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Cumulative jeopardy when children are at risk of significant harm: A response to Bywaters



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ABSTRACT

This paper is a response to Bywaters' (2015) critique of our paper on 'Cumulative Jeopardy' (Brown & Ward, 2014), in which we presented data showing a mismatch between timeframes for early childhood development and responses to evidence of abuse and neglect from professionals with safeguarding responsibilities. Bywaters (2015) claims that the study on which it is based is flawed on methodological, empirical, conceptual and ethical grounds. This paper explores each of these grounds for criticism and refutes them. We point out that Bywaters' calculations are inaccurate and lead him to exaggerate the methodological weaknesses of our study. Bywaters argues that we should have collected additional empirical data on deprivation factors; but this would not have significantly improved our classification of risk of future harm or altered our key findings. These show that a high proportion of children in the sample were not adequately safeguarded from harm, an issue that Bywaters ignores. Instead, he asserts that we have an ideological bias towards separation, and this forms the basis for much of his conceptual and ethical criticism. We reject this argument, pointing out that the study focused on those infants who were at greatest risk of compromised development, injury and death from maltreatment, and that these are the babies for whom the fundamental question is whether or not they can safely remain at home. We do not interpret our data as necessarily indicating that more children should come into care, as Bywaters claims, but that more needs to be done to safeguard them from harm, whether they are living with birth parents or placed permanently away from home.

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1. Introduction

Our paper on 'Cumulative Jeopardy' (Brown & Ward, 2014) considered three complementary questions: how far is there a mismatch between timeframes for early childhood development and those for responses to evidence of abuse and neglect from professionals with safeguarding responsibilities in England? If a mismatch exists, why has it occurred? And how might the issues identified be addressed? We explored these questions by presenting findings from our prospective longitudinal study of infants identified as 'suffering or likely to suffer significant harm' (Ward, Brown and Westlake, 2012; Ward, Brown and Maskell-Graham, 2012). Ours is one of fifteen studies that formed a national Safeguarding Children Research Initiative (see Davies & Ward, 2012) and we were able to corroborate our data with findings from these other complementary studies (see for instance, Farmer & Lutman, 2012; Wade, Biehal, Farrelly, & Sinclair, 2011) as well as the national statistics on adoption in England (Department for Education, 2013).

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Bywaters' (2015) recent response to our paper questions whether the evidence we present supports our conclusions. He argues that there are four significant reasons for doubt: methodological (our sample is unrepresentative); empirical (we present too much evidence on some risk factors and too little on others); conceptual (our analysis of professional decision-making focuses too much on decisions to separate children from birth parents) and ethical (we focus on the balance between children's rights and parents' rights, and give too little attention to the state's responsibilities towards its children).

However Bywaters uses our data selectively and misrepresents our analysis of research findings. He also questions our academic objectivity, claiming that our analysis is based on 'a presumption that decisions should be made to separate children from their birth parents' (p. 70). He states that in those cases in which birth parents provided nurturing homes for infants after making significant and sustained changes to adverse lifestyles: 'it is unclear whether [we] are advocating the removal of such children' (p. 71). We have advocated no such thing. Statements such as this are a travesty both of our research findings and our interpretation of them.

We do not think we can leave Bywaters' paper unchallenged. To do so would be to negate a valuable body of evidence underpinning

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appropriate responses to complex safeguarding issues. This paper is therefore a response to Bywaters' article. It explores each of Bywaters' four reasons for doubt by drawing attention to the key findings from our study and showing how they have been misrepresented or ignored. It concludes by considering why such misunderstandings might occur.

2. Methodological issues: is the sample too small and too unrepresentative for the findings to be worthy of report?

The overall aim of the prospective longitudinal study on which our paper drew was to 'trace the decision-making process influencing the life pathways of a sample of very young children who were identified as being at high risk of significant harm before their first birthdays in order to improve understanding of how such decisions are reached and their consequences' (Ward, Brown and Westlake, 2012, p. 213). Criteria for entry to the sample were that all eligible infants had been the subject of a core assessment or a child protection enquiry under Section 47 of the Children Act 1989 before their first birthdays. Research ethics protocols also stipulated that only those babies whose parents actively indicated a willingness to participate and gave informed consent for data to be collected could be included. Fifty seven infants were recruited from 10 local authorities; 43 were followed until they were three (Ward, Brown and Westlake, 2012) and 37 until they were five (Ward, Brown and Maskell-Graham, 2012); our report on the eight year follow up (36 children) will shortly be published (Brown, Ward, Blackmore, Thomas, & Hyde-Dryden, forthcoming).

Over this period, data have been collected from social work case files, annual interviews with birth parents and/or substitute carers, and single interviews with social workers, front-line and senior managers and judges. From the children's fifth birthdays, SDQ (Strength and Difficulties Questionnaire) scores have been collected and interviews held with school teachers. The Brown and Ward (2014) paper presented some of the data concerning these children and their parents at the fifth birthday follow up. The more extensive publication (Ward, Brown and Westlake, 2012) to which Bywaters also repeatedly refers, followed the children until their third birthdays and presented some additional data on the 14 children who were lost to the study between the ages of one and three, ten of them after they had been permanently placed with adoptive parents who did not wish to participate.

Researchers currently encounter exceptional difficulties in accessing and retaining a sample such as this in the UK, an issue we have discussed elsewhere (Munro, 2008; Ward, Brown and Westlake, 2012). It is therefore unsurprising that the sample has a number of weaknesses: it is small in size, and it has suffered from attrition — particularly in the first three years. Summary data concerning those children who met the eligibility criteria but whose birth parents chose not to participate also indicate that at the outset the sample was biased towards children who were identified before birth, who were placed away from home before their first birthdays and/or who received continuing support from services following a core assessment (see Ward, Brown and Westlake, 2012, pp. 220–222). We have been explicit about these weaknesses whenever we have presented findings concerning this study, including in Brown and Ward (2014) and Ward, Brown and Westlake (2012). Notwithstanding their imperfections, the data from this study are nevertheless the best available at present on the longterm experiences and outcomes for infants who have been assessed by English local authorities as suffering or likely to suffer significant harm; as far as we are aware, it is the only UK study to have followed the birth parents for such a lengthy period.

Bywaters devotes considerable attention to the weaknesses in our dataset, and takes the trouble to undertake additional analysis of some of the data we presented in the appendix to our full report (Ward, Brown and Westlake, 2012, pp. 213–222). He argues that we should

'be cautious about drawing conclusions from such a small and unrepresentative sample' but suggests that, in Brown and Ward (2014), we have thrown such caution to the winds, making exaggerated statements about the timeliness of decision-making and its consequences for children without clarifying that these conclusions are drawn from an inadequate database.

In response we would argue that although we acknowledge the weaknesses in the dataset, they are not as great as Bywaters would have us believe, for three reasons. Firstly, his additional analysis of our data is inaccurate. Anonymous data on all children who were eligible for recruitment to the sample were provided by four local authorities: of the 639 children whom they identified as eligible, 29 (4.54%) were recruited. There were wide differences in the numbers of eligible children in these authorities, which included two of the largest in the study. Extrapolating these data to the sample as a whole, we concluded that the 57 children in the full sample represented about 4% of those who were eligible (see Ward, Brown and Westlake, 2012, p. 34; p. 219). However Bywaters takes a misleading sentence from our Appendix (p. 215) which suggests that the 4% relates to the number of parents who expressed an interest in their child being included rather than the number who eventually did take part, and concludes that the initial sample represented only 2.7% of eligible children. We are grateful to Bywaters for highlighting this issue which will be clarified in subsequent editions of the book

Bywaters' additional analysis of the rate of attrition is also erroneous, for his calculations do not include those children who we continued to track through case file information, court papers, assessments and other sources when parents or early carers were no longer available for interview, and this leads him to exaggerate its extent. Although we were only able to retain contact with 33 birth parents and temporary carers, we were able to follow 43 children, together with birth parents and/or long-term substitute carers, for three years, representing about 3%.of those children who were eligible for selection (not 1.67% as Bywaters claims). He also asks whether any local authorities dropped out of the study: none did.

Secondly, as we made clear in Ward, Brown and Westlake (2012), the sample is biased, but it is biased towards those infants who were at greatest risk of significant harm, and so professional decision-making in these cases had particularly far-reaching consequences.

Thirdly, while we agree with Bywaters that our numbers are too small to provide more than indicative data, the findings presented in Brown and Ward (2014) are not left to stand alone, but are set alongside data from other complementary studies from the same research initiative together with the national statistics on adoption, which corroborate them (see Brown & Ward, 2014, Section 7: Corroborative evidence). For instance, data from the national statistics on adoption confirm our evidence of children experiencing the double jeopardy of lengthy exposure to abuse and neglect followed by disrupted attachments to temporary carers with whom they stayed for several months before being placed in an adoptive home. That is why we were able to come to more robust conclusions in this paper than in other publications.

3. What are the key findings and their implications?

In our view, the following findings are most significant in responding to the questions explored in Brown & Ward, 2014.

At around the time of their births, and again at ages three, five and eight, we classified the children in the sample into groups according to the presence of risk and protective factors that have been shown to be associated with a greater or lesser likelihood of recurrent abuse (see Hindley, Ramchandani, & Jones, 2006). By the time they were three, nearly three quarters (31/43: 72%) of the sample were thought to be adequately safeguarded in that they were either living with parents who had succeeded in overcoming complex combinations of risk factors and were now able to provide nurturing homes

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