When a child needs protection
What does it matter why?

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Despite the claims of statutory child protection authorities to be 'child-centred', the language used to record responses to child abuse and neglect allegations still focuses heavily upon parental actions. In most Australian states, child protection records perpetuate an emphasis on how harm was caused and by whom. This paper illustrates that parental blame – theoretically a concept of the past – is alive and well within child protection recording systems, and raises the implications of this for the development of policy frameworks and service delivery. It is argued that recent moves by some states towards differential responses actually perpetuate a focus on the parent to the detriment of a focus on the child's needs. A better way of conceptualising the outcomes of child protection assessments – focusing on a child's protective needs – is suggested.

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Consider these three children:

Child one has a heroin addicted mother who has coped very poorly with meeting her emotional and physical needs. She often has nothing to eat. One night she is found cold and hungry in the street beside her unconscious mother. She is taken into protective custody and comes into care.

Child two has a heroin addicted mother who has coped very poorly with meeting her emotional and physical needs. She often has nothing to eat. One night her mother asks for help, and child welfare services and drug rehabilitation services work together to assist. She is not removed from her mother.

Child three has a heroin addicted mother who has coped very poorly with meeting her emotional and physical needs. She often has nothing to eat. One night her mother dies. As she has no-one to care for her, she comes into care.

Depending on what Australian state she lived in, the responses of the child welfare department to this child may or may not be labelled 'child protection'. Thus the facts may or may not show up in the child protection data for that state. And yet she is clearly, in all three scenarios, a child with protective needs. The difference in how the response might be labelled is because of what the parent does, *not* what the child needs.

This paper argues that, despite the widespread claim of Australian child protection agencies to be child-centred, they operate within a no-longer-appropriate framework which contradicts this rhetoric.

In Australia those responsible for the development of statutory child protection policy and practice have during recent years struggled to respond to the inadequacies of the forensic-style child protection system which has flourished since 'battered babies' were first recognised as being hurt *by* their parents. This paper focuses upon a central consideration which is being overlooked in these deliberations – the continued obsession with *how* a child is harmed, rather than with the outcome or effect felt by the child.

Throughout Australia, child protection practitioners now recognise the need to assess the child in the full context of family and environment rather than concentrate on a purely investigatory approach, with a view to responding to the identified needs of children and families. But even as states move to remodel their systems, for example through differential responses to reports of harm or concerns about children, they are reinforcing the very problem which gave rise to the need for change. New systems remain rooted in out-dated conceptual frameworks and are therefore doomed to create contradictions between rhetoric and practice.

Though most jurisdictions now state that their child protection work focuses upon the harm to the child rather than parental actions (eg, Hetherington, 1997) an emphasis upon parental activity still determines the context for assessment of harm, and indeed whether harm will be assessed at all.

CURRENT RECORDING FRAMEWORK

The current framework for recording responses to child protection notifications, virtually worldwide:

- conceptualises the work done in terms of responding to abuse and neglect;
- records actions done to children;

- categorises them into four simplistic categories;
- fails to record harms;
- focuses upon the parent-to-blame.

These four catch-all headings – physical abuse, emotional abuse, sexual abuse, neglect – are used all over the western world to categorise outcomes when responses are made to child protection notifications. However it is time to question their usefulness in this purpose.

The concept of investigating the abuse and neglect of children arose out of the medical model, starting with battered babies (ie, physical abuse) and moving through the re-discovery of (and in each case labelling of) neglect, sexual abuse, emotional abuse, emotional neglect, and sexual exploitation. Psychological abuse was always (though erroneously) lumped with emotional abuse and often still is. But the original concepts of abuse and neglect of children were always (and still are) descriptions of types of maltreatment. They were never descriptions of the harm experienced by the child. There are only three types of harm – physical, emotional and psychological. A child cannot be harmed in any other ways.

From the moment child protection workers first record a notification about a child and categorise it according to one of the four types of maltreatment, they are conceptually moving in a direction which leads them away from identifying a type of harm. And as they categorise according to types of maltreatment, they are also emphasising the 'doer' – the perpetrator, maltreater or person responsible.

When child protection laws were couched in terms of rescuing children (usually permanently) from abusing parents, and described in detail the parental actions which were incompatible with good parenting, the concept of a parent-to-blame was central. It still is.

Inadequacies of current framework

The following graphically illustrates the inadequacies of current recording frameworks in identifying harm as an outcome for the child. The extracts below are from the material Australian states presented to the public under the heading 'Most serious type of injury or harm' in the Australian Institute of Health and Welfare publication, *Child abuse and neglect in Australia 1995-96* (Broadbent & Bentley, 1997). The selections are from Queensland, Western Australia and Victoria entries for 1995/96. The other states did not provide injury type statistics in that year, but there is no reason to believe their recording practices differ in this respect.

First, physical abuse:

'Injury or harm sustained – Physical abuse

* Request for assistance by parent
* Significant bruising
* Threats to physically harm child
* Lacerations/welts
* Cuts/abrasions
* Burns/scalds...'

Child protection workers are fairly good, with physical abuse, in defining both:

- the action, eg, throwing or kicking the child, and
- the resulting type of injury or harm, eg, fractures or bruising.

The more astute workers will also record the resulting psychological and emotional damage caused by the emotional abuse accompanying the physical abuse. However a 'throwing or kicking' incident will normally be recorded as 'physical abuse' resulting in 'physical harm'.

Next, emotional abuse:

'Injury or harm sustained – Emotional abuse

* Emotional abuse due to exposure to domestic violence
* Parents' alcohol/drug abuse leads to emotional harm
* Parents' emotional state threatens child
* Child's behaviour....indicated abuse
* Severe verbal abuse
* Continual rejection...'

Workers can readily record the action or failure to act, eg, verbal abuse, scapegoating or rejection. But they are less able to describe the resulting type of injury or harm. The record of outcome tends to be circular – the harm resulting from rejection and scapegoating is described as ... rejection or scapegoating.

The disparity is obvious. For physical abuse, the action 'kicking' may result in the harm 'fractures'. But for emotional abuse, the action 'rejection' results in the harm ... *rejection*? No. It should be, say, 'low self-esteem'. But these types of harms (the actual effect on the child) aren't recorded in most Australian child protection information systems.

It gets even worse with sexual abuse:

'Injury or harm sustained – Sexual abuse

* Sexual fondling
* Vaginal/anal penetration
* Oral sexual behaviour
* Child's inappropriate sexual behaviour indicates abuse
* Threat of sexual abuse ...'

Workers can readily identify the action, for example 'touching', or 'penetration' or 'exploitation'. They encounter much more difficulty categorising the type of harm caused. Because most data systems require it to fit under the heading of 'sexual' they end up, absurdly, describing the action as the harm.

And yet the reality is well recognised: sexual abuse causes physical harm (sometimes) and emotional and psychological harm (almost always). The child who has had vaginal tearing will not usually be recorded as a child who has been physically harmed. Neither will she show up as a child who has been emotionally abused, with the type of harm being, for example, 'feelings of worthlessness' and 'inability to trust'. The records are most likely to show 'penetration', for example, as the resulting type of harm. 'Harm' is used here as a verb, a doing of something, rather than harm as an injury. The recording systems conveniently slip between the two usages of the word.

Now for neglect:

'Injury or harm sustained – Neglect

* Left without adequate supervision
* Failure to provide shelter
* Failure to provide medical care
* Failure to provide food
* Failure to control access to poison, etc...'

Neglect, of course, means not doing more than it means doing. Still, workers don't have too much trouble describing what was done or not done. For example, they readily record 'lack of supervision', 'failure to provide health care', or 'failure to emotionally nurture'. And there,

usually, they stop. Very little is recorded about the resultant types of harm.

Neglect itself is not a harm. To say a child is neglected is to describe him or her as being at risk of a physical or emotional or psychological harm. A child who is not supervised might drown or be burnt. A child who is not loved might be unable to bond, or develop learning difficulties. The category 'neglect' often tells nothing about how the child has been or could be harmed.

Severity

A further inadequacy of current recording systems is that they tell very little about the severity of the harm caused to the child. Even though it is widely acknowledged that neglect can be very serious, it is still seen as the not-so-serious side of the abuse scale. And even though physical abuse can result in nothing more physically damaging than external bruises (which in and of themselves are not usually serious – they simply flag the potential for something more serious), physical abuse is generally regarded as the most serious type of abuse. (Well, apart from sexual abuse which is in a class of its own).

Some states, for instance, have seen the prevalence of 'substantiated neglect' as compared to 'substantiated physical or sexual abuse' as one argument for differentiating their response to child protection notifications (van Soelen, 1994). But unless the severity of resultant harms to the children who are neglected (whatever the cause) are known, no useful indicative comparison of the figures can be made.

Focus on blame

As stated above, the original concepts of abuse and neglect of children were descriptions of types of maltreatment. Australian child protection data systems require the identification of a 'maltreater' or 'person responsible' for the harm to the child. When a child 'suffers' abuse or neglect, someone is to blame.

The focus of child protection data systems on parental blame has a strong potential to influence subsequent work with the family. For example, during case planning involving parents, there may be a tendency to focus upon the changes the parent has to make for the child to be considered safe. There is a strong argument that an alternative approach of focussing, along with the parent, upon what the child needs to be safe is a more productive one. Workers can however find this difficult, and no wonder when their recording of what they have assessed focuses on what was done to the child and who did it, rather than on what harm resulted.

Workers will state that they were unable to make progress in case planning meetings because the parent would not acknowledge what they had done – that is, admit guilt. And across Australia most child protection legislation still contains descriptions of parental actions as the grounds for court applications for child protection orders.

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Effects upon policy development

What then are the effects of using this outdated framework?

1. It can lead to an artificial separation of 'abusive' and 'non-abusive' parents.

   The emphasis of the current framework on parental actions is no longer comfortable for modern child protection workers. In the enlightened nineties there is awareness of the societal factors which impinge upon parents and children and of the complexities that mean there are no simple answers to the question of keeping children safe. Principles which guide modern practice emphasise the value of family.

   There is a contradiction then between the language of modern practice (eg, responses being supportive of family) and a recording system which focuses blame on parents (ie, a forensic response). Child protection workers don't like to label parents as 'abusers' (or at least some parents). After all, for many – the trying-hard-to-cope parent, the intellectually disabled parent, the psychiatrically ill parent, the parent whose adolescent is harming themselves, and particularly the asking-for-help parent – it is not their fault the child is at risk of harm, is it?

   In response to this contradiction, some states have chosen to re-label their responses to children and families, so that some matters which were previously labelled 'child protection' become instead 'child concerns'. But by creating this type of differential response without first examining the basic framework, they run the risk of creating a great deal of confusion.

   Instead of doing away with 'child abuse and neglect' as the central concepts describing what it is they are substantiating, and substituting instead 'the protective needs of children', they have instead changed the criteria for what requires a 'child protection' response. Many responses are thus no longer conceptualised as a child protection matter; they become voluntary assessment of 'concerns about children'. This re-categorisation is reinforced by the desire not to label parents as 'maltreaters' when what they need is help.

   It is of course beneficial to do away with the labels 'child abuse and neglect' and it is certainly desirable not to focus blame upon parents or children. But this response fails to address the core concerns which led to it – in fact it can have the opposite effect. Differentiation is now occurring in some states between parents still labelled 'abusers' and those not categorised as requiring a child protection service. So a select class of parents is still being focussed upon as to blame – as being maltreaters. *They* will go into the child protection records as responsible for the physical, emotional or sexual abuse or neglect. Their neighbours will show up only in the records of parents receiving a 'family support' response.

   This completely false distinction is inherently re-inforcing of the problem highlighted at the outset of this paper – that child protection agencies are obsessed with parental actions and motives rather than what the child is experiencing.

For example, a mother under great stress who asks for help because she fears she may hurt her children, is seen as not requiring a child protection response. The same mother contacting because she has harmed her children is seen as requiring a child protection response. Yet the children need protection in both cases. Workers act to respond to the mother's first cry for help because otherwise the children are at risk of harm – a child protection response is provided but is not labelled as such.

2. The framework lacks data about children's needs.

   This point is self-evident. If actual harm is not recorded, then neither is the resultant need documented when child protection records are completed. The result is a lack of data about need – to support arguments for the funding of services to meet the needs of children. If it is not known how many children require, for example, therapeutic services it becomes harder to argue that such services should be provided.

   Artificially labelling some responses as 'not child protection' diminishes the data about the protective needs of children even further.

3. The framework fails to assist practitioners to respond to the needs of children.

   If, when they record the outcomes of child protection investigations or assessments, workers are not prompted to document the harms to the child, let alone the child's needs, it is possible these needs won't be given much thought.

   What then do they have to guide their work, to give direction? How does the worker help the family to *see* the child and consider how best to meet the child's needs if all they have focussed upon is the abuse? The answer, too often, is that they concentrate on the parent – on the actual abusive or neglectful behaviour. While this can be productive, more often it is not, because the child is not the focus.

4. The current framework leads to pressures to reduce child protection statistics.

   A further outcome of concentrating on abusive or neglectful actions, rather than on harm or needs, is pressure to decrease unsubstantiation rates.

   In the context of a seemingly ever-upwards spiral of increasing child protection reports, it is a fact that many investigations result in 'unsubstantiated' outcomes. But this is within a framework which does not encourage assessment of *all forms* of harm. Would the data be the same if, when responding to child protection reports, workers holisticly assessed the harm experienced by the child, including in particular emotional and psychological harm?

   Allegations about the number of notifications being too high usually include particular disquiet about the high proportion of 'neglect' cases. There is a presumption that neglect is less concerning - a presumption that cannot be counteracted without information about the resultant harms.

   The pressure to reduce 'unnecessary' child protection investigations is another causal factor in the move towards differential responses (van Soelen, 1994). But if workers focused upon harm or risk of harm to children, the claim that child concerns are not about child protection is harder to sustain.

A BETTER WAY – ASSESSING CHILDREN'S PROTECTIVE NEEDS

There is a better way of conceptualising outcomes when child welfare departments investigate/assess child protection reports – that of assessing and determining the children's protective needs. It is argued that welfare authorities should:

- Do away with 'abuse' and 'neglect' as data categories relating to types of harm, because of their focus on actions – on what was done to the child.

  In Queensland it is recognised that *how* a child is hurt is not so important as the fact of the child being harmed or being at risk of harm. Workers don't substantiate abuse or neglect – they substantiate harm.

- Use the key concepts of 'harm or risk of harm' and the 'protective needs of the child'.

  In Queensland workers responding to a child protection allegation about harm to a child are required to fully assess the child's protective needs (these being significant needs which are not being met within the child's current circumstances – for *whatever* reason). The term 'investigation' is no longer used – in all circumstances workers are expected to concentrate on assessing the child's needs, rather than undertake a forensic investigation. As a result, a family may be provided with a support service and in addition, where required, with a child protection response.

- Accurately record the harms and the needs identified through assessment.

In Queensland, the electronic recording system introduced in 1997 has gone a little way towards this. It requires workers to differentiate between actions (types of maltreatment) and resultant harms or injuries. Protective needs are recorded in all matters where an ongoing child protection response occurs. However Queensland, like other states, needs to further address how to accurately record identified harms and needs.

CONCLUSION

If, every time a child welfare department was contacted because of concern about a child, we didn't differentiate on the basis of the parents' actions, intentions, motives, fault, disadvantage, ability or otherwise, but simply:

- asked whether the report indicates if the child is being harmed or is at risk of harm;
- accurately recorded the type of harm (not misconstrued as a type of action); and
- recorded the child's significant unmet needs as the main outcome of the assessment;

then how truly child-focused our responses would be! □

REFERENCES

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