

The impact of inquiry and research reports on residential childcare in Malta: Analysing the theme of fostering as a better alternative for children in need of out-of-home care.

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The following paper sets out to critically analyse the impact of inquiry and research reports on residential childcare in Malta. An inventory of local research reports is primarily provided. A brief analysis on the differences and similarities between inquiry and research reports in Malta and Scotland is given. This has been done because the author is currently studying in Scotland. As will be noted, a number of themes have emerged from the Maltese reports. The development of fostering as a better alternative for children in need of out-of-home care is the discussed theme. The value and limitations of residential childcare are seen so as to understand the premise to this theme. The impact this theme is having on the residential childcare sector of Malta and my place of work is explored.

Local research and inquiry reports have been obtained from the main stakeholders in the residential childcare sector: the Ministry for Justice, Dialogue and the Family, the Children's Commissioner, and the Catholic Church. A number of research papers are not easily accessible or public. This paper is therefore based on publically acquired reports. The analysis and critique of the impact that the theme is having on my place of work was aided through an informal interview with the Director and Head of Care.

The Foundation for Social Welfare Services, within the Ministry for Justice, Dialogue and the Family incorporates Aġenzija Appoġġ, Aġenzija Sapport and Aġenzija Sedqa. Aġenzija Appoġġ is the national social welfare agency that focuses on children, family and community services. This agency includes a research department that has published a number of publications, research reports and articles. Some of these have been made public through the Agency's website¹. Appendix: 2 gives a list of published works. The reports and/or sections chosen for analysis are related to residential childcare.

Only the first three research reports have been made public (Appendix: 2). The purpose of these three biennial reports is to maintain accountability towards the public on the services being provided. The reports focus on providing an overview of the objectives, performance, challenges and way forward for the different services.

¹ Source: Website for research publications/reports/articles within Aġenzija Appoġġ
https://secure2.gov.mt/socialpolicy/SocProt/family/fsws/appogg/appogg_downloads/appogg_publications.aspx

The main themes and/or issues that arose across all of the three biennial reports within the children services are:

- Lack of Placements
- The need for specialized psycho-social care
- Lack of Resources
- Staff turnover
- Care orders & objections
- Behavioral, emotional and mental problems for children in need of out-of-home care
- Waiting lists
- Training
- Legal framework
- Foster care as a better alternative for children needing out-of-home care
- High case loads for Looked After Children social workers
- Dual accountability of High Support Service care workers.

The Office of the Commissioner for Children has also released a number of research papers that directly or indirectly pertain to residential childcare. Of these reports, four are annual reports from 2007 – 2010. The Office of the Commissioner for Children made public² the following inquiry and research papers.

A Fair Deal (Commissioner for Children, 2006) was published because of an awareness of the problem of children and young people who show challenging behavior and for whom there seemed to be no coordinated plan of care, treatment and rehabilitation. The purpose was to draw up proposals on how young people with such behaviors may be helped. The report studied the solutions that were offered in Malta in the past 50 years, what services are being offered, what other countries do in similar situations and what the children and young people have to say (Commissioner for Children, 2006).

The *Inquiry into care orders* (Commissioner for Children, N.D.) deals with a case where children that were being abused at home had to be returned home because a placement

² Source: website for the Commissioner for children - Malta <http://www.tfal.org.mt/docs.aspx?page=1>

could not be found even though a care order was issued. Only the recommendations of the total report have been made public in the Commissioner for Children's website.

The *Inquiry into minors in conflict with the law* was written in view of two minors caught stealing. They were denied bail after arrest and were sent to Corradino Correctional Facility³. A board of inquiry was set up to investigate the procedures, laws, structures and services for minors that come in conflict with the law. The public report only provides the recommendations of the said inquiry. The Commissioner for Children (2011) published a separate paper on the same case titled: *Interim recommendations – Task force regarding minors*.

The themes that arose in respect of residential childcare in the above-mentioned inquiry and research papers are:

- Research on out-of-home care as a base for a National Policy and Strategy
- Foster care as a better alternative for children needing out-of-home care
- Legal Framework
- Lack of Placements
- Waiting Lists
- Staffing Difficulties
- The need for specialized psycho-social care
- Lack of resources
- Training
- Work conditions
- Child assessment.

The archdiocese of Malta has also participated in a number of research reports on the sector. (Appendix: 3).

Prior to discussing a theme from the above mentioned reports I would like to briefly highlight a few differences and similarities between inquiry and research reports in Malta and Scotland. Scottish reports are more readily available and open to the public. This ensures that there is no appearance of a cover-up and individuals' rights are protected (Levy, N.D.). Reports in Malta are not always public or easily accessible. Whilst I agree

³ Local Prison in Malta

with Levy, opening up reports of a sensitive nature to the public may allow for the media to misinterpret facts or place things out of context. Consequentially this may intensify the suffering of the children or the sector. In Scotland public inquiries in the majority pertain to child abuse (Levy, N.D.). Reports of a more general nature have also been published (Department of Health, 1991 and Skinner, 1992). In Malta, reports that are accessible, give more of a general overview of the operations of the sector. In fact there are only two inquiries that are more investigative as to the reasons for occurrence. In Scotland the recommendations of these reports are either variously acted upon, watered down or ignored (Levy, N.D.). The situation seems to be no different in Malta because a number of reports kept on highlighting, year after year, the same issues. The lack of placements was mentioned in: Foundation for Social Welfare Services 2011, Sciberras 2006, Commissioner for Children 2008, 2009, 2010, 2011, Commissioner for Children, N.D. Some recommendations have been followed, particularly, the call to develop the fostering service.

The theme of developing foster care as a *better* alternative for children in need of out-of-home care has occurred in a number of reports discussed (Foundation for Social Welfare Services, 2011; Sciberras, 2006; Commissioner for Children, 2008, 2009, 2010, 2011; Commissioner for Children, N.D.; *Inquiry into minors in conflict with the law*). Within these reports one finds comments such as:

Aġenzija, Appoġġ strongly believes that fostering is the way forward... with the aim of placing looked after children directly into foster care and moving a considerable number of children from residential care into foster care. (Foundation for Social Welfare Services, 2011, pg. 220)

Our aim is to continue to promote foster care since we believe it is the better alternative for children who need to be out of home (Sciberras, 2006, pg. 38)

The research⁴ has also recommended the setting up of a gradual process of deinstitutionalization, in which the State takes full responsibility for the process whilst working in close liaison with all stakeholders. (Commissioner for Children, 2010, pg. 11) [Footnote added]

Barth (2002), in his review titled *Institutions Vs. Foster Homes* concludes that institutional care⁵ is an expensive and restrictive form of care that in comparison to foster care is not

⁴ Local research that is to be used as a base for a National Policy and Strategy on Looked After Children. Titled: *Mental Illness and Residential Care*. (2011).

⁵ Facilities that provide 24-hour care to children that is supervised by unrelated adults in shifts

safer or better at promoting development, it is less stable, and it does not achieve better long-term outcomes. Rushton (2002), as cited in Clough, Bullock, Ward, (2006) also adds that staff do not necessarily have the training to help the children deal with their difficulties. Arguing that foster care can provide the same treatment with less bullying, sexual harassment and delinquent cultures, Csaky (2009) writes that institutional care⁶ risks developmental damage, provides an environment where children are more vulnerable to violence and increases social consequences due to poor quality care. The Children's Commissioner in Annual Reports (2008, 2009, 2010) has also pointed out that numerous international and local research write that children under foster care fare better. However, no bibliographical references are provided.

In Malta, a study titled *Children's perceptions of their experience in foster or residential care – 2001* (Abela, Dimech, Farrugia, Role', 2005), found that in foster care children felt safer and more attached, trusted their foster carer more, and experienced warmer relationships and a better quality of care. Children in residential care were also concerned with delinquent cultures in their placement. Interestingly, all children under the study in foster care were in residential childcare prior to placement.

Acknowledging the limitations of residential childcare and the developmental needs of children, I find no difficulty or opposition to the development of foster care. However, we must be aware that for certain children, above the age of 5, residential childcare is a viable and positive option.

Anglin (2002) in a study of 'familial versus extra familial living environments' in North America highlights a few key points evidenced by his research, of young people aged 10 to 18, as to why residential children's homes are needed. He begins by stating that at times children do not prefer foster placements, as they feel a sense of betrayal towards their own families. A young person interviewed stated 'I don't need a family; I already have a family!' (Anglin, 2002, pg. 101). A child displaying behavioral and emotional difficulties at times cannot control his or her anger: a family setting may not allow the young person to adequately deal with personal problems because such outbursts of anger lead to the damage of belongings. A residential group home allows more for the acceptance of challenging behaviour and a safer environment in which to deal with such

⁶ Care provided in *any* non-family based group setting not inclusive of small group homes.

difficulties. In foster placements Anglin goes on to argue that a child has fewer people to 'click' with and hence a higher degree of intimacy and matching is expected. Children in need of out-of-home care are also showing ever more demanding needs, while in North America foster parents have brief, infrequent respite. This leads to tension in the house, while in a group home a shift system allows better rest for care workers and hence greater ease in dealing with the children's needs. Anglin also argues that, while intimacy and a familial aspect is needed for some children, those who have difficulty controlling their pain need less intimate surroundings. A young person explained that 'in a foster home I am expected to fit in; here, they work to fit in with me.' (Anglin, 2002, pg.103). Another point put forward is the intensity of care and treatment in a well-staffed group home. This allows residents to have a person who is able to journey consistently with them. Anglin concludes that the intensity of care and treatment in a well-functioning staffed home cannot be matched in most foster homes. The last argument put forward by Anglin is that of supervision. That is, in a residential group home it is much easier to supervise staff and to have staff supervised by co-workers than in foster placements.

Anglin's (2002) evidenced research has clearly highlighted that residential childcare is beneficial and needed for certain children just as foster care can be. Other authors also agree that residential care still has a place and must be viewed as a positive choice. According to Knorth, Harder, Huygen, Kalverboer & Zandberg (2010), there is even a significant absence of empirical proof on the lack of effectiveness of residential placements in comparison to well-conceptualized, non-residential alternatives. Smith (2009), Milligan & Stevens (2004), and Forrester (2008) are but a few of the experts who question the anti-residential bias that has arisen. In addition, in the UK the Short Report (Department of Health and Social Security, 1984), the Skinner report (1992) and eventually Waterhouse (2003) identify residential care as a positive option. Uninformed comparisons of placement types can only lead to children suffering further, the sector battling with low self-esteem, lack of investment, a demoralized staff and a skewed national strategy for Looked After Children.

The impacts of the theme, in the reports under critique, have been numerous. The Foster Care Act, 2007⁷, and the Adoption Administration Act 2008⁸ have entered into force in Malta. I find no opposition to the enforcement of these acts. However, no *Children's Act*

⁷ Laws of Malta, Chapter 491

⁸ Laws of Malta, chapter 495

has been introduced in Malta (Commissioner for Children, N.D.). Children depend on “pieces of legislation spread out here and there” (Foundation for Social Welfare Services, 2011, pg.157). Residential childcare does not have an adequate legal framework. Furthermore, until there is a statutory regulatory body for the regulation of social care, the National Standards for Out-of-Home Child Care (Working group on standards for out-of-home care, 2009) and Model Policies and Procedures (Working group on residential and foster care, 2009) lack statutory backing.

The Commissioner for Children is obliged by law “to foster the development of alternative care to children who need such care with special reference to fostering and adoption” (Commissioner for Children Act, 2003⁹, Article 9e) Consequently, this leaves the residential childcare sector without any concurrent development. Such development is absent in Malta, with all investment seemingly going into fostering. My work colleagues have stated the development of fostering has left the residential childcare sector with “no-budget or vision”. This is dangerous because residential childcare can and does address the needs of certain children (Anglin, 2002 & Skinner, 1992). A broad continuum of services should be developed. Additionally, one cannot assume that foster placements are always beneficial and will always follow through.

Viewing the experiences of looked after children in Scotland it is evident that foster placements break down. Milligan, Hunter, & Kendrick (2008) found that 17.9% of placements into residential childcare came from foster-care. In a separate study Kendrick (1995) found that 25% of children came from foster-care. At my place of work we too have received applications from failed foster placements. A continuum of services, based on children’s needs should be developed. The *Inquiry into minors in conflict with the law* mentions this need. Additionally in Commissioner for Children reports (2009 & 2010), a range of childcare services were recommended inclusive of therapeutic residential services. A lack of placement options in Malta raises the question about whether investment in a continuum of services is occurring. Additionally this lack also brings into question whether current placements are based on an assessment of the child’s needs and best interest.

⁹ Laws of Malta, Chapter 462

Predominantly foster placements are breaking down in Scotland because parents cannot adequately deal with the challenging behavior of the children as they grow up (Milligan et al, 2008). Malta is starting to face a similar difficulty. “The agency has been facing difficulties in identifying and recruiting sufficient foster carers who are willing to foster care children whose behavior is challenging” (Foundation for Social Welfare Services, 2011, pg. 149). This can only leave the residential sector dealing with the most troubled children. Whilst the Director at my place of work tends to agree with this statement, the Head of Care questions it. The director argues that the home must now cater for more behaviorally challenging children.

Despite the development of fostering, the number of applications for residential care placements in Malta has not been significantly affected. This is so because of the lack of placements in both residential and foster care (Foundation for Social Welfare Services, 2011 & Commissioner for Children, 2011). Although applications have not been affected as yet, for the Commissioner for Children, it seems that residential homes are to be a last resort.

It is important to note that whilst care within a family environment is often favoured, this research recommends that residential care should also remain, and be provided to children above a certain age only *if absolutely necessary* and in an environment, which is therapeutic and family-oriented. (Commissioner for Children, 2010, pg. 10) [*Italics added*]

A lack of placement options keeps residential care on the agenda however it seems to be thought of as a last resort for children in need of out-of-home care.

The Foundation for Social Welfare Services (2011, pg.192) writes, “Unfortunately, the service is dealing with children who face a multitude of problems, which, for a number of them, are exacerbated because they are living in residential care”. One home in Malta has been closed down due to convictions of abuse (Foundation for Social Welfare Services, 2011). The current provision of residential childcare in Malta *may be* inappropriate in view of current best practice, but it isn’t within the objectives of this paper to question this. The Head of Care however states “we have a lot of homes that have had no developments in their systems since the 1950s”. Female carer units (absence of male figure), children sleeping in 6 bedded dormitories and no professionals involved in the daily running of the homes are an occurrence.

This paper has brought to light a number of research reports that have been published on residential childcare in Malta. One of the themes accentuated in these reports has been the development of fostering as a better alternative for children in need of out-of-home care. Acknowledging both the limitations and value of residential childcare one concludes that if it ensures quality care, residential childcare is as viable and positive an option for certain children as foster care. Hence, superficial comparisons of placement types will only lead to children suffering further. Viewing fostering as a better alternative has left the residential childcare sector in Malta with: no adequate legal framework, no significant development, a possible placement of last resort, an unviable option with the possibility of inappropriate care and a home possibly for the most challenging children. In spite of this, applications for residential childcare are still present. It is imperative that residential childcare be seen in a positive light because it does need investment and it does have a positive contribution to make. Additionally, the lack of development in the sector impacts the current population of children in residential childcare. Children's services should be seen as a continuum of services in which the services provided are to be based upon a robust assessment of each child's needs, informed by an understanding of child development and the impact of trauma and deprivation. Malta must make "residential care the first and best placement of choice for those children whose needs it serves" (Scottish parliament, 2008, par 5928)¹⁰.

¹⁰ www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-08/sor0207-02.htm

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Appendices

Appendix: 1 - Table of Legislation

Adoption Administration Act, Chapter 495 of the Laws of Malta

Commissioner for Children Act, Chapter 462 of the Laws of Malta.

Foster Care Act, Chapter 491 of the Laws of Malta.

Appendix: 2 – Published Papers by Aġenzija, Appoġġ

Publications:

- *Harsien tat-tfal*¹¹ (Aġenzija, Appoġġ, N.D. a)
- *Il-Fostering* (Aġenzija, Appoġġ, N.D. b)
- *Looked After Children* (Aġenzija, Appoġġ, N.D. c)
- *Ordni Għall-Harsien*¹² (Aġenzija, Appoġġ, N.D. d)
- *X'inhu abbuż*¹³ (Aġenzija, Appoġġ, N.D. e)

The purpose of these publications is to inform the public on the type of service being offered, what the service is and what it consists of. They also provide information regarding how to make use of the service and how the service works.

Research Reports:

- *Report 2007 – 2009* (Foundation for Social Welfare Services, 2011)
- *Appoġġ Biennial Report, 2004 – 2005* (Sciberras, 2006)
- *Appoġġ Biennial Report, 2002 – 2003* (Magro, 2004)
- *The needs of children in Malta* (2000)
- *Residential homes for children in Malta: A general Overview* (Cini Micallef, 2000)
- *National Care standards 2000* (Ministry of Social Policy, N.D.)
- *Child Protection – A shared responsibility* (2002)
- *Care System in Residential and Foster Care* – a report commissioned by the ministry and drawn up by the Director of Family Welfare
- *The Commonwealth Evaluation Report of the Looked After Children Service.*

As at the 15th of January 2012, the Appogg website was encountering a server error with respect to articles.

¹¹ Child protection

¹² Care Order

¹³ What is abuse

Appendix: 3 – Publications the archdiocese has participated in.

The following list of reports was retrieved from the website¹⁴ for the Diocesan commission “Ejjeu Ghandi” (Come to me) Children’s Homes January 15, 2012.

- *Children’s homes in Malta – a report on the workings of the central office* (Richards & Richards, 1997)
- *Children’s Residential Homes – A study on their health needs.* (Muscat Baron, 1998).
- *Il-Htigijiet tat- Tfal f’ Malta – the needs of children in Malta* (church – State Report, 2000)
- *Residential homes for children in Malta: A general overview.* (Cini Micallef, 2000)
- *Standards of Care* (Ministry of Social Policy, 2000)
- *Building bridges: Networking between family services* (National Family Commission, 2002)
- *Child protection: A shared responsibility* (Proposals, 2002)
- *The family from the eyes of adolescents* (National Commission for the family, 2003)
- *A fair deal: A study on children and young people with very challenging behavior* (Commissioner for children, 2006)
- *Model Policies and Procedures: For out of home child care.* (2009). Working group on residential and foster care.
- *National Standards for out-of-home child care.* (Working group on standards for out-of-home care, 2009).
- *Mental Illness and Residential Care* (2011).

¹⁴ <http://maltadiocese.org/lang/en/secretariat-commissions/diocesan-commission-ejjeu-ghandi-childrens-homes/childrens-homes-origins-services-and-current-challenges/>