
We recommend you cite the published version.
The publisher’s URL is: http://blogs.sps.ed.ac.uk/revisitingchildprotection/blog/

Refereed: Yes

(no note)

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Making the case for Rethinking Child Protection Strategy: Findings from a large scale study

Dr Lauren Devine and Mr Stephen Parker

We have just completed our two year data collection and analysis of child protection and safeguarding referrals and assessment outcomes for the project Rethinking Child Protection Strategy. Our large scale secondary data analysis covers data from the past twenty-five years in England giving a picture of what has happened since the implementation of the Children Act 1989. The resultant analysis relating to the way in which need and risk has been progressively conflated in strategies towards child protection and safeguarding is more widely relevant to all parts of the UK.

Since the 1989 Act, various strategies have been adopted by successive governments in England with the aim of reducing child abuse and improving children’s welfare. All approaches have attempted to reconcile the dual aims for local authorities to address family welfare needs with child protection duties. Both aims were included in the Children Act 1989 under ss.47 and 17 respectively.

Our data findings indicate that the current intervention strategy is not resulting in the aims set out by government in relation to either child protection (abuse reduction) or safeguarding (welfare support). The amount of detected child abuse as a proportion of referrals has fallen from 24% to 7%. This suggests that either many abused children are failing to be referred, or that abused referred children are not correctly assessed. In addition to the abuse detection problem the data suggests that a large number of families simply requiring s.17 services are needlessly ‘risk assessed’, potentially without their consent, causing resourcing issues for the social work profession and contributing to a fear of social work consequence of missing a serious case of abuse. This scenario may be deterring families seeking services and damaging those who do.

Our data analysis therefore concludes the current strategy of treating need and abuse as a linear continuum is producing an outcome counter to the intention of policy, and also counter to the interests of children, families and society.

In addition to the data findings, another objective of ‘Rethinking Child Protection Strategy’ was to investigate the explicit and implicit theory underpinning child

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1 Funded by the Economic and Social Research Council, Grant number ES/M000990/1
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protection and safeguarding strategy. We established four new theoretical findings that can be widely applied to contribute to understanding the system:

- The ‘Theory of Child Protection’;
- The ‘Law of Diminishing Returns Ratio’;
- The ‘Welfare/Policing Dichotomy’; and
- The ‘Outlier Paradox’.

We firstly identified a number of paradigms that, taken together, inform child protection and safeguarding strategy. This resulted in identification of the *Theory of Child Protection* circuit. Much of our data analysis involved investigating these individual elements to look at the strength of the evidential basis for these paradigms. We concluded that the impact of basing strategy around the Theory of Child Protection decreases the efficiency ratio of the system in relation to child abuse, which is directly at odds with its aim. We identified this phenomenon as the *Law of Diminishing Returns Ratio*.

We investigated the reasons for this, which led to the identification of a fundamental problem at the heart of child protection and safeguarding strategy; the ‘*Welfare/Policing Dichotomy*’ (Devine, 2015). In addition, we observed a phenomenon we term the *Outlier Paradox* in relation to risk characteristics and the likelihood of effective social work for certain categories of the population. This paradox refers to families at the extreme ends of the referral spectrum where we found that those who are incorrectly referred and resist social work interaction exhibit similar characteristics to those who are correctly referred because they are deliberately and systematically abusing their children.

These theoretical insights enable suggestions to be made for future strategic direction. To address the problems we have identified we suggest a revised framework which respects the separation in the Children Act 1989 between s.17 in Part III and s.47 in Part V. This new ethico-legal framework prioritises consensual work for s.17 referrals and a more robust and controlled forensic examination framework where the threshold for s.47 is met.