ABSTRACT

Contextualizing judgements and decisions in child protection practice at the point of first referral

With the rise of Evidence-Based Practice (EBP), an increasing number of prescriptions relating to judgement and decision-making (JDM) in child protection can be observed. By contrast, there are few descriptions, analyses, and theorizations regarding how child protection practitioners actually pass judgements and make decisions. This paper presents an empirical study that was conducted within the framework of a doctoral research project, which draws on Actor-Network Theory (ANT) and is geared towards understanding child protection JDM processes at the point of first referral. On the basis of analysis of the empirical research data, child protection practices and their relations are conceptualized as layered, parallel, and contingent processes: first, by constructing agency roles, mandates and competences; second, by building an actor-network of informers; and third,
through service user identity construction. The dynamics of the processes are illustrated with examples from the data generated. Finally, the implications for research and practice are considered in the light of the insights gained in this study.

Keywords

Child Protection, child abuse and neglect, judgement and decision-making

INTRODUCTION

Professional child protection workers operating at the point of first referral within the context of the Vertrouwenscentrum Kindermishandeling (VK), a Flemish child protection agency, enjoy a great
deal of power and discretion in relation to child protection matters. They are allowed to make their own judgements, upon which decisions about whether and how to intervene in cases involving children and families are based. These judgements, which are made at the point of first referral, can have far-reaching consequences for all involved, professionals and families alike.

Assessments of the adequacy of child protection judgement and decision-making are often based on reviews of outcomes, with the benefit of hindsight. The professionals who are involved in dealing with new referrals, however, have to pass judgement and make decisions in the absence of knowledge about the outcomes, as they deal with cases that are continually unfolding.

Scholars oriented towards the Evidence-Based Practice (EBP) approach have argued that “optimal” decisions, based upon “accurate” judgements, can be achieved by means of the observation of the presence or absence of certain risk factors and signals. However, as has been shown by D’Cruz (2004), child protection workers are constantly establishing and changing the identities and circumstances of those involved in a case, as a result of which the “presence” or “absence” of risk factors becomes an ambiguous, temporary and subjective matter. Or, to put it the other way round, actors from outside the agency also bestow a certain identity upon the agency and its employees. As has been argued in the literature (de Montigny, 1995) and will be shown below in the results section of this paper, these identities are extensively negotiated and renegotiated within social networks that consist of professionals and service users.

Recent constructivist research projects have focused on actual referrals, set within real-life practice environments. These studies examine the construction of various aspects of child protection referrals, including the social construction of emotions in child protection case-talk (Forsberg & Vagli, 2006), service user participation in decision-making (Hitzler & Messmer, 2010) and rationales for the prioritization of referrals (Platt, 2006). It can thus be concluded that we lack prospective case studies that aim to provide a comprehensive account of the construction of service user identities in referrals, and especially in requests for advice. Furthermore, the present study was unable to find any research into decision-making practices in Flemish child protection agencies in general.

Therefore, in the present research, we examine the process of service user identity construction in such a context, on the grounds that child protection workers are expected to make adequate judgements and decisions about children and the contexts in which they live, and they subsequently engage in the process of constructing “facts” about a child’s circumstances. During such processes, workers often accept certain types of information as “given”. However, as behaviour that could be labelled as “child abuse” is normative and seldom directly observed by child protection workers, these “givens” need to be constructed on the basis of narrative accounts provided by service users and involved professionals. A complicating factor is that these narratives
are often incomplete, ambiguous or contradictory, or may not exist at all. As a consequence, child protection workers draw upon their knowledge to socially construct these antecedent conditions. This paper provides an insight into the ways in which “facts” about children and families are “made” in practice, and which types of knowledge are drawn upon in the process. Thus, instead of prescribing a certain modus operandi when it comes to judgement and decision-making in child protection, this study aims to explore how information is transformed into “facts”, “givens” or so-called “antecedent conditions” by child protection workers. Subsequently, the ways in which these “antecedent conditions” lead workers to make particular decisions are explored.

**RESEARCH QUESTION AND METHODOLOGY**

**Research question**

The research question discussed in the present paper is: “What does the process of the social construction of service user identities at the point of first referral in a real-life child protection agency entail?”

An approach was chosen in which real-life in-context child protection practices were studied with a view to finding out how workers rationalized the service user identities that were constructed within the context of both referrals of suspected abuse and requests for advice.

The term “service user” is used to refer to children who have allegedly been abused or those who are presumably abusing them, as well as other actors who are considered by agency workers to be playing a role in the alleged abuse or neglect.

As the paper examines judgement and decision-making primarily as a social enterprise rather than a straightforward cognitive-rational psychological process, we draw upon Actor-Network Theory (ANT), which provides a useful conceptualization of these processes.

**Actor-Network Theory**

Over the last two decades, the application of Actor-Network Theory has spilled over from Science and Technology Studies into research regarding professional action. As has been convincingly argued, the practice processes of workers in the helping professions resemble, at least partially, those of scholarly researchers and scientists (Sheppard, 1995). This suggests that methods traditionally used in the sociology of science can also be successfully employed for studying professional practices (see e.g. Berg, 1995; Bisset & Potvin, 2006; Czarniawska & Hernes, 2005;
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Fox, 2005 for applications in other fields). Within the scope of this paper, the ANT principles and methodological starting-points concerning fact-making, identity and role ascription are particularly relevant.

ANT starts from the idea that the fate of facts lies in the hands of the people who use them, meaning that their properties are a result, rather than a cause, of a collective endeavour (Latour, 1987). In initial child protection decision-making, acts that can be culturally understood as abusive are rarely directly observed. As a consequence, workers have to rely on the narrative accounts provided by a variety of actors. This being said, facts are then not as much observed as constructed on the basis of differing, ambiguous, conflicting and missing data (Buckley, 2003; Gambrill, 1997). We can thus examine the ways in which received information is accorded the status of a fact, an artefact, or something in between these two poles of the fact-artefact continuum. As a methodological consequence, in order to establish how various pieces of information are labelled “objective” or “subjective”, and ultimately how a child’s or family’s circumstances are defined and understood, we need to follow the actors involved and the ways in which they negotiate, interpret, understand, stabilize or alter facts, until these statements have been “black boxed” (Latour, 1987); that is, when they are accepted as being true, at least until someone re-opens the black box by attempting to dispute the established fact.

The process by which information becomes stabilized as either “fact”, “fiction” or something in between is known as “definitional sliding” (Latour, 1987). During this process, statements are reinforced or eroded by means of adding modalities to statements as they are passed on through the network of actors involved. In other words, by invoking external actors’ statements and products, actors try to provide convincing arguments with regard to the way in which they themselves understand the information as “fact”.

METHODS

In the study, the agency’s processes for dealing with five requests for advice and three referrals were followed. For each of these cases, data were collected by means of case file reviews, participant observation, interviewing, and the study of material culture at the agency.

The period of immersion in the agency context lasted for approximately five months, during which the author was present at the agency for approximately two working days per week, sometimes spread over more than two days in one week. In particular, the researcher visited the agency when team meetings were held, and made occasional (albeit very marginal) contributions to these meetings. The researcher was also present at the agency before, during and after conversations between professionals and parents and/or children, to request their informed consent, record
conversations, and upload the recorded conversations onto the computer. While transcribing data at the agency or doing other kind of work, observations were made regarding the office space, cultural practices, symbols and various other elements that constituted everyday life in the agency. The researcher’s peripheral role consisted of being present during team meetings, and being regularly present in the office to ask questions and observe everyday life at the agency. Based on field notes and transcripts of audio-recorded conversations, the researcher sought to define the preliminarily stabilized identities of service users. Subsequently, the arguments upon which these identities were based were identified.

RESULTS: INTRODUCING A PROCESS MODEL OF CHILD PROTECTION PRACTICE

Based upon an analysis of the observations and interviews that were conducted, the process of child protection judgement and decision-making can be said to be threefold. First, we can identify the establishment of the roles, mandates and authorization to perform certain actions on the part of those professionals that collectively form the so-called “macro-actor” (Feldman & Pentland, 2005) known as “the agency”. The agency, in turn, facilitates the establishment of the second process, which consists of forming connections with external actors, such as service users, referrers, and external professionals. The building and sustaining of the set of connections established in this second process subsequently determines the nature and degree of stabilization of ascribed service user identities. This process is illustrated in Figure 1 below.

We further elaborate upon each of these three layers below, and the research data will be used to illustrate how these processes take shape within a practice context.

The base of the pyramid: stabilization of workers’ and agency’s identities

The process at the bottom of the pyramid consists of knowing what others expect of the agency, what the agency wants to do, and what it is permitted to do by law. The main question that workers attempted to answer here was, “what is our role as an agency, and what is my personal, professional role in the case at hand?”

Although someone who is not actively involved in child protection might think that judging whether or not it is appropriate to refer a case to a child protection agency is a relatively straightforward task, in practice, this proved to be more elusive than expected.
The data show that in a number of cases, although it could be convincingly argued that the referred situation did lie within the agency’s remit, the decision was made to mobilize other agencies to deal with the referral. For instance, in the case of a referral concerning a girl who was thought to be witnessing domestic violence and at risk of being physically abused by her father, but who had nonetheless indicated that she was confident that it would be possible to talk to her father about this, the following was said:

Worker Y.: Maybe it is going to shock them, right? And they are going to say “huh”? And they will be prepared to look into that. […] but if it is a father that says “of course I kick them, and they deserve it too”, than that is something totally different than a father who is shocked, like “oh my, my child is suffering from this”. […]

Caller: But also the fact that he is manhandling mother, then I think that this is a man who crosses boundaries?

Worker Y.: But of course, he is crossing boundaries, right?

Caller: Yes
Worker Y.: Yes, yes, he is crossing boundaries. I think it is necessary that there will be help and that something is going to change. But this is something that the [centre for pupil counselling] can handle itself for now. But if you have that conversation and feel that this is intentional violence, this is a man that loses himself in that, and doesn’t have any control over it, then that is something quite different, isn’t it?  
(Transcript 1, Lori case)

This conversation shows how the roles of various agencies regarding cases of possible child abuse are actively socially constructed in these types of cases.

The mid-section of the pyramid: building and stabilizing an actor-network of informers

Contingent upon the processes that take place at the base of the pyramid, which were discussed above, workers attempt to craft sustainable relations with service users and external actors. Again, here it can also be observed that a significant, constructive effort is made to let professional and non-professional actors take and maintain their role as observers. This can be illustrated by the data gathered within the context of a referral by an eleven-year-old boy’s paternal grandparents. The boy’s parents were going through a very disharmonious divorce, and the boy’s mother was living with a new boyfriend who would scream and shout at the children and was allegedly also being rough with them. After an appointment had been made, the grandfather called the agency to cancel it. The rationale for doing so was that the father and grandfather thought that the judge had said that it could be detrimental to the ongoing custody case if they continued to go to the VK.

Worker X.: This is X. of the Vertrouwenscentrum. You called to cancel our appointment?  
Grandfather: I think the judge prohibited us from taking any initiative that could be unfavorable for the visiting rights we have requested. He didn’t directly say “you can’t involve the vertrouwenscentrum”. He did say we are not allowed to visit the little one at school. Let’s say he made us understand that we should be well-behaved, and we are afraid that if we carry on with you, that they will use that against us. That we would be uncompromising or whatever they call that. But if we can’t see the little one, we can’t check on her either, can we? (Transcript 4, Barbara case)
This excerpt from a telephone conversation between the worker and the referring grandfather shows the difficulties involved in the process of getting people to become and stay part of the actor-network in such cases. The worker tries to make the referrer accept the identity of “informer”, whereas the judge has allegedly tried to make him accept the identity of “accommodating stakeholder” in a civil proceeding, which amounts to staying out of the child’s life until there is a verdict. It can be argued that the judge is using the power that comes with the ability to grant certain stakeholders certain rights in order to make the father and the grandfather accept the identity of “cooperative plaintiffs”.

Next, although the worker acknowledges that it would be wise to obey the judge, she uses arguments to try to persuade the father and grandfather to accept the identity of “provider of information regarding possible child abuse”:

Worker X: […] I can see why you are weighing in [that the judge made you understand that], but if you become very worried again, you have every right to report that here. The judge can’t forbid that. […] So I want to tell you very clearly that if you want to report concerns about your granddaughter at the [VK], then you can do that. You can also do that anonymously, so that nobody knows your name. So you can do that. Maybe you should consider doing that and discuss it with the father if you want to do that. (Transcript 4, Barbara case)

Thus, it can be concluded that involvement in the actor-network regarding a referral is negotiated between actors. Moreover, it is based on these actors’ understanding of the base of the pyramid; that is, their understanding of what they themselves, as well as the other agencies involved, can and should do in a given situation.

The pinnacle of the pyramid: constructing service user identities

In the process that has been conceptualized as taking place at the pinnacle of the pyramid, the construction of service user identities is based upon the continuing cooperation established in the mid-section of the pyramid, which, in turn, is based on the agency’s rationale for involvement, constructed in the bottom layer. In the top layer of the pyramid, it can be observed that workers draw on the principles of triangulation, as encountered in qualitative research methodology, in order to construct a coherent account of the case. When there is congruence between multiple accounts, establishing the “facts” appears to be straightforward. However, when there is
incongruence between the accounts, the workers are faced with the task of prioritizing one account over the others.

This can be illustrated by drawing on data excerpts that were generated within the case that was discussed in the previous section. One argument for ascribing the referrer the identity of “untrustworthy referrer” was that the parents were undergoing a divorce and the referrer was related to one of the parties to the divorce, whereas the other argument followed from contradictory information gained through the professional network around the family. This first argument is illustrated by the excerpt below:

Worker X: This is a disharmonious divorce, and child abuse in the context of a disharmonious divorce has a different connotation from child abuse in another context. […]
Interviewer: And you said that child abuse has a different connotation in the context of a disharmonious divorce. Why is that?
Worker X: Because we are a bit wary of referrals that come from one side, as they could be coloured by the difficult divorce. (Transcript 4, Barbara case)

It can thus be said that the way in which a difficult divorce is thought to impact networked family relationships serves as a negative modality to the statement that the referrer is trustworthy.

Other than the nature of the relationship between referrer, referred child and those suspected of being abusive, the status of the referrer or informer as either “trustworthy” or “untrustworthy” also depends on their professional status. The excerpt below shows that information that stems from professionals is valued over that provided by laypersons, as the worker explains:

Worker X: We would rather dispose of objective information. From helping professionals, that is. If a parent refers during a difficult divorce and we are also hearing concerns from an objective source, then that is quite something different from when the information is just coming from one side. (Transcript 4, Barbara case)

Thus in certain cases, the agency worker is quicker to accept a statement made by a professional as a “fact” than a statement made by a layperson, as the information from the former is almost automatically considered to be more “objective” than the information provided by those directly involved. In other words, the issue of whether the context from which the referral stems is a professional or non-professional one is used to establish “objectivity”.

The excerpt below illustrates that as a result of conflicting accounts that were received, the referrer’s account was perceived to be untrustworthy:
Worker Y: So I think it’s worthwhile to get some clarity about this, because we are receiving totally different stories about abuse, and I am asking myself what this is all about. […] So, [I’ve] still [got] the need to clarify and objectify a little more, because now, all the extra information we are getting is confusing. It doesn’t match earlier information. (Transcript 4, Barbara case)

This could also be observed in another case that was studied, in which a referral made by a community worker was questioned until it became clear that the referral had involved a professional community worker, rather than a volunteer working in a community centre:

Colleague 1: Was the person you talked to [who was making the referral] really somebody from the community centre or could it also have been the neighbours who called?
Worker: No, no, I had somebody…
Colleague 2: A community worker.
Worker: A community worker. […]
Colleague 3: Is that a professional, working in that community centre? […]
Colleague 4: You said a community centre called, but is that due to gossip?
Colleague 5: If we are going to invite these people, it is going to have to be clear that it is that way.
Colleague 1: But that person on the phone, was that really someone from the community centre or could it have just been the neighbours calling?
Worker: No, no it was somebody…
Colleague 2: A community worker.
Worker: A community worker. (Transcript 4, Behiye case)

Having reached this conclusion, the trustworthiness of the referrer, as well as the referrer’s account, were no longer a subject of discussion, and the matter was thus “black boxed”.

This shows that in practice, what is considered to be a “fact” is effectively the result of the prioritization of accounts that are thought to be more “objective” over accounts given by those that can be argued to have ulterior motives.

Returning to the pyramid as a whole, a number of reflections and remarks can be made regarding the issue of how the different layers relate to each other.

First, the layers can be said to be contingent upon each other, as is depicted in Figure 1 above. The process of building the next layer of the pyramid can only take place if the underlying layer is
not adversely affected by the process of building the new layer. After all, establishing professional networks, building relationships with service users and deciding “who they are” are all inherently processes that go beyond the individual social worker and necessarily involve others. Second, although it would be tempting to regard the three aforementioned processes as a temporal sequence in which the bottom layer is established first, then the second, and finally the third, this would be an oversimplification. After all, the empirical research demonstrates that one statement or action by one of the actors might have consequences for all of the layers simultaneously. For instance, when somebody is given the identity of an “abuser” at the pinnacle of the pyramid, this might lead to a (partial) breakdown of the network-building process that takes place in the mid-section of the pyramid, as service users might disengage because they feel accused. Subsequently, those who remain part of the actor-network constructed in the mid-section might decide that it would be better if an agency were to intervene that is perceived by those involved to be less inclined to apportion blame, thus addressing processes at the base of the pyramid. In that sense, the pyramid should be regarded as a taxonomy rather than a sequence, and as a model that discriminates between advanced processes and more fundamental practical processes. Within this model, the fundamental bottom layers must be established before the top layer, in which identities are determined, can be appropriately and responsibly addressed.

CONCLUSIONS AND DISCUSSION

Because the processes that have been described in this paper are all highly “interactional” and dependent on voluntary (as opposed to court mandated) cooperation, it should be understood that the layers of the pyramid are not usually as sound as workers would like them to be. A lot of effort is therefore put into getting and keeping other actors involved. As a consequence, building and sustaining these networks is a highly pragmatic enterprise.

It can be argued that service user identities can be constructed in terms of whether they are eligible for services, how they behave, how they experience their situation, what their likely capacity for change is, and what course of action they are likely to comply with. This bears remarkable resemblance to Klein’s (Klein, 1998) concept of mental simulation, and it can be argued that in practice, contextual awareness is pertinent for that purpose.

The implications of the aforementioned conclusions will be considered here with regard to child protection practice and research. First, the overall outcomes of the research are considered in terms of their implications. Next, consideration will be given to the implications of this research project based on the three levels of the pyramid presented in Figure 1.
Implications of overall outcomes

Child protection work is still perceived as a semi-profession, not so much because it largely lacks its own body of knowledge, something that is required for the acquisition of professional status in the Freidsonian (Freidson, 2001) or Etzioniian (Etzioni, 1969) sense of the word, but rather because the dominant contextual awareness, or interactional-contextual knowledge (Osmond, 2005), that is demonstrated to be prominently and abundantly used in child protection work is not accorded the same status as product knowledge, to which increasing appeal is made in times of evidence-based practice. Thus, the outcomes of the present research project can also be seen to support Karvinen-Niinikoski’s (2005) plea for a new conceptualization of expertise to include the experiential knowledge of practitioners and service users, and in which emphasis is put on knowledge as negotiated knowledge and contextual knowledge. That is, knowledge that is both drawn upon and generated within a particular context, and, as a result, is more likely to be influenced by contextual factors in the form of specific agency circumstances, regulations, procedures, worker experience, or the realities experienced by service users. That way, the outcomes presented earlier reinforce the position that: “[…] craft knowledge and practice wisdom are more important facets of practice than espoused theory and its application to practice” (Taylor, 2006, p. 192).

Such a way of using knowledge comes very close to the concepts of reflection and reflexivity developed by various authors (see e.g. Lawler & Bilson, 2004; Lay & McGuire, 2009; Sheppard, 1998; Sheppard, Newstead, DiCaccavo, & Ryan, 2000; Taylor, 2006; Taylor & White, 2001). That is, an approach in which “facts” are not accepted as givens, and the interpretive processes through which these “facts” are established are critically examined, and their relevance for idiosyncratic practice situations considered.

Turning to the existing knowledge regarding this issue, what seems to be lacking are studies that result in practically useful insights regarding the process of the identification of relevant actors, enrolling them, and keeping them “on board” as a precondition for establishing identities and launching interventions. Future research should investigate the occurrence of and explanations for service user disengagement. For instance, factors such as the stage at which service users disengage, if and how the type of agency that approaches service users causes alleged abusers to become uncooperative, the role played by worker behaviour in the failure to enrol alleged abusers, and a range of related issues, could usefully be further explored.

It is recommended that research be undertaken into the consequences for the worker-service user relationship of using the words “child abuse”, the involvement of an agency that has these words in its name, or the involvement of an agency that carries the image of working with “bad parents”. After all, based on the present research, the term “child abuse” carries certain negative
and guilt-ridden implications, and we might cautiously put forward the hypothesis that it would be better to avoid the term in care settings, as for purposes of voluntary care, it is likely to be counterproductive, due to its implication of culpability. As has been argued above, allusions to culpability can lead alleged abusers to sense that they are being accused and feel that power is being used over them, which can have a detrimental effect on their cooperativeness (see e.g. Dumbrill, 2006). This, in turn, subsequently diminishes the chances of successful intervention within a voluntary framework.

In addition, attempts to narrowly frame the identity construction process as one in which “case characteristics” are “scored” on a quantitative scale, and in which judgements and decision-making are mechanistically based on “scientific evidence” through the use of actuarial assessment tools, are likely to be fruitless (cf. Parton, 2008, 2009; Van de Luitgaarden, 2009). However, structuring decision-making through the use of checklists is likely to be beneficial to practice. The difference between instruments that promote structured decision-making on the one hand, and actuarial tools on the other, should be given more emphasis in the debate about decision-making in child protection. Child protection workers working with these types of tools should be made sufficiently aware that a structured decision-making tool or checklist usually only asks the worker whether they have asked themselves certain questions about a case, which leaves room for professional discretion in constructing service user identities. Actuarial tools, on the other hand, not only ask questions, but also demand answers; they weigh these answers; and they subsequently produce a quantitative statement of likelihood that is strongly geared towards a particular course of action. In other words, checklists or structured decision-making tools tell the worker what to consider, whereas actuarial tools tell the worker what not to consider, how to consider it, and what their judgement should be. On the basis of the conclusions drawn from this study, it can be argued that the actuarial approach to child protection judgement- and decision-making is impractical, and ignores the essential contextual factors that are particularly encountered in the two bottom layers of the pyramid, in the absence of which no sensible or practically viable decisions can be made. Thus, we can expect that the recent trend (which is particularly marked in the US) towards moving narrowly-framed, evidence-based social work and child protection practice beyond the academic, theoretical and conceptual discussion phase and into implementation in social work education (Bellamy, Bledsoe, Mullen, Fang, & Manuel, 2008; Rubin & Parrish, 2007) and practice (Bellamy et al., 2008; Franklin & Hopson, 2007; Glisson, 2007; Manuel, Mullen, Fang, Bellamy, & Bledsoe, 2009; Mullen, Bledsoe, & Bellamy, 2007; Proctor & Rosen, 2007), will potentially prove to be a detrimental and costly mistake.
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Considering the above, it becomes clear that those who have sought to improve practice through experimentalism and correspondence approaches to knowledge utilization have been too fast to implement these approaches in practice, policy and education, without drawing on sufficient, practice-oriented research into whether practice is susceptible to such modes of operation. The future of the further improvement, professionalization, and legitimation of social work will most likely not be found in experimental science, but rather in the ability of professionals to build and articulate coherent, contextualized, yet knowledge-based arguments to inform their judgements and decisions.

REFERENCES


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