Making the case for ‘Rethinking Child Protection Strategy’

ESRC Funded Transformative Research
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This paper presents the results of our 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.
To answer this we considered some key issues:

- The problems of estimating the prevalence of child abuse;
- The adequacy of the legal framework and high-level policy contained in the statutory guidance;
- Problems of local-level policy implementation and practice;
- Can social work interventions cause problems for children and families?
- Resultant problems for society (economic and social consequences).
What were we funded to do?
‘Transformative Research’ to answer the research question. We considered:

1. Legal and policy framework
2. Trends and prevalence
3. Adverse event response (PIs and SCRs)
4. Risk prediction

The four quadrants of analysis
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%.

(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.

What does the evidence tell us about the current strategy?
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

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(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...
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.
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
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’
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.
Summary of SCR data analysis

* 635 SCRs were analysed creating **194 recommendation nodes across 4 ‘themes’**
* **12,459 single recommendations** were coded
* Average recommendations per review = **19.6**
* Most frequently occurring recommendation (i.e. number of SCRs citing a specific recommendation) was **Review and Evaluation** (Applicable to all agencies)
* Overall the recommendations were **vague, non-specific and generally formulaic.**
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;
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.

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The Children Act 1989 created a clear separation between consensual and non-consensual interventions.

- S.17 concerned support services for families. It is consensual. (Part III of the Act).
- S.47 concerned the investigation of reasonably suspected significant harm to children. It is not consensual. (Part V of the Act).
- The intention was to interfere into private family life as little as possible.
- Policy has eroded this notion and embedded the two sections together via statutory guidance, ‘Working Together to Safeguard Children’ (DfE, 2015).
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.
Positioning social work

- Law (primary, secondary, domestic, European)
- Policy (central statutory guidance, local interpretation)
- Social work practice

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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.
Finding solutions: next steps

* Dismantle the **theory of child protection circuit**;
* Re-structure services so as to ensure **s.17 is consensual and s.47 is a forensic investigation**. This will address 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 aligned with the **safeguards and controls inherent within the criminal justice process** leaving separating out professional social work as a supportive service under s.17;
* Model and implement a new **universal ethico-legal framework for child protection and safeguarding**.
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
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