

The impact of the decision on the social work profession

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Introduction

The place, purpose and value of children in society has undoubtedly evolved significantly alongside human rights development in the last hundred years. Absolute parental rights were the prerogative of the parents with little or no state intervention and children were seen as an addition to the work force of the family, an idea which is no longer part of public policy. Indeed, even in cases of serious abuse or orphanage of children, they were often 'reassigned' to a new parent-master with no regulation as to their education or wellbeing. Clearly, the place of children in society has moved past this archaic societal system and now children enjoy a number of rights through national legislation and international conventions affording them greater protection by the state and entitlement to certain basic services and institutions. Importantly there is a high level of state intervention in the lives of children which curbs parental rights exercise. This paper seeks to examine the priority of the protection given to children in the United Kingdom and the extent to which policy and legislation exists to enforce the objectives of child protection. It goes without saying that with regards to all matters of human rights there is significant third sector involvement. This generally is not related to specific human rights enforcement, but rather advocacy groups that campaign for implementation and effective administration of child protection policies. These 'human rights watchdogs' are an imperative part of the system as they ensure accountability and in many circumstances drive change that would not otherwise be prioritized due to constraints on time and resources.

It is no secret that there are significant resource constraints on social workers and the sector generally, and these have been well documented and discussed. The recent Serious Case Review (SCR) relating to baby Peter Conolly has been a high-profile and well-documented example of the failure of certain social welfare services leading to the tragic death of an infant (DfES, 2009). The death of baby Peter sparked a series of inquiries into the social welfare services directed at the protection of children and many were found to be inadequate and plagued by resource constraints. Despite the fact that these restraints are well-known to all relevant stakeholders, there is an enormous burden placed on social workers to perform their jobs effectively. In the case of baby Peter, the two social workers involved were dismissed and lost a number of subsequent appeals to overturn their dismissal. Central to the argument presented by these professionals was the lack of support and the enormous caseload that they were expected to manage. This paper therefore will determine whether this burden placed on the social welfare services to perform according to policy expectations is unreasonable in the circumstances. It will be argued that without appropriate funding and review of administration processes, social work institutions and professionals will not be able to meet demands and expectations, and until such time as these are reviewed occurrences such as that of the death of baby Peter will continue to be an unfortunate occupational hazard.

Child Protection Law and Policy

Elements of child protection initiatives are peppered throughout the legal system again demonstrating the state and international commitment to the

protection of children generally. Most importantly are the rights of children recognized in the European Convention of Human Rights 1950 (ECHR) as imported into national legislation by the Human Rights Act 1998. Further there is the United Nation Convention on the Rights of a Child (UNCRC), the European Convention on the Exercise of Children Rights 1996 (ECECR), the Childrens Act 1989, the Adoption and Children Act 2002, the Children and Adoption Act 1996 and even certain provisions of the Criminal Justice and Court Services Act 2000. These laws and conventions add the structure around which policy revolves. They cover basic human rights, protection protocols and procedures, and even trial rights of a child. Whilst the exact content of these rights is not strictly relevant to the current discussion, suffice to say that there is a clear commitment by the state to the protection of children.

Following the serious case review for the death of Victoria Climbié, the Department of Education formed a policy initiative called Every Child Matters: Change for Children which has been praised for its contribution to the child protection initiative championed by the state (The Lord Laming, 2009). Every Child Matters was the precursor to the Childrens Act 2004 and still sees wide support from professionals nationally. Amongst other things Every Child Matters advocated an integrated approach to child protection involving information sharing and a unified front line of support (DfES, 2004). Importantly, this policy initiative was also based on the concept of early intervention and identified five principles fundamental to child welfare, namely being healthy, staying safe, enjoying and achieving, making a

positive contribution and achieving economic well-being (DfES, 2004).

These goals were set on a ten year time frame with a major improvement in the involvement by certain agencies based on cooperation, however with the largest intervention required by local authority. Every Child Matters placed emphasis on the need to have a skilled and effective workforce (DfES, 2004). The important considerations of this policy initiative were by in large concentrated on preventing the failures of the welfare system that led to the death of Victoria Climbié. Whilst this was a specific response, the failures of the department in this situation were not unique to the case and many of the serious case reviews since then have highlighted similar shortcomings with the obvious comparator being that of Peter Conolly (DfES, 2009).

Although it has been acknowledged that there has been progress with regards to child protection (The Lord Laming, 2009), it is also acknowledged that there is a wealth of shortcomings and progress still to be made. A further publication by the department of Education framing the cooperation needed between institutions and agencies, private and state driven was published entitled Working Together to Safeguard Children (DfES, 2010) with the stated objective of working together to safeguard and promote the welfare of children. This policy outlines practices and protocols for welfare professionals and other related agencies in order to share information for the protection of children. The Lord Laming points out that often in serious case reviews it is apparent that intelligent use of the procedures could have saved lives (2009; 10). These failures highlight the inherent problems in the social welfare system, where even though significant progress has been made

towards interagency working and information sharing to protect children, there is still a long way to go. Many of these restraints and failures therefore are clearly not specifically related to process and procedure and therefore it is clear that the failures are related to other constraints on the social welfare professionals. In other words, it is clear that the intentions and framework for effective child protection is present, however the failure in certain cases to do so highlights the shortcomings of other factors.

Restraints and Shortcomings

It is clear that there is no one reason for the failure of certain social welfare services, however there is a general consensus on the factors contributing to these failures. In a review on the social work practice generally, it has been acknowledged that there are factors contributing to these failures instilling bureaucratic tendencies into the relevant authorities (Munro, 2011). Indeed it was pointed out that there is a tendency in the case of serious case reviews to focus on professional error rather than the cause of such error (Munro, 2011). This is clearly true if one looks at the SCR of Peter Conolly (DfES, 2009). The argument advanced by the social welfare professionals in this case revolved largely around the overburdened caseload on the workers at the time of the situation leading up to baby Peters death (Christou, 2012). Although it was concluded that a serious error in professional judgment was a leading cause to the death of the infant, it was mentioned repeatedly that there was a staffing problem in the department at the time and as a result, an overburdened caseload. This is not a novel argument as it has been noted in a number of reports that under staffing and over burdening, coupled with

a number of other issues, is a leading cause of failure to satisfy demand for social work cases (The Lord Laming, 2009; BASW, 2012; Munro, 2011). If one takes this further in light of policy objectives, surely these failures cannot be attributed then to the individual social welfare professional. Every Child Matters called for institutional accountability for failure to protect children which involves cross-organisational cooperation and communication. The failure therefore of social welfare professionals as a result of an overburdened caseload should be attributed to the organization that they represent, unless there is clear evidence of professional negligence or an error in professional judgment. By failing to take account of organizational failure in these SCR one is declining to account for these resource constraints which may be described as the root cause of these failures. Until these causes are therefore addressed, the problems and failures will continue to surface and in turn, the policy objectives and sought outcomes identified by Every Child Matters will not be met.

Since the decision of Baby P. it has been reported that there are thousands more children taken into care. The effect of the Baby P. decision has essentially had a chilling effect on the occupation of social workers, as now there is a much lower threshold for intervention in the lives of vulnerable children at risk of neglect and abuse (Butler, 2012). The effect that the case has had on public awareness has also raised a standard of care for children, and generally there has been a greater concern for the wellbeing of children (Flannigan, 2012). Despite this increased concern, a lower threshold for intervention and an increased awareness as a result of the Baby P. case,

there has still been a 58% increase in the workload of social welfare professionals since the decision in that case, with reports of many professionals leaving the profession entirely due to the unrealistic workload (Ibid). It can be argued therefore that there has been a disproportionate effect on the profession which is severely impacting the efficiency of those professionals. On one hand, there has been a greater diligence with regards to child care because of the decision, clearly there has been a chilling effect on these social workers, however this has not been proportionately dealt with by the allocation of additional resources to handle the excess workload. This has been noted in the media, where the increased vigilance has been commended, however with a warning that there are further budget cuts in the near future making it unlikely that local councils will be able to meet the current demand on the system (Butler, 2012). This is particularly troubling as prior to the decision in Baby P. there were already concerns over the workload of social welfare professionals.

The reality of working across organizational boundaries and cultures presents significant difficulty to all parties involved, not least of which is the heavy administrative burden that is placed on these individuals (The Lord Laming, 2009). Indeed, certain professionals have been cited as saying that they have little time to do home visits at all, because of this heavy administrative burden (BASW, 2012). The extent to which this affects the profession has even prompted BASW to call for local government intervention by assigning administrative staff to handle these administrative responsibilities in order to allow social welfare professionals to get on with

their work that they were employed and trained to do. There is a continued argument that these professionals are not afforded the opportunity to do their work, because of the presence of alternative duties that carry sanction for a failure to comply with. Whilst these administrative duties are arguably necessary due to the intricate nature of the work involved, burdening social workers with these responsibilities clearly is not having the intended effect. The lack of support and resources again has prompted third sector parties, such as BASW to call for simplification of role of social welfare professionals in order for them to get on with their jobs.

The evolution of the social welfare profession into a bureaucratic monster is linked to the problem of administrative burden and under staffing. A paper trail of administrative documentation demonstrating compliance with the required procedures has become the primary means of accountability (Munro, 2011). Not only does this increase the administrative burden, or indeed constitute the large majority of that burden, it also blurs lines of accountability. In the same way that most industry has line managers and channels of accountability to ensure effective work performance, so too is this necessary in the social welfare profession in order to run effectively. Local Safeguarding Childrens Boards (DfES, 2010), the Director of Children's Services and other key figures in local authority and partner organizations need to be identified for these professionals in order to account effectively. Without these clear lines of accountability, serious cases and review of circumstances will be lost in this bureaucratic process between professionals (Munro, 2011). The need for reform in this area of the public sector is very

apparent and the implementation of correct monitoring and review systems would be likely to avoid situations resulting in SCR. It is arguable that if there had been better communication and reporting structures in the case of Peter Conolly, the error in professional judgment attributed to the social workers would have been entirely avoided as the case would be reviewed by other professionals.

A major concern in the attainment of policy objectives for the protection of children is the rising concern about the unqualified practice of social workers. Simply put, there is a growing consensus that the training provided coupled with the lack of support given and the intense bureaucracy of process, is wholly inadequate (BASW, 2012). A large percentage of social welfare professionals feel that the training provided did not adequately prepare them for the realities of working in the profession and further that unqualified professionals are being employed to attempt to fill staffing vacancies, however these professionals are not adequately trained, but hired as a cheaper alternative. Further highlighted was the idea that the dominance of prescribed administrative tasks is also inhibiting the further knowledge acquisition by staff (Munro, 2011). The attempt by the state to simplify the criteria and standards of judgment has had the effect of disallowing independence of these professionals in this industry and this in turn has inhibited performance. It is therefore the recommendation of Munro (2011) that continued professional development is highly necessary, as well as a review of initial training.

Conclusion

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It is clear that the government and third sector parties involved have a clear objective and mission statement for social welfare practices nationally. There is a very clear agenda to eradicate occurrences of abuse and non-accidental death such as those of Victoria Climbié and Peter Conolly. The Lord Laming report (2009) highlights the successes of this area, however also the grave failures. The realization of these objectives and therefore full realization of children's right is severely hampered by what can be summarized as budgetary or resource constraints. The intense overburdening, lack of staffing, assumption of excessive administrative duties and lack or inadequacy of training is all knock-on effects of severe resource restriction. The conclusion therefore is that the decision to dismiss social workers in a case such as Peter Conolly will more often than not be a case of lack of support for these social workers leading to errors with fatal consequences. It seems to be an unfair burden on these professionals to hold them to account, when in reality it is an institutional failure that needs to be addressed. The impact of the Baby P. decision has increased the workload of these professionals whilst holding them to a higher standard of professional vigilance, without additional support in an already overburdened profession. This has had a positive effect on the care standards for children, however a significantly detrimental effect on the social workers themselves. The social workers therefore should not individually be held to account, but rather a professional failure of the institution. By ignoring the cause of these professional failures one is doing a great harm to the morale in the profession as highlighted by published statistics on the matter (BASW, 2012). Unfortunately, social welfare is evolving into a thankless task as there is

great expectation on these professionals, however little support to encourage or motivate them. Until such time as these constraints are reviewed and the departments reformed, fatalities such as Peter Conolly will continue to be an occupational hazard. The evolution of policy prioritizing the rights of children is impressive to say the least, however without correct implementation of measures to realize these policy objectives, these goals may never be reached. The current burden on these professionals is unreasonable in the circumstances and ironically the quest to end abuse against children has led to a professional abuse in the social welfare profession generally.

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