Making the case for: ‘Rethinking Child Protection Strategy’

ESRC Funded Transformative Research
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This paper presents the case for rethinking child protection strategy in England. The Economic and Social Research Council-funded study ‘Rethinking Child Protection Strategy’ identifies four new theoretical insights which explain the underlying tensions and irreconcilable issues in child protection and safeguarding policy. The research study examines:

- The legal and policy framework underpinning the current strategy;
- Trends in referrals and assessments, including the reasons for the large increases over recent years despite the lack of reduction of child abuse prevalence reported to be present in the general population;
- The use of Public Inquiries and Serious Case Reviews in the context of their use in a culture where under-intervention is almost inevitably associated with failure.
- Risk prediction and its impact on trends and outcomes. This examination enables the narratives of ‘failure’ and of ‘success’ in child protection work to be re-thought, together with the legal and ethical framework of child protection & safeguarding referrals and assessments.
Areas of investigation

(1) Legal and policy framework analysis
(2) Trend and prevalence analysis
(3) Adverse event response analysis
(4) Risk prediction analysis

The four quadrants of analysis
Summary of research 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?
New Theoretical Insights

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

(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...
(2) Law of Diminishing Returns Ratio

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(3) The Outlier Paradox and the ‘Model Service User’

Figure 1

- 68.26% of area
- 95.44% of area
- 99.74% of area
Conflating welfare and policing results in dichotomous aims and approach;

- This strategy is driven by:
  - The increase in the use of risk prediction;
  - The trend towards increased referrals with policy insistence that prevalence is not falling despite this requires revisiting;
  - The child abuse prevalence estimates which create a climate of fear, and justify the ‘child protection industry’;
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).
(1) Policy influences

- England’s model starts from a premise there is a large amount of undetected child abuse;
- 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;
- There is no longitudinal, independent critical evaluation of the policies themselves. The Munro Review & Report (2011) is the most recent government review.
(1) Triggers for 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.

* 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.
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.
(1) Assessment: quasi-coercive from the outset?

* Despite the intention of the Children Act 1989 to keep ss.17 and 47 separate, assessment is quasi-coercive;
* If parents do not comply with social work requirements during and after assessment the situation can escalate out of a consensual stage (Public Law Outline, 2014);
* This raises questions about whether any stage of social work involvement is genuinely consensual.
* If not, the foundation of trust upon which social work relations were intended to be built is extremely difficult to obtain/maintain.
(2) Our data analysis findings: 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%).
Total no. of SCRs on NSPCC repository = 1037

- 635 SCRs analysed = 61% of database
- The search method was via Web, E-mail, Telephone, NSPCC database, NSPCC Library, British Library
- NVivo analysis using grounded theory – creating themes and nodes
- Open and Axial Coding was used:
  - Open Coding used to identify themes and nodes
  - Axial Coding used to connect, group and merge themes into larger nodes
- The four themes used were: Child and Family/Environment/Case Management/National Implications (Brandon et al, 2011)
Summary of findings

* 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**.
Examples: Child-centred assessment recommendations

* Focus on the child was NOT the overall primary recommendation.

* Indicative recommendations concerning the child were vague and non-specific, for example:

  * “Ensure that the child is at the centre of any referrals received”

  * “Ensure the voice of all relevant children in cases is heard, recorded and acted upon”

  * “The child should be at the centre of all assessments and the ‘voice of the child’ heard”
(4) Risk prediction analysis: Germ theory, risk & child protection

* 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, the assessment and prediction of risk is embedded into practice.
* ‘Risk assessment is risky’. The standard of proof is low, expert evidence is difficult to prove or disprove in this area.
Positioning social work

Law (primary, secondary, domestic, European)

Policy (central statutory guidance, local interpretation)

Social work practice
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 could 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
* E: transformative@uwe.ac.uk