'Rethinking Child Protection Strategy': Causes and consequences of children in the care system

ESRC Funded Transformative Research

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Our projects

❖ We have completed a 2-year Economic and Social Research Council-funded study 'Rethinking Child Protection Strategy' (Grant number ES/M000990/1).

❖ The results of our two year study identify four new theoretical insights in relation to the underlying tensions and problems in child protection and safeguarding policy.

❖ Together with our statistical results, we argue there is a strong case for rethinking child protection strategy in England.

❖ Our new, proposed project will use these findings and apply them to the problem of a rising number of s.31 care order applications.

Policy interpretation of the law

* The original policy interpretation of ss.17 & 47 was to treat all referrals as suspected abuse.

* The refocusing debate of the mid-1990s altered this approach to the other extreme; all referrals were treated as requests for service.

* Neither was satisfactory, and following the Munro Report in 2011, WTSC has mixed the two so as to make neither approach clear.

* The current 'mixed' system creates conflict and fear of (different) consequences for social workers and for families.

* The expectation that social workers 'work with' families in assessments that mix the requirements of ss.17 and 47 Children Act 1989 to support and police is in this climate, we believe, unrealistic.

* Worldwide research indicates that this relationship is problematic and based on compliance not partnership .

Risk prediction: a variant of germ theory

* In the late 1980s germ theory was applied to child protection.
* A disease eradication model evolved which is based on risk and treatment.
* This doesn't work well (statistically or emotionally).
* The authors agreed this model created a large number of 'false positives' (in their sample over 97% of cases of predicted abuse were unfounded and 17.5% of the 'real' cases were missed) (Browne, Gough et al, 1988).
* Despite this, risk assessment and characteristic profiling is embedded into practice.
* **Conclusion: 'Risk assessment is risky'.** The standard of proof is low, expert evidence is difficult to prove or disprove in this area. Large numbers of false positives and negatives flow from this approach.

Our data analysis findings

(1) Analysis of the legal and policy framework

Child protection & safeguarding strategy merges ss.17 & 47. Policy interpretation of legislation potentially *ultra vires.*

(2) Trend and prevalence analysis

The significant increase in referrals (311%) has not led to a reduction in child abuse. Instead there has been a significant reduction in the child abuse detection ratio from 24% to 7%.

What does the evidence tell us about the current strategy?

(3) Adverse event response analysis

Findings are narrow and formulaic. They enable a culture of over-intervention driven by fear of the consequences of under-intervention.

(4) Risk prediction analysis

Risk prediction does not have a reliable confidence limit. For example, a 10,000 family study predicted in excess of 97% false positives and 17.5% false negatives.

The transformative layer of analysis: producing new theoretical insights

(1) The legal and policy framework led to identification of:

The Theory of Child Protection circuit

(2) Our trend and prevalence analysis led to identification of:

The Law of Diminishing Returns Ratio

Overall conclusion: There is a need for a new ethico-legal model (framework) of child protection
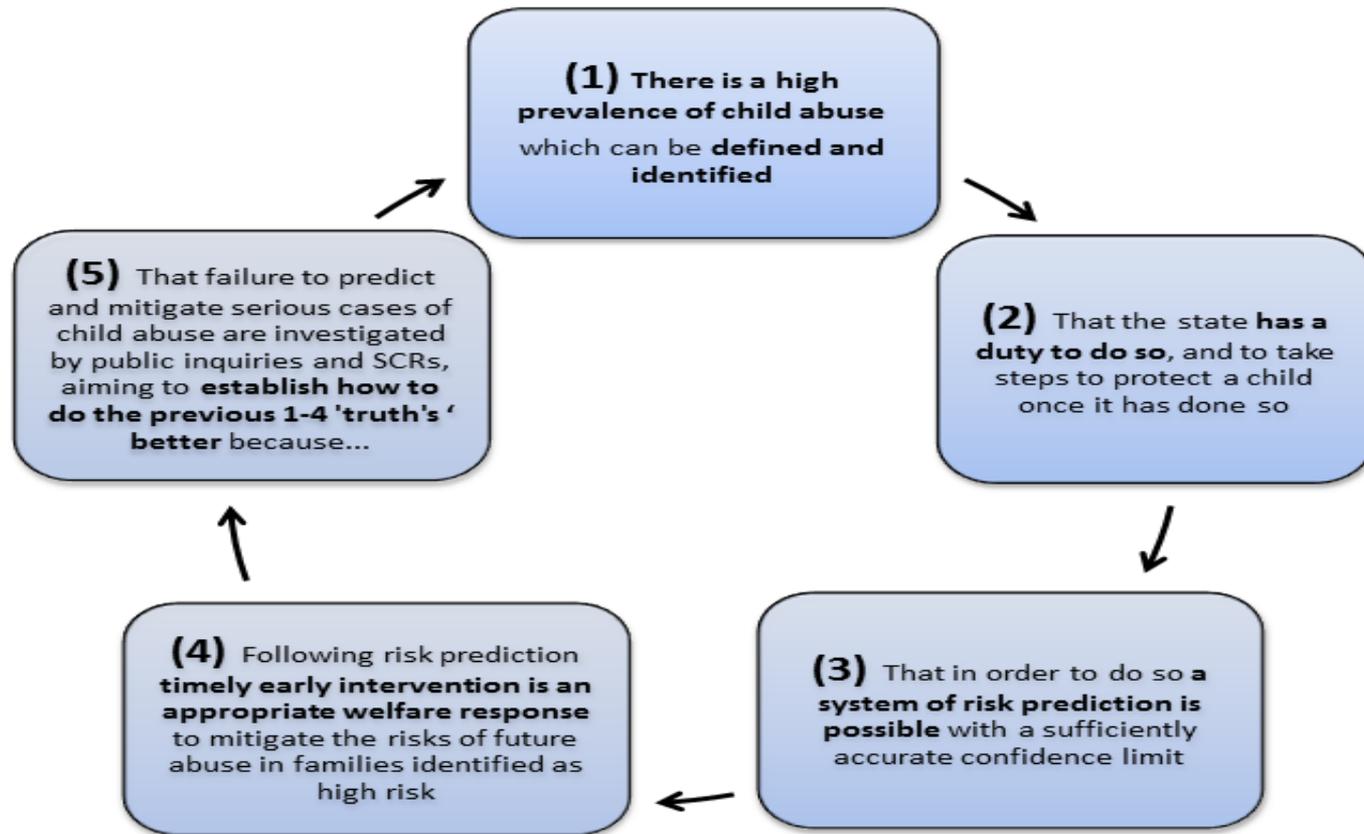
(3) Adverse event response analysis led to identification of:

The Outlier Paradox

(4) Risk prediction analysis led to identification of:

The Welfare/Policing Dichotomy

(1) Theory of Child Protection Circuit

(1) There is a high prevalence of child abuse which can be **defined and identified**

(2) That the state **has a duty to do so**, and to take steps to protect a child once it has done so

(3) That in order to do so **a system of risk prediction is possible** with a sufficiently accurate confidence limit

(4) Following risk prediction **timely early intervention is an appropriate welfare response** to mitigate the risks of future abuse in families identified as high risk

(5) That failure to predict and mitigate serious cases of child abuse are investigated by public inquiries and SCRs, aiming to **establish how to do the previous 1-4 'truth's ' better** because...

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The TCPC influences on strategy

* England's model starts from a premise there is a large amount of (a) undetected child abuse and (b) missed fatal cases;

* Prevalence estimates are reinforcing that belief;

* This in turn feeds the narrative of 'success' and 'failure' in child protection and safeguarding work;

* Policy drive is towards early intervention to head off abuse; SCRs that illustrate cases where this has not happened are seen as evidence of failure to intervene correctly;

* The Munro Review & Report (2011) is the most recent government funded review but it did not offer critique of the strategic direction of referrals and assessments in CP and S.

TCPS triggers in policy development

* Policy has developed over the last 25 years as a response to high profile child tragedies and political agendas, particularly when Public Inquiries & Serious Case Reviews occur.

* Tragedies leading to PIs such as Dennis O'Neal (1948), Maria Colwell (1974) and Jasmine Beckford (1985) raised public and political awareness of serious child abuse and influenced the Children Act 1989.

* In addition, there have been 997 published SCRs in recent years which have increased fears of large scale serious child abuse.

* Social work thus became linked with the need to prevent abuse as opposed to primarily a professional welfare service, as the Beveridge Report (1942) originally intended.

* This, together with the introduction of 'safeguarding' reporting from the Children Act 2004 has driven up the level of referrals. This has not had the intended effect of reducing abuse prevalence or preventing tragedies.

* Why?.....

(2) Law of Diminishing Returns Ratio

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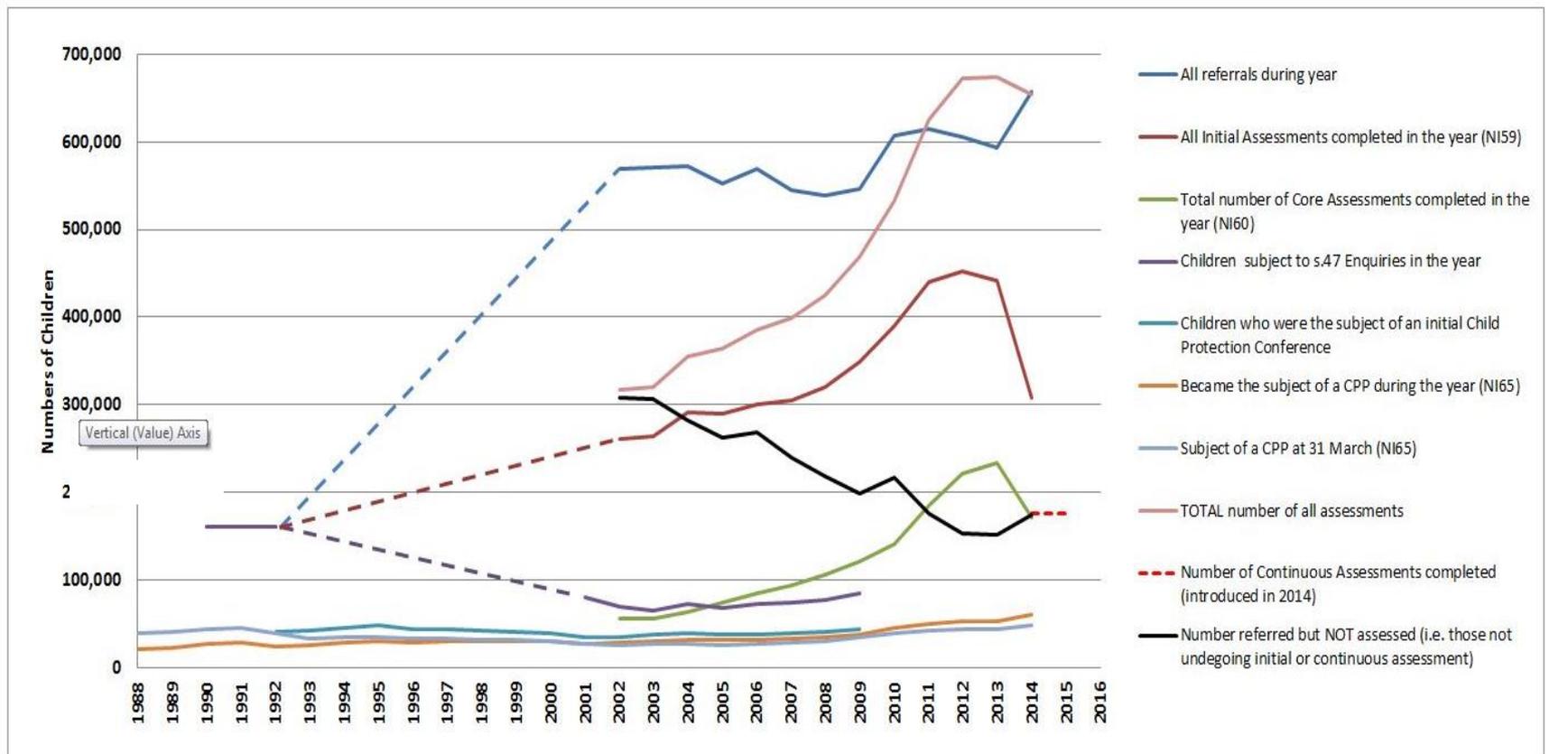
Our trend analysis

* Since the Children Act 1989 referrals have increased by 311% (from 160,000 per year to 657,800 per year, between 1991 and 2014).
* Assessments have increased by 302% over the same period (from 120,000 to 483,800).
* The number of cases of 'core abuse' have fallen.
* The ratio of referrals to registrations have fallen year on year (from **24.1% to 7.3%).**
* Too many cases are being referred in for low level rationed social work services. Insistence that abuse is on a continuum has driven this policy, but this does not fit with much of the published evidence. The conflation of need and risk assessments has caused a reduction in the system's ability to address child abuse.
* There is a further, adverse consequence. There is increasing focus on the plight of families under suspicion of child abuse. This creates a policy paradox…

(3) The Outlier Paradox and the 'Model Service User'

Figure 1

68.26% of area

95.44% of area

99.74% of area
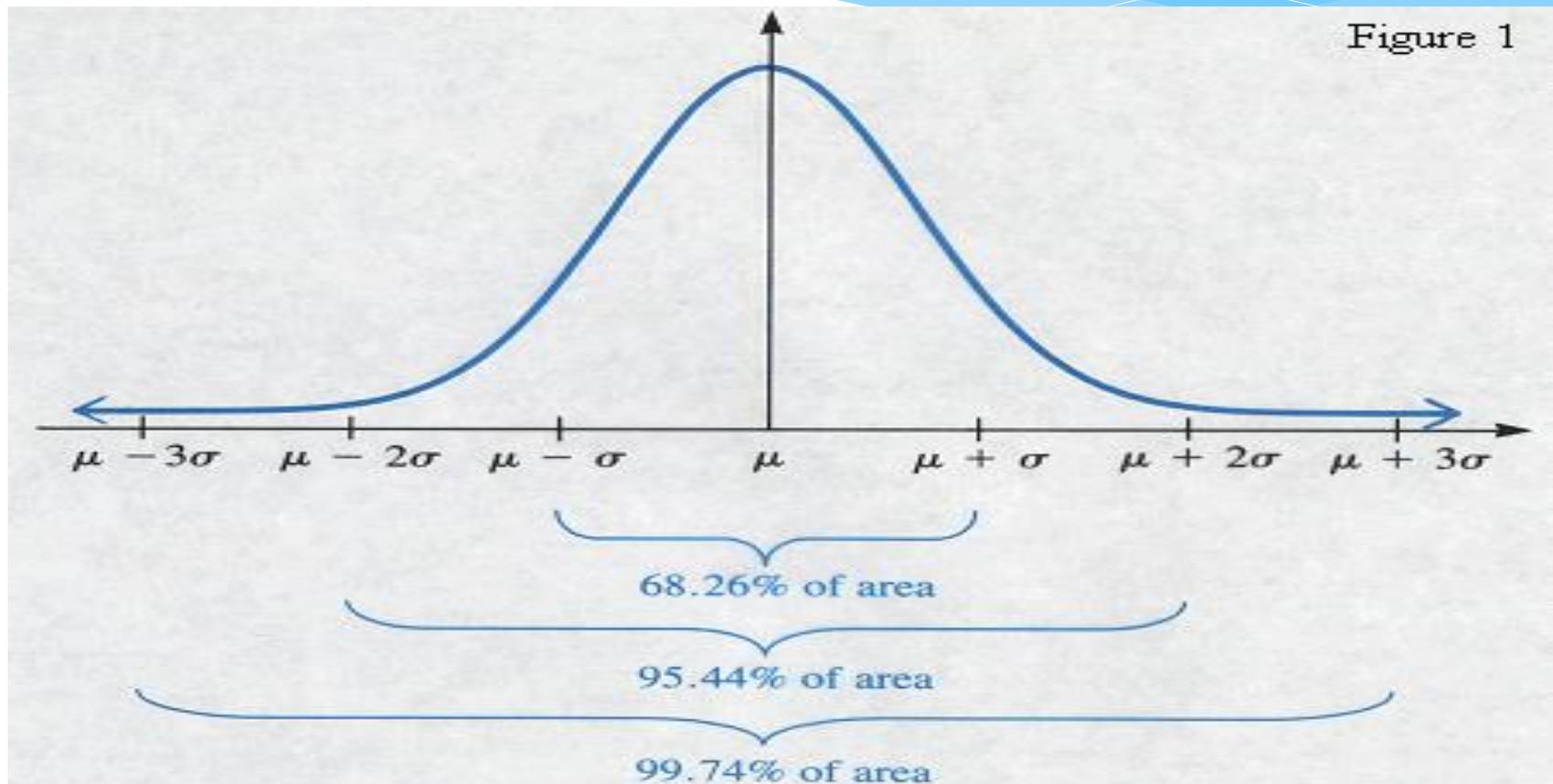
Analysing the paradox: finding the needle in the haystack

* What the SCRs cannot find are any characteristics (reliable risk indicators) in families where fatal abuse occurs that differ from the characteristics in families who do not fatally abuse their children.

* The national and local level policies work well with a 'model service user', but the less a family fit this model the more 'risky' they appear to be.

* The more extreme the outlier, the more likely they are to be **either** a false positive, or a false negative case.

(4) The Welfare/Policing Dichotomy

Welfare →

← Policing

* By focussing on risk, policy has conflated welfare and policing.
* This strategy is driven by:
  * The increase in the use of risk prediction as justification for intervention;
  * The trend towards increased referrals as a result. As reported prevalence is not falling, the conclusion is that this policy is not working well;

Narratives of 'success' and 'failure': the dilemma of social work

* This investigation raises significant questions about how statutory social work is performed and delivered;
* The evidence shows that social workers are in a very difficult position with little power or agency;
* There is much discussion about how social work is 'done', but without a changed strategic approach from law and policy there is limited scope for delivery within the existing envelope of legality;
* Social work as a profession remains subject to legal, public and media narratives surrounding perceptions of success and failure under the current strategy.
* The evidence suggests the strategy itself is flawed and the 'more in, more out' approach will lead to increasingly poor quantitative, longitudinal outcomes.

Impact on s.31 applications

* Our new project will apply our existing findings to the question of why s.31 applications are rising.

* We will conduct a large quant and qual file analysis of cases in the Bristol Civil and Family Justice Centre, and will also look at national quantitative data.

* We will focus on whether there are relationships between the datasets that we already have, the theoretical insights we have gained and the s.31 rises.

Finding solutions:
Interim policy considerations

* The **theory of child protection circuit** merits overt consideration and dismantling as an underlying rationale;

* Services need to be able to be structured so as to ensure **s.17 is consensual and s.47 is able to be a forensic investigation**. This will address elements of the **welfare/policing dichotomy, the law of diminishing return ratio problem and the outlier paradox**;

* We suggest a return of policy to the original intention of the 1989 Act and a revised framework to rebalance state power with private rights;

* S.47 processes should follow a model more aligned with the **safeguards and controls inherent within the criminal justice process.** Professional social work is being lost as a supportive service under s.17.

Project information

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Project Pages:

* **Rethinking Child Protection Strategy,** an ESRC funded project (Grant Ref: ES/M000990/1)
* W: http://www1.uwe.ac.uk/bl/research/childprotectionstrategy.aspx
* E: transformative@uwe.ac.uk