v. Norway*. Application no. 15379/16. Strasbourg: E. C. o. H. Rights.

ECHR. 2019. *Case of K.O. and V.M. v. Norway*. Application no. 64808/16. Strasbourg: E. C. o. H. Rights.

Editor. 2020. de-fleste-politifolk-vil-vi-aldri-kjenne-oss-trygge-på. In *Stavanger Aftenblad*. Hjelmeland Kommune: Stavanger Aftenblad.

Eriksen, Evelyn. 2018. Democratic participation in early childhood education and care-serving the best interests of the child. *Tidsskrift for Nordisk barnehageforskning* 17. [CrossRef]

Featherstone, Brid, and Anna Gupta. 2018. *Protecting Children: A Social Model*. Bristol: Policy Press.

Featherstone, Brid, K. Morris, S. White, and S. White. 2014. *Re-Imagining Child Protection: Towards Humane Social Work with Families*. Bristol: Policy Press.

Forandringsfabrikken. 2017. About us (English) Forandringsfabrikken = The Change Factory. Available online: https://www.forandringsfabrikken.no/article/about-us-english (accessed on 10 June 2019).

Fredericks, Bronwyn. 2013. 'We don't leave our identities at the city limits': Aboriginal and Torres Strait Islander people living in urban localities. *Australian Aboriginal Studies* 2013: 4–16.

Frost, Nick, Fiona Abram, and Hannah Burgess. 2014. Family group conferences: context, process and ways forward. *Child & Family Social Work* 19: 480–90.

Gallagher, R., and K. Louis. 2018. Making space: Prioritizing aboriginal practices in aboriginal child protection case conferences. *Advocate (Vancouver Bar Association)* 76: 181–88.

George, M., and N. A. M. Awal. 2019. The best interest principle within Article 3(1) of the United Nations Convention on the Rights of the Child. *International Journal of Business, Economics and Law* 19: 30–36.

Gilbert, N. 2012. A comparative study of child welfare systems: Abstract orientations and concrete results. *Children and Youth Services Review* 34: 532–36. [CrossRef]

Gilbert, Ruth, A. Kemp, J. Thoburn, P. Sidebotham, L. Radford, D. Glaser, and H. L. MacMillan. 2009. Recognising and responding to child maltreatment. *The Lancet* 373: 167–80. [CrossRef]

Häkli, Jouni, Riikka Korkiamäki, and Kirsi Pauliina Kallio. 2018. 'Positive recognition' as a preventive approach in child and youth welfare services. *International Journal of Social Pedagogy* 7: 5. [CrossRef]

Hestbæk, Anne-Dorthe. 2018. The rights of children placed in out-of-home care. In *Human Rights in Child Protection*. Berlin: Springer, pp. 129–46.

Honneth, Axel. 1995. *The Struggle for Recognition*. Cambridge: Polity Press.

Hudson, Pete. 1999. Community development and child protection: a case for integration. *Community Development Journal* 34: 346–55. [CrossRef]

Hyslop, Ian. 2017. Child protection in New Zealand: A history of the future. *British Journal of Social Work* 47: 1800–17. [CrossRef]

Hyslop, Ian, and Emily Keddell. 2018. Outing the elephants: Exploring a new paradigm for child protection social work. *Social Sciences* 7: 105. [CrossRef]

Jack, Gordon. 2004. Child protection at the community level. *Child Abuse Review* 13: 368–83. [CrossRef]

Jack, Gordon. 2006. The area and community components of children's well-being. *Children & Society* 20: 334–47.

Juhasz, Ida, and Marit Skivenes. 2017. The population's confidence in the child protection system—A survey study of England, Finland, Norway and the United States (California). *Social Policy & Administration* 51: 1330–47.

Ka'ai, Tania. 2004. Te mana o te reo me nga tikanga: power and politics of the language. In *Ki Te Whaiao: An Introduction to Maori Culture and Society*. Edited by T. M. Ka'ai, J. C. Moorefield, M. Reilly and S. Mosely. Auckland: Pearson Press, pp. 201–6.

Kääriäläa, Antti, and Heikki Hiilamoa. 2017. Children in out-of-home care as young adults: A systematic review of outcomes in the Nordic countries. *Children and Youth Services Review* 79: 107–14. [CrossRef]

Keddell, Emily. 2014. The ethics of predictive risk modelling in the Aotearoa/New Zealand child welfare context: Child abuse prevention or neo-liberal tool? *Critical Social Policy* 35: 69–88. [CrossRef]

Keddell, Emily. 2018. The vulnerable child in neoliberal contexts: the construction of children in the Aotearoa New Zealand child protection reforms. *Childhood* 25: 93–108. [CrossRef]

Keddell, Emily. 2019a. Harm, care and babies: An inequalities and policy discourse perspective on recent child protection trends in Aotearoa New Zealand. *Aotearoa New Zealand Social Work* 31: 18–34. [CrossRef]

Keddell, Emily. 2019b. Shouting into an echo chamber: confirmation bias and its system conditions in the Hawkes Bay Case review. In *Reimaging Social work in Aotearoa New Zealand*. Available online: http://www.reimaginingsocialwork.nz/author/liz-beddoe/ (accessed on 5 March 2020).

Kjellander, Tove, Nina B. Jørgensen, and Jenny Westrum-Rein. 2016. *Do Rights! Nordic Perspectives on Child and Youth Participation*. Copenhagen: Nordic Council of Ministers.

Kojan, Bente Heggem, and Bob Lonne. 2012. A comparison of systems and outcomes for safeguarding children in Australia and Norway. *Child & Family Social Work* 17: 96–107.

Kojan, Bente Heggem, Edgar Marthinsen, and Graham Clifford. 2019. Combining Public Health Approaches with Increased Focus on Risk and Safety: A Norwegian Experience. In *Re-Visioning Public Health Approaches for Protecting Children*. Berlin: Springer, pp. 455–69.

Krakouer, Jacynta, Sarah Wise, and Marie Connolly. 2018. "We live and breathe through culture": Conceptualising cultural connection for Indigenous Australian children in out-of-home care. *Australian Social Work* 71: 265–76. [CrossRef]

Laird, S. E., K. Morris, P. Archard, and R. Clawson. 2018. Changing practice: The possibilities and limits for reshaping social work practice. *Qualitative Social Work* 17: 577–93. [CrossRef]

Lefevre, Michelle. 2017. Learning and development journeys towards effective communication with children. *Child & Family Social Work* 22: 86–96.

Leloup, Mathieu. 2019. The principle of the best interests of the child in the expulsion case law of the European Court of Human Rights: Procedural rationality as a remedy for inconsistency. *Netherlands Quarterly of Human Rights* 37: 50–68. [CrossRef]

Lewin, Kurt. 1945. The research center for group dynamics at Massachusetts Institute of Technology. *Sociometry* 8: 126–36. [CrossRef]

Long, Maureen, and Rene Sephton. 2011. Rethinking the "Best Interests" of the Child: Voices from Aboriginal Child and Family Welfare Practitioners. *Australian Social Work* 64: 96–112. [CrossRef]

Lonne, Bob, N. Parton, J. Thomson, and M. Harries. 2008. *Reforming Child Protection*. London: Routledge.

Lonne, Bob, D. Scott, D. Higgins, and T. I. Herrenkohl, eds. 2019. *Re-Visioning Public Health Approaches for Protecting Children*. Berlin: Springer.

Lowe, Pam, Ellie Lee, and Jan Macvarish. 2015. Biologising parenting: neuroscience discourse, English social and public health policy and understandings of the child. *Sociology of Health & Illness* 37: 198–211.

Mackieson, Penny, Aron Shlonsky, and Marie Connolly. 2019. Permanent Care Orders in Victoria: A Thematic Analysis of Implementation Issues. *Australian Social Work* 72: 419–33. [CrossRef]

Mead, Hirini Moko. 2003. *Tikanga Maori, living by Maori values*. Wellington: Huia Publications.

Neumann, Cecilie Basberg. 2016. Children's quest for love and professional child protection work: the case of Norway. *International Journal of Social Pedagogy* 5: 104–23. [CrossRef]

Nietz, Heidi. 2017. "Reframing" relation-based practice in the child protection sector in remote Aboriginal communities of Australia. *Journal of Social Work Practice* 32: 251–63. [CrossRef]

Noble, Greg. 2009. 'Countless acts of recognition': young men, ethnicity and the messiness of identities in everyday life. *Social & Cultural Geography* 10: 875–91.

O'Donnell, M., S. Taplin, R. Marriott, F. Lima, and F. J. Stanley. 2019. Infant removals: The need to address the over-representation of Aboriginal infants and community concerns of another 'stolen generation'. *Child Abuse & Neglect* 90: 88–98.

Oranga Tamariki. 2019. *Our Focus*. Auckland: Ministry for Children.

Oranga Tamariki Professional Practice Review Group. 2020. Review, Oranga Tamariki Professional Practice Review Group. Available online: https://orangatamariki.govt.nz/news/hawkes-bay-practice-review/ (accessed on 9 April 2020).

Parton, Nige. 1985. *The Politics of Child Abuse*. Basingstoke: Macmillan.

Pohatu, Taina Whakaatere. 2004. Ata: growing respectful relationships. *He Pukenga Korero* 8: 1–8.

Powell, Mary Ann, A. Graham, A. Canosa, D. Anderson, T. Moore, S. Robinson, N. P. Thomas, and N. Taylor. 2020. Child safety in policy: Who is being kept safe and from what? *Social Policy & Administration*. [CrossRef]

Rambøll Management Consulting A/S. 2018. Angbragte børn og unges trivsel 2018. Available online: https://sim.dk/media/27479/rapport_anbragte_boern_og_unges_trivsel_2018_.pdf (accessed on 25 February 2020).

Rogers, Carl R. 1956. Client-centered therapy: A current view. *Progress in Psychotherapy* 1: 199–209.

Ross, Nicola, J. Cocks, L. Johnston, and L. Stoker. 2017. 'No Voice, No Opinion, Nothing': Parent Experiences when Children Are Removed and Placed in Care. Available online: http://www.lwb.org.au/assets/Parent-perspectives-OOHC-Final-Report-Feb-2017.pdf (accessed on 22 September 2018).

Ryan, Fiona. 2011. Kanyininpa (Holding): A Way of Nurturing Children in Aboriginal Australia. *Australian Social Work* 64: 183–97. [CrossRef]

Salminen, Kirsikka. 2018. Is mediation in the best interests of a child from the child law perspective. In *Nordic Mediation Research*. Cham: Springer, pp. 209–22.

Sandberg, Kirsten. 2019. Best interests of the child in the Norwegian Constitution. In *Children's Constitutional Rights in the Nordic Countries*. Leiden: Brill Nijhoff, pp. 133–58.

Sanders, Matthew, Daryl Higgins, and Ronald Prinz. 2018. A population approach to the prevention of child maltreatment: Rationale and implications for research, policy and practice. *Family Matters* 100: 62–70.

Sanner, M. 2016. About the Change Factory on You Tube. Available online: http://www.forandringsfabrikken.no/article/about-us-english (accessed on 10 June 2019).

Scott, Dorothy. 2000. Embracing what works: building communities that strengthen families. Keynote address at the Family Strengths Conference, University of Newcastle, 23 November 1999. *Children Australia* 25: 4–9. [CrossRef]

Skivenes, Marit, and Line Marie Sørsdal. 2018. The child's best interest principle across child protection jurisdictions. In *Human Rights in Child Protection*. Implications for Professional Practice and Policy. Edited by A. Backe-Hansen and E. Backe-Hansen. London: Palgrave Macmillan, pp. 59–88.

Smith, Linda Tuhiwai. 1999. *Decolonising Methodologies: Research and Indigenous Peoples*. London: Dunedin, Zed Books and University of Otago Press.

Stang, Edda. 2018. Resistance and protest against Norwegian Child Welfare Services on Facebook—Different perceptions of child-centring. *Nordic Social Work Research* 8: 273–86. [CrossRef]

Statistisk sentralbyrå, S. N. 2018. Child Welfare. Available online: https://www.ssb.no/en/barneverng/ (accessed on 25 February 2020).

Summer Newsroom. 2019. NZ's Own 'Taken Generation'. Available online: https://www.newsroom.co.nz/@investigations/2019/06/11/629363/nzs-own-taken-generation (accessed on 25 February 2020).

Tate, H. 2010. Towards some foundations of Maori theology. Ph.D. thesis, Melbourne College of Divinity, Kew Vic, Australia.

Thompson, Lester J., and David Wadley. 2019. Integrating Indigenous approaches and relationship-based ethics for culturally safe interventions: Child protection in Solomon Islands. *International Social Work* 62: 994–1010. [CrossRef]

Thørnblad, Renee, A. Strandbu, A. Holtan, and T. Jenssen. 2016. Family group conferences: from Maori culture to decision-making model in work with late modern families in Norway. *European Journal of Social Work* 19: 992–1003. [CrossRef]

Trevithick, Pamela. 2008. Revisiting the Knowledge Base of Social Work: A Framework for Practice. *British Journal of Social Work* 38: 1212–37. [CrossRef]

Turnell, Andrew, and Steve Edwards. 1999. *Signs of Safety: A Solution and Safety Oriented Approach to Child Protection Casework.* New York: W. W. Norton & Company.

Ware, Felicity, Mary Breheny, and Margaret Forster. 2017. The politics of government 'support' in Aotearoa/New Zealand: Reinforcing and reproducing the poor citizenship of young Māori parents. *Critical Social Policy* 37: 499–519. [CrossRef]

Williams, J. R., L. Merkel-Holguin, H. Allan, E. J. Maher, J. Fluke, and D. Hollinshead. 2015. Factors associated with staff perceptions of the effectiveness of family group conferences. *Journal of the Society for Social Work and Research* 6: 343–66. [CrossRef]

Young, Susan, M. McKenzie, L. Schjelderup, and C. Omre. 2012. The rights of the child enabling community development to contribute to a valid social work practice with children at risk. *European Journal of Social Work* 15: 169–84. [CrossRef]

Young, Susan, M. McKenzie, C. Omre, L. Schjelderup, and S. Walker. 2014a. Practicing from Theory: Thinking and Knowing to "Do" Child Protection Work. *Social Sciences* 3: 893–915. [CrossRef]

Young, Susan, M. McKenzie, L. Schjelderup, C. Omre, and S. Walker. 2014b. What Can We Do to Bring the Sparkle Back into this Child's Eyes? Child Rights/Community Development Principles: Key Elements for a Strengths-based Child Protection Practice. *Child Care in Practice* 20: 135–52. [CrossRef]

Zubrick, Stephen R., P. Dudgeon, G. Gee, B. Glaskin, K. Kelly, Y. Paradies, C. Scrine, and R. Walker. 2010. Social determinants of Aboriginal and Torres Strait Islander social and emotional wellbeing. In *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*. Canberra: Commonwealth of Australia, pp. 75–90.