

# Getting it right: Talking with social work students about risk and justice

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**Abstract:** *This article offers reflection on the tension between risk and justice in the context of working with social work students on child protection. Written within a Scottish context, the article begins by exploring tensions between different strands of policy. The article draws on the author's experience of moving into social work education from practice and management and of working with social work students on issues of risk. Centred around a simulation of a case conference, the article explores how social work students engage with ideas about risk, and significantly about how fundamentally different outcomes can be reached from the same information. The article then identifies key themes in the discourse, and makes suggestions for research, in particular that research into the language practices of social work students would be a fruitful avenue for exploration.*

**Keywords:** risk; justice; safeguarding; child protection; social work

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## Introduction

When one professional talks to another about a child at risk, there is likely to be some misunderstanding and in the worst-case scenario they will be talking completely at cross-purposes. (Little, Axford and Morpeth, 2004, p. 106)

After completing the first Scottish inspection of services to protect children, Her Majesty's Inspectorate of Education (HMIE) (2009, p. 19) concluded that

the assessment of risks and needs of vulnerable children and families was evaluated as weak or unsatisfactory in 13 out of 30, almost one half, of the areas .... This is a key area for development nationally'.

These quotes, taken together, neatly encapsulate the challenges facing social workers in working to protect children and young people. There is always the potential for misunderstanding, but as the HMIE report goes on to stress, the consequences of getting it wrong can potentially be catastrophic. However, as well as the challenges facing social work practice, there are inherent challenges for social work education. If the task is so difficult, then how are social work students to be prepared for it, both in their role as social workers and particularly in partnership working with other professionals? The Scottish Government's change programme for children *Getting it Right for Every Child* (GIRFEC), (Scottish Government, 2008; 2010b) seeks to ensure that children and young people benefit from timely intervention. However, when talking about 'timely intervention' the notion of justice is often left to one side.

The focus of this article is clearly Scottish. Whilst there are considerable similarities across jurisdictions, particularly the UK, USA, Canada, Australia and New Zealand (Lonne, Parton, Thomson, and Harries 2009) there are also considerable divergences, even within the UK (Stafford, Parton, Vincent and Smith, 2011), and the Scottish children's hearing system is firmly based on a model of welfare. This, and the cornerstone principle of the Children (Scotland) Act 1995 that the best interests of children should be the paramount consideration in all decisions being made about them, perhaps inadvertently contributes to the downplaying of justice in the discourse. These themes will be picked up and developed through this article. This is essentially a reflective article that seeks to explore issues of risk and justice in the context of social work education, and to identify potential developments in teaching and potential for research. Whilst it is important to emphasize students' learning, I have also learnt a lot from this process, and this article unpacks some of that learning.

## Risk

It is essential at the outset to engage with the concept of risk which, whilst dominating the safeguarding discourse, remains 'a contestable, slippery and ambiguous concept making it very difficult to define' (Webb 2007, p.379). There is an emerging consensus that safeguarding work has, in recent years, come to be dominated by the concept of risk, potentially to the exclusion of need (Cradock, 2004; Kemshall, 2002) and despite the policy drivers to focus on earlier intervention and preventative work (Thoburn, 2010). In this sense it mirrors society's wider preoccupation with risk (Beck, 1992; Furedi, 1997; Gardner, 2008).

The connection between risk and social work is relatively recent, and 'it is unclear when the word 'risk' entered child protection discourse' (Cradock 2004, p. 318). Brearley's (1982) book on risk may, in a UK context, be seen as the starting point, but a major ethnographic study of child protection social work, (Dingwall, Eekelaar and Murray, 1983, 1995) gave us the concepts of the rule of optimism and cultural relativism. Both of these concepts continue to feature strongly when things go wrong for children. However, there is no mention of risk.

In the context of child protection, 'risk' relates to the chances of adversity translating into actual negative outcomes for children and can be used, 'both to denote the likelihood of abuse occurring and the likelihood of harm resulting from abuse' (Daniel, 2010, p. 234). Central to an understanding of safeguarding is an understanding of how the concept of risk is conceptualised and put into practice by social workers. One manifestation of this is the emergence of 'what- if' or possibilistic thinking, which

invites speculation about what can possibly go wrong. In our culture of fear, frequently what can possibly go wrong is confused with what is likely to happen. (Furedi, 2008, p.651)

The assessment and management of risk has come to be seen increasingly as a technical process. Procedural solutions have come to the fore. There has been a growth in the use of assessment tools, and it is asserted that this is the correct direction of travel (Barlow and Scott, 2010). However, there are a number of problems with this. Firstly, major reservations have been expressed that these tools, rather than guiding professional judgement can actually stifle it (Crisp, Anderson, Orme and Lister., 2007) reducing it to a series of formulaic responses. Secondly, the most complex assessment tools are thin representations of extremely complex issues (Cooper, Hetherington and Katz, 2003). Safeguarding work can often be about making moral and value judgements (Thorpe 1994; Jack, 1995) and indeed the 'work' of child protection work, may well be emotional work. At the heart of the issue is a tension as to whether assessment tools guide or constrain professional judgment, and that tension remains inherently difficult to resolve. Thirdly there is evidence that assessment tools have major aspects that are either neglected or ignored (Birmingham LCSB, 2010; DOH,

2000) and that the informal aspects of the process will continue to dominate. White, Hall, and Peckover (2009), in a major ethnographic study, actually discovered an inverse effect, with more experienced practitioners making less use of the boxes in the form to enter information, whilst less experienced practitioners felt forced to use the boxes that were available. This conclusion was also reached by OXPIP (2005 cited in Barlow and Scott, 2010) where more experienced workers felt that assessment formats missed the point and did not encourage workers to explore and develop ideas with parents. This highlights that there are both formal and informal processes at play, and that attempting to teach social work students about safeguarding work by encouraging them to use risk assessment tools is going to fall well short of what is required, and indeed it has been argued that risk assessment may be part of the problem, rather than part of the solution (Gillingham, 2006).

There is considerable evidence to support the view that risk has come to dominate the safeguarding discourse, and that with its almost scientific air (Carson and Bain, 2008) it is deceptively attractive to practitioners. Further the literature around Serious (in Scotland Significant) Case Reviews (SCRs) those investigation into cases where children have died at the hands of, or been seriously injured by, those people who have caring responsibilities for them has further skewed the discourse towards risk and away from need (Kemshall, 2002).

## **Policy context**

In the Scottish context there are three main policy strands of relevance. Firstly, the Child Protection Reform Programme (CPRP) initiated as a consequence of *It's Everyone's Job to Make Sure I'm Alright: the Audit and Review of Child Protection* (Scottish Executive, 2002). Secondly, policy development in respect of social work (Scottish Executive, 2006 a, b). Finally, the broader children's services change programme, Getting It Right for Every Child (GIRFEC) (Scottish Government, 2008a, 2010).

## **Child Protection Reform Programme**

A useful starting point for recent history of child protection work in Scotland is the Hammond inquiry (Hammond, 2000) into the death of Kennedy McFarlane. One of the recommendations of that inquiry was that there should be a national audit of child protection across Scotland, with the aim of identifying ways in which children could be better protected. Subsequently a review of 188 cases across Scotland was undertaken, as well as a review of the literature (Scottish Executive, 2002b) and other supporting work. The report of the review was published under the title, *It's Everyone's Job to Make Sure I'm Alright* (Scottish Executive, 2002a), which was a

quote from one of the young people interviewed for the audit, and was chosen to stress the broader corporate responsibility for child protection. The report concluded that there were significant weaknesses in the way that children were protected in Scotland and made 17 recommendations, leading to the establishment of the Child Protection Reform Programme (CPRP), (Daniel, Vincent and Ogilvie-White, 2007; Vincent and Klein, 2008). This had a number of elements including a framework for standards, guidance for Child Protection Committees and a new national inspection regime (Scottish Executive 2004, 2005; HMLe, 2009). That inspection, carried out across Scotland and completed in 2009, ultimately informed the development of new national child protection guidance (Scottish Government, 2010c) to replace existing guidance (Scottish Office, 1998). This new guidance reinforces the shared responsibility of all agencies for the protection of children, stresses the dynamic, rather than static, nature of risk and defines risk as, ‘the likelihood or probability of a particular outcome given the presence of factors in a child or young person’s life’ (Scottish Government, 2010c, p. 16). The guidance goes on to state emphatically that, ‘working with risk is at the heart of child protection’. The implication of this can be seen as being that if risk is at the heart then other concepts, including justice and need are potentially reduced to being secondary considerations.

## **21st Century Review of Social Work: Changing Lives**

As well as child protection being under the microscope, social work as a profession in Scotland has undergone a high level of scrutiny in its own right. In 2004 the Labour administration at Holyrood commissioned the 21st Century Review of Social Work (better known as *Changing Lives*) (Scottish Executive, 2006 a, b). The need to respond differently to risk was a central theme (Ritchie & Woodward, 2009). *Changing Lives* noted the development of a more risk averse culture in society generally, and concluded, amongst other things, that ‘Social workers will need to make effective use of therapeutic relationships and find new ways to manage risk’ (Scottish Executive 2006 a, p. 8)

One of the pieces of work commissioned to support *Changing Lives* was an international review of the literature in respect of risk (Barry, 2007) and that review noted a lack of a clear definition, as the quote at the start of this article points out.

There have been a number of outputs that have flowed from *Changing Lives* that have addressed risk. There has been guidance for local authorities on the role of the registered social worker (Scottish Government, 2010a), which very clearly locates the responsibility for the assessment and management of risk for all service user groups with a registered social worker. This has been followed up by the issuing of the Practice Governance Framework: Responsibility and Accountability in Social Work Practice (Scottish Government, 2011), with a copy being sent to the home address of every social worker registered with the Scottish Social Services Council (SSSC). The

opening section of that guidance is entitled, 'Risk, discretion and decision making', and emphasises the centrality of the assessment and management of risk to social work agencies and to social workers themselves.

### **Getting it Right for Every Child (GIRFEC)**

The GIRFEC agenda, which is the Scottish Government's change agenda for children's services, seeks to change culture, systems and practice to work more effectively with children and their families (Scottish Government, 2008, 2010). A range of supporting material and papers have been produced (Aldgate and Rose, 2008; Buchanan, 2009; Helm, 2009), which recognise that there are a number of significant barriers to effective analysis in risk assessment and management, including individual worker characteristics and issues of organisational context (Helm, 2009). There is acknowledgement of tensions between the GIRFEC emphasis on meeting the needs of all children and the child protection focus on meeting the needs of the most vulnerable (Buchanan, 2009) but it is also argued that 'risk has to be understood broadly in relation to all aspects of children's well-being' (Aldgate and Rose, 2008, p.17).

So, while *It's Everyone's Job* and national guidance argue that child protection is everyone's responsibility, *Changing Lives* and the follow-through work makes it very clear that the assessment and management of risk is the responsibility of social workers, and GIRFEC stresses the importance of meeting need as a way of reducing risk. These inherent tensions have to be managed by front line practitioners in the context of a discourse about risk that is increasingly fluid, and where discussions about justice are more and more played down. Therefore one of the questions that arises from this discussion is how to protect children and manage risk whilst, at the same time, ensuring that the rights of children and their parents or carers are also protected within a system that is quasi judicial in nature. In this context the question arises, 'How do we support social workers in training to ensure, that as far as possible they get it right?'

### **Child protection and social work education**

So with all this complexity, what is it that we are trying to teach social work students in relation to protecting children? For Scottish social work education there is no lack of guidance. As well as the guidance for social workers referred to above, in 2006 the Scottish Executive issued the *Key Capabilities in Child Care and Protection*, which sets out very clearly the expectations for Social Work Education. This can be seen as in part a response to the inquiry report into the death of Caleb Ness in Edinburgh, which found 'that there was a complete failure by Criminal Justice workers and

management to recognise that they did have some responsibility for child protection' (O'Brien, 2003, p.8).

The *Key Capabilities* are set out over four headings: Effective communication; knowledge and understanding; professional competence and confidence; values and ethical practice. Each of these areas is addressed in some detail and connections made to the Standards in Social Work Education (Scottish Executive, 2003). Significantly over the course of a 73 page document justice receives only one mention, 'Students need to understand the complex relationships between justice, care and control in social welfare and community justice and the practical and ethical effects of these' (p. 18). One of the challenges, therefore, is to ensure that students are assisted to understand these complex relationships.

As well as the educational aspects, *Key Capabilities* contains two requirements. Firstly, 'whatever practice learning opportunity a student is engaged in, they must be able to evidence their knowledge and application of childcare and protection, as it is relevant to their setting' (Scottish Executive, 2006c, p.6). Secondly, there is a requirement that by the end of their course students must have undertaken an assessment of a child or of parenting capacity. *Key Capabilities* aims to ensure that all social workers at the point of qualifying are aware of their roles and responsibilities in respect of children and young people, and also to ensure that qualifying social workers are able to demonstrate their knowledge, skills and understanding in relation to child care and protection.

Whilst *Key Capabilities* clearly sets out an overall direction of travel, and sets out clear expectations, what it does not do, and indeed cannot do, is to help in the development of what Harry Ferguson (2011, p. 201 ) refers to as 'growing a child protection skin'. I think that this is a particularly powerful metaphor for working with students, who often articulate fears that they will not be able to acquire the necessary authority to protect children. For Ferguson, a child protection skin includes some very specific behaviours such as, 'asking to see around the home, including the bedrooms, bathrooms and kitchen, and doing it without feeling intrusive', as well as developing the broader, 'capacity to listen and absorb parents' and children's anger and pain, and to respond in empathetic, authoritative and humane ways, which promote learning, change, safety and well-being '(Ferguson, 2011, p. 203). So, then how to help students to acquire that skin, whilst operating in a way that is just and fair?

## **The theory and practice of teaching**

I moved into academia after many years in practice, management and policy work. Designing a new module called Risk and Protection from the module descriptor upwards gave me an opportunity to channel all this experience into teaching. Or so I thought. The module was a second year undergraduate module in the 4 year

Scottish degree delivered at a point in the programme before students have any direct practice experience. The learning outcomes for the module included to 'explain and outline the paradox of keeping people safe whilst promoting self-determination and independence' and to 'recognise and evaluate the need for effective inter professional working in risk assessment and management'. Working with the principles of constructive alignment (Biggs, 1999) it was important to make a very unambiguous connection between the activity undertaken over the course of the module and these outcomes.

There were three strands to the theoretical underpinning for this work. Firstly, the literature that explores child protection decision making, and identifies the processes which, when flawed, may lead to tragic outcomes for children, (Helm, 2009, 2010; Munro, 2008). Secondly the literature around language practices in social work that stresses the importance of language in categorization of child protection (Hall, Slembrouck and Sarangi, 2006). Those two strands were brought together by a third strand of constructivism, which refers to the view that knowledge is constructed through the use of language and other symbolic systems (Bruner, 1996; Light, Cox and Calkins, 2009). This comes together in activity theory, which focuses on the interaction of activity and consciousness. Essentially people learn whilst doing, and they learn whilst collaborating with others (Jonassen and Rohrer-Murphy, 1999). Further, this work was based on the concept of scaffolding, which holds that learning builds on what has come before (Murtagh and Webster, 2010). These strands combined in the planning of an activity, which was a case conference simulation that drew on a composite of features of a number of families that I had worked with. The scenario was consciously made relatively straightforward, with a history that was not too long or too complex, and a well- developed chronology, in order that students were not overwhelmed by information, and were able to focus on the exercise. I deliberately designed it to be one where judgments were not clear cut, and left room for a number of possible outcomes. The artefacts (Jonassen and Rohrer-Murphy, 1999). were simple- the case conference reports and a table and chairs.

## **The activity**

Very briefly, the scenario was of a mother found in the street late at night under the influence of drugs, whilst caring for her 3 year old child. The child's father was a frequent visitor to the family home, although not permanently present, and there were issues of domestic abuse. Initially the child had been placed with the maternal grandmother until the case conference could be arranged, although the grandmother had expressed a view that she was no longer willing to care for the child. As well as open scripts for each of the participants- social worker, team leader, drug worker, health visitor, police officer, mother and grandmother- each of the participants was



given a 'hidden' piece of information that they introduced into the meeting only as they saw fit. For example, the Public Health Nurse was feeling vulnerable that she had allowed herself to be misled by the actions of the mother. This built on findings from case reviews, (e.g. O'Brien, 2003) where participants in case conferences had reflected upon their uncertainty and vulnerability.

As well as the scripts, a chronology was given, reinforcing the teaching of the importance of identification of patterns in safeguarding work. 'Chronologies have become one of the most talked about and least understood tools in modern social work practice' (Social Work Inspection Agency, 2010, p.1). Failure to recognise patterns in behaviour has been an issue in high profile child death inquiries on both sides of the border (Hammond, 2000; Laming, 2003; O'Brien, 2003), and part of the exercise was asking participants to identify patterns and to draw out implications for the safeguarding of the child. This enabled those students observing the simulation to be fully involved in the process.

Having done that, the case conference was run as far as possible as a case conference would be, with the occasional pause to ask the participants (in role) what was going on for them and in particular the views of the mother were sought. Views were also sought from observers about process and response. The exercise was run to its conclusion, with decisions being made about whether to place the child's name on the Child Protection Register, and to subsequently decide upon a protection plan. Opportunity was given at the end of the meeting for both observers and participants to debrief and to discuss the process, thus allowing for exploration of the context in which the activity had occurred (Jonassen and Rohrer- Murphy, 1999).

## **Observations on the exercise**

In the first year that this exercise was run, three different groups ran the case conference, and three different conclusions were reached, from a minimal level of involvement at one end to an immediate decision to remove the child from the family on a Child Protection Order at the other. This observation was, of itself, significant, and used to further effect in subsequent teaching to try to tease out differences, and to explore why different conclusions had been reached, and what assumptions had underpinned the work.

This led to a fruitful discussion about different perspectives and reinforced the importance of a 'soft and judicious use of power' (de Boer and Coady, 2007). What was apparent was the immense power of the network of professionals even where they were being role played by students who did not have a great deal of confidence, or indeed who did not feel particularly powerful themselves. Observers were asked to focus on particular dyads, for example the interchange between the 'mother' and the 'social worker'. This opened up discussion about relational aspects of power,

and in subsequent teaching allowed the introduction of Tew's (2006) typology of power with the distinction between power *over* others and power *together*, with the potential for protective power to turn into oppressive power, and with justice being very fragile and easily lost. Perhaps the best example of this was the scenario of the 'mother' in the role play being persuaded to allow her child to be accommodated on a voluntary basis, because that was seen by the 'professionals', when they were asked to step out of role, as being the least oppressive option. When the 'mother' was asked to step out of role, and to tell the group how 'voluntary' that had felt for her, she was able to articulate very clearly indeed that she had felt bullied and oppressed into agreeing to the decision, and that from her point of view it had not felt voluntary in the slightest. So, reflecting that back to the group of students, it may well be that the more formal process of seeking a Child Protection Order, rather than being the most oppressive, might actually be the most just, because it means that the process becomes opened up to the external scrutiny of a Sheriff in the first instance and subsequently a Children's Hearing (Guthrie, 2011). On other occasions, the 'grandmother' was pressured by the group to continue to care for the child, even though it was emphatically scripted for her not to agree to that. Stepping out of role, the 'grandmother' was able to say how she too had felt coerced. It was enlightening for all concerned to see how quickly groups of students could go from feeling unsure of their role and relatively powerless to being extremely powerful indeed, and exercising that power in an oppressive manner.

In contrast, we also saw a very stark example of the rule of optimism, defined as a rule by which 'staff are required, if possible, to think the best of parents' (Dingwall, Eekalaar and Murray, 1983, p. 79) where the student chairing the case conference expressed the view that 'she (the mother) deserves a chance' in the light of overwhelming evidence that the child was being seriously neglected, and in the face of opposition from the majority of the meeting, including his own 'staff' who felt that a much more interventionist approach was required. Again this opened up the opportunity for discussion and exploration of why the rule of optimism continues to be a feature of child protection inquiries nearly thirty years after it was first articulated, and the importance of reflective practice and supervision in attempting to guard against the worst excesses. However, it may be possible to reframe the 'she deserves a chance' as being not only an articulation of attempts to find the most positive interpretation, and therefore an application of the rule of optimism, but also an attempt, however mistaken, to be just and fair. The rule of optimism has been noted to have been founded upon a deep societal ambivalence about state intervention in family life (Dingwall, Eekalaar and Murray, 1995).

A further theme was the issue of gender, and we saw very clear examples of 'mother-blaming' (Swift, 1995) and 'ghost fathers' (Brown, Callahan, Strega, Walmsley and Dominelli, 2009) where the mother was portrayed as being in part responsible for her own abuse, and attempts to engage with the father were, at best, cursory.

However, perhaps the key learning point from the process was to underline the

uncertain nature of risk. Although this had been a theme of teaching from the first lecture (Scottish Executive 2006, Webb 2007, Carson and Bain, 2008) there was still very much a seeking after certainty as articulated by one student, who at the end of the exercise, asked, 'so what's the answer, then?' This allowed the articulation of the uncertainty of the child protection enterprise, and that often there are no right answers. Indeed further to that it allows a key teaching point that reaching for the certainty too early in the assessment of risk may close off options and lead to key elements of the assessment being missed (Helm, 2010).

## **Reflections, conclusion and next steps**

So, what have I learnt from this, and where do I take it? Firstly, it reinforces that a strong element of social work education has to be about preparing students for a world of ambiguity. It is argued that ambiguity and uncertainty are key aspects of social work (Fook, 2002; Parton, 1998), and whilst my practice and management experience clearly made me acutely aware of that, moving into academia has enabled me to look at this through a different lens, and to see the importance of what Keats, as far back as 1817, referred to as 'negative capability that is, when a man (sic) is capable of being in uncertainties, mysteries, doubts, without any irritable reaching after fact and reason' (Keats 1817/ 2009 p. 492).

Secondly, it is clear that students recognize the importance of this work and are keen to engage with the exercise. Consistently it is a feature that is commented on positively in module evaluation, and a type of learning that students would like more of. Whilst there are possibilities for developing the exercise, developing other activities that scaffold this learning have real potential. Thirdly, there is the potential for research. The work done on language practices in social work (Hall et al., 2006) underscores the importance of language in the child protection discourse. As Burton (2009) makes clear, the actions of individual practitioners need to be understood in the broader societal context, and whilst students at this stage of the programme have no direct practice experience, they are active participants in the child protection discourse. Analysis of the language practices of social workers in training could be a valuable addition to knowledge. Fourthly, and this resonates with a key finding from the safeguarding literature (Broadhurst, Hall, Wastell, White and Pithouse, 2011, Munro, 2008; Reder and Duncan, 1993), is the importance of communication with others. Just because I have said something as clearly as I can, it does not mean that it has been understood. In this context, 'communication is the process by which information is transferred from one person to another *and is understood by them*' (Reder and Duncan, 2003, p. 85, emphasis in the original). Reder and Duncan go on from that initial definition to differentiate between the technical, practical capacities to send and receive messages and the more complex social and psychological

processes that influence the ability of all parties in the process, and they differentiate between communication and meta communication, that is communication about communication. If the complexities of communication are true for safeguarding work, then they are no less true for social work education, a key part of which is about creating the kind of space within which messages can be both transmitted and heard. This is especially crucial in an area such as safeguarding, where there may well be raised anxiety levels amongst students. Finally, it reinforces the importance of making the linkage between risk, power and justice. Teaching about risk and safeguarding needs to be much more closely aligned with teaching about social justice, if the almost technocratic approach to risk is to be avoided. Closely connected to this is the introduction of discussion about power, and in particular the relational aspects of power, early on in the process. Simply pausing the simulation, and asking broad questions, such as, 'what is going on here?' and asking individual participants about how powerful they are feeling at that particular point, has a real potential to open up fruitful discussions, and to build upon what is often a vague notion of the reality of the power inherent in the social work role. As Dingwall, Eekelaar and Murray, (1983, p.161), put it so clearly,

Practitioners are asked to solve problems every day that philosophers have argued about for the last two thousand years and will probably debate for the next two thousand. Inevitably, arbitrary lines have to be drawn and hard cases decided. These difficulties, however, are not a justification for avoiding judgments. Moral evaluations can and must be made if children's lives and well being are to be secure.

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