

Making Decisions:  
Social work processes and the construction of  
risk(s) in child protection work

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A thesis  
submitted in fulfilment  
of the requirements for the Degree of  
Doctor of Philosophy in Social Work  
at the University of Canterbury

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2005



## Abstract

Through practices of assessment and consultation, information gathering and analysis, social workers, in the field of child protection, build understandings about children and families. Social workers actively construct knowledge as they engage in assessments of children referred to them as potentially 'at risk'. Their work is always informed by explicit or implicit theories about risk and protection. The active engagement with risk by social workers is the central focus for this inquiry. This thesis presents an exploratory inquiry into the work of child protection in Aotearoa/New Zealand as experienced by social workers employed at the Department of Child, Youth and Family Services (CYFS). The primary focus is on their understanding of risk and their active construction of risk discourses. I am interested in how children are identified as potentially at risk, and how risk is identified, worked with, managed and woven into the assessments of social workers as they engage in child protection work.

This inquiry took, as its starting point, narratives of 70 social workers about specific child protection cases. They were asked to describe both straightforward and more complex assessments, and, as a result, provided a rich and detailed range of narratives about how risk is defined, assessed and managed by social workers. This qualitative study employed a critical incident technique as a data collection method, and applied a grounded approach to the analysis of these practice stories. The focus for the interviews was on the day-to-day work as experienced by social workers, that is, the practices of assessment in child protection. Probes were used to solicit further information when risk was discussed by the workers. This research also involved spending time in different branches of CYFS around the country and informal conversation with social workers. Fieldnotes made during these periods of immersion in different practice settings were also analysed to provide understandings of the contexts in which social workers engage in individual and collective knowledge production about children and risk.

This is the first detailed investigation of how New Zealand statutory social workers of different ethnicities engage with, and draw on, risk discourses in their assessment work. For the social workers in this study, risk discourses were actively and strategically used in the legitimisation of their practice interventions. The practices of socially constructing knowledge about 'risk' are a continuing focus of this thesis, and the wider implications for social work practices of 'risk' assessment are discussed.

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- University of Canterbury Human Ethics Committee Approval
- Child, Youth and Family Research Access Committee Approval
- Participant Information Sheet
- Participant Consent Form
- Participant Demographic Data
- Interview Schedule
- Educational level of Participants

## Acknowledgments

There are a number of people I would like to thank for their involvement in and support of this thesis; firstly, the social workers who shared their practice experiences with me, and, secondly, my colleagues at the Department of Child, Youth and Family Services (CYFS) and the New South Wales Department of Community Services (DoCS) who supported the project and welcomed this approach.

I want to acknowledge my supervisors, Assoc. Prof. Marie Connolly, Rosemary Du Plessis, and Dr Annabel Taylor who allowed me the freedom to explore an academic exercise toward a mutually defined goal. Thank you for your interest, encouragement, and guidance.

My thanks also to the people who provided insightful feedback throughout the project: Dr Maria Pérez-y-Pérez – you made much space for a stimulating working relationship. Thank you. Craig Smith, (Acting) Chief Social Worker, Child, Youth and Family Services, thank you for the stimulating conversations. Dr Terry Austrin, HoD School of Sociology and Anthropology, University of Canterbury. Thank you for exposing me to Actor Network Theory, and encouraging me to bring this thinking to social work. Jim Anglem and Yvonne Crichton Hill, School of Human Services and Social Work, University of Canterbury, and Richard Tankersley, Te Runaka Ki Otatahi O Kai Tahu, for their advice and guidance in managing and thinking about cultural research issues. And, Dr Kate van Heugten, School of Social Work and Human Services, University of Canterbury, for her input into the early definition of this project, and her assistance with the analysis of the qualitative research material.

An important reference group from Child Youth and Family assisted me at various times during this project. My thanks to each of you. Maria Wehi and Cathrene Brophy; Katrina Aitken; Sally Babington; Hon Steve Maharey, Minister of Social Development and former Minister of Child, Youth and Family Services; Shannon Pakura, (former) CYFS Chief Social Worker, Child, Youth and Family Services. Mike Doolan, (former) CYFS Chief Social Worker, Child, Youth and Family Services.



Raewyn Good, Ministry of Social Development - for the financial support. Kay Webb – whose typing of transcripts assisted me greatly. Adrian White – graphics were never my strong point, but you taught me that it is all learning. And to Elizabeth Rathgen – thank you for your sharp eye and even sharper editorial pencil.

Specific Chapter acknowledgments:

Chapter Eight: Dr Maria Pérez-y-Pérez (University of Canterbury)  
Chapter Nine: Jim Anglem (University of Canterbury)  
Chapter Seven: Nicola Hastie (Practice Manager, Child, Youth and Family Services)  
Chapter Five: Dr Kate van Heugten (University of Canterbury)

I would like to acknowledge the financial support I received from the University of Canterbury (Doctoral Scholarship), Ministry of Social Development (Research Grant), and the Aotearoa New Zealand Association of Social Workers (Research Travel Grant).

The stories from practice are given back to social workers in the form of this thesis in an acknowledgement of the *taonga* given to me. My grandmother shared her stories with me before she died, and I was able to add to my family knowledge. Stories are, indeed, *taonga*. Finally, and importantly, to my partner Graham - thank you for your support and laughter. This project has developed during our years together, and I dedicate it to you. Our story continues.

*Taking risks is central to seeing the potential in life.*

Tony Stanley  
Social Worker  
November 2005

## Glossary

CYFS	Department of Child, Youth and Family Services
Hapu	Sub-tribe, made up of extended families
Hui	Maori gathering and meeting (formal)
Iwi	Tribe, tribal structure
Kaupapa	Philosophy
Kawanatanga	Governorship
Maori	Tangata Whenua (first peoples) of Aotearoa/New Zealand
Mokopuna	Grandchildren
MSD	Ministry of Social Development
Ngai Tahu	South Island Iwi
Pakeha	Non-Maori European New Zealander
Runaka	Tribal council
Taonga	Treasure, gift
Te Tiriti o Waitangi	The Treaty of Waitangi (1840)
Tikanga	Knowledge of Maori worldview that includes protocol
Tino Rangatiratanga	Self-determination
Whakapapa	Genealogy
Whanau	Family
WINZ	Work and Income New Zealand (MSD)

## Chapter One

### Introduction: Risk and decisions

I don't think we can eliminate risk, and I think a social worker might feel better about being able to eliminate risk. Society would feel better if the social worker can return a child with absolutely no fear of risk, but I don't know if, in some cases, it's possible to do that. And we work with our [legislation] that clearly states that we have to work with families and try and maintain children within their families, for support. So we work with an Act [of legislation] that is supporting children being with families, not in care. So I think there's an inherent dilemma with this job, that I don't think you can clearly eliminate risk in some cases. (Social Worker 2)

But these things, especially issues around sexual abuse and these big issues, I don't feel comfortable really, if I [decide I] can't work with CYF, I think I'll probably go [to another agency], rather than [do] care and protection [social work], because there are no black and whites and the consequences of making the wrong decision are so.... (Social Worker 32)

Every day, child protection social workers make practice decisions with respect to child and family safety that entail constructions of risk (Fraser, Richman, & Galinsky, 1999; Gambrill & Shlonsky, 2000; Kemshall, 2002; Tanner, 1998). How social workers exercise their statutory responsibility to decide whether a child or children are 'at risk' is a discursive process and the subject of this thesis. This requires an active and reflexive engagement around discourses of risk. Moreover, as the social workers above indicated, the work is complex and the stakes very high for children and their families.

This thesis illustrates how risk is strategically used by social workers at the Department of Child, Youth and Family Services (CYFS),<sup>1</sup> Aotearoa/New Zealand's statutory body of child protection, to legitimise their assessment decisions. The thesis combines the analysis of interviews with social workers who assess risk as part of their daily practice, with a scholarly exploration of literature on risk.

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<sup>1</sup> CYFS statutory role is defined by the Children, Young Persons and Their Families Act (1989), the Adoption Act (1955), the Adult Adoption Act (1985), the Adoption (Inter-country) Act (1997), and the Guardianship Act (1968).

Ferguson (2004, p. 220) argues that research needs to provide the ‘smells of practice’ in order to add to knowledge about how the work of child protection is carried out in the homes and forums where families, children and social workers meet. I agree with Ferguson, and throughout this thesis I attempt to provide the ‘smells of practice’ through the voices of the social workers who participated in this research. Ferguson (2004) argues that the accounts of the practice experiences of those working in child protection provide a focus for knowledge about child protection practice and its theorisation.

[T]he mobile flows of practice and relationships and what happens when worker meets client, invariably by stepping across the threshold of their home and into their lives, should provide the core concerns for training, understanding practice and policy development (Ferguson, 2004, p. 214).

This chapter introduces the thesis and situates it within current literature on social work and risk. The organisation of and thinking about risk is central to the argument that risk discourses are strategically drawn on by social workers at CYFS to legitimise their assessment decisions concerning family intervention. I argue that the classification of an ‘at risk’ state provides a pivotal decision point in the work of care and protection. Further, a critical engagement in how discourses of risk are both drawn on and then utilised in practice opens up reflexive questioning possibilities for social workers, their supervisors, *and* the families and children they service. While some situations indicate immediate risk of harm for particular children, many cases of child abuse and neglect are less certain, more ambiguous, and require social workers to develop assessments about risk *with* the particular families they service. Those situations that emphatically indicate immediate risk of harm are not the focus of this thesis. Rather, the cases where risk was less certain, more ambiguous and required a professional judgement are the subject of this thesis.

### **Setting the Scene: The work of child protection**

In contemporary Aotearoa/New Zealand, child protection social work is a complex enterprise (Brown, 2000). Growing public anxiety and political attention to child abuse has rendered the practices of CYFS social workers increasingly accountable. Yet, surprisingly, there is little corresponding research into how social workers ‘do’

child protection (Buckley, 2000a, 2000b).<sup>2</sup> Working with risk invariably means attending to issues of uncertainty and ambiguity. This has produced a range of organisational and professional responses, including risk assessment and risk management practices (Titterton, 2005). Risk assessment practices, designed to assist in managing the uncertainties and ambiguities associated with risk, position social workers as stage-managers of uncertainty. In the Aotearoa/New Zealand context, social workers are required to make judgements and decisions about children suspected of being ‘at risk’. They do this through a process of risk assessment work.

Child protection development in Aotearoa/New Zealand is unique because of the country’s particular cultural and historical context. Te Tiriti o Waitangi (The Treaty of Waitangi), signed in 1840, between the British crown and Maori iwi (tribes), has been interpreted as a commitment to biculturalism and partnership, and in the last 25 years, this treaty has had a significant impact on law and the operation of state agencies.<sup>3</sup>

The statutory environment of child welfare practice is also shaped by the Children, Young Persons and Their Families Act (1989). According to Connolly (2001b, p. 224), the Act contains a dual stated responsibility for social workers: “to protect the child *and* support the maintenance of the family”. The principal mechanism through which families participate in decision-making about their children is the Family Group Conference (FGC).<sup>4</sup>

The legislation influences all aspects of child protection work, as social workers make significant decisions about particular courses of action that reflect their role under the legislation. The legislation also shapes how social workers can think about and make use of discourses of risk, guiding them in decision-making where there is a reported risk of harm. The principle of minimum intervention into family life to ensure a child’s or young person’s safety and protection (Section 13(b)ii) sits

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<sup>2</sup> Ferguson (2004, p. 10) argues that high levels of public concern about child abuse in the UK generally arises at a time when children are increasingly safe. Increased attention to child deaths has seen the development of bureaucratic attempts to control and minimise public tragedy such as the death of a child.

<sup>3</sup> This idea is further developed in Chapter Two.

<sup>4</sup> I explain the process of FGC work in Chapter Two, and discuss what social workers in this study had to say about FGCs in Chapter Seven. However, decisions about child and family safety begin prior to the formal involvement of family.

alongside the principle that removal of a child or young person should occur only if there is a *serious risk of harm*:

The principle that a child or young person should be removed from his or her family, whanau, hapu, iwi or family group only if there is a serious risk of harm to the child or young person. (CYP&F Act(1989) s.13(e))

According to Connolly (2001b, p. 225), the CYP&F Act (1989) provides guidance, rather than definitive processes for social workers assessing child abuse and neglect. Practice guidelines from CYFS further assist social workers in assessing child abuse and neglect (Connolly, 2001b).<sup>5</sup> The Risk Estimation System (RES), introduced as a risk assessment system for Child Youth, and Family in 1996, is an example of this, and in Chapter Nine I discuss how this tool is strategically used by some social workers to support professional legitimacy.

Over the last 15 years, risk discourses have been a central organising principle for contemporary child protection work (Kemshall, 2002). This has significantly shaped the work of child protection. Primarily used to organise increasingly scarce resources in welfare work, the rhetoric of risk serves several functions in child protection practice (Brearley, 1982). Cases can be defined as high or low risk and, accordingly, receive particular responses from state agencies. The assessment of risk is, however, a social process that requires social workers to assess the context and situation of particular children and their families, and to make decisions about particular strategies that ensure child safety. Risk assessment has become a central function for this practice (Doueck, Levine, & Bronson, 1993; Gambrill & Shlonsky, 2001). What is less clear is how social workers make use of discourses of risk in their practices of managing child safety, while undertaking their dual responsibility of enhancing family support.

One social worker described the risk assessment practices that shaped her work, and the organisation of the office in which this work took place:

I think working with child protection in this organisation now [is stressful], because years ago when I started there was adoption work that you did, there was general support for families who were struggling, you know, there were no other service organisations around the area, very few, and so you did a mix of things as well as the ... all those areas of abuse for children at risk. Nowadays all those other areas aren't done by social workers in the

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<sup>5</sup> In Chapter Nine, I argue that the risk assessment tool is being used to support social work legitimacy in cases where there is more uncertainty and ambiguity. The tool is also used to support intervention decisions when it is clear that a child is 'at risk'.

[CYF] department, and [our work is] all focussed on risk, and you sometimes wonder if it's too focussed. (Social Worker 48)

Social workers respond to and make decisions about a range of child protection reports. These reports range from examples of clear-cut abuse and neglect, to cases where things are much more uncertain and ambiguous.<sup>6</sup> In some cases, overwhelming evidence suggests that a child is 'at risk'. A child with broken bones, or other obvious injuries that can be medically assessed, coupled with parental or adult admissions of culpability for particular injuries, is definitely a child 'at risk'. Importantly, cases of sexual abuse, with medical and social evidence where an adult has clearly perpetrated acts of sexual abuse against a child, can be straightforward in assessing that a child is 'at risk'. Decisions made to intervene in order to ensure child safety, are legitimate and welcomed by an increasingly anxious public. The identification and management of risk are core features of contemporary child protection work, and social workers bear the responsibility for deciding what action should be taken (Packman, Randall, & Jacques, 1986).

There are also a significant number of cases when the situation is less certain and more ambiguous. A child reporting to their teacher that they overheard another child describing age inappropriate forms of sexual practice or behaviours is a more ambiguous situation that requires social work assessment. In one case discussed as part of this research, a child had drawn explicit sexual images in one of his school books. The teacher reported this to the child protection service and an assessment was undertaken. Through a process of assessment that includes information gathering, interviewing and discussion with families, professionals, colleagues and supervisors, social workers make decisions about what constitutes abuse and neglect. They draw on discourses of risk to do this.

Discourses of risk can be conceptualised along a continuum, ranging from realist epistemologies - when there is little doubt that a child is at risk - to what Lupton (1999a, p. 35) has referred to as strong constructionist epistemologies: "What we understand to be a 'risk' (or a hazard, threat or danger) is a product of historically, socially and politically contingent 'ways of seeing'."

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<sup>6</sup> In Chapter Three, I argue that risk theorising occurs on a continuum, from those who argue that risks exist and are tangible and objective, to an argument that risk exists only through the ideological processes undertaken to define it as such (See Lupton (1999)).

In all cases of assessing child abuse and neglect, from cases of obvious serious physical injuries, to cases where there is more uncertainty and ambiguity, social workers utilise discourses of risk. Defining a child as ‘at risk’ is a pivotal decision point in the work of child protection. Importantly, children can be secured in safety in those cases where immediate risk of harm is certain and more obvious.

In Aotearoa/New Zealand, like so many other Western nations, concepts of risk assessment and risk management have emerged over the last 15 years, with little critical analysis as to what they may mean. Because the stakes are so high for children and families, we need to know more about how social workers make decisions about risk. This thesis makes an original contribution to social work knowledge because it attends to practice in a unique child protection context.

The voices of social workers who attend to the assessments of children reported to be either in immediate harm or potentially ‘at risk’ are largely missing from the social work literature. They are included in this thesis. Through the particular practice accounts offered by social workers in different parts of Aotearoa/New Zealand, I followed the concept of risk to focus on the processes workers used to make sense of child abuse and neglect. (For a methodological account of how these social workers were selected and the questions they were asked, see Chapter Five).

A key theme in the social work literature is the need for more research into the practices and organisational aspects of child protection practice (Buckley, 2000a; Spratt, 2000). Jones (1993) argues that in order for agencies to retain staff and their experience there is a need to capture the personal experiences of doing the job. The release of the Brown Report (2000),<sup>7</sup> and subsequent departmental reviews of CYFS, provided an opportune time to investigate the ways in which social workers arrive at assessment decisions, particularly with respect to discourses of risk. I argue in Chapter Three that the social work practitioners are missing from much of the child protection literature. Recommendations for more ethnographic-based research into risk have been made, as not enough is known about what it is like to live with, work with, and manage risks (Boyne, 2003). What we do know is that

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<sup>7</sup> The Ministerial Review of the Department of Child, Youth and Family Services, by Judge Mick Brown. The review focussed on the current care and protection, referral and notification procedures, and the procedures for placing children out of their family or current living arrangements. Recommendations to improve these areas were also a focus for the review (Brown, 2000, p. 6)



there are increasing demands placed on the services which provide statutory child protection work in New Zealand (CYFS, 2004).<sup>8</sup>

While we know little about how social workers are influenced by or make use of risk discourses in their practice, risk has emerged as a central aspect of child protection in response to calls by both workers and communities for safer, more consistent social work practice (Smith, 1995). My research contributes to knowledge in this area by considering what social workers had to say about their assessment practices inside the statutory body of child welfare in New Zealand. Moreover, risk, as a topic of concern, is ubiquitous in social work today (Ferguson, 2004; Fraser et al., 1999), yet there is a dearth of research into how those who are required to assess risk actually do it. This study, therefore, is timely in that it begins a much needed exploration of this issue.

To my knowledge, no other empirical study in Aotearoa/New Zealand either discusses the relationships between discourses of risk and assessment decision-making or examines the decision-making practices of Pakeha, Maori and Pacifica social workers in the child protection area.<sup>9</sup> This project will generate material about this field, and I will then disseminate the research findings to the wider social work community (Macdonald, 1998).<sup>10</sup>

### **Building the Scene: Debates about risk**

Over the centuries, understandings of risk have been shaped by cultural, environmental, and ideological struggles (Stalker, 2003). Within the social sciences, and social work particularly, risk has entered the practice fields of child welfare, public and mental health, and justice over the last ten years (Callahan, 2001). Bessant (2004) argues that within social work a ‘science of risk’ has

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<sup>8</sup> In the year ended 30 June 2004, CYFS received 43,314 notifications of possible abuse or neglect. This is significantly higher than the 31,781 notifications for the year ended 30 June 2003 (CYFS 2004). Despite the increase in notifications, CYFS annual report (2004) reported that the response times for critical and very urgent cases had improved (CYFS, 2004).

<sup>9</sup> Hyslop (2002) considers decision-making for senior social workers in his small qualitative study undertaken in one New Zealand city, Auckland. My research is a national study that extends Hyslop’s work as I interviewed front-line social workers from 14 offices around the country (see Chapter Five for the methodological discussion).

<sup>10</sup> Published work generated from this thesis (Stanley, 2004, 2005) and conference proceedings (Stanley, 2003a, 2003b, 2003c) have assisted in the dissemination of ideas emerging from this research, in addition to sparking my sociological imagination about risk and decision-making.

emerged, providing a framework of 'objective' and ontological risk knowledge. This has been echoed within the literature, particularly in social contexts in which neo-liberal discourses are dominant, where attention to what is tangible and known can be managed more efficiently via audit and management (Tilbury, 2004). Nation states that favour neo-liberal thinking, where the rights of individuals are enshrined in law, have adopted a forensic approach to the discovery and management of child abuse (Connolly, 2004b; Gilbert, 1997). Further, Bryson (1992) argues that the emergence of the New Right as a political and economic ideology resulted in a reduction in public sector funding and resources. Child protection orientations have flourished in these societies as a residual option in the care and protection of children. Such ideology has been directed toward rapid intervention when families do not or can not ensure the safety of their children.

Clearly, there are multiple understandings of risk in contemporary society (Dean, 2003; Small, 1996), and this means that different meanings about risk are found in the social work context. A growing body of literature on the sociology of risk (Adam, Beck, & Loon, 2000; Beck, 1999; Stanley, 2000; Tulloch & Lupton, 2003; Van Loon, 2002) informs the scholarly research in this thesis and its interpretation. Lupton (1999b), for example, argues that discursive analysis of risk highlights shifting meanings that are attached to risk and addresses how these understandings of risk have emerged. Further, Parton (1996, p. 111) argues that "risks in effect only exist in the formulae, theorems or assessments which construct them". According to this analysis of risk, social workers are active agents in the construction of risk through their practices of assessment. My research is important at this time because, as Lupton (1999a) argues, discourses of risk are contingent, shifting, and thus open for investigation.

Within Aotearoa/New Zealand and internationally, risk discourses are located within contemporary child protection social work practice (Parton, 1999; Kemshall et al., 1997; Ferguson, 1997, 2001b; Christie et al., 1999; Parton et al., 1997; Kemshall, 2002). My understanding of discourse is informed by Parton's (1999) reflections, particularly his claim that:

Discourses are structures of knowledge, claims, and practices through which we understand, explain, and decide things.... They are frameworks or grids of social organization that make some social actions possible while precluding others. A discourse is best understood as a system of possibility for knowledge and for agency. (Parton, 1999, p. 106)

Further, Parton (1999) has argued that risk discourses are highly relevant in any analysis of social work practice and how workers reflect on what they do:

The centrality of risk is also significant in terms of the way workers think about and organize themselves and are organized – their obligations and the way they are made accountable. (Parton, 1999, p. 123)

While risk is a re-occurring theme in the child protection literature, Gambrill and Shlonsky (2001) and Munro (1996) argue that there are narrow objective definitions of risk in social work today. Spratt (2000) comments that when cases are categorised as ‘child protection’ this language is difficult to shift. Baistow et al. (2000), in their cross-national research of child protection practice in Britain and Germany, found that some British families presented their children as being ‘at risk’ in order to receive services from their local social service agency. Risk is strategically used, in these cases, to ensure service assistance by welfare agencies. Risk is both a slippery construct and ubiquitous within child protection practice today (Ferguson, 2004), and as argued above, it is used in multiple ways to both manage service provision and determine intervention decisions for those identified to be ‘at risk’. The strategies used by social workers to render risk meaningful are discussed in this thesis.

Interesting questions emerge, then, for social workers, their supervisors, the agency, clients, and wider society. For example, how do discourses of risk operate and affect child protection assessment decisions? This question is addressed in this thesis as the social workers who participated in the study assessed risk and made decisions about a particular intervention for the cases assigned to them. The decision-making process, therefore, is a site where conceptions of risk are operationalised.

[R]isk is not a thing or a set of realities waiting to be unearthed but a way of thinking. As a consequence, social work’s increasing obsession(s) with risk(s) point to important changes in both the way social workers think about and constitute their practices and the way social work is itself thought about and thereby constituted more widely. (Parton, 1996, p. 98)

Increasingly, risk assessment frameworks have been introduced throughout child protection systems internationally. For the social workers who participated in this research, ordering risk, through the use of assessment practices, was a core activity:

[A]ll my cases are [based on] how far are [the children] at risk? (Social Worker 4)

[In statutory social work] I think there's always a risk [to assess]. (Social Worker 53)

In child protection work, therefore, risk is there to be discovered and then managed. Risk is represented in assessment work as a calculable, objective form (Dean, 2003, p. 177) and is then managed ontologically.<sup>11</sup> Further, social workers are strategists in locating and substantiating risk as an objective state. The theme of social workers as strategists runs through this thesis as I argue that risk discourses provide social workers with a language to order a range of information about child abuse.

My argument is not that all risks to children are ‘merely’ socially constructed nor are they physically and psychologically damaging. What I seek to illustrate is how social constructions of risk are arrived at *in practice*, and their potential impact on families and children.

Social work knowledge and practice, public debates, and the political implications of these issues have prompted this research. This relationship between institutional and practice-based knowledge about risk has been termed ‘risk communication’ (Ericson & Haggerty, 1997), and I set out to research how social workers draw on and utilise risk discourses in their assessment work with families and children. The implications of not delving deeper into what risk actually means in practice is risky for the clients of social work services, because the processes of risk assessment work remain hidden from families. In Chapter Three, I discuss the sociological and social work literatures that have focussed on risk. There is a wide divergence across the literatures as to what ‘risk’ actually is. Thus, social workers and their clients can only benefit from a consideration of what they mean when they are discussing risk.

Kemshall et al. (1997) argue that issues of rationing and accountability have become dominant in social service provision and that ‘risk’ is a feature of this rationing. The authors predict that risk will become more dominant in the service delivery of social work. The results from this study will provide a knowledge base that policy analysts can consider in light of the argument put forward by Kemshall et al. (1997) that risk is used in the allocation of increasingly scarce resources.

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<sup>11</sup> Risk is given an ontological status by the social workers who participated in this research. They described it as having physical properties and being able to be located and managed. I argue in Chapter Three, that risk is a social construct and understanding risk in this way renders the social workers’ role in this construction more explicit, and thus open for a more critical engagement in what risk is and how it is understood. In Chapter Ten, I build on this by arguing that there is utility for social workers in looking at risk as socially constructed. I argue that there is potentially more to be gained from a closer engagement in how we apply risk discourses in social work practice.

As noted earlier, I argue that social workers are strategic in their collection and presentation of risk assessments. The decisions made about children assessed to be ‘at risk’ are rendered legitimate through the reports, assessments, and practices of child protection. Families are enrolled through these assessment practices and encouraged to ‘get on board’ with social workers.<sup>12</sup> The legitimate intervention decisions into families’ and children’s lives are premised on the location and identification of risk, and this is a major focus for the thesis discussion.

### **Impetus for the Research**

As a social worker with a practice base in child protection and HIV/AIDS social work, I bring my own experiences and interests to this research. I have worked with, assessed, managed, and defined risk in both health and child protection areas. One of my first social work positions was in the HIV/AIDS area where people living with HIV were both subject to and subjects of risk discourses (Stanley, 1999; Stanley, 2000). I am also a citizen exposed to discourses of risk in my everyday life.

As a social worker and citizen, I believe that children require protection from abuse and harm. I also believe that families can, and should, expect a professional service from statutory care and protection services. I share Smith’s (1998, p. 36) resolve, when he argues that a vision of safe practice for the children and families in Aotearoa/New Zealand requires, at times, a ‘revolutionising’ of current practice. While this thesis is not revolutionary in its aim, I also argue that social work practice can offer more to families through a reflexive engagement in how discourses of risk are being drawn on and used in practice. However, I agree with Turnell (2003), when he argues that social workers in care and protection are largely doing good work with families. Following Smith (1998), I also think that social work has much to learn from the actual *practices* of social work.

I began this research project in October 2001. Multiple and new risks were identified late that year, as the global ‘war on terror’ utilised risk discourses in the legitimising the action following the September 11 attacks in New York and Washington (Van Loon, 2002). Wide media coverage of the attacks utilised

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<sup>12</sup> I argue in Chapter Seven, that this process of presenting risks to families is a strategy that serves to encourage families to accept the social worker as ‘expert’ assessor. Risk then remains the domain of expert, while the family’s participation in the assessment process is largely one of ‘getting on board’.

discourses of risk, in representing a particular political position that attempted to justify the invasion and war with Iraq (Berrington, 2002). Suddenly, what was known and considered relatively safe (airport security, structurally engineered buildings, passenger jets checked by engineers) became hybrids of uncertainty, ambiguity and risk. Buildings and airports now represent a range of new and more confronting risk management strategies and technologies. New combinations of machines and people, it would seem, produce new and more menacing risks (Beck, 1992). As Lupton (1999a) argues, there has been an exponential increase in media coverage of risks over the past decade. We are all, it would seem, one step away from being ‘at risk’.

There are a number of questions emerging from the discussion thus far. First, who is defining risk and what are the consequences of these definitions? Second, what discourses contribute to those definitions of being ‘at risk’? Third, how are these definitions of risk related to social work practice? In Chapter Two, I discuss these questions in more detail to argue that the work of child protection needs to be understood as being embedded within a wider organisational and cultural context.

### **Aims and Significance of the Inquiry**

This exploratory inquiry into the work of child protection took as its starting point narratives of social workers about specific cases. The research involved spending time in different branches of CYFS (in the North and South Islands) and interviews as well as informal conversations with social workers. Individual interviews were conducted with 70 social workers. The interviews focussed on the day-to-day work of social workers, that is, the practices of assessment in child protection. The workers were asked to describe both straightforward and more complex social work assessments. When risk was discussed by the workers, probes were used to solicit further information. From these interviews, I collected a range of practice narratives that provided accounts of how risk was defined, assessed, and managed by social workers. In this qualitative study, I employed a critical incident technique (Fook, 2002)<sup>13</sup> as a data collection method, and applied a grounded theory approach to the analysis of these practice accounts (Connolly, 2003; Glaser & Strauss, 1968; Strauss & Corbin, 1998). Fieldnotes were also made during the

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<sup>13</sup> This is critically discussed in Chapter Five.

periods of immersion in different practice settings. These were analysed to provide understandings of the contexts in which social workers engage in individual and collective knowledge production about children and risk.

The thesis project has two main aims: to theorise the relationships between risk discourses and decision-making processes, and to explore how understandings of risk affected assessment decisions are used by social workers in their day-to-day practices in the Aotearoa/New Zealand context.

The research strategy used to theorise the relationships between risk discourses and decision-making processes involved an analysis of professional narratives that focussed on accounts of practice decisions. Gunnarson et al. (1997) caution that social work accounts are essentially constrained by the discursive practices that have developed across the profession. It is only through a critical engagement in how risk discourses operate that alternative understandings of assessment work can emerge. Social workers are habitually narrators of risk because the work of child protection requires the presentation of risk-focussed practice accounts in supervision, case files, and meetings with colleagues and families. Titterton (2005) argues that this is important because dominant discourses of risk continue to shape child protection work, and this has resulted in risk management strategies that focus on harm minimisation. He argues that alternative uses and understandings of risk, for example, risk taking, are marginalised within a practice context where risk management is dominant.

The second aim of this research was to explore, through the analysis of the data, how understandings of risk affected social work assessment decisions. Fraser et al. (1999) argue that we are beginning to develop understandings of how risk varies according to age, gender, and ethnicity. Further, there have been calls in the social work research literature for more studies to illuminate 'risk' as a process in action (ibid); and this study will go some way to address Spratt's (2000, 2001) comments that there are gaps in the international literature about how social workers make decisions in their practice. Through the thesis I argue that strategically drawing on discourses of risk assists in the ordering of child protection assessment work.

Where risk is used in the ordering of assessment practices, it also shapes the organisation of CYFS offices.<sup>14</sup>

The social workers who participated in this research managed any anxiety associated with assessment work by reviewing the steps they had taken and seeking internal support. However, this renders the actual processes of how risk operates throughout the work less visible. The field of science studies has assisted me to think about this. Those engaged in the social study of science argue that the problems associated with objective risk knowledge can be systematically understood (Yearley, 2005). The argument is that the rhetoric of risk serves to speak on behalf of the *processes* undertaken to constitute a particular child as being ‘at risk’. This is discussed in Chapter Ten, where I argue that a more critical engagement in what constitutes risk will assist social workers to reflect on how they think about and utilise discourses of risk. Further, I argue that this is invariably less risky for our society, as social workers can reconceptualise families as having some expertise in knowledge about the ‘risks’ particular children may face. At the very least, assessment work can reflect families’ definitions of risk

Risk assessment, despite attempts to systematise it, remains a process that is opaque, and can be described as being a ‘black-box’ (Latour, 1999b). Black-boxing refers to the way science and technical knowledge is often assumed to be true and ontologically knowable, thus rendered invisible by its own success. The focus remains on outputs and inputs and is less likely to render the internal mechanisms, or processes, open to critical analysis (Latour, 1999b, p. 30). This concept of ‘black-boxing’ can be used to describe how social workers can present risk assessments to colleagues, supervisors, and families, without close attention to the processes of their production.

What social workers are yet to account for is the way in which they respond to, constitute, and represent risks in light of the notification information, recorded files, and noted histories of families. Prior to meeting with families and children, risk assessments operate as legitimised technical processes that produce results that are then presented to families as ‘expert advice’.

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<sup>14</sup> Fieldwork for this research occurred in 14 CYFS offices (see Chapter Five). In two child protection offices, in different parts of the country, specialist risk teams were operating during the time of my fieldwork.



## Contribution to Knowledge Building

This thesis and associated published findings (Stanley, 2004, 2005) extend available knowledge about how child protection assessment work is carried out in Aotearoa/New Zealand. This knowledge will assist Child, Youth and Family Services (CYFS), community partner agencies, public policy-makers, and the wider community to identify further areas for research. The analysis of the data collected in the study is a synthesis from actual cases as managed by current employees of CYFS at a time when a strengths-based approach was being introduced (Jack, 2005). In addition, this thesis contributes to the current international debates on child welfare orientations. Recent arguments for a return to a subjectivist construction of risk in child protection have been found in the social work literature (Houston et al., 2000). However, before the debate about objective or subjective constructions of risk can be resolved, more knowledge is needed about how social workers actually utilise discourses of risk in their practice of child protection.

Clearly, there is a paucity of knowledge about how social workers engage with discourses of risk, and, indeed, what this may mean in the day-to-day decision-making work of child protection (Sullivan, Whitehead, Leschied, Chiodo, & Hurley, 2003). Smith (2001, p. 345) comments that social work research in Aotearoa/New Zealand is a “powerful strategic device that social workers can use to advocate for clients, and it can contribute significantly to the profession’s social change agenda”. Furthermore, as Race (1999, p. 18) argues, research can be influential in policy development: “[E]ffective public policy requires the greatest amount of knowledge available, as well as ownership by the groups to which it is directed.”

This thesis aims to achieve this by filling an important identified gap in social work knowledge for Aotearoa/New Zealand.

What is important about risk is not risk itself. Rather it is: the forms of knowledge that make it thinkable, such as statistics, sociology, epidemiology, management and accounting; the techniques that discover it, from the calculus of probabilities to the interview; the technologies that seek to govern it, including risk screening, case management, social insurance and situational crime prevention; and the political rationalities and programmes that deploy it, from those that dreamt of a welfare state to those that imagine an advanced liberal society of prudential individuals and communities. (Dean 2003, p. 178)

## Mapping the Thesis

Aotearoa/New Zealand, while developing legislation and assessment tools that are informed by family support-orientated models of child welfare, operates a child protection system of child welfare (Connolly, 2004b). This thesis examines how this model operates from the perspectives of social workers employed in the statutory child protection agency, the Department of Child, Youth and Family Services (CYFS). In Chapter Two, the tensions of working within such a model of child welfare are explored. Importantly, judgements made about children being ‘at risk’ are the responsibility of social workers. The practice tools, agency policies, and state legislation create a practice environment wherein social workers are the central actors in forming and articulating assessed judgements about children being ‘at risk’. Moreover, as I argue, risk discourses are likely to remain central to the child protection system because of the cultural and economic context in which welfare policy is embedded.

Chapter Three discusses the available national and international literature on risk within child protection social work. I argue that risk discourses have moved centre stage in child protection systems. I discuss the sociological and social work literatures reviewed to inform this thesis. This takes as its focus the literature from within child protection and across the social sciences that has attended to risk theorising. The chapter traverses three broad areas: explaining and theorising risk; professionalism as a response to risk; and the development of risk assessment regimes in child protection work. I argue that social work has been heavily influenced by positivist epistemologies. The outcome of this has been the development and introduction of risk assessment tools that aim to quantify risk (Morley, 2003).

Chapter Four is a theoretical discussion of the epistemologies of social constructionism and their influence on the research strategies used and interpretation of the research findings. I argue that risk assessments can be regarded as social constructions and that this allows social workers to consider their reflexive practices of assessment. This is important because social workers practise in a context of increasing focus on accountability and blame. Social workers responding to critical questions about risk that are informed by social

constructionist orientations of practice and research can help construct a more reflexive child protection system: a system where risk is likely to remain central.

Chapter Five is a methodological discussion that outlines the research strategies selected for this study. It discusses how the research design, pre-testing, data collection, and analysis took place. This chapter also discusses a range of fieldwork issues that I experienced while undertaking this research. The chapter concludes with a discussion of the potential relevance of these methods of investigation for future social work research. A critical consideration is given to the methodological issues discussed in this chapter.

The following four chapters discuss my research findings. In Chapter Six, I argue that risk is established and assessment work begins before social workers meet with children who may be at risk, or their families. I argue that there are several steps in the assessment process designed to assist social workers to critically reflect on their decisions. However, risk is used strategically by social workers to achieve the intervention goals they define as necessary. Importantly, there are occasions when intervention is a necessary and immediate course of intervention. For many of the workers who took part in this research, the process of establishing risk occurred as part of the day-to-day practices of work within the child protection office. Social work assessments of risk were often presented to families, who were then enrolled by social workers to accept this assessment with little attention given to how families defined or understood risk. This is potentially risky for families, as they may hold divergent definitions of risk and, therefore, may not divulge key information needed to complete the assessment work. That social workers should know more about how families make sense of risk or construct its meaning is a key recommendation emerging from this thesis.

In Chapter Seven, I focus on the intervention by social workers into the lives of families. In this chapter, I discuss the intervention decisions made by social workers following their meetings and interviews with families and children. Risk is part of a powerful language social workers use in the legitimation of their decisions. While they talked of building relationships with families, their focus was often on getting families to agree to their assessment of risk and proposed intervention. The Family Group Conference (FGC) is used in this chapter to illustrate the argument that social workers present risk assessments to families rather than working with them to produce such assessments. The rhetoric of risk is used, I argue, to present

professional assessments about children and families to those they seek to draw into collaborative relationships.

In Chapter Eight, the third findings chapter, I focus on the wider child welfare sector that operates outside of CYFS. I argue that the social workers who participated in this study strategically collected and utilised various reports and assessments from external colleagues. For many social workers, this assisted in maintaining an 'at risk' category, while further legitimising their decisions. The assessments and involvement of professionals external to CYFS contributed to the knowledge building about particular families and children. However, CYFS social workers interviewed for this study seldom challenged these assessments. Moreover, according to many of those interviewed, these external assessments were often used as 'objective' evidence by CYFS social workers, within a practice environment which is fraught with ambiguity and uncertainty.

Social workers use various assessment tools in their work, and in Chapter Nine, the fourth findings chapter, I focus on the Risk Estimation System (RES). While the RES is aimed at assisting in the assessment of risk (Smith, 1998b), social workers in this study largely used this tool to justify and legitimise their intervention decisions. The majority of social workers regarded the RES as a validation method that assisted them in claims of assessment legitimacy. Having the RES to 'back-up' an assessment already reached, supported claims of legitimacy, while diminishing attention to the process of risk construction.

Chapter Ten is devoted to the recommendations emerging from this research. I argue here that critically engaging with risk is central to understanding the sets of relationships between decision-making and risk discourses. Centrally, this thesis argues that families are largely missing in the active building of knowledge about risks to children, despite strategies directed at their involvement when children are potentially 'at risk'. Further, families are often enrolled to accept social work assessments. Thus, the unique complexity of each family is less likely to be included in assessment work. The tendency for social workers to uncritically accept risk as a defining and ordering construct potentially limits the possibilities of applying discursive practices in the building of reflexivity around risk.

The question of reflexive practice is considered in terms of workers' narratives about their experience. What attention to risk discourses in child protection

practice will mean for statutory social work practice in New Zealand is also explored. While many of the social workers who participated in this research presented their risk assessments to families and used strategies to encourage them to ‘get on board’ with these assessments, this need not be the case. A small number demonstrated how they build knowledge about risk with the participation of families, and this is also discussed in Chapter Ten. Constructing assessments with families, it is argued, provides an opportunity to critically engage with what risk actually means to social workers, their supervisors, external colleagues, and, *most importantly*, families and children. This requires skills in inductive reasoning, and training in this area is advocated, as are assessment decisions that are based on critical analyses of risk discourses.

Recommendations for further research are discussed in the concluding chapter, Chapter Eleven. In this chapter, I summarise the thesis findings and argue that social work organisations must pay critical attention to the ongoing training and supervision of social workers.

## Conclusion

This chapter has introduced the argument that the social workers who participated in this study were strategists in their use of risk discourses to legitimise their intervention decisions. While not all of the workers who participated in the research utilised risk to the same degree, there is substantial evidence that discourses of risk were powerfully applied to render the art of child protection work more certain and ordered. The analysis of assessment decisions with respect to discourses of risk by care and protection social workers in Aotearoa/New Zealand has not previously been researched, and this thesis uses an expanding literature on risk to present such an analysis. Applying objective measures of risk *to* families is more risky for society because this positions social workers and families in a less participatory relationship. Building assessments *with* families requires the inclusion of what they define ‘risk’ to be, and what it may mean for particular children in their care. For children, the rhetoric of ‘at risk’ has powerful consequences and this thesis focusses on practices associated with applying this language. The significance of risk lies, therefore, not in risk itself, but in the things, people, actions and locations to which it is attached (Dean, 2003).

This chapter also situates me as researcher, as social worker and as doctoral student, with respect to this work. While I take as my point of entry the way social workers' practices are discursively generated, I attempt to draw conclusions about how an increasingly critical approach to the discursive construction and utilisation of risk will assist in enhancing the quality of child protection work. Knowing more about how social workers draw on and utilise discourses of risk will, I hope, assist in the effectiveness of practices of child protection. Most crucially, critical attention to social workers' understandings of risk will have a positive effect on the children and families to whom the rhetoric of 'at risk' is increasingly applied.

Aotearoa/New Zealand's system of statutory child welfare and its development, situated within a wider international debate about child welfare *and* child protection, is the subject of the next chapter, Chapter Two.

## Chapter Two

### Organisational Systems of Child Welfare

[W]ithin this department the focus is the child, or the young person, whereas within Maoridom, it's the whanau unit - to heal the child is to heal the whanau. So it's a bit of a juggling act there ... often [it is] getting your hand smacked that you need to keep focussed on the child. But I guess it's also the knowledge that if you can heal the whanau, then the whanau will take responsibility for these children. (Social Worker 53).

Child care and protection practices emerge within a broad socio-cultural environment. They are embedded within a frame of welfare philosophy and provision that is influenced by historical and contextual factors. In this constantly changing environment, welfare systems work to develop responses that meet contemporary challenges. A 'welfare story' emerges that is influenced and shaped by the cultural environment within which it exists:

The provision of welfare for children and young people is tightly embedded in its social, economic, political and cultural context; it sometimes helped to shape that context, and at other times was shaped by it. But the fact that there have been both changing and constant features in twentieth-century child welfare philosophies and practices does not lead to a conclusion that previous welfare services have been 'bad', or that contemporary ones are 'reformed'. Successive ways of administering child welfare have been simply threads in the story of welfare, each adding to what has gone before in the belief that, this time, the direction is the right one. (Dalley 1998, p. 365)

Each country has its own 'welfare story' about its strategies to protect and support children and families. By story, I am referring to the constructed account that is generally regarded as being representative of the particular issue under discussion (Parton & O'Byrne, 2000). Stories are, however, contingent, historic and partial in any representation (Plummer, 1995). This chapter situates the Aotearoa/New Zealand child protection story within a broader international frame.<sup>15</sup> I argue that Aotearoa/New Zealand operates a family-centred piece of child welfare legislation (Children, Young Persons and Their Families Act, 1989) that generates practice tensions for social workers, whose practice is shaped by that legislation, because the dual responsibilities of protecting children *and* supporting families operate.

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<sup>15</sup> See Dalley (1998) for a comprehensive historical overview of child welfare development in New Zealand.

Importantly, the work of child protection social work has become more complicated and accountable than it was in the past (Connolly, 2004b).

The welfare stories of each nation state are both specific and a product of broader international thinking about child welfare practice. Within the social work literature, two major orientations to child welfare<sup>16</sup> are located: family support systems and child protection systems (Connolly, 2004b; Khoo, Hyvonen, & Nygren, 2002; Murphy, 1996). Child protection systems are more readily found in societies that have adopted neo-liberal ideologies, while family support systems are more readily found in continental Europe, which has been more resistant to neo-liberalism (Hill, Stafford, & Lister, 2002). Culpitt (1999) argues that neo-liberalism is a political ideology that can be traced back to nineteenth-century liberalism. The techniques of contemporary governance now include self-monitoring (Lupton, 1999a), and the relationships between prudent citizen and fiscally-minded, market-orientated states are thus increasingly consistent. Features of neo-liberalism include the “privatisation, de-regulation and marketisation of the state sector” (Kemshall, 2002, p. 113). This is important because the way in which an issue such as child welfare is perceived will significantly shape the responses to its management.

I argue in this chapter that a consideration of how welfare stories emerge encourages reflection into the way Aotearoa/New Zealand’s child welfare systems have evolved (Hetherington, 2002) and, importantly, the role of social workers in constructing the environments of practice in which they carry out statutory child protection.

Aotearoa/New Zealand’s child welfare system can be described as a hybrid, which combines family-centred decision-making with a forensic eye on child protection (Connolly, 2004b). This results in social workers mediating principles of legislation that are family/whanau<sup>17</sup>-support focussed, while increasingly addressing expectations that child protection should be prioritised over family/whanau

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<sup>16</sup> Throughout this thesis I use the umbrella term ‘child welfare’ to mean the collected policies and practices undertaken to assist children and families. Child protection practice sits within a wider child welfare context of policy, research, and practices that include education, health, and family support measures. Within child welfare discourses, two orientations are discerned: family support and child protection.

<sup>17</sup> I understand and use whanau to mean Maori family. Traditional Maori structures were built around kinship ties. Three groups represented this structure: iwi (tribe), hapu (sub-tribe made up of connected family units) and whanau (which includes extended family) (Oliver & Williams, 1981).



support. There is a risk, then, that families and children can more easily become categorised as being ‘at risk’ within this system.

### **International Child Welfare Orientations**

Within the literature, increasing attention has been paid to cross-national studies of child welfare practices. This is aimed at broadening knowledge about different state and national policies and how these operate in fields of welfare (Jones, 1985). However, less attention has been paid within the social work literature to the orientations that underpin the models of welfare adopted within child welfare. It is important to note that attempts to make comparisons of complex issues, such as child welfare policy, are ‘fraught with difficulties’ (Bryson, 1992). There is much complexity within the systems of child welfare, and any distinction serves only as a starting point for this discussion about how international systems of child welfare are constituted (Connolly, 2004b). Moreover, a critical look at alternative or different systems of welfare assists us in reflecting on the development of our own particular system of child welfare. Hetherington (2004) found that research highlighting differences and similarities across child welfare systems identified the importance and influence of culture as a determining aspect for welfare development:

Describing a child welfare system may start with an account of the formal structures, but it must also describe how the system works on a day-to-day basis. This will be the result of a complex interaction of various structures, including the important element of resources. The professional ideology of the workers, the theories, concepts and values of the professionals who operate the system, influence how the structures are employed. The expectations, values and social philosophies of the surrounding community form the culture within which the system works. (Hetherington, 2002, p. 10)

Further, Hetherington (2002, p. 13) argues that “the nexus of views, understandings, habits of mind, patterns of living and use of language that are built up in a community” are pervasive and strongly influenced by history. Structures and ideologies of child welfare are thus subject to the cultural environment in which they are developed and enacted. Families, then, are socially mediated forms of connection, most notably governed by understandings of kin ties that are incorporated into legislation. Importantly, models of care for children and families differ among countries and, in certain parts of the world, the cultural norms of family relations have been subsumed by ideological state control. For example,

Bourke (1995) argues that state ideology had a powerful impact on child welfare in Central and Eastern Europe prior to 1989. State-sanctioned removal of children from families to institutionalised care was an outcome of the communist commitment to state control over family life (Burke, 1995).

Child protection in this part of Europe was strongly informed by a medical and diagnostic model that regarded treatment of the child as being a state responsibility that contributed to the wider society. Families unable to feed or care for children were assisted by statutory intervention. The organisation of family life required participation in paid work and thus the care of children remained a state role until the socio-cultural reforms of the 1990s across this region (Bourke, 1995). Bourke (1995) argues that ideologically-driven risk discourses legitimised the removal of Eastern and Central European children from their families because of poverty or illness.

This complex relationship between state, families, social workers, policy makers, legislation, and cultural values provides a dynamic context in which child welfare work operates. Increasingly, international research indicates two major orientations to the management of child welfare: family support and child protection (Connolly, 2004b; Khoo et al., 2002; Murphy, 1996). In Gilbert's (1997) comparison of child welfare systems in nine countries,<sup>18</sup> he differentiated between those nations that had a 'family service' orientation to child welfare and those that had a 'child protection' orientation. Where nations favoured legalistic approaches to child welfare a more forensic culture was dominant.<sup>19</sup> In contrast, nations where a family service orientation was stronger, a less forensic approach to child welfare was found.

In the next section, I discuss these orientations in more detail with a focus on how the philosophical and dominant cultural values have helped shape them.

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<sup>18</sup> North America, Canada, England, Sweden, Denmark, Finland, Belgium, Germany, and the Netherlands (Gilbert, 1997).

<sup>19</sup> Forensic approaches to social work focus on observable incidents, their diagnosis, and treatment to avoid the potential abuse of people through the use of incorrect or inaccurate information. Influenced by legal determinants of abuse, the collection and presentation of assessment work adopted a forensic lens in withstanding legal scrutiny and argument (Ferguson, 2004).

## The Child Protection Orientation

Over the past four decades, from the ‘discovery’ of the battered baby syndrome (Kempe, 1962), multiple forms of child abuse have been identified as warranting attention by state authorities. Following recognition and awareness of sexual abuse as a child welfare phenomenon in the mid-1970s, a punitive response emerged across Western nations, first in the US, closely followed by the United Kingdom (Thompson-Cooper, 2001). This response was adopted across most Western nations, including Canada. Parton (1998, p. 20) argues that culturally individualised societies adopted a more forensic approach to child abuse, and this was coupled with the development of statutory specialist services to manage child welfare issues. The rights of the individual to be free from unwarranted state intervention needed to be balanced with the rights of children to be protected from harm.

The term ‘child abuse’, according to Howitt (1993), is socially constructed; therefore, in defining child abuse, it is important to consider the societal context within which it comes to be known. Definitions of child abuse lie in the work of professionalised child abuse workers and their employers. They will define abuse according to the particular ideological, historical, and socio-political influences of a particular society.

As argued earlier, child protection orientations flourished in societies that favoured neo-liberal thinking. A forensic approach toward child welfare emerged, and was directed at rapid intervention when families did not or could not ensure the safety of their children. Cultural values in liberal societies that privilege the private domain of the family are then reinforced through policy and legislation. Thus, a statutory response to the needs of children, through interventionist protection, is legitimate when the conventional forms of protection (the family) fail in their role.

Hallett (1999) is echoed by Anglin (2002) in arguing that the centrality of the child’s rights for protection has been adopted more readily across Western nations where individualism is philosophically aligned with government policy. For example, the rights of the child are fundamental to Canadian child protection legislation. Further, Thompson-Cooper (2001) argues that this emerged within the

context of increasing visibility through publically available statistics on child sexual abuse.

Legislation in British Columbia (Canada) now includes a principle for the rights of the child to be taken into account in situations of conflict (Anglin, 2002). Further, Australian child abuse inquiries have pointed to failings on behalf of social workers and their managers to isolate the interests of children over adults (Fernandez, 2001). This has also been reflected in the New South Wales legislation: The Children and Young Persons (Care and Protection) Act (1998)(section 9(d)). In this Act, the child is positioned as central to the investigation and intervention work, and practices of social work are organised around the child's paramount right to protection. However, as Anglin (2002) argues, this can serve to abstract children unduly from the context of being within a family, conceptually, and then, through the application of child protection legalisation, in fact.

Writing from the Australian context, Fernandez (2001) argues that an increasing focus on children's rights has seen a lowering of palatable abuse thresholds in Australia. Family support situations, she argues, have become embedded within a child protection model of intervention. In New South Wales (Australia) and England, where legislative options are in place to provide family support, families are more likely to receive a forensic child protection response, regardless of need (Fernandez, 2001; Spratt, 2001). Spratt (2001) notes that the English legislation contains options for family support or service provisions and child protection within the same statute. His qualitative research with social workers found that they responded to family support referrals in similar ways to child protection assessment work, with risk assessment work being undertaken for both types of referral. Risk, he argues, is a defining discourse enabling workers to organise practice interventions within a neo-liberal fiscal framework.

According to Kahan (1999), there has been an evident shift in welfare philosophy over the last 30 years in the United Kingdom, from investigative work in child protection, to an emphasis on prevention of abuse. Kemshall (2002) argues that the UK legislation maintains a family support focus, which is at the forefront of the legislation, while a residualist practice orientation has emerged. She argues that need has increasingly been prioritised, with those in greater need regarded as being more vulnerable and, therefore, at risk (Kemshall, 2002).

The statutory responses to child abuse in the UK, Australia and Aotearoa/New Zealand have also been shaped dramatically by a number of high profile and well publicised inquiries into the deaths of children known to the welfare system (Fernandez, 2001; Parton et al., 1997), and the perceived failings of social workers who have acted too soon, or, tragically, too late (Parton et al., 1997). Major reviews and internal restructurings, with the explicit aim of contributing to enhancing child protection systems, have flowed from child death reviews (Reder, Duncan, & Gray, 1993).

Increasingly over the past decade, risk assessment tools have been introduced and modified with the aim of assisting child protection work, and these have been most notably adopted in child protection systems. Kemshall et al. (1997) argue that this suited societies where culturally individualised values remain dominant. An outcome of this has been an increasing focus on blame when things go wrong (Kemshall, Parton, Walsh, & Waterson, 1997). The state has responded to high level abuse inquiries with increased calls to ‘professionalise’ workers undertaking child protection work (Wild, 2003) and responded to criticisms of over zealous interventions through policy shifts (Corby, 1993).

In the UK, the United States, Australia and Aotearoa/New Zealand, separate child welfare statutory agencies were developed in the pursuit of building a professional response to child protection practice. Over the last four decades, specialist child protection workers have emerged, largely informed by social work discourses. Spratt (2001) and Thompson-Cooper (2001) argue that a more intrusive role by the state into the lives of families is a response to calls for increasing levels of accountability for social workers in child protection work.

At the same time, child protection practice has been the subject of increasing scrutiny throughout the Western world with some exceptions (Connolly & McKenzie, 1999; Ferguson, 2001a; Parton, 1985, 1991; Sharland, 2002). The exceptions are those nations that maintain a family support orientation, where health and education services remain the primary mechanism for supporting the care of children.<sup>20</sup> Child protection orientated systems have adopted new forms of theorising child abuse, situated the practices of those doing child abuse work within

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<sup>20</sup> Nations maintaining a family support orientation to child welfare include Belgium, Sweden, France and Germany; North America, UK, and Australia maintain child protection systems (Connolly, 2004b). I discuss the family support orientation to child welfare in the next section of the chapter.

a legal framework, and increasingly introduced risk assessment regimes and technologies. Furthermore, audit and procedures to measure performance in child protection work have emerged over the last decade (Tilbury, 2004). These practices of audit and performance measurement are consistent with managerialist policies and practices.

In Aotearoa/New Zealand, the state sector was transformed during the 1980s with the introduction of the State-Owned Enterprises Act (1986), State Sector Act (1988), and the Public Finance Act (1989). Increased attention was paid to fiscal responsibility and hands-on management rather than centralised bureaucratic control (Pearman, 1995). Fook (2002) argues that significant shifts in funding and accountability arrangements placed increased responsibility on managers. Concomitant with this was an increase in external controls from funding providers. Explicit measures were introduced to evaluate performance and measure the outputs of workers. Thus, the rhetoric of managerialism replaced that of bureaucracy (Martin, 1994). Several authors have noted that the shift to managerialism significantly impacted on professionalism within social services as managing clients replaced the rhetoric and ethos of social working *with* clients (Fook, 2002; Muncie, 1998).

While the child remains central in child protection systems, the family can be managed through regimes of monitoring and governance at a distance (Castels, 1991). Risk assessment models became increasingly favoured in this context of increased public scrutiny toward the assessment of child abuse, and rising numbers of child homicides (Kemshall, 2002). The attraction of ‘pseudo-scientific’ objectivity was important for social workers and an increasingly anxious public (Clare, Diamond, & Harries, 2003).

As discussed above, risk discourses emerged in child protection systems (Howe, 1992). The rhetoric of risk contributed to the systematic organisation of child protection resources (Howe, 1992), while fitting comfortably within culturally individualised societies that valued accountability (Parton, 1998). This was more readily adopted by nations that developed specific intervention services aimed at responding to child abuse and neglect. However, attention to child abuse renders public the private issues of families and their children’s safety. Child protection legislation facilitates access to the private worlds of families after a notification is made to the statutory child protection body (Archard, 1993). Thus, the rights of the

family to privacy and autonomy in child-rearing are privileged until an issue is reported to the statutory agency.

In summary, child protection orientations are characterised by a more forensic and investigative focus, with legitimacy grounded in specific legislation. These systems are more likely to utilise risk assessment models in determining the relationship between statutory child protection agencies and families.

Child Protection - refers to the functions of investigation, risk assessment, legal processes, and removal that come into play when there are reasonable grounds to believe that a child may be 'at risk' or 'in need of care and protection'. (Anglin, 2002, p. 236)

### **The Family Support Orientation**

Contrasting with the child protection orientation discussed above, several other nations, most notably continental European countries, have maintained a family support orientation to child welfare (Hetherington, 2002). This is characterised by a focus on working with the family as a unit of child socialisation and wellbeing. The family support orientation maintains a core belief in the family as the primary place for the child to be cared for (Murphy, 1996). Unlike the child protection orientation, the role of the state in family life is legitimised through health and educational discourses rather than risk assessment strategies and legislative regimes directed at child protection.

This orientation regards the rights of the child as being inseparably linked to the rights of the parents or the family. According to Parton (1991), the identity of family members is not distinct from, or in opposition to, the family as a unit. As such, intervention into the lives of children is premised on the inclusion of parents and family members. Family support/family welfare orientations to child welfare have been established in nations that maintain strong ties to community development and family preservation philosophies, including child welfare. According to Anglin (2002, p. 236):

Family Support - refers to services provided to maintain or enhance family functioning or the needs of family members, especially the parents, when the current family functioning is inadequate to ensure the safety or healthy development of a child or children in the family.

Continental Europe, where a long tradition of family cohesion through education and health policies exists, has maintained a family support function that encompasses child welfare. France and Germany, nations where the relationship between state and family is based on dual responsibilities, has a less specialist role for professionals in child welfare (Macdonald, 1995).

The context of post-war Europe is central to the role of state intervention into the lives of families, particularly in Germany (Schweppe, 2002). Thus, the role of state intervention into the lives of families where there is a concern for children is negotiated with parents. Schweppe (2002) argues that continental European nations are signatories to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), developed in a post-war Europe, that enshrines the centrality of the family unit. This is in sharp contrast to Eastern and Central Europe, where ideological control is exercised in managing the relationship between family and the state (Burke, 1995).

The family support orientation has a number of advantages for the organisation of intervention services directed at child welfare. First, as Murphy (1996) argues, this model, with its belief in the value of family as the source of primary care and socialisation for children, is inclusive of the needs of wider family members. Second, the model respects the diversity of family forms. Thus, class and cultural background are not regarded as problematic to service provision. Third, the family welfare model argues that the statutory response to child welfare can be an abuse of power in the breakup of families. The family welfare model maintains and strengthens the traditional value base and builds understandings of what constitutes family. Thus, family remains the primary vehicle for socialisation and value development, and state policy is directed at strengthening families.

The statutory role of intervention into the lives of families in continental Europe, therefore, occurs within existing health and educational welfare policy (Hetherington, 2002). Thus, hospital, health centre, school, and community agencies are the intervention points for issues that may be, or actually are, impacting negatively on children and families. This orientation developed in societies where traditional values around community participation and housing stability were premised on the family as the cornerstone of society. Socialist governments in continental Europe have long campaigned on the role, centrality,



and the importance of family maintenance. Culturally, the family, as a central organising body for society, is thus enhanced (Hetherington, 2002).

The family welfare orientation is, however, premised on particular discourses of 'family'. Just what constitutes 'family' is not well developed. The family welfare orientation model, therefore, neglects a critical consideration of issues of power within families that potentially maintain patriarchal models of control (Murphy, 1996). The model is also limited in dealing with child sexual abuse where secrets and coercion maintain the control of adults over children.

Anglin (2002) cautions that moves to incorporate strengths-based and family welfare approaches within existing child protection systems can be more complex than a re-orientation of existing service ideology. Shifting from a child protection paradigm to one of family support requires consideration of how systems of child protection have emerged in various forms in different contexts (Anglin, 2002). Ireland, however, is moving from a system of child protection to one of family welfare (Skehill 2003). Within the literature, less attention has been paid to the audit and outcome measurements in the family welfare oriented systems (Tilbury, 2004). Audit and measurement, while established discourses within the child protection systems, are less established within the family welfare model.

This thesis argues that Aotearoa/New Zealand social workers at CYFS operate within a legislative framework premised on family support *and* child protection. This mix of both orientations to child welfare has produced a unique working environment for social workers, and what they have to say about working in this environment is reported in this thesis. Centrally, the thesis argues that risk discourses are used strategically by social workers to assist them in negotiating the inherent uncertainties of assessment work that arise as a result of increased public and political anxiety toward child protection work.

In the next section I progress to discuss Aotearoa/New Zealand's development and current orientation in child welfare legislation and practice.

## **An Account of Child Welfare in Aotearoa/New Zealand**

According to Dalley (1998), New Zealand's child welfare system was firmly established between 1900 and the First World War. During this period, she argues, the development of a juvenile probation service within the emerging Children's Courts placed children and their welfare on the agenda and reflected new social and political interest. Family-based care was regarded as the best option for children and for the greater good of society (Dalley, 1998). Kin-based care systems had long operated and provided functional care for the majority of whanau and families throughout New Zealand's history (Love, 2002). The increased role of the state in regulating the care and wellbeing of children has developed in combination with international and local cultural influences throughout the twentieth century to produce a unique child welfare story.

Te Tiriti o Waitangi (The Treaty of Waitangi), signed in 1840 between the British crown and Maori iwi, is regarded as a foundational document in the consideration of Aotearoa/New Zealand society being built on two fundamental value bases: that of traditional Maori societies that held communal values, and that of Great Britain, a nation historically founded on increased autonomy (Macdonald, 1995).

Contemporary understandings of Te Tiriti o Waitangi involve an analysis of the building of society through the bringing together of two cultural groups: Maori and Pakeha.<sup>21</sup> Current child welfare legislation in Aotearoa/New Zealand is premised on cultural imperatives that require the inclusion of cultural forms of family and extended family in the decision-making around children who are assessed to be in need of care and protection. These cultural imperatives are representative of family support orientations to child welfare, while principles of child paramountcy (CYP&F Act, 1989, s6) are representative of a child protection orientation. Thus, a mix of both orientations exists in the current child welfare legislation in Aotearoa/New Zealand.

British settlement in Aotearoa brought with it the cultural values and social expectations of European traditions. Such influences constituted children as belonging to, and dependent on their parents. Contrasting this were the traditional Maori views of children as representing the future of whanau and hapu (Love, 2002). With increased colonisation, British cultural values became enshrined in laws and policies over that of Maori understandings and cultural values. Legislative

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<sup>21</sup> Ruwhiu (2001, p.62) defines Pakeha as "white people of Western Eurocentric origin" who identify with Te Tiriti o Waitangi partnership principles.

protection of children adopted the cultural values and norms of the Victorian colonisers.

The Infant Life Protection Act (1907) provided for the care of infants, largely born out of wedlock, within state institutions. This followed the Adoption Act (1881), when New Zealand became the first country in the British Empire to enact adoption legislation (Dalley, 1998). The Child Welfare Act (1925) consolidated many existing policies and regulations around children and marked a period strongly identified by a family welfare ideology.<sup>22</sup> Affectionately recalled as ‘the Bible’ by a former worker from the Department of Education (McDonald, 1994), the Act defined the work undertaken by social workers:<sup>23</sup>

Most of us were new to the job and extremely vague regarding how the Child Welfare Act applied to all manner of cases, and in the matter of court work we were babies-in-arms. Added to this it was war time and things were difficult in many directions... Mrs Tocker took us firmly in hand. She schooled us in regular sessions, giving us excellent grounding in basic principles of the Act, and in concepts of what were our responsibilities as Government servants were and what were not. (McDonald, 1994, p. 81)

While formal social work training was established in 1949 at Victoria University, Wellington, within the then Department of Child Welfare, the emphasis remained on experiential training ‘on the job’ (McDonald, 1994). Much later, induction programs were introduced for staff, beginning in 1972.<sup>24</sup> A culture of employment favoured people with ‘life experience’ and ‘maturity’ (McDonald, 1994). The work was task-centred with staff reflecting that their role was less social reform and more monitoring of children.<sup>25</sup>

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<sup>22</sup> This family welfare ideology was premised on a European model of family. Traditional Maori society remained whanau, hapu and iwi-based.

<sup>23</sup> McDonald (1994) interviewed workers from the former Child Welfare Division of the Education Department, and the later Department of Social Welfare, about their experiences in child welfare at that time. Largely anecdotal, this work provides a historical context for my discussion as the experiences of workers are self-reported (McDonald, 1994). As one worker commented in the early 1960s: “We did not have the power to change but only to record, for prosperity, the history of social breakdown” (McDonald, 1994, p. 14).

<sup>24</sup> A national induction program was reintroduced at CYFS in December 2001, as part of New Directions, the 2001 CYFS response to the Brown Report (2000) (Maher, Appleton, Bengé, & Perham, 2003). Building and retaining a professional social work staff were core aims (CYFS, 2001).

<sup>25</sup> This social worker from 1961 reflects on how children were spoken about, as she recalls her early days on the job being trained by a more experienced worker:

[The senior social worker] said “I’ve got an E5/27 to visit over there one day soon” ... She talked about E.5/12’s, E.5/29’s, E.527’s, E.5/79’s and E.5/81’s as if they were living things, she wrote notes and dates in her visiting book, and I said “yes” to everything she said. (McDonald, 1994, p. 80)

The New Zealand child welfare system, while responding to national issues, also responded to international developments in child welfare thinking. Child abuse became a major issue of concern from the 1970s following Kempe's (1962) identification of the battered child syndrome (Corby, 1993). Medical models framed child protection work and had a major ideological impact in New Zealand (Connolly, 2004a). International interest in child sexual abuse followed, significantly shaped by feminist analyses of abuse (Hood, 2001; Worrall, 2001). According to Dalley (1998), child protection workers were still poorly trained in the investigative aspects of child abuse work. This also had an impact on the organisation of work. In 1972, the then Child Welfare Division of the Department of Education was amalgamated with the Social Security Department, and, thus, formed the Department of Social Welfare (McDonald, 1994). A strong institutional background in social welfare provision facilitated the shift of child welfare from an education umbrella to the newly established Department of Social Welfare. Addressing staff retention issues, training, and professionalism with the introduction of an induction program in 1972, drove the impetus for child welfare to be incorporated within this new social security environment. A centralised response to child welfare was firmly established and with it developed bureaucratic purposes that distanced families from the statutory department set up to assist them (McDonald, 1994). A former social worker reflects on the 1972 change:

In 1972, disaster struck, almost a catastrophe for Child Welfare. The Social Security Department swallowed up the [Child Welfare] Division. ... Within three months I had lost 2 stone in weight through worrying over the new systems that, to me, lacked the human element. (McDonald, 1994, p. 84)

In 1974, legislative update of the 1925 Act occurred with the Child and Young Persons Act (1974). Unlike its predecessor, this legislative framework distinguished between children and young people based on age. Children, defined as being under 14, were diverted from the court system, and a community model of child welfare emerged (Dalley, 1998). Increasingly, the child was 'rescued' from parents who were failing to provide for or care. At that time, Levitt (1974) argued that social workers had limited training for this work, and criticised decision-making for operating within narrow frames of reference. During the 1930s, increasing numbers of Maori children were in the care of the state (Love, 2002). It was a time of massive urban migration for Maori, and displaced families were subjected to the interventionist policies of "well meaning social workers" (Love, 2002, p. 13).

The 1974 Act was critiqued from both within and outside of the Department of Social Welfare (Love, 2002), as interventionist policies saw increasing numbers of children, particularly Maori and Pacific children, placed in institutional care.

By 1984, half of the children being placed in institutional care were Maori (Bryson, 1992). Significant developments to build partnerships between the department and iwi followed. The culturally-based placement program, Maatua Whangai, was introduced in 1983 to assist in maintaining continuity between children and their whanau. A Ministerial Advisory Committee was established in 1986 to report to the Minister of Social Welfare on the needs of Maori. Its report, *Puao-te-Ata-tu* (Daybreak), recommended a review of the 1974 legislation. The report highlighted the value of building whanau involvement in decision-making and the need to consult with local communities in matters of child protection (Connolly, 1994).<sup>26</sup> The report had far-reaching consequences both internally and externally to the Department.

State sector reform during the 1980s culminated in the 1988 State Sector Act and the 1989 Public Finance Act. Both pieces of legislation set a fiscal restraint on state services expenditure. Within this new fiscal environment, the CYP&F Act (1989) was introduced. This piece of legislation harnessed the participation of government and non-government sectors, including iwi, in legislating for family participation to be the central tenet of child protection decision-making (Connolly, 1994). Heralded as innovative child protection legislation, the 1989 Act provided a template for the development the Family Group Conference as the primary vehicle for decision-making about children assessed to be in need of care and protection (Connolly, 1994).

The FGC model of decision-making is utilised in Aotearoa/New Zealand when the child or young person is found to be in need of care and protection (Connolly, 1994). However, prior to this forum being convened, social workers are required to form a belief (to decide) that the child or young person is in need of care and

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<sup>26</sup> An attempt was made to address institutional racism and concern at the increasing numbers of Maori children placed within the state care system through the introduction of culturally-based initiatives. Maatua Whangai was a programme aimed at deinstitutionalising Maori children from state care and utilising kin-based care systems identified by Maori for Maori (Connolly, 2004b; Maatua Whangai, 1986). Further, a governmental response to claims of institutional racism was made in the report, *Puao-te-Ata-tu* (Daybreak). This report significantly re-introduced whanau, hapu and iwi as being central to the care and protection of children. Connolly (2004b) argues that this report significantly helped shape the context around which legislation was developed and enacted in 1989.

protection. Family Group Conferences, Family Whanau agreements, Strengthening Families agreements, and court action are all possible outcomes of these social work decisions made in the early stages of a child protection notification and associated assessment work.

A mix of cultural, fiscal, political, and ideological events culminated in ground-breaking legislation in 1989 that returned families to the corner-stone of child protection practice.<sup>27</sup> Yet the increasing political and ideological influences of neo-liberalism, coupled with the adoption of a managerial agenda within the state sector, were regarded as compromising the principles enshrined within the legislation (Connolly, 2004b). A further ministerial review recommended that a paramountcy principle be added to the Act thus assisting in determination of rights, if in dispute, in a way that favoured the child (Mason, 1992).<sup>28</sup> New Zealand, then, had a family-centred legislative framework for child protection practice operating within a wider ideological political environment that restricted state sector spending in all areas including welfare. Cultural imperatives of whanau and iwi participation, while enshrined within the legislation were operating within a wider climate of encouraged individual responsibility (Cheyne, O'Brien, & Belgrave, 2000).<sup>29</sup>

A cultural shift within the then Department of Social Welfare, at that time, produced a climate where the strengths of families were harnessed in the decision-making about child protection issues. This was a particular focus for the FGC process (Connolly, 1994). At the same time, the state sector reforms of the 1980s stripped away funding from the community agencies that were responding to family needs. This, coupled with increasing demands on the Department, had an effect on

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<sup>27</sup> Connolly (1994) has argued that while the legislation incorporates cultural imperatives informed through consultation with iwi and community members, ideological shifts in New Zealand also placed increased financial responsibility back on families to care for and provide for their children.

<sup>28</sup> The Department faced increased criticism in the early 1990s for leaving children in abusive situations rather than placing them in foster or alternative care (Dalley, 1998). Increased public interest and criticism of the Act, as providing soft options in managing child abuse and youth crime, were antecedents for the Mason Ministerial Review (1992) that recommended the introduction of a paramountcy principle aimed at assisting the safety of children in situations where the rights of child and family were in contest (Dalley, 1998; Mason, 1992).

<sup>29</sup> Love (2002) argues that the 1989 Act was limited in terms of cultural values and beliefs in social work practice because it operated within the existing state structure of child welfare. She states that the Act "may, in fact, serve only to provide a brown veneer for a white system that has historically contributed to state run programmes of cultural genocide and whanau dis-memberment" (Love, 2002, p. 31). Further, she argues that the state has paid 'lip-service' to the needs of Maori within child welfare policy and practice (Love, 2002, p. 3). Critical of the rise of an individualised ethos within Aotearoa/New Zealand society, Love (2002) argues for a shift from pathologies of families to a focus on community strengths and social justice.

social workers. Smith (1998) argues that an increasing focus on performance and financial accountability reduced professional development for workers; output measures dominated practice. Increased uncertainty about good practice followed, as social workers responded to contradictory, yet dynamic, international literature on child welfare. Staff turnover, coupled with increasing numbers of new social workers joining the service, assisted in creating an environment that was increasingly incident focussed. Smith (1998) calls this response 'battlefield triage' and argues that practice was not respecting the rights of children because child protection work was failing to attend to the underlying issues resulting in child abuse or neglect. Thompson (2001) points out that during the economic reforms of the 1980s, social workers experienced increasing tensions around practice issues. Workers who traditionally aligned themselves with families and communities now had to protect their professional integrity, because, increasingly, trust was being eroded from the public sector.

Aotearoa/New Zealand adopted a paramountcy principle in 1992, three years after the 1989 legislation was enacted (Brown, 2000). Although the 1989 Act was a family support model of child welfare, it was now qualified with an amendment<sup>30</sup> privileging child protection.<sup>31</sup> While maintaining a focus on family participation and involvement in decision-making, this amendment clarified the rights of children over the rights of families in times of dispute.<sup>32</sup>

The risk that children could suffer when social workers acted to support the integrity of the family rather than the well-being of the child led the review team to state emphatically that never before in New Zealand child protection legislation has the need been greater for a strong statement in support of the interest of the children and young person. (Dalley, 1998, p. 357)

According to Anglin (2002), principles that favour children's rights in times of dispute allow social workers to focus on child rescue interventions, with children removed from families, and family support work to follow. Love (2002) further argues that the practices of child welfare are increasingly embedded within notions of risk identification centred on the child. The working environment for social workers is one of child protection within a family support model of child welfare.

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<sup>30</sup> Children, Young Persons and Their Families Amendment Act (1994) s6.

<sup>31</sup> A child protection model was introduced via the amendment s6 at a time when there were financial restraints in welfare spending in New Zealand and an increasing focus on individual responsibility.

<sup>32</sup> Children, Young Persons and Their Families Amendment Act (1994) s6.

It could be argued that the New Zealand system has elements of both orientations identified [in the literature]: an emphasis on child safety; and a strong commitment to family support and preservation. While an examination of practice indicates that it is increasingly forensic, New Zealand child welfare legislation is nevertheless noted for its innovative family-driven orientation. Because of this the dual mandate of child protection and family support is acutely experienced in practice, and beliefs about the role of the state to support families remain strongly held. (Connolly, 2004a, p. 27)

Statutory social workers,<sup>33</sup> employed with CYFS<sup>34</sup> are mandated to remove children and young people if they believe that there is ‘serious risk of harm’ to a child or young person. The Children, Young Persons and Their Families Act (1989) is the legal framework that situates social workers in the position of arriving at a decision about the child or young person.

The principle that a child or young person should be removed from his or her family, whanau, hapu, iwi or family group only if there is serious risk of harm to the child or young person. (CYP&F Act, 1989, s.13(e))

In Aotearoa/New Zealand, risk discourses emerged more explicitly in child protection work during the 1990s as a response to calls by both workers and community for a safer, more consistent social work practice (Smith, 1995).<sup>35</sup> The period was marked by a number of high profile tragedies, fiscal restraint, and an increasingly anxious public demanding more care and accountability in child protection practice. The Risk Estimation System (RES) was introduced in this context (this is discussed further in Chapter Nine). The introduction of this model was consistent with legislation and policy directions, where an expectation was that social workers would be able to account for their assessment work (Smith, 1988). The RES is a consensus-based risk assessment system requiring social workers to complete a computer-based program, which then generates a summary report identifying areas of severity of abuse, the vulnerability of particular children, and the likelihood of further abuse. This differs with actuarial risk assessment systems, where aggregate numerical scores produce a risk outcome for social workers. Importantly, this assessment system required judgements by social workers to be made about the relative safety of children and the risks directed toward them.

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<sup>33</sup> A *statutory* social worker employed with Child, Youth and Family is defined under the State Services Act (1988) Part V as a person employed as a social worker in the Department of Social Welfare (CYP&F Act, 1989).

<sup>34</sup> Child, Youth and Family was established in October 1999 through the integration of two former business units of the Department of Social Welfare. Currently, Child, Youth and Family Services employs 2200 staff and delivers statutory care and protection and youth justice services to children, young people and their families in Aotearoa/New Zealand.

<sup>35</sup> Risk discourses had informed earlier legislation and protection work. However this was implicit, rather than explicit.



The literature on these systems is now well developed and will be discussed in the next chapter. The literature is largely polemical, however, and debate is centred on the validity and reliability of risk assessment systems in child protection work (Cash, 2001; Gambrill & Shlonsky, 2000; Gambrill & Shlonsky, 2001; Wald & Woolverton, 1990; Warner, 2003). Less attention has been paid to the operation of these tools by social workers. Maxwell, Robertson, Thom and Walker (1995) proposed a study of the outcomes of assessment interventions under the CYP&F Act (1989) that would look at the outcomes for children. However, this study did not proceed (Limm, 2002).

This section of the chapter has introduced key features of Aotearoa/New Zealand's child protection story. I have argued that developments within child welfare systems are best seen as responses to local and international issues. Crucial to this story are increased bureaucratic responses to child welfare and shifts from family welfare to child protection. New Zealand has struggled to balance statutory family support and child safety, as Connolly notes:

By legislating for both child protection and family support, the protective services role is formally dualistic, and the tasks across the phases of the process are inevitably influenced by this dual imperative. (Connolly, 2004a, p. 23)

Social workers currently work to combine protection for children, support for families, and stability for the family unit. Their work involves negotiating the tension between child protection and family support orientations to child welfare. This thesis examines what social workers have to say about how they negotiate this tension in their everyday practice.

### **New Zealand Child Protection: Policy and practice**

In this section, I describe the working model of child protection that operates in New Zealand. Reports of alleged child abuse or neglect enter the child protection system largely via a national call centre in Auckland. This call centre was introduced in 1999 and designed to streamline all referrals to CYFS to be processed at one entry point. The information then enters regionally-sited offices by two means. First, if the information received at the call centre is assessed to be *critical* and the child or young person is defined as at the greatest risk, the information is telephoned to the site covering the geographical area where the child lives. All

other information is assigned a time-frame for intervention<sup>36</sup> and this is then entered on to the CYFS national computer system (CYRAS).<sup>37</sup> The information remains in an intake queue until a supervisor at the particular regional site assigns the case to a social worker. There are variances between sites at this point in the operation of child protection.<sup>38</sup> Allocation meetings occur at some sites where cases are presented by social workers and discussed with the team of social workers. From this discussion, a case plan is agreed on and a co-worker assigned to assist the lead or key social worker (who holds responsibility for the case). The format of this case planning varies between sites, however, cases are assigned to social workers and managed through a form of line supervision process.

According to Connolly (2001b), the process of child protection inquiries is underpinned by the principles of the legislation that reflect the dual commitment to provide child protection and family support. Importantly, “whenever feasible the family should be consulted about where the child could be placed during the investigation, reinforcing the intention of the legislation that the child remain within the family if that is possible” (Connolly, 2001b, p. 226).

Connolly’s diagrammatic child protection inquiry process illustrates the steps involved (see Figure 1 on next page). Family Group Conferencing is, therefore, an outcome of a number of steps undertaken by social workers through a consultation process with Care and Protection Resource Panels (CPRP),<sup>39</sup> families, and a range of internal and external professionals who are contacted by the social worker with respect to their knowledge about particular families and children alleged to be at risk.

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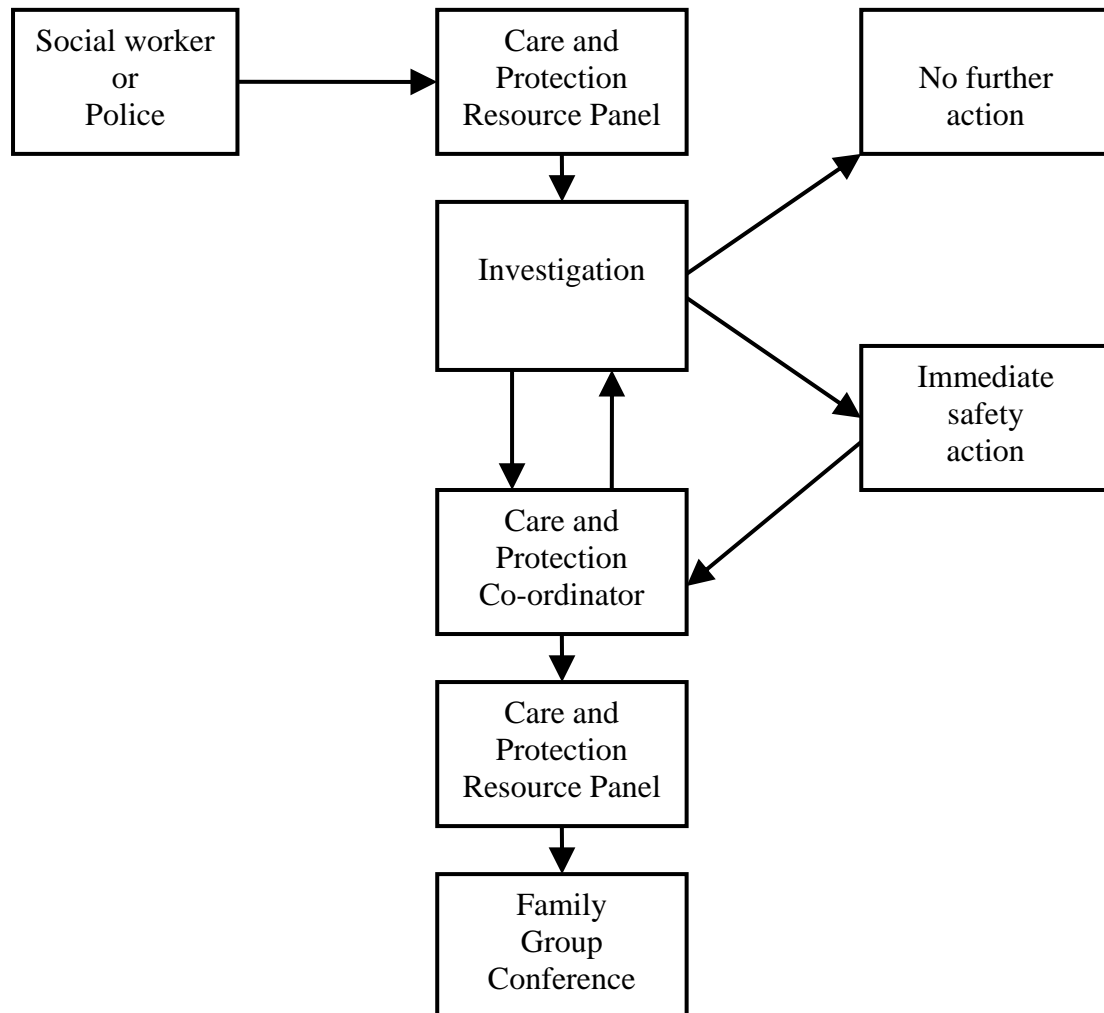
<sup>36</sup> Further action on notifications made to CYFS may be carried out on the same day for critical cases, within 7 days for urgent cases, and within 28 days for cases initially assessed to be of a low urgency. Initial assessments of risk are made by call centre staff, and are based on the notification information.

<sup>37</sup> CYRAS (Child, Youth, Residence and Adoptions System) is the internal CYFS case management system: a computer-based system where information and assessment data is stored. This is an interactive system that contains all records of families and children known to CYFS. In addition, practice tools of risk estimation, wellbeing, suicide checks, and foster care information are also maintained on this national system.

<sup>38</sup> In the fieldwork for this study (2001-2002), I spent 35 days in 14 different CYFS offices around New Zealand. This is discussed in Chapter Five.

<sup>39</sup> The Care and Protection Resource Panels (CPRP) are community bodies, governed by the 1989 Act (s17), which social workers consult for advice on their assessment plans and investigation work (Connolly, 2005).

Figure 1: The Process of a New Zealand Child Protection Inquiry



(Reprinted with author's permission (Connolly 2001b, p. 228))

During the initial stages of investigation, the social worker gathers information from a range of sources. This may include police checks to ascertain whether there is a history of domestic violence or criminal offending, as well as reports from doctors and teachers on the health, educational status, appearance and presentation of the child or young person. An assessment plan may include an interview with the family members and with the child.

The information gathered is assessed and synthesised in a number of ways. Social workers may use the RES, and the agency policy is clear when this is to be used (for example, on all cases where the child is under five years of age). Social workers are not restricted to this tool and can use it whenever they feel it may add to their understanding of the issues under investigation. Peer supervision can also provide a forum for case discussion, and the supervision process provides for case reviews and exploration of how the social worker arrived at a decision.

Coupled with the increasing numbers of notified children to CYFS, is the increasing need to manage the existing resources available in child protection work (Brown, 2000). The increasing demand on existing services, with 43,314 notifications received by CYFS between June 2003 and June 2004,<sup>40</sup> has meant that the agency has remained in a precarious position constantly balancing child needs and family support.

The re-orientation toward practice that strengthens families emerged in the late 1990s (CYFS, 2001). Essentially, however, it was the philosophical framework that underpinned the 1989 legislation. As an alternative to traditional problem-solving methods, this method is described as “a move away from a focus on client problems toward a practice that enhances possibilities” (Connolly & McKenzie, 1999, p. 7). In response to the Brown Report (2000), the ministerial review that found that CYFS was “under extreme pressure in many areas and that change is needed as a matter of urgency” (Brown, 2000, p. 18),<sup>41</sup> management identified the Department’s dominant philosophical position around practice:

Our current approach derives from the ‘deficit’ model, which identifies problems and focusses on managing or reducing risk. Whilst important, this does not in itself lead to sustained change within families as it relies on external control (CYFS, 2001, p. 8).

As a result, in June 2001, CYFS introduced a strengths-based approach to practice.

There are a number of assumptions that underpin strengths-based practice. The following key principles have been extrapolated from Jack (2005), Saleeby (1997), and DeJong and Berg (1998).

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<sup>40</sup> CYFS Newsletter, *Panui*, 18-19, July, 2004.

<sup>41</sup> The New Zealand Social Workers Registration Act (2003) follows international moves to further ‘professionalise’ the practices of social work. We are yet to see what effect this will have on practice and, importantly, on the environments in which social work practice operates.

- All persons, families and communities possess strengths that can be marshalled to improve the quality of life (Saleebey, 1997)
- Client motivation is encouraged because of a focus on the strengths (Jack, 2005)
- The discovery of possible strengths occurs through a collaborative exploration (Jack, 2005)
- Trauma and abuse, illness and struggle may be a source of opportunity and challenge (Saleebey, 1997)
- Focussing on strengths assists the practitioner in discovering how the client has succeeded in areas of his or her life (and moves away from a deficit/problem focus). The worker makes no assumptions about the level of functioning the client is capable of (Saleebey, 1997)
- The community and environment around the client contains resources that can be harnessed for use by the client (DeJong & Berg, 1998; Saleebey, 1997)

Within a strengths-based approach, a different way of looking at the individual or family is encouraged. All persons can be seen in the light of possibility and potential. Saleebey has commented on this approach first noting that it may already be happening for workers as empowerment, resilience, and participatory working relationships are all features of contemporary social work (Saleebey, 1996). He further notes that an increasing number of professionals outside social work employ the lexicon of deficit in their practice, and argues that this is based on the power of professionals to measure and evaluate people against a normalised standard. This approach is not client-focussed; it utilises risk discourses and distracts attention from narratives that clients bring to their discussions with workers which could assist the work they undertake.

As Saleebey (1996) further argues, the worker must hear the individual and family story in order to understand the issues that must be addressed. Saleebey (1996) also notes criticisms of strengths-based practice, which has been termed ‘positive thinking in disguise’ and ‘reframing misery’; yet dominant stories that lock people into seeing their life as miserable are made transparent in a strengths-based approach. Graybeal (2001) notes that in their daily work, social workers experience a tension between conflicting paradigms of deficit and strength.

Strengths-based practice often highlights tensions between dominant, medicalised models (such as, psychiatry, psychology, and medicine) and those that focus more closely on contextual and situational factors (for example, social work ecological models). According to Graybeal (2001), it is within particular social contexts that clients gain meaning for their lives, and this he argues is often ignored in the traditional psychosocial assessment model (this is discussed further in Chapter Eight).

Risk discourses feature within a strengths-based approach to practice as social workers are under increasing pressure to be accountable in their practice (Bricker-Jenkins, 1997; Early, 2001; Early & GlenMaye, 2000). Aotearoa/New Zealand's child protection system, premised on family-based decision-making while utilising risk assessment technologies, illustrates this point. Risk assessments have become refined and prescriptive, and the need for accountability is emphasised. What does this mean for social workers at CYFS? Indications are that the adoption of a more holistic contextual base will require additional time and skills on the part of workers, and a cultural shift on the part of the child welfare agency. In an environment of increasing blame and accountability, this seems increasingly unlikely for social workers within child protection systems. While technological and organisational change has been aimed at assisting the work of child welfare (Pearman, 1995), social workers remain its central tool.

Social workers have always experienced difficulty in striking a balance between children's wellbeing and the integrity of the family, in deciding when to take action and when to step back and leave the family to devise its own solutions. (Dalley, 1998, p. 361)

This thesis illustrates the challenges some social workers encounter as they attempt to engage in such assessments. It is too risky for society not to engage critically in how and in what ways risk discourses are being used.

### **The Re-emergence of Risk in Child Protection**

Current social work literature focusses on separating child protection and family support structures within statutory child welfare systems, thus offering a more specialised and focussed social work response to child abuse (Fernandez, 2001). Late in 2004, CYFS announced that a differential response system would be

introduced to notifications made at the national call centre (CYFS, 2004). A differential system is premised on a determination made at the point of intake as to the particular service provision to be assigned to the case (Connolly, 2004b). Cases assessed as 'higher risk' remain in the child protection system, while cases requiring more 'family support', and thus assessed as 'lower risk', are passed to community-based agencies to undertake and complete an assessment with the family. Risk discourses are central in the determination of what constitutes high and low risk, and, thus, the pathway that each particular notification takes at the intake stage.

Aotearoa/New Zealand's differential response system reflects international trends in child protection work, where high-risk cases are allocated to statutory child protection social workers within a child protection agency. Less urgent, or low-risk cases, are referred out to community agencies for family support work. New South Wales and the UK both operate similar, tiered systems of family support and child protection. The idea here is that the specialist skills in child protection are used where the greater need is determined.<sup>42</sup>

The introduction of a two-tiered system for Aotearoa/New Zealand's child protection system is a recent innovation to a highly publicised and heavily criticised government agency. The intention and hope is that this tiered system of assessment will assist in the care and protection of children and families. New Zealand's differential response system for child welfare places increased responsibility on child protection workers to ensure the safety of children. Just how this impacts on family wellbeing is yet to be measured. Moreover, risk discourses will continue to play a central role in how child abuse assessments are constructed within the child protection arm of the state's child welfare program. Risk and strengths have been positioned at different ends of an assessment continuum (Turnell & Edwards, 1999), and, as I argue in Chapter Three, this continuum of risks and strengths potentially leaves risk as a professional discourse to be used in professional assessment findings. Yet, little is known about how social workers construct risk and, indeed, how families understand these risks as identified and measured by social workers. Knowledge in this area of social work may assist in managing new sets of risks associated or resulting from this work. Not knowing is indeed, 'risky'.

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<sup>42</sup> Fundamental to determining just what is meant by 'risk' or 'need' requires a more critical consideration by social workers (this is discussed further in Chapter Ten).

There is little in the child welfare literature that explores how systems of child protection actually operate from social workers' perspectives. As Jones (1993) has argued, in order for agencies to retain staff and experience there is a need to capture the personal responses to the work undertaken. To date, there has been a limited focus on qualitative research within Aotearoa/New Zealand's child protection system, a system where systemic and managerialist change has impacted on practice (Pearman, 1995). The organisational policy document, *New Directions* (CYFS, 2001)<sup>43</sup> was introduced to facilitate such a change for workers and practice. The release of the Brown Report (2000) and the subsequent development of *New Directions*, provided an opportune time to investigate the ways in which social workers arrive at assessment decisions with respect to discourses of risk in their practice. With *New Directions*, the strengths-based approach was adopted

According to Jack (2005, p. 174), strengths-based practice "is not an invitation to deny knowledge about risks and dangerous dynamics in child protection work ... [r]ather, it is a principled and transparent approach to statutory social work". Surprisingly there has been no corresponding research that has considered how social workers carry out assessment work with respect to risk discourses. This thesis aims to contribute to the knowledge base in this area, thus enabling social workers, managers, policy makers, and those introducing paradigm shifts in statutory social work to consider the day-to-day practices of child protection work in Aotearoa/New Zealand.

The available New Zealand research has focussed on managerialist change and the impact this has had on the child protection system (Pearman, 1995), child protection practice and policy in the voluntary sector (Thompson, 2001), and the experiences of women working for CYFS (Wolstoneholme, 1999). Additional literature has focussed on the non-statutory area of child welfare in relation to care and protection (Munford et al., 1998; Thompson, 2001).

Internationally, multiple high profile reviews of the deaths of children highlight limitations within the child welfare system and how the many different agents

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<sup>43</sup> *New Directions* was an organisational policy shift toward strengths-based, seamless organisation that attempted to re-position the agency within a broad social service delivery system. This shift was also in response to the Brown Report (2000).



within the child welfare network contribute to tragic outcomes.<sup>44</sup> Kemshall (2002) argues that child welfare policy has responded to the major reviews of practice failures through restructuring and increased accountability in social work practice. Social work practice then becomes more prescriptive, increasingly reliant on risk assessment measurements, and less innovative. Everitt (1998) argues that there has been increasing intrusion into the lives of families at the expense of professional practice in child protection work, and that managerialist policy, located in neo-liberalist societies, has contributed to a de-professionalisation within child protection work. The increase in the numbers of children coming to the attention of statutory child protection services, has produced management systems that draw on risk discourses (see Chapter Three).

Professional judgement became mediated through risk assessment tools. This is echoed in the US with a rise in the number and types of risk assessment tools occurring during the 1980s (Wald & Woolverton, 1990), where increased expectations were placed on emerging risk assessment technologies to assist the determination of *which* children were 'at risk' of harm. Aotearoa/New Zealand legislation is specific, however, in the adoption of a consensus-based risk assessment tool where the social workers' professional judgement is welcomed (Smith, 1998a). Rather than rely on technology alone to assess risk, the reliance was firmly placed on social workers to use the available tools *and* their professional judgement.

## Conclusion

This chapter has reviewed the available social work literature to situate the Aotearoa/New Zealand's child protection system within an international frame of child welfare orientations. In reviewing the orientations of child welfare, namely family support and child protection, and presenting the emergent themes from this literature, I have argued that Aotearoa/New Zealand operates a hybrid system, where aspects of both orientations are found. Following Hetherington (2002), I have reflected on New Zealand's welfare story to argue that the development of our

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<sup>44</sup> See Wild (2003) for a critical response to the Laming Report into the death of Victoria Climbié. See Parton et al. (1997), especially Chapter 1. For New Zealand reports see: Doolan, (2004), Kinley, Doolan, & New Zealand Children, Young Persons & Their Families Service, (1997); Office of the Commissioner for Children, (2000, 2003).

child welfare policy and practice has involved ideological shifts between family support-based welfare, and forensic child protection. The recent adoption of a differentiated system that allows child protection and family welfare to operate simultaneously has yet to be evaluated. Moreover, risk discourses are likely to remain central to the child protection system because of the cultural and economic context in which welfare policy is embedded. This thesis provides necessary knowledge about how the social workers who participated in this research constructed and utilised risk in their assessment work. According to Parton (1991), improved knowledge about risk in child protection work is needed to ensure social work practice remains effective. This thesis is timely in that organisational change within the agency charged with delivering child welfare practice in Aotearoa/New Zealand has undergone significant restructuring and change (Pearman, 1995) with little corresponding research as to how social workers carry out their risk assessment work.

Aotearoa/New Zealand's system of child welfare straddles a family support philosophy, while being subject to increased public accountability to ensure child protection. The cultural and political environment, together with the wider international child welfare thinking, has produced unique environments in which the work of child protection is conducted in this country. The result, I argue, is that tensions between family support philosophies, as enshrined in the legislation, are located within the practices of child protection, where the child remains the focus for ensuring safety (Doolan, 2002; Pakura, 2004). This makes the Aotearoa/New Zealand context of child protection practice both interesting and unique. More recently, the statutory registration of social workers, introduced in 2003, may increase the public's expectation that social workers will be able to assess 'at risk' children and effectively manage child abuse. Further accountability and scrutiny are likely to add to organisational and work pressures for statutory social workers.

There is support for these developments in the literature with practice reported to be increasingly risk-averse in child protection systems (Connolly, 2004b). Several social workers who participated in this research commented that they operate in a risk averse manner. I argue in Chapter Seven that a range of legitimising practices operates in child protection practice that underpin decision-making in cases such as the removal of a child from their parents. This excerpt from an interview illustrates this point:

What I say to myself all the time is that, you know, I'm doing this for the child, I'm here for the child. I would rather be wrong than be right about her staying [with whanau]. I would rather think that she is really unsafe and be right than leave her there... Because at the end of the day, when you make decisions on where people are, basically [it's about] children's lives. (Social Worker 36)

This thesis contributes to knowledge about how social workers do the work of assessment and, in particular, offers recommendations for training, social work education, and social work supervision to enhance the use of risk discourses. In Chapter Ten, I argue that social work education and practice experiences can assist in building skills in critical reflection about how risk is being constructed and applied.

I argued in this chapter that an overall increase in the numbers of children coming to the attention of the state, and constituting child protection inquiries, has been noted across most Western nations: in the UK (Hallett, 1999; Morrison, 1999; Spratt, 2001), Australia (Fernandez, 2001), and New Zealand (Connolly, 2004b). This, coupled with a reduction in the resourcing allocated to attend to such an increase, has spearheaded the introduction of risk measurement systems in the determination of resources. Risk discourses have emerged within this context and become the determination and assessment framework within child protection practices. Increased criticism of public child welfare has been the case in most Western nations, particularly in the UK, where risk, blame, and a decreasing trust in 'the expert' to detect child abuse, both potential and actual, have emerged (Reder et al., 1993). This is the first study in the Aotearoa/New Zealand context to explore and consider risk discourses and assessment decisions made by statutory child protection social workers. It is important given the increased public and political anxiety expressed about child protection work in this country. In Chapter One, I argued that risk assessment work can become a 'black-box', where the practices of assessing risk are rendered silent by their own conclusions being accepted and less attention being paid to the processes of how these were reached (Latour, 1999b). Social workers can open the black-box of risk assessment work and build skills in how they can articulate risk to colleagues, supervisors, and *more importantly*, families and children.<sup>45</sup>

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<sup>45</sup> This idea is developed in Chapter Ten where I argue that maximising discourses about risk in assessment work offers dividends to social work practice and to theorising possibilities about social work.

Risk has recently re-emerged within Aotearoa/New Zealand's child protection system as a determination measure, and this development has been discussed in the chapter. Centrally, the chapter has argued that risk discourses emerged from within child protection oriented systems of child welfare in contrast to family support orientations. Chapter Three takes as its focus risk discourses and the centrality of these within child protection systems.

### Responding to Risk: The child protection literature

The child protection orientation to child welfare is strongly underpinned by discourses of risk, and the need to assess risk in child protection decision-making.<sup>46</sup> In a practical sense, this emphasis on risk is illustrated by the development of risk assessment mechanisms that social workers can use to reach conclusions about the level of risk to which the child is exposed. Inevitably, however, practice judgements are also influenced by a range of factors, both personal and professional, as the child protection inquiry proceeds.

Social work has suffered a major assault in the area of child protection and is frequently regarded by the public as failing the children it is set up to protect (Connolly, 2004b). A well developed body of knowledge now exists to help us better understand risk and how it is managed within child protection work. This chapter examines this literature and, in particular, argues that the social worker, as actor, is relatively absent from the research. This thesis aims to make a contribution to the understanding of how social workers practise risk assessment in the field of child protection in Aotearoa/New Zealand.

This chapter focusses on the bodies of literature from within the child protection arena and across the social sciences that have attended to risk theorising. The chapter covers three main areas. First, I present my review of the literature that attempts to explain and theorise risk. Second, I discuss the rise of professionalism as a response to risk; I focus on reflexivity, to argue that social workers can draw on their understandings of risk within a supervision framework to explore what is meant by risk.<sup>47</sup> In the third section, I argue that risk assessment tools were

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<sup>46</sup> Throughout this thesis I use the umbrella term 'child welfare' to mean the collected policies and practices undertaken to assist children and families. Child protection, as I argued in Chapter Two, is a term I use to reflect Aotearoa/New Zealand's current orientation to statutory social work undertaken by CYFS. Child protection practice sits within a wider child welfare context of policy, research, and practices that include education, health, and family support measures.

<sup>47</sup> This is developed later in the thesis. I argue in Chapter Ten that social workers can utilise their training, education, and practice reflexivity to make sense of risk.

developed and uncritically adopted by child protection services to assist in the detection and management of ‘at risk’ children. I argue that social work has been heavily influenced by positivist epistemologies and the outcome of this is the development and use of risk assessment tools (Morley, 2003). To date, research has neglected the ways in which social workers construct and utilise risk discourses in assessment work and this thesis aims to contribute significantly to this area of social work knowledge. Centrally, this chapter is a review of the literature relevant to this thesis project. Through my review, I argue that social workers, as pivotal to the child protection process, are missing from much of the discussion about risk. Given that social workers are increasingly required to assess and manage risk, this is an important area for social work research. It is important to know what social workers do in practice in order to understand social work *as* a set of practices.

### **Explaining (theorising) Risk**

In this section of the chapter, I discuss the established theoretical approaches to understanding risk. More recently, the literature has reported risk in a more ‘positive light’ (Lupton 1999a; Taylor-Gooby 2004), and this development is also discussed.

Within the literature, increasing attention is given to the merging and blending of methods and analysis around what constitutes risk, and how we come to understand risk in contemporary society (Lupton, 1999b; Pidgeon, Kasperson, & Slovic, 2003). In thinking about how risk can be conceptualised and understood, Lupton (1999a) proposes a continuum of risk theorising. She argues that positivists, those who regard knowledge as locatable and defined because it exists *a priori*, are at one end of the continuum, while social constructionists, those who regard knowledge as being produced culturally and socially, are at the other (Lupton, 1999a). Thus, developing understandings of how risk operates within social work is timely, particularly given the increased focus on social worker responsibility in the fields of child protection and mental health (Matthewson, 2002). I argue in this chapter that social work has predominantly adopted a positivist epistemology for risk theorising; this has more recently been challenged by constructionist approaches to knowledge building (Houston & Griffiths, 2000; Parton, 1999; Parton & O’Byrne, 2000; Stanley, 2004).

Historically, risk has been associated with gambling and games of courage (Bessant, 2004). Over the centuries, understandings of risk have been shaped by religious, environmental, political, and economic structures (Stalker, 2003). Within the social sciences, and particularly within social work in the last decade, explicit attention to risk has entered the practice fields of child welfare, mental health, and criminal offending (Callahan, 2001). Bessant (2004) argues that within social work a 'science of risk' has emerged providing a frame of 'objective' and knowable risk issues. This has been echoed within the literature on risk, particularly in societies influenced by neo-liberal economic theory, where attention to what is tangible and known can be managed more efficiently (for example, via measurement strategies and technologies) (Bessant, 2004), and where reduction in state spending has meant a greater focus on fiscal measures.

Yearley (2005) argues that risk is generally regarded as an objective measure in the assessment of an individual's and a community's likelihood of exposure to misfortune. The dominance of scientific measures of risk provides determinations through the assessment of hazards ranging from vehicle accidents, forms of transport, and exposure to disease (Yearley, 2005).

The identification and quantification of risk has been associated with psychometric testing and psychology more broadly (Stalker, 2003). Psychological approaches to risk are generally premised on realist ontologies (Taylor-Gooby, 2004). The emphasis is on how risk can be located, identified, and managed. For example, psychometric testing takes as its focus the expressed preferences and associated factors provided in a range of check lists (Taylor-Gooby, 2004). Ontological risk is, thus, objectively measured against these predetermined standards.

Risk perception is an area well developed in the literature (Slovic, 2000). Initially, psychometric research was oriented toward cognitive psychology and behavioural decision theory, where the individual was considered to hold subjective assessments around particular risks and benefits (Slovic, 1999). There is substantial debate within the literature on the merits and limitations of psychometric versus cultural understandings of risk (Pidgeon et al., 2003). According to Lupton (1999a), the psychometric approach to risk measurement reduces the meanings and behaviours associated with risk to an individualistic level. This, she argues, neglects a consideration of the social and cultural contexts within which risk definitions

emerge. She argues that “[c]ognitive science does not generally take into account the symbolic meanings, created through the social world, that humans give to things and events” (Lupton, 1999a, p. 22). Further, she argues that research about risk needs to take into account the institutional, political, and social contexts that surround us and have a part to play in the way risk is conceptualised and applied.

Risk is a heavily contested and debated term within the social sciences (Douglas, 1992; Lupton, 1999a, 1999b) and across the psychological sciences (Stalker, 2003). The debate is highlighted when considering the relationship between stress and decision-making. For example, Klein (1999), who researched fire-fighters’ decision-making under situations of pressure, argues that decision bias cannot be explained by stress alone. His research found that stressors restricted the amount of information gathered, that memory was disrupted, limiting the potential to sort out options, and that stressors distract attention from current tasks. He argues that time pressure is an important issue in considering decision options. Klein also argues that pressured work environments are the norm for fire-fighting practice; which is also the case for statutory social workers.<sup>48</sup> Building knowledge about the environments in which decisions are made assists in understanding how difficulties in decision-making can be theorised more ecologically, shifting the focus, as Klein’s research showed, to incorporate the work context. Klein argues that through talking about case examples, fire-fighters can reproduce and engage with their practice environments. In this way, through the process of debriefing, both positive and negative experiences of work can be re-enacted and this assists in building tacit experience and furthering knowledge.<sup>49</sup> By rendering the work environment and the impact this has on risk assessment more visible, Klein (1999) has contributed to understandings of how decision bias can be more usefully considered. As little is known about decision-making in child protection, with respect to risk assessment work, rendering this aspect of a social worker’s role more visible is a core aim of my thesis project. Further, this research considers the relationship between work environments and decision-making.

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<sup>48</sup> New Zealand Employment Court ruling 21 December, 2004 (Travis, Judge B.S.). See also Pearman (1995) where he argues that institutional reform in the wider New Zealand context influenced the rationalist and efficiency models adopted by government departments. He argues that managers inside the then Department of Social Welfare did not see themselves as having any significant influence in shaping the organisational policy of the agency. Managerial compliance to achieve set targets influenced the way work was organised, and this reflected a wider accountability model that permeated the state sector at this time (Pearman, 1995)

<sup>49</sup> This is supported by Pérez-y-Pérez (2003) where she argues tacit knowledge obtained by sex workers was applied in the training of new workers.



In contrast to the sciences of psychology, psychiatry, and medicine, where psychometric and clinical risk assessment models have been widely accepted, social work has adopted a wider range of risk assessment tools. Morley (2003), however, argues that through actuarial measurement of risk factors, risk assessment tools potentially diminish the expertise of social workers. Moreover, a reliance on these tools may determine what social workers actually do in practice (Morley, 2003). Bessant (2004) is also critical of the assessment tools, arguing that the listed risk factors used in youth work assessments are potentially endless, and she asks how social workers can negotiate all of these risk factors and develop some form of meaningful working plans with their clients. The discovery of risk, coupled with economic rationalism through the last decade, she argues, has had a powerful influence over the delivery of youth work services and contributed to the development of dominant discourses of risk as being measurable and definable (Christie & Mittler, 1999).

Modernist worldviews have, however, privileged a reality that is more certain, where truth is knowable, measurable, and thus predictable (Pozatek, 1994). Parton's (1996) argument, echoed by Bessant (2004), is that risk should not be seen as synonymous with uncertainty and thus needing to be ordered. Uncertainty is a core aspect in social work and, as argued in Chapter Two, the need to render risk into a more certain measurable and objective fact is problematic for social work practice:

[R]isk is not a thing or set of realities waiting to be unearthed but a way of thinking. As a consequence, social work's increasing obsession(s) with risk(s) point to important changes in both the way social workers think about and constitute their practices and the way social work is itself thought about and thereby constituted more widely. (Parton, 1996, p. 98)

Lupton (1999b) has asserted that a discursive analysis of risk highlights the shifting meanings of risk in different contexts and assists in understanding how particular issues, defined as risk, emerge and become accepted. Hutter (2005) argues that risk discourses order and regulate behaviours and actions. New categories emerge via risk assessment regimes and these categories of people, actions, and things are now embedded within moral-technico frames used by workers providing measurable and accountable knowledges. Further, Parton (1996, p. 111) states that "risks in effect only exist in the formulae, theorems or assessments which construct them". According to this argument, social workers are active agents in their construction of

risk through their assessment practices. Previous research has found that social work stories are constrained by the discourses in operation (Gunnarson, Linell, & Norberg, 1997) and this thesis will consider to what extent discourses of risk affect social work practices in statutory child protection.

There is an established theoretical literature on the sociology of risk (Beck, 1999; Lupton, 1999a, 1999b).<sup>50</sup> Beck (1992), for example, argues that risk is an individualised construct in our contemporary society. This individualisation of risk has implications for social work practices and, importantly, the practitioner. This does not mean that people are more isolated from social structures (Giddens, 1994), but that “as a result of major social changes a concern with risk and its management has become central to everyday life” (Ferguson, 1997, p. 222). Beck (1992) argues that individuals are actively engaged in the construction of their own biography. Social workers are also active producers of their professional identity and manage their practice in ways that reflect their production of a biographical self. Beck’s (1992, 1999) work, while influential, offers what some have referred to as grand theorising about risk (Titterton 2005).

Social work gains from an application of anthropological risk theory, because cultural theorists are critical of realist ontologies of risk advanced by those embracing psychometric approaches (Stalker, 2003). This is particularly important for the Aotearoa/New Zealand context, as I argue in Chapter Ten, social workers can consider risk as being a more complex assessment construct; something that is not easily measured actuarially. Rather than a risk assessment tool directing the worker, the social worker and their assessed judgements are welcomed in the New Zealand practice context.<sup>51</sup>

Ferguson (1997, p. 225) argues that “at the core of risk society is an awareness of risk as risk”, and that risk is likely to remain a key focus within child protection work.

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<sup>50</sup> This literature is extensive and includes: Beck, (1992, 1999); Culpitt, (1999); Douglas, (1992); Douglas & Wildavsky, (1982); Fox, (1999); Lupton, (1999a, 1999b); Stanley, (1999); and Vera-Sanso, (2000).

<sup>51</sup> See Chapter Nine, where I argue that the Risk Estimation System (RES) was introduced to support practice judgements. Not mandating this tool was a goal by the then Chief Social Worker to create a culture within the organisation that favoured social workers’ informed and theoretically articulated practice judgements (Doolan, 2002).

A key consequence of modernity for child protection concerns the changing nature of risk. The relentless focus on professional 'failure' to protect means that scandal politics, social anxiety and the questioning of expertise has not only expanded into every aspect of child welfare services, but also shows no sign of abating. (Ferguson, 2004, p. 195)

In addition, cultural theorists have focussed on group and social contexts as specific sites for risk theorising. In this argument, the cultural milieu will have an influence over what is regarded and understood to be risky. Risk is slippery and can escape the disciplines of positivistic risk assessment technologies.

Mary Douglas has influenced my thinking around the possibilities that risk offers for social work (Douglas, 1986, 1992; Douglas & Wildavsky, 1982). Douglas raises the question of why the word 'risk' has become so prominent today. She argues that cultural understandings can assist in making sense of this because risk is used as a rhetorical device, through which certainty and objectivity can potentially be known.

The idea of risk could have been custom-made. Its universalising terminology, its abstractions, its power of condensation, its scientificity, its connection with objective analysis, make it perfect. (Douglas, 1992, p. 15)

The study of risk has developed across the disciplines of anthropology (Douglas, 1992; Douglas & Wildavsky, 1982), geography (Stalker, 2003) and technical literatures (Jaeger et al., 2001). Risk is also located centrally within discourses of public health (Lupton, 1994; Stanley, 2000) and throughout the HIV/AIDS literature (Stanley, 1999; Stanley, 2000; Tulloch & Lupton, 1997). In arguing that risk serves a functional purpose in self-management, Lupton et al. (1994) argue that risk may be discursively analysed in the field of public health in theorising the assemblages of health more broadly: that is, the various people, organisations and things that constitute health. Within the last decade, risk has entered theorising in social policy (Culpitt, 1999; Kemshall, 2002), and is also located within the policing literature (Ericson & Haggerty, 1997). However, this literature largely reflects realist ontologies of risk existing as 'risk'. This resonates with Beck's (1992) thesis that we are living in an age of risk production because of the vast technological advancements being made in society. In this argument, risks affect everyone because the production of goods is coupled with an increasing production of risks (Beck, 1992).

More recently, attention has been paid to risk representing more exciting and exhilarating aspects of social life (Taylor-Gooby, 2004). In arguing that risk has

largely been represented as negative and “something to be avoided”, Lupton (1999a, p. 148) drew attention to how risk has been increasingly associated with pleasures, thrill seeking, and escape attempts. Sexual risk taking is also receiving increased attention within the sociological literature (Hensley et al., 2003). Given the accepted association between high risk and HIV transmission, this is not surprising (Stanley, 1999). Gauthier and Forsyth (2003), in their qualitative research with men who self-selected their HIV positive infector, theorised that the thrill of ‘risky sex’ highlighted how risk is actively courted in certain contexts.

These individuals perceive heightened sexual satisfaction derived from high-risk sexual encounters wherein they ‘flirt with death.’ ... Other forms of such high-risk activity include autoerotic asphyxiation and sadomasochistic bondage/torture activities, and even dangerous sporting events (such as skydiving and bungee jumping) have been linked to ‘sexual charges’. Breaking the rules, for some, is simply very exciting. (Gauthier & Forsyth, 2003, p. 18)

This recent shift from theorising ‘risk avoidance’ to include ‘risk excitement’ highlights the need for a wide lens in thinking and thus constructing knowledge about risk.

As a construct, risk has been under-theorised within the social work literature (Houston & Griffiths, 2000). This may be explained because, as I argued in Chapter Two, over the last two decades there has been a swift adoption of risk assessment tools, heavily influenced by realist ontologies, following multiple failures within child protection systems. Howe (1992) argues that in England following the high profile death of Jasmine Beckford, risk was seen as a way to safeguard against further tragedy.

The Beckford report believed that a certain number of children were in ‘high risk’ situations and that it was the job of social workers to identify these children by applying ‘predictive techniques of dangerousness’. (Howe, 1992, p. 500)

Risk then moved centre stage in the assessment and management of children in child protective services (Reder et al., 1993). Largely, as Houston et al. (2000) argue, this meant a positivist epistemology was accepted as being able to define risk, and intervention decisions could be then targeted and evaluated. Social workers were, therefore, seen as responsible for identifying risks to children and blamed should the children be subsequently abused following social work intervention. The dual goal of risk assessment was the targeting of a needs-based child welfare service *and* the protection of those identified to be at ‘high risk’. Quantification of risk followed, with the rhetoric of high and low risk serving the interests of

managerialism, and this became integrated with resource allocation. This was coupled with increasing media exposure of child abuse tragedies and an emphasis on social workers as culpable when children were injured or killed. While there has been increasing debate within the social sciences around risk, social work has been criticised for not exploring how discursive understandings of risk can assist in the development of practice knowledge (Shaw & Shaw, 2001). Castel (1991) argues that regimes of risk management emerged in the management of marginal issues, including child abuse; risk is rendered knowable, and this, then, requires management.

Importantly, there are child abuse cases where defining an ‘at risk’ situation is very straightforward. Cases where there are observable injuries and/or corroborating accounts of child abuse or neglect are defined as being risky for children, and these accounts provide legitimacy for intervention decisions. Discourses of risk are powerful when used in this way. While I am not suggesting that social workers theorise their constructions of risk prior to taking intervention action in such cases, I am arguing that social workers need to be able to articulate how they draw on and enact discourses of risk in their practice with *all* cases of child abuse and neglect. I argue later in the thesis that being reflexive around risk discourses will assist social workers in their theorising of child care and protection work.

### **Reflexive Responses to Risk: Professionalised ‘social workers’**

Ferguson (1997, p. 225) argues, as noted earlier, that “at the core of risk society is an awareness of risk as risk”. Moreover, he notes that the structural relationships between experts and lay people have moved toward an equal power sharing; this is a recent change. The risk society thesis argues that individuals are engaged in a reflexive project of the self. Reflexivity is a key component of contemporary social work practice (Payne, 1998) and the relationship between reflexivity and risk is of central concern in this thesis. As Douglas et al. (1982, p. 81) argue, “judgements about risk and safety must be selected as much on the basis of what is valued as on the basis of what is known”.

My understanding of reflexivity, and its application in this thesis, is informed by Cropper (1999, p. 35), and her argument that reflexivity is “the process by which individuals need to acknowledge their own role and position in any social interaction, and the effects that this has upon the interaction itself, upon themselves, and upon the people with whom they are interacting”. In this way, notions of risk are developed through assessment work, and social workers are active in their selection of facts and issues that inform how they reached the assessed position (Klein, 1999). The values and perspectives maintained by workers, then, are central in the shaping of fact selection (Cropper, 1999). Importantly, the environments in which these values and facts are constructed are crucial in the development of reflexive practice.

Epistemic reflexivity may only be achieved by social workers becoming aware of the dominant professional constructions influencing their practice. For example, within contemporary child-care services these pivot around notions of parental dangerousness and fragile childhoods. This does not mean that these constructions have to be rejected wholesale, simply that workers should be explicitly aware of the need to consider the consequences of their analyses and formulations. (White cited in Taylor et al., 2000, p. 35)

Reflexivity is the circular process by which thinking influences actions which then influence the situation in which this occurs, thereby affecting how people interpret and understand their social worlds (Connolly, 2001a).<sup>52</sup> For example, workers, in acknowledging their role within the work, are consciously locating themselves reflexively (Cropper, 1999), and this can be discussed in forums such as supervision. Reflexivity, however, has been critiqued as providing little more than a ‘buzz-word’ within the social services (Taylor & White, 2000). Sociological writing adds to this confusion in its use of the terms reflection and reflexivity. For example, Beck (1992) regards reflexivity as active thinking that maintains the status quo, while he regards reflection as a more critical appraisal of change.

Lupton (1999a) is critical of Beck who neglects of the role workers have in the production of risks. Parton et al. (2000) argue that this can be overcome through the maintenance of curiosity over predetermined meanings. In this way, a co-construction of assessment work is possible, and uncertainty is less problematic because the relationship between worker and client is one of co-construction (Parton & O’Byrne, 2000). In the development of understandings between social

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<sup>52</sup> To illustrate this point, reflexivity in social work would include some form of action following a process of reflection. This may include taking a set of particular issues to supervision for discussion, or making a journal entry. It is the action following reflection that I regard as indicative of being reflexive.

workers and clients during assessment, meaning replaces truth. I argue that this is possible in cases where severe child abuse and/or neglect are obvious. In these cases, the accounts given by family members and children themselves are important assessment components.

While the literature has dealt polemically with reflexive modernisation (Beck, 1992, 1999; Beck, Giddens, & Lash, 1994), there has been little attention to how social workers engage in reflexivity. Taylor et al. (2000) argue that increasing social workers' responsibility for their decision-making will require increased attention to how reflexivity operates in social work practice. Moreover, external pressures will require accountability for practice decisions.<sup>53</sup> The attraction of risk assessment tools, where the worker's responsibility can be mediated, emerged within this working milieu.

According to Van Loon (2002), the process of accepting 'everyday' understandings of risk conceals its socially negotiated construction. While such discussion is central to the analysis of child protection assessment work, the calls for more generalised and common frameworks do little to establish deeper analytical understandings of how definitions and assessments of risk are formulated. The Christchurch Mapping Exercise (Christchurch City Council, 2003) recommended that risk assessment tools become flexible in their use across social service agencies. This would mean that young people who were subject to multiple agency involvement would have access to the same risk assessment process. Munro (2004) is critical of this application. Rather, she argues, social workers need a mindset shift away from assessment revealing truth, toward assessment as ongoing hypothesis building. Further, she argues for social work agencies to provide working contexts where the questioning of risk is welcomed. According to Ferguson (1997), such an engagement into what constitutes risk would provide training possibilities for social worker and managers (I discuss this further in Chapter Ten).

Social workers enter practice environments with an established sense of self, and this personal development is woven into one's professional understandings of social

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<sup>53</sup> In Chapter Two, I discussed Pearman's (1995) research where he argues that National Office Managers inside the Department of Social Welfare regarded themselves as having little influence in the shaping of organisational policy. Rather, the executing of tasks set by management was built into the organisational changes embedded within a wider influence of state sector reform. He recommends research that considers the work of social workers as they operate within the fields of child protection work. Like Pearman, I was employed at CYFS at the time of this research, and I discuss this aspect of being the researcher and child protection worker in Chapter Five.

work (Lishman, 1998; van Heugten, 2004). Knowing the self, and being able to identify and manage the ways in which personal responses to the work are experienced, assists in the development of professional skills and knowledge for practice. This development also relies on the worker having a degree of comfort in being able to seek out assistance from within the agency (Morrison, 1999), and outside of the work environment (van Heugten, 2004). Further, emotionally competent workplaces are as central to professional development as the workers within them (Morrison, 1999; van Heugten, 2004).

The personal and professional self are not discrete entities but complex assemblages that merge, shift and change throughout the processes of working (Pérez-y-Pérez, 2003). Moreover, social workers negotiate the practice environments where they personally and professionally operate. These environments are unstable and uncertain. In the management of such uncertainty, professional social work discourses have drawn on the accepted scientific knowledge that assists in assessing and managing risk.

My understanding of the professional as incorporating aspects of the personal is influenced by Wenger (1998), who argues that the self is constructed of a dynamic interplay of ongoing development within multiple fields of identity politics. Identity provides a useful framework for considering how the personal and professional issues associated with practice mutually constitute practice (Wenger, 1998).<sup>54</sup> I follow Wenger's (1998) argument that it is useful to consider the personal and professional as relational identities formed through a mutual process of engagement in and around our social worlds. To identify him/herself as 'professional', the person maintains a set of ideals as to what constitutes 'doing practices of professionalism'. These ideals and values shift according to the context in which the person is embedded. Thus, identity formation as professional is mutually constituted with that of 'the personal' through a reflexive process.

Indeed, in everyday life it is difficult – and I would argue, largely unnecessary – to tell exactly where the sphere of the individual ends and the sphere of the collective begins. Each act of participation or reification, from the most public to the most private, reflects the mutual constitution between individuals and collectivities. Our practices, our languages, our artefacts, and our world all reflect our social relations. Even our most private thoughts make use of the concepts, images and perspectives that we understand through our participation in social communities. (Wenger, 1998, p. 146)

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<sup>54</sup> The contexts of practice where identities of professionalism are constituted provided a focus for this research project.



Professionalism within social work has been a debate centred on power between the worker and client group (Thompson, 2001). During the 1970s and 1980s, consumer groups emerged and critiqued mainstream social service providers on issues of power and control. Abbott and Wallace (1990) argue that the relevance of the term 'professional' was in question at that time, as social work established empowerment practices that sought to include clients and their expertise over the defining of problems and solutions. Social work has been termed a semi-profession (Abbott & Wallace, 1990), because of the level of supervision required of workers. Social work, like teaching and nursing, has also been largely the domain of female workers, and this has contributed to it being seen as a lesser occupation (Abbott et al., 1990; Fernandez, 2001). The establishment of social work as an autonomous profession has been less successful than nursing and teaching (Abbott & Wallace, 1990). Social work has maintained a commitment to the sharing of power and knowledge with clients, and in so doing it has been criticised for not building a significant body of knowledge that contributes to claims of professionalism (Abbott & Wallace, 1990).

[T]he idea of 'professionalism' serves contradictory functions in the case of the caring professions. On the one hand, professionalism defines and enhances the nature of these occupations. On the other, given the uncertain nature of the knowledge bases to which they lay claim, it constrains the ways in which they are able to define their tasks and lays them open to attack on the grounds of structurally unprofessional conduct. (Abbott & Wallace 1990, p. 8)

Lishman (1998) argues that there are a number of potential barriers to the development of professionalism within social work. An inherent tension exists between the requirements of bureaucracy (managerialism) and analysis models that encourage social workers to critically engage with their practices and the contexts in which they do their work. In addition, she argues that there has been a general lack of recognition for social work as a profession and this is coupled with internal restraints placed on social workers. This includes the time needed to develop professionalism, a lack of access to professional training and ongoing social work education.<sup>55</sup>

The context of work is significant for any analysis of social work practice. Portwood (1998) surveyed 323 professionals with respect to their constructions of child abuse. This study showed that having a personal story of abuse, or personal

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<sup>55</sup> A major recommendation emerging from this thesis is ongoing training around risk discourses and their use in child protection social work (see Chapter Ten).

experiences with parenting had little effect on the defining of abuse. Professional work with children and young people (for example, the training, support, and role of social workers and teachers) had a more significant impact on the defining of abuse (Portwood, 1998). The authors concluded that professional, and not personal, contact with abuse had a more significant effect on definition. This is interesting in light of Trotter's (2002) research finding that social workers who spend more time defining their role with families and colleagues found that they had better outcomes overall in their practice. In his study, Trotter interviewed 50 child protection social workers and 282 family members involved in the Victorian child protection system. His research showed that when workers used their skills of engagement to explain their role as a care and protection social worker, the clients were more satisfied.

Social work practice operates within dynamic contexts. Ferguson (2004) argues that the contexts around child protection today encourage a focus on risk *as risk*, both to children and their families, and to social workers. He argues that social workers are increasingly aware that any case could become the next widely publicised child death or injury, and that this means that working within child protection *feels* more pressured.

Every case could be that case where serious harm or death occurs ... such uncertainty strikes at the core of what child protection is today. (Ferguson, 2004, p. 116)

Largely, this heightened awareness is managed within the agency by social workers providing accounts of their practice to supervisors. Any emotional management in the accounting of practice experiences occurs within professional discourses, and this has been the subject of increasing sociological interest (Bendelow et al., 1998; Hochschild, 1983). Hochschild (1983), in her qualitative study of emotional management for a group of trainee flight attendants, argues that the institutional setting is crucial in an analysis of how emotions are experienced, performed, and regulated by workers. There are three contexts within which workers manage their personal experiences of work: institutional, managerial, and the self. Through attending to these three areas, she argues, the worker, as self, performs *as* professional. In extending the argument that professionalism is defined through the application of bodies of knowledge (see Abbott, 1988), Hochschild draws attention to how the person interacts in the role of the professional. In this argument, social workers manage their emotional selves within practice environments (such as,

client homes, schools, and communities) and then present this experience in the context of the office through forums, such as supervision and case recording.

Peterson and Lupton (1996) argue that doctors are required to negotiate emotionally charged practice environments because they work *with* people, and moreover, this increasingly involves discourses of risk. They argue doctors relay knowledge about risk to patients through their practices, and in so doing, the responsibility of managing risk is transferred to patients. The knowledge about risk is provided to assist and encourage patient self-regulation. People then watch what they eat, watch their weight, stop smoking, and undertake a host of other self-regulating regimes. The authors argue that unlike epidemiologists, whose discourses aim at regulating large numbers of people from a distance, doctors emphasise risk through applying risk discourses to individuals and groups. This potentially produces healthier and safer people because the risk messages are reflexively incorporated into their lives. There are different experiences, then, in the conceptualising of risk from the perspective of risk assessor (such as, doctor, social worker), and being the ‘at risk’ person (such as, patient, client).<sup>56</sup> Risk discourses are often implicitly found within the information drawn on in decision-making. According to Sheehan:

Decision making is an interplay between information, interpretation and preference which the individual combines to produce judgements and choices. (Sheehan 2001, p. 38)

Information is central, then, to how social workers interpret and build understanding via a process of analysis and judgement forming. In cases of immediate danger social workers are expected to act swiftly to ensure the safety of children. The stakes are high to balance the necessary and expected safety over any unnecessary intervention into the lives of families. In Aotearoa/New Zealand, the professional judgements of CYFS social workers were encouraged and organisationally supported with the introduction of the RES (Smith, 1998b).<sup>57</sup>

Decision theory is a body of literature that takes as its focus the ways in which people form and review decisions. According to Carroll and Johnson (1990), individuals use heuristics, informed through a range of experiences and personal

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<sup>56</sup> See Stanley (1999) where I argue that risk identities are strategically presented and managed in the securing of sex for a group of HIV positive men who have sex with men.

<sup>57</sup> In Chapter Nine, I argue that the RES was introduced to provide social workers with a tool to assist them in their judgements about risk. Rather than a tool that measured risk, the RES provides a framework for social workers to guide their decision-making with respect to risk.

characteristics, to help shape and form decisions. The individual characteristics of each decision-maker, and this includes their comfort in managing uncertainty, will affect their decision-making. Discretion is also a feature in the work of child protection and the work of street-level bureaucrats (Lipsky, 1980). Child protection work is frequently not a certain art *or* science and this means that social workers have to make decisions in times of uncertainty (Sheehan, 2001). Uncertainty and ambiguity are practice issues that require some consideration by social workers and their supervisors in the work of decision-making.

Increasingly, social work literature has focussed on the personal responses of workers to social work practice (van Heugten, 2004). While this is an important body of knowledge for social work, my research focusses on the ways in which social workers, in their professional role, construct the practices of social work in which children are assessed to be ‘at risk’.<sup>58</sup>

The practices of assessment are re-produced in the office through a reporting or supervision forum (Lishman, 1998). Workers record a version of this work in their case recordings. Pithouse (1998, pp. 4-6) has termed this “the social organising of an invisible trade”, and argues that accounts of practice can only be partial, and these are rendered visible through the procedures and bureaucratic recording requirements of the agency. Potentially, this may mean that the expected account of practice is provided, rendering ‘the smells of practice’, and the associated responses to this, less visible (Ferguson, 2004). Moreover, management of emotional responses to practice is a common aspect of professional development (van Heugten, 2004), an aspect that is less likely to be shared at work within sanitised accounts of practice (Ferguson, 2004).

The examination of personal and emotional responses to practice can occur most effectively within the supervision process (Lishman, 1998). Van Heugten (2004) and Lishman (1998) argue that supervision and reflective practice are central in working with issues of uncertainty. However, Lishman (1998) argues that a managerialist agenda can render supervision less useful to workers, as social workers provide the ‘required’ account of their practice to meet agency

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<sup>58</sup> Pearman (1995) recommends ethnographic research into the practices of New Zealand child protection social workers.

expectations; this leads to a focus on administrative supervision at the expense of developmental processes (Munro, 2004).

Burke (1997), in an earlier UK study, argues that cases where risk is an inherent quality require focussed supervision, because the concept of risk has multiple meanings in the practice context. Their qualitative research finding showed that workers resolved more risk-type cases through supervision than other cases (Burke, 1997).

### **Professional Decision-making**

Judgements and decisions can only be the 'best' on the available evidence. As the case progresses and new information and ideas are received, judgements have to be reviewed and sometimes changed. (Munro, 1996, p. 796)

As discussed in Chapter Two, there are multiple decision-making forums in operation for CYFS social workers. From group supervision models, individual supervision, and case reviews, to peer debriefing, social workers are active agents in the decision-making process of early casework.

In its submission to the Brown Report (2000), CYFS stated that the work of decision-making is complex and noted:

... the difficult professional judgements that social workers are required to make every day in assessing risk and in making safe decisions that are in keeping with good practice and the principles of the Act. (Brown, 2000, p. 51)

The body of literature in Aotearoa/New Zealand that addresses decision-making in child protection is largely focussed on the FGC process (Connolly, 1994; Gilling, Patterson, & Walker, 1995; McKenzie, 1996) and participation by clients in child protection (Maxwell, et al., 1995). As noted earlier, the FGC is a model of decision-making utilised when children or young people are in need of care and protection (Connolly, 1994). However, even prior to this forum, social workers will be actively engaged in the decision-making process.

Internationally, the literature on social work decisions highlights a relationship between organisational factors and decisions made by social workers (Cameron & Wilson-Salt, 1995; Cuzzi, Holden, Grob, & Bazer, 1993; Schofield, 1997). The

variables discussed in the literature include time restraints, societal expectations, legal frameworks, professional supervision, workload, and management culture (Munro, 1996, 1999a). In addition, Drury-Hudson (1999) argues that workers' cognitive structure and schema, attitudes, beliefs and values, and the characteristics of service users, affect the process of decision-making. Jones (1993) suggests that parent and carer attitudes and responses, the age of the child, history of family involvement with the agency, and socio-economic situation will feature as variables in the decision-making process. The interaction between carer/parent and child has also been explored as a variable in the decision-making literature (Holland, 2000), as well as the worker's professional experience and present position (Banach, 1998).

Writing from the UK context, Kelly (2000) found that an explicit understanding of the decision-making process and how this multi-faceted process can enhance social workers' ability to be reflective in their practice. Her research considered psychological theories and concepts of risk in terms of how these can provide a descriptive and interpretive evaluation of decision-making processes in child protection practices. She found that decisions bounded by objective principles in the British legislation (Children Act, 1989) operated alongside subjective constructions held by the workers. Kelly used documentary analysis of child death reviews and a selection of ongoing case studies in her research. She found that reflective practice can be assisted by an understanding of the practices involved in decision-making. A recommendation from Kelly's (2000) research was for further study into the relationship between child welfare policy and decision-making for social workers. My research augments Kelly's (2000) work by providing an analysis of social workers' self-reported experience. Kelly did not interview the workers in her research but instead used document analysis as a methodology.

Barnes and Chand (2000) make a compelling argument by suggesting that there is little policy or guidance in determining early care and protection assessments. In their study, they found that social workers were uncertain about a course of action because actually defining 'child abuse' was still problematic. The authors argue that shared definitions, such as 'neglect', will assist in decision-making consistency. Barnes and Chand (2000) argue that social workers need to consider the theories and values that underpin practice decisions. The authors used a case study in their research, and effectively argue that the value positions of the workers influenced their practice decisions. This suggests that decisions are influenced by personal

factors in contexts where there is professional uncertainty or ambiguity. Green (2004) argues that a social segregation has developed between professionals and their clients, and this, she argues, impacts on how the practices of work are carried out. This is supported by Connolly (2004b), who, writing from the New Zealand context, argues that an ideological shift has emerged between professionals in child welfare work and the families they work with. The intent of the CYP&F Act to position families as central to decision-making about children and young people has shifted over the years of the legislation operating. Connolly's research into family group conference coordinators found that professionals are more involved in the decision-making process and this encourages a greater reliance on professional solutions.

Decision-making in child protection has also been labelled inconsistent in the literature (Rossi, Schuerman, & Budde, 1999). Rossi et al. (1999) interviewed 27 senior child protection specialists and 103 social workers during 1994-5. This empirical study showed that where workers considered the same case examples, there was a wide variation in decision-making outcomes. One limitation to this research is that these workers were discussing case vignettes provided by the researchers, and, thus, an experiential distance from practice was noted. However, the findings are important as the researchers concluded that this variation in decision outcomes is an issue for the practice context. Other researchers have commented that decision-making in child protection is affected by participatory practice (Bell, 1999) as conflicting paradigms may operate (for example, reductionist paradigms of mental health that focus on an aspect of a person's functioning contrasted with holistic theories of child protection). Bell studied 22 social workers from four local authority teams undertaking care and protection assessments. Using a semi-structured format, the researcher found that case decisions were formed prior to case conferences.<sup>59</sup> Bell concluded that this made partnership with families more difficult, as the role of the care and protection social worker was, at times, unclear to the families. Of note from this research is that 63% of the workers found supervision useful in resolving situations where families were less likely to be included in assessment work.

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<sup>59</sup> The rhetoric of risk can serve a legitimising function in statements made about families and children. To be 'at risk', as defined by a social worker, supports a range of intervention decisions and as an assessment about risk is made prior to conferences and family meetings this is understandable. In Chapter Six, I discuss the role of the social work office and associated practices that influenced social work decisions prior to meeting families.

Fook (2002) has argued that the autonomy of professional decision-making is increasingly under attack because of managerialist requirements of locating order and certainty. This control over practice is constituted through budgets, targeted service outcomes, and the compiling of case records. Within social work, professional discretion has become increasingly subject to a managerialist overview (Tilbury, 2004). The socio-political environments within which social work practice operate will have an influence over how this is done:

[T]he more social work reflects the regime type of jurisdiction it operates in, the more a role it will play in meeting the goals of that regime and the more legitimacy it will attain. (Skehill, 2003, p. 277)

The stakes remain high: decisions to intervene in family life are juxtaposed with decisions to leave children in potentially 'risky' situations. The stakes are high in protecting children from harm and danger, and in protecting children and their families from unwarranted state intervention. Tools aimed at assisting in such decision-making have been developed and swiftly adopted by child protection services in Aotearoa/New Zealand.

### **Managing Risk: Risk assessment technologies emerge**

It is not by chance, then, that the increased focus on risk in the personal social services has coincided with the decline of trust in social workers' and probation officers' expertise and decision making, and the consequent growing reliance on formalized systems of management and audit. (Kemshall et al., 1997, p. 224)

Researchers have argued that the care and protection systems in Western nations are more efficient and effective today because decisions in practice are made increasingly visible (Ferguson, 1997). Care and protection systems approach risk as if it were manageable and predictable (Ferguson, 1997) and use discursive strategies to ensure that work is increasingly measurable and accountable. The literature also points to narrow definitions of risk operating within child protection today (Titterton, 2005; Turnell, 2003), and this is influential for social workers. Kemshall et al. (2002) argue that discourses of risk rather than need are used in determining service provision, and that this shift has been an outcome of ongoing restructuring within child protection systems. The authors argue that this development runs counter to the philosophy of child protection legislation and practice in the UK which has been predominantly needs-based.



The rhetoric of risk entered social work discourse at a time of increasing focus on the social services as major areas of state expenditure (Brealey, 1982). Influenced by commercial insurance and technological work-place hazard knowledge, social work increasingly adopted the language of risk throughout the 1970s (Brealey, 1982) in a move to enhance professionalism. Following the Seebohm Report (1968),<sup>60</sup> professional offices of child welfare were established in the UK (Sibeon, 1991). Coupled with this rise in professionalism was a focus on increasing accountability of social work practice.

The rhetoric of risk also assisted in managing value issues around service provision within environments of increasing fiscal restraint (Brearley, 1982). Risk discourses provided an air of scientific ‘knowledgability’ so that resources could be targeted to assist those defined as being at high risk. Fiscally prudent governments could more readily justify service provision for certain groups through a risk classification.

Risk assessment systems that were informed psychometrically emerged within a scientific influenced shift for social work during the 1980s (Wald & Woolverton, 1990). These systems emerged swiftly, prior to an established process of evaluation and validity testing. Wald and Woolverton (1990) have argued that risk assessment tools served a dual function for child protection: that of assisting in the management of scarce resources and, in their use as practice tools, assisting less competent personnel. Liability shifted from agency to worker as the reliance on risk assessment tools became increasingly tied to individual workers and less to the agencies within which they worked.

Less attention has been paid in the literature to environmental factors and structural inequalities that also assist in explaining child abuse, its assessment, and management. The air of ‘scientific rationality’ pervades the practice of risk assessment and potentially masks how and in what ways worker knowledge and values operate through the process of defining and managing risk. Tanner (1998) argues that the construct of ‘risk’ has been increasingly informed by scientific models, and this approach provides a largely negative framing for practice. This,

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<sup>60</sup> The Seebohm Committee Report (1968) recommended the establishment of separate departments for specialist child welfare by merging welfare, education, child care, and mental health areas. This trend established a narrow focus for child welfare and utilised risk discourses to legitimise the client/service provider relationship. Thus, those children defined as ‘at risk’ and those who had suffered abuse and neglect became clients of the local social service office (Waldfoegel, 1998).

she argues, produces narrow and restricted decision options for workers. In certain cases, the decision to uplift children from their home and caregivers is understandable and not in contest. In these cases, the risk of injury, both actual and potential, is clear. Yet not all cases of child care and protection are as clear. A consequence of applying narrow decision options in child protection work is that social workers may form preliminary assessments quickly on the information available to them. Munro (1996) argues that new information may be discounted if this is not consistent with developed heuristics or explanatory models.

The adoption of risk assessment tools within the majority of Western welfare state child protection systems occurred over the last two decades in a period of rapid rationalisation of resources (Gambrill & Shlonsky, 2000, 2001; Kemshall et al., 1997; Kemshall & Pritchard, 1996a, 1996b; Nasuti, 1998; Parton & O'Byrne, 2000). The widespread adoption of these tools has assisted in shifting responsibility onto social workers in an increasingly litigious environment (Wald & Woolverton, 1990). While the validity and reliability of risk assessment systems has been critically argued within the literature (Gambrill & Shlonsky, 2000, 2001; Kemshall et al., 1997; Wald & Woolverton, 1990) these tools are likely to remain in use. More recently, the literature has reported that risk assessment technologies have been adopted in nations more traditionally aligned with family welfare orientations (Casas & Montserrat, 2002). According to DePanfillis and Zuravin (1999), risk assessment tools were developed to reduce worker inconsistency in decision-making. Risk assessment has become increasingly regarded as a mantra for child protection over the last two decades (Kemshall & Pritchard, 1996a). The international environment, where risk assessment is now widely accepted within child protection orientated systems, has been largely shaped by the US and the UK (Turnell, 2003). International child protection systems, as Turnell (2003) notes, are under increasing public and governmental scrutiny. Social workers are not only trying to make the right decisions, they are making defensible ones (Parton, 1996). However, from within social work strong arguments are made for the continued development of tools that assist in determining child abuse and neglect. Coohy (2003, p. 821), for example, argues that without a risk assessment tool in cases of neglect, "it will be difficult to see how [social workers] can be expected to know whether a child is likely to be harmed in the future".

Within child protection there are three major groups of risk assessment frameworks (Smith, 1998b). The first are actuarial systems, where the worker relies on

statistical measures to inform their assessment. In the second, consensus systems, the worker synthesises the environmental and situational factors through an assessment frame to develop a risk assessment. In the third, clinical risk assessments, the worker utilises knowledge collected around particular issues to inform a more 'expert' assessment system, while drawing on experience and clinical markers. Common across all types of risk assessment tools is that they mediate the practices of workers (DePanfillis & Zuravin, 1999; Farmer, 1999; Kemshall & Pritchard, 1996a, 1996b).

At best, [risk assessment] instruments and models are wonderful tools in decision making and good casework practice. At worst, they can negate practitioner responsibility and be used mechanistically and defensively. (Smith, 1995, p. 10)

Morley (2003) makes a compelling argument in suggesting that risk assessment tools have been uncritically accepted by social workers, and that they can provide additional security for the management of any uncertainty. Tanner (1998) argues that the increasing use of risk in managerialist contexts has meant that narrow definitions of risk are used within social work. The argument here is that a more surface assessment is offered today, rather than an in-depth theorising of the sociological and psychological explanatory frames used in the assessment process (Howe, 1996). Moreover, Dressel (1992) argues that the emphasis on professionalism within social work practice has privileged 'scientific' knowledge over the tacit knowledges that workers retain, build, and use in their work. While Tanner (1998) has been critical of risk being attached to individual clients, through the use of 'at risk' and 'high risk' labelling by social workers, she argues for a move toward risk taking within practice, and has called for more research into the working environments where risk assessments take place. She further argues that the uncritical use of risk through classification regimes potentially disempowers the very clients that social work endeavours to assist (Tanner, 1998). Legitimate decisions can be recorded when risk is classified. However, this can be risky for children and their families because reassessment work may be built on previous assessment classifications, while any newly identified uniqueness in the family may not be regarded as important.

Generalised support within the literature for risk assessment tools as a resource management and accountability measure within practice is now well established (Pecora, 1991). However, within the literature, caution is also noted, with some arguing that risk assessments are potentially risky in practice because they allow an

uncritical view of structural inequality in assessment work (Morley, 2003). Further, Goddard et al. (1999) argue that risk assessment tools mask organisational risk management, while making workers increasingly responsible for risk. The skill and knowledge of workers applying the tools of risk assessment, coupled with environments in which their questions about risk assessment can be addressed, are crucial factors in the carrying out of child protection work. These issues are the subject of this thesis.

While increasing attention is given within the literature to the typologies of risk assessment and questions of validity, there has been limited focus on the workers who operate these tools (Benbenishty, Osmo, & Gold, 2003). Benbenishty et al. (2003), in their research, used a case vignette design to consider how 52 social workers provided risk assessment rationales in their decision-making. The authors found that workers relied on theory, general knowledge, and worker experience, as well as generalised knowledge, to back up their decisions. However, values and empirical knowledge were largely missing in the decision rationales provided by the social workers who participated in the research.

It is surprising then, that there has been such limited attention paid to how social workers operate risk assessment systems, and what they mean when they talk about risk (Kemshall & Pritchard, 1996a, 1996b). This gap in the literature can perhaps be explained by a reliance on the scientific models of knowledge validity in social work. This is coupled with under-developed theorising of models of risk assessment adopted in social work. While the major critique of risk assessment within the literature is on the limited validity of risk assessment models (Gambrill & Shlonsky, 2000, 2001; Kemshall et al., 1997; Wald & Woolverton, 1990), the fundamental question of the philosophical origins of risk assessment has been largely taken for granted. A 'scientific turn' in social work toward models that have 'proven' reliability and are informed through science remains largely unchallenged epistemologically in the literature.

Decision-making in child welfare work operates within contexts of uncertainties (Gambrill & Shlonsky, 2000, 2001; Kemshall et al., 1997; Wald & Woolverton, 1990). Risk assessment technologies are used to render this uncertainty more certain.

In the US, having legitimate and ‘scientific’ assessments through the use of risk assessment tools, assists in the potential mitigation of law suits against practitioners. The National Association of Social Workers noted in 2001 that new risk management tools would “enhance the ability of social workers to be able to make sound clinical judgements as well as help reduce the risk of law suits against individuals and agencies” (Reamer cited in Mattas-Curry, 2001, p. 1). The tools provide clinical distance and objectivity for use in practice. Further, it has been argued that risk assessment models can facilitate state control in their use as surveillance mechanisms (Sibeon, 1991).

Vera-Sanso (2000) argues that research is needed on how risk is operationalised within the fields of welfare work. However, the issue of definition becomes crucial in any discussion of risk. While I have argued that the literature addresses the polemical arguments around risk assessment systems, there is limited attention paid to what is meant when we talk of ‘risk’ (Douglas, 1992; Houston & Griffiths, 2000).

What we need to be examining is the way the concept of risk is implicated in politics; the way dominant definitions of risk set moral codes which frame disciplinary regimes, constrain action and set the terms of debate in which people engage both to enforce and resist the impacts of such definitions. (Vera-Sanso, 2000, pp. 128-129)

The working context for undertaking risk assessment work is a crucial element in the practices of social workers. The context for this work includes both the child protection agency and the homes where families are interviewed about child welfare concerns.

The experience of risk and danger is now a central element of what it is to do welfare work. It is not simply that notions of risk are built into the operations, systems, and activities of welfare workers, but it is felt as a central element of what it is to do welfare work at the grass roots, and be a social worker. It captures a crucial part of the realities of the work and the lived experience of the workers. ... The key is that investigations of risk in the structure and functioning of the personal social services capture a key element of the changing culture and experience of those organisations and how these are related to wider social changes and developments. (Kemshall et al., 1997, p. 228)

In concluding this section, there are three practice issues that are relevant to a consideration of the working processes associated with risk discourses. The first, supervision, is identified within the literature as an important element in sound decision-making around risk assessment work (Jones, 1994; Miller & Fisher, 1992). The second, the general agency culture, is the environment in which workers operate, a central place where support around practice discussions occurs (Gambrill & Shlonsky, 2000; Miller & Fisher, 1992; Munro, 1999b). The third issue is the

significance of workers' knowledge and values as they undertake risk assessment work, as knowledge and values determine how particular tools are applied (Gambrill & Shlonsky, 2000; Harran, 2002). Social workers are actors within the networks of assessment practices. Risk discourses are constituted by social workers, while child protection practices are increasingly organised around risk and its management.

### **Researching Risk: Toward knowledge building**

Saunders (2003) argues that child protection management and staff have more to contribute through research about how social workers do the work of child protection. The concept of 'evidence-based practice' has little evidence to draw on in making sense of this work. To rectify this, more research is needed, she argues, in the direct frontline practices of child protection work. Saunders (2003) also calls for the widening of child death reviews to include serious harm and injury to children. The correlation between fatality and serious injury is high and she advocates for Child Death Review Teams to include serious injury and harm to enable increased understanding of these cases from a research and intervention perspective.

The Maria Colwell Inquiry (1974), Beckford Inquiry (1985) and subsequent child death reviews from the UK heralded calls for increased state intervention within the family where children were identified to be 'at risk' (Parton, 1985). Social workers were criticised in the reviews for either not doing enough or, conversely, for being over zealous in their approach to ensure child safety. The Beckford Inquiry highlighted the fact that the social workers interpreted a more favourable view of parents whose care of their children was the subject of scrutiny by state agencies. By contrast, the Cleveland Affair (Parton, 1985) revealed a different picture of the role of the state in child abuse interventions, as social workers were criticised for being over zealous in their removal of children where abuse was not substantiated.

Aotearoa/New Zealand, like the UK and Australia, has noted controversial cases where social workers have been publicly challenged on both their failure to intervene (Kinley et al., 1997) and over zealous interventions (Hood, 2001). Hood (2001) argues that social workers unnecessarily maintained an ongoing role in the

risk management of the 1993 Civic Crèche sexual abuse inquiry (Christchurch) after the security of all of the children had been established. The death of James Whakaruru, in 1999, and subsequent report, highlighted the systemic failure to intervene by a large number of professional bodies, including CYFS (Office of the Commissioner for Children, 2000).

The international literature on statutory child protection social work is now well developed (Connolly & McKenzie, 1999; Macdonald, 1998; Parton, 1999, 2003; Parton & Mathews, 2001; Sharland, 2002). However, at the Ninth Australasian Conference on Child Abuse and Neglect (2003),<sup>61</sup> several researchers argued that there was a paucity of empirical research into statutory child protection work practices (Osmond, 2003; Saunders & Goddard, 2003). Osmond (2003) argues for more empirical research to assist in theory development, and she indicates that those working in child protection have been slow to generate theory in this way. She advocates for more practice-based research, as a way to begin closing this gap. This need for more empirical research is a core focus for my thesis inquiry.

Internationally, there are a number of ethnographic studies available that address a range of research questions from the field of child protection work (de Montigny, 1995; Thompson-Cooper, 2001). De Montigny's (1995) ethnography reflected on the author's work inside a Canadian child protection unit, and he makes a strong argument for further research into the organisational contexts within which child protection practice is organised. Gough (1993) argues that methodological limitations within the current child abuse research literature need to be overcome to develop more effective social work interventions. He is critical of using document analysis and vignette case studies as methods for data collection (see Gough, 1993, Chapter 12), as these are abstract examples substituted for research participants. Floresch (2000) argues for the use of oral over written case analyses in social work research, as all written documents remain partial accounts of practice: the 'smells of practice' are less likely to emerge through document analysis and case vignette research.<sup>62</sup>

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<sup>61</sup> The Ninth Australasian Conference on Child Abuse and Neglect (24-27 November 2003) was held in Sydney, Australia. The conference was organised around the central themes of listening to the voices of clients, social workers, researchers, managers, and policy analysts. Best practice and moving from a fragmented community of practice toward integrated models and systems of work were also central themes for the conference. Initial findings from this thesis were presented there (Stanley, 2003a).

<sup>62</sup> Ferguson (2004) argues that social work has rendered the 'smells of practice' less central to analyses of practice. My thesis project aims at adding to knowledge about the 'smells of practice' as

Berg and Kelly (2000) and Turnell and Edwards (1999) engaged in qualitative research on the practices of social workers in the US and Australia respectively. Berg and Kelly followed child protection workers from Milwaukee, while Turnell and Edwards (1999) researched the practices of Western Australian child protection workers. However, the construct of risk is not critically considered in either of these ethnographies of child protection practice. While Turnell and Edwards (1999) argue that risk is central in the assessment processes for social workers, and as a construct limits the way safety might be considered, they offer little discussion on how risk is constructed or considered by the social workers.

Baistow et al. (2000), in their cross-national research of child protection practices, found that risk was strategically presented by some British parents to gain the resources they believed they required. By contrast, Lyle et al. (2000), in their qualitative study, found that social workers used the construct of risk to ensure service provision, through labelling the family 'high risk'.

Other researchers have used qualitative methods to gain a rich base of material for analysis. For example, Bricker-Jenkins (1997) conducted research into what effective practitioners do and how they work with the strengths and resources of clients. In their project, a team from the University of Tennessee, College of Social Work and the state's Department of Human Services undertook a qualitative study of 22 social workers. They found that a qualitative method facilitated rich data for analysis about the experiences of working in social work.

Child protection literature in New Zealand has emerged from both the personal and research fronts (Connolly & McKenzie, 1999; Sharland, 2002; Smith, 1995; Stanley, 2004; Truell & Nowland, 2002). Sharland (2002) argues that statutory social work procedures in child protection have remained constant over the last ten years. The future of child protection, she argues, is one where voluntary and statutory services continue working together. Her work is largely a personal and descriptive account of her own experiences within child protection work. While reflective, her account

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experienced by care and protection social workers from Aotearoa/New Zealand (see Chapter Five for a discussion of methodology).



is remarkably uncritical<sup>63</sup> of what it means to work within an organisation that has undergone multiple and disruptive restructurings over the last 15 years (Pearman, 1995).

The call for a more collaborative social service system for child protection in Aotearoa/New Zealand is found across the social work literature. Such calls have also been made at a ministerial level (Brown, 2000; Mason, 1992) and local body level (Christchurch City Council, 2003).<sup>64</sup> Missing from this literature, however, is debate in how differing parts of the child protection environment constitute definitions of risk. The recent call by the Christchurch City Council (2003) to move toward consistent community and statutory risk assessment guidelines is problematic. Developing a static definition of what constitutes risk renders a dominant frame of risk that subsumes other epistemological positions. The drive here is the need for ‘ordered uncertainty’, potentially silencing discussions on how and in what ways we come to understand what we mean when we talk of ‘risk’. I argue in Chapter Ten that reflexivity around risk offers the potential to build knowledge about how and in what ways social workers understand risk and how they apply it in their assessment practices.

Today, risk is central in child protection practice, policy, and thinking. Munro (1996, 1999), in reviewing 45 British child death enquiries, comments that social workers are slow at revising initial judgements reached in their practice. She argues that assessments of risk made by child welfare staff are narrow in their range of evidence. Munro’s findings are consistent with Parton’s (1996), who also found that the construct of risk has become institutionalised in contemporary social work. This institutionalisation of risk is made up of four parts:

- Risk is a major preoccupation for care and protection agencies – in both policy development and social work practice. Assessing and managing risk are core components of child protection practice, and this helps shape the environments within which social workers operate.

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<sup>63</sup> By ‘uncritical’ I mean that Sharland (2002) reports on her experience rather than providing an analysis. She offers little critical reflection of the organisation around her or the influences that may position/disrupt her understandings of social work in child protection.

<sup>64</sup> In the CCC Local Mapping Exercise (2003), risk assessment is argued to be a consistent frame for use across government and non-government sectors.

- Risk is embedded within a socio-legal discourse – this emphasises investigation and the collection of evidence that can be used in criminal and family court proceedings. The uncritical acceptance of positivist epistemologies of risk fuels this context, where evidence and the locatable ‘truth’ are privileged in child abuse investigation work.
- Agencies use risk to determine action and intervention – the widely used resource allocation system based on risk determination. Aotearoa/New Zealand allocates a time delay in prioritising service delivery: the higher the risk, the swifter a response by child protection workers. High-risk families and children have access to increased resourcing, and this facilitates action that potentially prevents tragedy.
- There is an assumption that risk is predictable and manageable (Parton et al., 1997) - risk assessment tools are used to predict and account for risk, thus attempting to minimise the detrimental outcomes for children. This occurs within a context of an increasingly anxious public’s unrealistic expectations of what child protection social workers can achieve.

Risk is a re-occurring theme in the child protection literature, yet Gambrill et al. (2001) and Munro (1996) argue that narrow definitions of risk operate in social work. Risk discourses are influential, and as I have already discussed, permeate contemporary child protection work and social work practice more broadly today. A fundamental question that is missing in the ethnographic literature is ‘what is ‘risk?’ Further, how is it that what some define as ‘risk’ is not ‘risk’ for others? Strategies that facilitate social workers’ ability to articulate the ‘sets of risks’ that they are assessing and investigating, and the potential range of discourses that construct risk, will counter some of the concerns Morley (2003) has raised around risk assessments being used to manage uncertainty.

### **Literature Summary: The ‘missing’ social worker(s)**

In this chapter, I have argued that attention to what is meant by ‘risk’ in social work has been sparse. I have shown that, increasingly, attention to the management of child welfare work has meant the introduction of risk assessment tools and models

and that this has occurred within an environment of increasing public anxiety about child death and injury.

Within the literature on risk and social worker practices, the voice of the practitioner *doing the work* of risk assessment, is relatively absent. Moreover, the child protection literature tacitly positions the social worker as significant, however it has tended to neglect ‘thick descriptions’ of practice that would provide the ‘flesh’ and ‘smells’ of child protection (Ferguson, 2004). In the early 1990s, Gough (1993) reviewed the available child abuse literature, traversing the fields of social work, education, psychology and related research practices; however, in this review, there is scant mention of social workers as practitioners undertaking a range of intervention practices, including risk assessment.

The policy and organisational aspects of risk (Fraser et al., 1999; Kemshall et al., 1997; Kemshall, 2002; Parton, Thorpe, & Wattam, 1997), and the sociology of risk are now well developed bodies of literature. There is an expanding literature on risk assessment (Barnes & Chand, 2000; Boreham, Shea, & Mackway-Jones, 2000; Budd, 2001; Calder, 2002; DePanfillis & Zuravin, 1999; Gambrill & Shlonsky, 2000, 2001; Graybeal, 2001; Howe, Dooley, & Hinings, 2000; Saunders & Goddard, 1998). Clearly, there is a need for research that examines how social workers understand risk and its relationship to their practice. The literature that does attend to this aspect of practice is largely polemical (Ferguson, 1997; Houston & Griffiths, 2000). Parton (1999) argues that risk discourses can be used to theorise practices by social workers, to build understandings of social work practice *in action*.

The centrality of risk is also significant in terms of the way workers think about and organize themselves and are organized – their obligations and the way they are made accountable. (Parton, 1999, p.123)

I am arguing that theorising risk assists in the development of social work knowledgability. This is crucial as, increasingly, new risks emerge for social workers *in* child protection.<sup>65</sup>

Tragedy within child protection has produced one type of increasingly visible social worker. Professional dangerousness emerged from the child death reviews as an

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<sup>65</sup> McLaughlin (2003) argues that within antenatal practice, for example, new and more complex risk judgements are needing to be made as technology renders knowledge about possible risks less certain and thus increasingly unstable.

explanatory framework (Reder et al., 1993) where increasing attention was paid to the practice outcomes of workers and their managers. Morrison (1999) extends the metaphor of danger to include the organisation within which workers operate. The culture of the office is crucial, he argues, in assisting workers to construct alternative hypotheses in child abuse assessment work. The ability to talk openly and discuss practice with colleagues is fundamental to the development of practice knowledge, and this extends beyond the supervision dyad and into the practices of collegial work (Morrison, 1999).<sup>66</sup> Briar-Lawson et al. (1997) argue that moving toward shared definitions of child protection, the articulation of decision-making processes and the openness around how values impact on practice decisions would improve practice outcomes. Moreover, as Ferguson (1997, 2004) has argued, social work can be enriched through attention to the practice experiences of those doing the work.

The social work literature on research methods is well developed (Bredo & Feinberg, 1982; Everitt, 1992; Fook, 1996; Rodwell, 1998; Tolich, 2001), however, there have been calls for more empirically-based research about practice to inform the wider social work community (Ferguson, 1997, 2004; Smith, 2001).

The Aotearoa/New Zealand child protection literature is largely focussed on the FGC process (Connolly, 1994; Gilling et al., 1995; Mackenzie, 1996) and participation by clients (Maxwell et al., 1995). A second area of literature has focussed on the non-statutory and voluntary areas of child welfare in relation to care and protection policy and practice (Munford et al., 1998; Thompson, 2001). A further body of literature covers the contemporary child protection system (Fearman, 1995), including the experiences of women working for CYFS (Wolstenholme, 1999).

There is a developing, yet small, body of literature that considers the experiences of social workers with respect to risk discourses. Spratt (2000, 2001) asks what an increasing organisational concern with risk will mean for social workers. He comments that an organisational and professional concern with risk has the potential to limit social work practice in rendering risk manageable and thus static. This may produce a working environment where risk and its management are of central concern, while the risks associated with the practices of social workers and

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<sup>66</sup> This thesis inquires into how the institutional contexts of child protection work help shape the practices of child protection social workers.

of the interventions they put in place, such as involving the wider foster care system, may not be focussed on.

Spratt (2000, 2001) interviewed 26 social workers and explored how workers were managing risk in their daily practice. In this research, he noted that there was a need for social service agencies to relocate the management of risk away from the social workers, as his research showed that a preoccupation with the potential for risk by workers resulted in a focus on protection for the child over assistance for the family. Understandings that risk can be located and managed have dominated social work's response to both risk assessment work, and risk theorising more broadly.

The child protection literature has yet to focus on social workers and their constructions of risk (Cradock, 2004). Given the centrality of risk in social work today, and child protection more particularly, this seems surprising. I have not located any research in Aotearoa/New Zealand that has focussed on the relationship between discourses of risk and decision-making by social workers. Through exploring this relationship, and positioning the worker as a central actor in the network of risk assessment work, this thesis seeks to make an original contribution to child protection knowledge in Aotearoa/New Zealand.

In understanding how social workers arrive at decisions with respect to discourses of risk, this thesis will address what Spratt (2001, p. 952) argues is a need "to understand what social workers do, why they do it, and what organisational conditions are required if change is to occur". If agency supervisors and management, and policy researchers have access to information about how workers engage with risk discourses, they will be able to embark on organisational strategies that facilitate child protection work. Researching front-line social workers can also enrich the understanding of organisational change (Jones, 2000) and thus what impact such change has on the way social workers practice.

A number of questions emerge from my review of this literature: How do social work decisions about risk operate prior to and through the FGC model? In what ways are risk discourses constructed by the social worker in this process? How are such decisions made and in what ways do risk discourses affect this process? More

specifically, this thesis takes as its focus decision-making carried out by social workers and the relationship this has with constructs of risk.

## Conclusion

Significantly, explicit engagement with risk has emerged within social work and across academic disciplines over the last three decades, and remains a central discourse used within and around social work (Matthewson, 2002). The literature reviewed in this chapter reveals that there is a gap in the knowledge about how child protection social workers in Aotearoa/New Zealand draw on and enact discourses of risk in their practice. This is a major focus for this thesis research.

There is a well developed body of literature in the area of child protection policy and practice, both in New Zealand<sup>67</sup> and internationally.<sup>68</sup> This chapter has focussed on the bodies of literature from within child protection and across the social sciences that have attended to risk theorising. The chapter has traversed three broad areas: explaining and theorising risk, professionalism as a response to risk, and the development of risk assessment regimes in child protection work. I have argued that understanding and uses of risk within social work are heavily influenced by positivist epistemologies. The outcome of this is the development and use of risk assessment tools (Morley, 2003). This is a central concern addressed in Chapter Nine where I show that social workers use risk assessments to legitimise decisions already reached. In most cases discussed in this research, families and children were not consulted about the risk assessment process. Rather, risk assessment was something that was applied to them, and something that was established in the social work office (see Chapter Six).

Risk has moved centre stage in social work over the past two decades, but, surprisingly, has largely been neglected in discussions of professional practice (Parton et al., 1997). Moreover, as Tomison (2004) notes, there is little unanimity in defining risk, as with some other fundamental terms used in child protection, nor any attempt to explore its complexity:

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<sup>67</sup> Connolly (1994, 2001a, 2001b); Connolly & McKenzie (1999); Dalley (1998); Hyslop (2002); Smith (1995, 1998); Stanley & Thompson (1999); Wolstoneholme, (1999).

<sup>68</sup> Ferguson, (1997; 2001); Fraser et al., (1999); Gambrill & Shlonsky, (2001); Houston & Griffiths, (2000); Howe et al., (2000); Parton (1985; 1996; 1998; 1999); Parton & Mathews (2001); Parton et al., (1997); Silverman (2001).

Being 'at risk' is not an objective state, but a complex, multi-dimensional concept that is both socially and professionally constructed and whose meaning has developed over time. (Tomison, 2004, p. 45)

There has also been scant research attention paid to the practices of working within statutory child protection agencies in Aotearoa/New Zealand. Redressing this is a significant aim of this thesis. Social work research can contribute to the knowledge base in this area by taking a closer look at the contexts in which social workers operate and how discourses of risk are articulated and applied. Locating what social workers do in practice, then, is crucial in developing knowledge of and for social work, and is the core focus for this thesis.

The construction of knowledgability and its relevance to social work practice and this research is discussed in the next chapter, Chapter Four.





## Chapter Four

### Social Workers as ‘Knowledge Producers’

Epistemology, or the theory of knowledge, is concerned with how we know what we do, what justifies us believing what we do, and what standards of evidence we should use in seeking truths about the world and human experience. (Audi, 1998, p. 341)

[Risks] only exist in terms of the (scientific or anti-scientific) knowledge about them. They can be changed, magnified, dramatized or minimized within knowledge, and to that extent they are particularly open to social definition and construction. (Beck, 1992, p. 23)

Effective social work practice involves constant engagement with available knowledge and knowledge creation. It also involves high levels of reflexivity about professional practice, as social workers are both knowledge producers and receivers of knowledge (Connolly, 2001c). This is particularly relevant to the work of those assessing whether children are ‘at risk’. In this chapter, I explore the relevance of social constructionist theories of knowledge for research into social workers’ reflections on their practice, and review the literature on social constructionism. My argument is directed at the relationship between social constructionism as an epistemology and its utility for professional practice. I explain my understandings of social constructionism, and how I apply it in this thesis. Centrally, I argue that social constructionist approaches to knowledge can assist workers in both research and practice (Parton, 2003).<sup>69</sup>

The benefits of social constructionism lie in its attention to the ways in which discursive practices operate in social work. Attending to the place of discourses of risk in professional practice can provide pathways to reflective practice.

I am also interested in what Parton et al. (2000, pp. 171-173) argue are the socially organised practices of child protection work. These practices are suited to an inquiry epistemologically informed through constructionism. Social

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<sup>69</sup> In Chapter Ten, I argue that social workers can build knowledge about risk *with* clients. While my research shows that this is not always the case, there is potential for social workers to use a constructionist frame in their assessment work to build understandings about risk with the families and children they work with.

constructionism is a useful paradigm for an exploration of social work as a knowledge-processing and knowledge-producing activity. This action occurs within particular social networks and is dominated by certain discourses. I argue throughout the thesis that social workers are subjects that actively construct understandings and knowledges about risk, through the practices of assessment work, while being subjected to discourses of risk. Discussion of interviews with social workers in future chapters will demonstrate the relevance of social constructivist approaches to knowledge production by an analysis of the practices of decision-making about children and ‘risk’.<sup>70</sup>

### **Social Work as a ‘Knowledge-Producing’ Enterprise**

Central to social work is the practice of assessment (van Heugten, 2001), and, as argued in the preceding chapter, risk assessment has increasingly moved centre stage over the last three decades. Child protection social workers use the information provided to them in notifications, computer records, office files, consultation with external agencies, and through talking with families and children, teachers, doctors, and police (along with many other actors) in the process of analysis and knowledge building. Social workers are central actors in this network of knowledge dissemination, and this knowledge is increasingly concerned with the assessment and management of risk. However, the epistemological standpoint for social workers, while largely neglected as a research area, determines the assessment possibilities as this shapes the way they see the world. Much assessment work has been premised on defining the issue as a ‘problem’, and then locating ways to manage it. Fook (2002) captures the promise and the limitations of assessment work:

The ways in which we assess problems, and the ways we describe and define them are of course integrally connected with the ways in which we construct knowledge of our world and more generally our place within it. Therefore our understanding of subjectivity and identity, of the nature of knowledge and constructions or power are bound up with how we conceptualise and assess the ‘problems’ with which we work. (Fook, 2002, p. 115)

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<sup>70</sup> I follow Taylor’s (2004) understanding that social constructionism is premised on social processes shaping the behaviours and actions of people and their thinking.

Within the literature, there has recently been a more critical approach made to assessment work (Jack, 2005; Parton & O'Byrne, 2000), arguing that assessment work has been premised on discourses of 'problem location'. Coupled with a critical approach to problem-focussed discourses within social work, the increasing adoption of risk assessment tools has produced an interesting context within which social workers must negotiate their work.

Effective social work practice, as I have argued, involves constant engagement with available knowledge, and this is particularly relevant to the work of those assessing whether children are 'at risk'. The literature reveals that, increasingly, social work has embraced a social constructionist frame for practice knowledge building (Parton & O'Byrne, 2000; Pease & Fook, 1999). Hilgartner (1992), for example, argues:

In sum, understanding risk requires that the conceptual networks that make up risk definitions be pried open, and the construction of risk objects be explored. These tasks are necessary to improve our understandings of how risks get embedded in technology as technologies evolve. (Hilgartner, 1992, p. 43)

The location of risk situations and objects has been largely informed by a positivist epistemology, where it has been uncritically accepted that risk exists, can be measured empirically, and can be managed. Taking an alternative epistemological view of risk, that of social constructionism, opens up possibilities for how risk comes to be understood and how the pathways taken by people as they construct the issue under investigation contribute to the definition of the issue as risk.

### **Social Constructionism**

Since the 1960s, increasing interest has been paid to the social construction of knowledge. The term 'social constructionism' derives largely from the work of Berger and Luckmann's (1966) *Social Construction of Reality*, which reflected critically on the then increasing reliance on rationalist and functionalist analyses of what constituted knowledge. Berger and Luckmann (1966) argue against social theorising that was becoming, in their opinion, anti-humanist. They argue that people are shaped through the processes of *engagement* in a social order that exists around them, and it is through this that this symbiotic relationship is rendered meaningful. Their work contributes to new ways of understanding social experiences as meaningful *to* the participants in research inquiries.

Increasingly, over the last 30 years, there has been an interest in the meanings and experiential understandings of people. Crotty (1998, p. 42) argues that meaning is not discovered, as something that exists *a priori* to our attempts to define it, but constructed:

It is the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context. (Crotty, 1998, p. 42)

Constructionists favour an interactional view of the subject-object interplay. The notion of 'self' is thus rendered increasingly complicated, because the position of 'viewer' (or researcher) becomes one of co-creator of knowledge. Constructionist research, Crotty (1998) argues, invites the researcher to consider objects and subjects in potentially new ways: "[I]t is an invitation for reinterpretation" (p. 51). Suspending the notions of objects as being fixed entities, and asking a range of questions around how the object comes to be known and understood, opens up reflexive interpretations that are less possible through the application of positivist methodologies.

In contrast to a constructionist position, positivistic inquiries take as their focus the objective nature of reality. Positivism and objectivist epistemology dominated social sciences and thinking more broadly, through much of the twentieth century (Taylor & White, 2000). A positivist approach to research is orientated toward predictive and generalisable findings (Rodwell, 2001). This is evident within the risk assessment literature, where, increasingly, the focus has been on the procedures and reliability of risk assessment work. Less attention has been paid to how things and situations become identified as 'risky' (Hilgartner, 1992).

Parton et al. (1997) argue that positivism has pervaded child abuse research and practice theorising, offering a 'pseudo-scientific' approach to child abuse work. Positivism, they argue, essentially assumes that the natural sciences are applied *to* people and their actions:

[The assumption is] that human action is determined or caused by clearly identifiable factors. As a result, the study of child abuse becomes the examination of antecedent factors or their indicators and correlates. (Parton et al., 1997, p. 65)

From this epistemological standpoint, risk is static and people's responses to risk are of interest. The argument is made, and uncritically accepted, that intervening through the identification of antecedent factors will facilitate risk management (Parton et al., 1997; Peterson et al., 1996). Parton et al. (1997) are critical of this explanatory frame for child abuse work because, they argue, there is no consensus within social work of the definition of child abuse. They also contend that there is as yet no uniform management strategy that can be applied to children in abusive situations. Moreover, there is no consensus around defining risk. Further, Hilgartner (1992) contends that social science has traditionally researched perceptions and reactions *to* risk, and neglected to ask how objects and situations become known as 'risky'.

In Chapter One, I discussed situations where defining children to be 'at risk' was straightforward. In some of the cases described for this research, social workers were in no doubt that risk existed for some children. They acted accordingly, and intervention decisions were legitimate. However, in these cases where risk assessment was immediate because of the seriousness and obviousness of the risk, social workers were not able to articulate how they had drawn on the discourses of risk and in what ways they had used these to support their assessment work. I argue in Chapter Ten that reflexivity around discourses of risk will assist social workers in the work of child protection.

Risk has emerged within child abuse discourse as a measure of what *is happening*, and this is then extrapolated out to account for what *may occur*. Yet little discussion is found within the literature on the epistemologies of risk (Hayes, 1992), and, particularly, how the environments in which assessments and constructions of risk are embedded influence the way risk becomes constituted (Hilgartner, 1992).

Social constructionist theories of risk are located within the social science literature, and Lupton (1999b) argues that there are multiple understandings of risk today.<sup>71</sup> Critically looking at how certain knowledges of risk are rendered visible is a central question that Parton (2001) argues is within the social theorist's tool-kit, potentially aiding knowledge-building practices. This contrasts with a positivist epistemology

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<sup>71</sup> See Chapter Three (Literature Review) for my discussion of the sociology of risk and social theorising of risk more broadly. In that chapter, and in Chapter Ten, I argue that social work has more to gain from a critical consideration of risk discourses.

where risk remains more objective, static, and, thus, less likely to be of interest to various forms of social theorising.

Increasingly, child protection work is orientated toward the location and management of risk (Cradock, 2004), and this is influenced by a positivist epistemology. Parton et al. (1997) argue that abuse and associated issues for children and families cannot be reduced to technical processes of assessing risk, as this largely serves the functions of statutory agencies and wider public interests. Within this model, little attention is paid to how particular children, families, practices, or objects are actually rendered risky (Hilgartner, 1992). There are risks for society in not knowing how this is achieved. Further, social work professionalism is at risk in not being able to transparently articulate the sets of risk, *and* the practices associated with how particular risk assessments were carried out.

I argued in Chapter Three, that risk is now a core construct in child protection work (Cradock, 2004; Parton, 2001). Moreover, risk will differ epistemologically in practice and research and is, thus, dependent on the position of the practitioner/researcher.<sup>72</sup> Risk has been dominated by positivist understandings in the area of child abuse, according to Parton et al. (1997). Such dominance, they argue, has produced research and practices influenced through positivist understandings of child abuse, the interventions undertaken, and the associated methodologies of research.

The (scientific) discovery of the 'battered baby' initiated a research programme, strongly imbued with the values of medical research, which branched into the social domain without reflection on the tortuous philosophical issues which dogged the social sciences. (Parton et al. 1997, p. 69)

Moreover, Cradock (2004) argues that risk assessment procedures have produced tangible and objective 'risks', and, thus, these are seen as being increasingly manageable. This can provide clarity in, at times, ambiguous situations. However, when used to account *for* the ambiguity, more risks are likely to emerge.

The procedures of risk assessment are auditable, and the practices of social workers can be pried open for increased scrutiny. Risk is treated ontologically, rather than

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<sup>72</sup> This is an important implication emerging from this research. Knowing more about how risk discourses are constructed and applied in practice will assist the wider child welfare sector, because critical discussions about how this can be influenced by a range of professional and audit discourses can occur.

critically considered epistemologically, in practice. The agency's offices, technologies of assessment work, risk assessment systems, and the rhetorical strategies drawn on by social workers organise and re-constitute ontological understandings of risk. Conceptualising this as a social process, one that involves the building of knowledge, opens up possibilities in understanding how risk becomes known.

In its simplest form, the process of constructing a risk object consists of defining an object and linking it to harm. This is a rhetorical process, performed in texts displayed in specialised organizations or in public arenas, and it usually involves building *networks* of risk objects. (Hilgartner, 1992, p. 46)

Individuals have remained the focus of social inquiry in this area, and, as argued in Chapter Two, this is influenced by neo-liberalist political philosophy that favours a forensic approach to child abuse. Responsibility and blame discourses emerge in this context because increased attention is paid to the decision makers. 'Rational citizens' are increasingly held accountable for their managing of the risk information available to them. Public health discourses, in providing information on the management of healthier lifestyles, are examples of this (Peterson & Lupton, 1996). Bessant (2004) argues that within social work, a 'science of risk' has emerged providing a frame of 'objective' and thus knowable risk issues. This has been echoed within the literature, particularly drawing on neo-liberal discourses, where attention to what is tangible and known can be managed more efficiently (via quantitative measurement). Social workers themselves are both subject to audit procedures, and attend to the practices of measurement as they make claims about children being 'at risk'.

Social constructionism provides a critical stance from which to ask questions such as: In what ways do social workers engage in the use of risk assessment tools and, more broadly, risk discourses? How do social workers attend to the practices of assessing children reported to be 'at risk? What issues arise for social workers as they carry out their statutory functions of assessing children reported to be 'at risk'? Asking critical questions opens up possibilities for a social constructionist analysis of how risk is defined, the social processes involved in this, and issues of control in the intervention regimes necessary in risk management (Hilgartner, 1992).

Social workers are knowledge producers in the practices of child protection assessment work. In child protection work this increasingly involves a

consideration of and an engagement with risk (Cradock, 2004), and utilisation of epistemologies of risk. Such engagement renders value positions and power inequalities visible and open for scrutiny. Largely, assessment work within the literature takes as its focus the produced document (the assessment), while the co-constructing of assessments between social workers and clients is only tacitly implied. The social worker is not an objective outsider, nor an independent assessor of risk, but an actor within a social network or assemblage of multiple risk constructions (Latour, 1999a, 1999b).

The epistemological position for social work practice and research becomes crucial in the claims that emerge from the interaction between worker/client, researcher/participants. In arguing that a social constructionist philosophy guides my thinking and the methodological approach to this thesis, I am attempting to remain open to how child abuse is constructed by social workers, and in what ways social workers contribute, through their reflexivity, to such constructions. If I accept that risk is more than a static, fixed, or ready-to-be-discovered objective fact, then I also remain open to my place in the interpretation and representation of the risks under discussion. My place in the assessment process is made visible, accountable, and potentially more participatory as power differentials become epistemological discussion points and are rendered less static. The focus on identifying risk is not rendered less important to building relationships with families and children; rather, the way in which social workers use and apply discourses of risk needs to be made explicit. Further, assumed knowledge about risk that may have rested within Latour's 'black-box' offers social workers and researchers reflexive opportunities.

Social workers operate within existing institutions and organisations shaped by legislation, policy, and practice rhetoric that construct work spaces and practices. Statutory social work and social work with involuntary clients utilise these frames more frequently than other fields of social work (Payne, 1999). Personal meaning is, therefore, produced (constructed) within a place of work embedded with meaning, derived from legislation, policy, and work-place culture, as well as the various factors that constitute and mobilise the groups, social arrangements and



networks, around which social work knowledge is built. This is a central focus for the thesis project.<sup>73</sup>

## **Toward a Critical Social Constructionism for Social Work**

The merits and limitations of social constructionism, and the use of this theorising in practice and research, are currently debated within the social work literature (Payne, 1999). Social constructionism makes a contribution to social work through a critical understanding of the way knowledge is formed through sets of relationships between people and phenomena: “[K]nowledge can only be understood in relation to the means of knowing” (Payne, 1999, p. 25). The processes by which knowledge is produced are central to a social constructionist argument that knowledge is relationally constructed and understood. Social constructionism offers social work a critical and reflexive theory that is “principally a social theory rather than a psychological one. It focusses outside personal identity at interpersonal and social behaviour and this is where social work also has its main focus” (Payne, 1999, p. 54). Social constructionist theorising offers the potential for analysis at an interpersonal and systemic level.

In arguing that social work is shaped by sociological and psychological bodies of thinking, Houston (2001) suggests that social constructionism is limited in application within social work practice because sociological and psychological paradigms are divergent. He takes a critical stance on social constructionism to argue that critical realism offers more to social work because of the limitations of a constructionist frame.<sup>74</sup> Houston (2001, p. 848) argues that normative theories are more applicable “to a world ravaged by poverty, disease and social conflict”. This argument, he believes, offers a theoretical stance (critical realism) more likely to

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<sup>73</sup> See Chapter Five for a methodological discussion. I argue in that chapter that a focus on what social workers had to say about their practices of work was the research data used for this thesis.

<sup>74</sup> My understanding of critical realism is informed by Houston (2001) when he argues that the importance of anti-oppressive social work interventions highlights client perspectives as valid and expert in the accounting of *their* experience. Events and actions are real in so much as they occur and are experienced. Further, Beck (1992) argues that risks can be experienced as real because of their effects. Critical realism is emancipatory in its application because it is premised on the notion that reality is independent of our thoughts and experiences (Houston, 2001). The causes of oppression can be theorised as existing in structural forms and these can pre-exist people.

bridge the traditional knowledge foundations of sociology and psychology and provide the basis for theoretically informed social work.

Houston (2001) also argues that reducing everything down to text has produced a de-centred human subject, and, thus, empowerment is more problematic in practice. Parton et al., (2000), however, argue that social work has become increasingly bureaucratic where manuals, guidelines, and legislation produce lines of accountability for workers. Producing understandings about the complex nature of social work practice within this environment can be achieved through a social constructionist methodology, as social processes and negotiated understandings are necessarily part of inquiries into risk within work-places that focus on child protection.

While some have argued that too much attention to claims-making has meant less attention to dealing with the harmful realities of social problems, Parton (1999a) has stated that claims are central in the defining of social issues. Strategic uses of rhetoric, for example, terms like ‘at risk’, serve to position a child or family in particular ways while, at the same time, facilitating intervention action. Critical attention to how power operates within this dyad of child/family then is rendered less explicit as the rhetoric can serve a legitimising function. Parton argues that attention to the process of claim-making, that is, who is making claims of children being ‘at risk’ and in what contexts these claims come to be made, is important in understanding the social context and information collation used to justify such claims. The use of ‘scientific’ and ‘objective’ language by social workers has been noted in previous ethnographic research.

When required to account for their practice or when required to justify a decision, social workers frame their accounts such that they demonstrate a similarity with or invoke the language forms of scientific explanation. Their activities are systematically reframed such that what they actually do is accessible and becomes visible, accountable, and reportable as a mundane science, hence, as practical moments of problem solving work. (de Montigny, 1995, p. 84)

Claims about risk are not rendered problematic within the social work literature.<sup>75</sup> This is the promise of social constructionism, yet to be realised within social work,

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<sup>75</sup> McMaster (1997) argues that risk assessment within the violence sector is central today because of increased scrutiny placed on discourses of worker accountability and offender responsibility. Within his detailed study of practitioners working in the violence field, McMaster renders risk the objective and measurable quality that Parton (1999a) argues reconstitutes objectivist (and measurable) paradigms. McMaster’s research was aimed at exploring how workers in the violence area assess risk and in so doing reconstitutes risk as a categorisation.

where understanding and meaning are largely informed through realist ontologies (Payne, 1999). This is surprising given the widespread acceptance of social constructionism within social work practice and research. This acceptance, however, Parton (2003b) argues, is limited in practice application and demonstrates a 'cautious' social constructionist frame. Taylor et al. (2000) argue for social workers to expose evidence of child protection practice to critical scrutiny. It is the questions that are asked that build up a tool-kit for practice and offer the potential for a more critical and reflexive practice.

The making and acceptance of claims about children 'at risk' demonstrates the performative aspects of language associated with risk. Social work is inherently a moral endeavour, where the values of particular societies are maintained and strengthened through social work's direct interface between people and their environments. The analysis of language use *in* practice offers potential for social work theorising *for* action. Arguments for a return to a more subjectivist construction of risk in child protection, one that advances discourses of uncertainty and ambiguity, have been found in the more recent social work literature (Houston et al., 2000).

Social work research in New Zealand has contributed to this reconstitution of risk as an unproblematic construct. Nightingale (2001), in her qualitative study of parents within the mental health system, reviewed the risk factors located within the literature relevant for her study. While she lists these factors and gives weight to certain risk factors over others, she, in fact, reconstitutes measurable and objective risk that the literature reports as being determinants of risk assessment.

Bessant (2004) is critical of the listing of factors that constitute essentialist ontological understandings of risk and argues that the technologies of risk calculation include lists and tools where workers come to experience an objective 'knowledge' of risk. Social work research is, therefore, critical in its analysis of risk discourses and, in particular, problematisation of the largely unproblematic use of risk that serves to reconstitute risk as an ontological certainty. My research contributes to understandings about how social workers engage in risk assessment work. I critically look at what social workers have to say about risk from their perspective as assessing/investigating social workers.

The notion, then, of risk technologies (Bessant, 2004) opens up the possibility of bringing together risk theorising and a more critical social constructionism, as Parton (1999a, 2003b) suggests. Bessant (2004) argues that risk discourses are being used to supplant previous sociological definitions, such as ‘delinquent’, ‘the indigent’, and ‘criminal personality’. She argues that this shift poses problematic issues for practice because ‘risk’ performs a ‘rhetoric turn’ producing meaning that is largely unquestioned. Being ‘at risk’ is a category used in the differentiating of those ‘at risk’ from other populations.<sup>76</sup> I argue in this thesis that risk has limited value for social work practice when used in such an uncritical way. A critical approach to discourses of risk in contemporary child protection offers more opportunities for social workers and their clients to engage in sets of talk about ‘risk’, than is currently available.<sup>77</sup>

Dominant ontological understandings about the nature of risk pervade everyday life. The ontological assumptions held by social workers will influence their understandings and meanings ascribed to risk. This research considers how essentialist ontologies about risk, held by Maori, Pacifica, and Pakeha social workers, are drawn on in practice, and the nature of the relationship between these ontologies and their practice. This was evident in the data obtained during an interview with one research participant:

[T]hat case was pretty difficult because of the neglect issue, and, I mean, neglect is always hardest to define the risks, than physical abuse and sexual abuse.

*Int: What happens if you can't define the risks?*

What happens if you can't define the risks? Well, usually you have to define; you have to come to a decision. (Social Worker 2)

This piece of transcript highlights the importance of this study. Social workers had less difficulty in defining risk for children when there was clear evidence that physical abuse had occurred. In cases of neglect and emotional abuse, this was more problematic. Yet in all cases, social workers used discourses of risk to legitimise their practice decisions.

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<sup>76</sup> Dowsett (1996) argues, as I have (Stanley, 1999), that being ‘at risk’ is divisive within communities. This was particularly the case in previous research of mine, in the sexual negotiation between HIV positive and HIV negative gay men. (Stanley, 1999).

<sup>77</sup> In Chapter Ten, I argue that social workers operating from a realist position - that is risk is there to be located - are less likely to render risk to critical reflection. Social workers provide practice accounts of risk to supervisors, colleagues, Care and Protection Resource Panels, and families, and there is potential to render risk more useful in practice through a critical engagement.

Research needs to be informed by and through the practitioners who engage in social work practice (Payne, 1997). Such an argument is central to my thesis research, as I am both outsider (as researcher in various sites of CYFS work) and insider (CYFS professional social worker).<sup>78</sup> This research was undertaken reflexively, utilising a social constructionist theoretical frame. My active participation in this project is central to the findings discussed in later chapters.

Social constructionism thus enables us to include a purposeful response to moral and justice issues in our daily work, but to recognise and respond to how our priorities and objectives are constantly in play in the social processes which go on around us. (Payne, 1999, p. 59)

## Conclusion

Social constructionism, I have argued, is an epistemological position that prompts a range of critical questions about how I have approached this exploratory inquiry. What priorities have I given to issues related to risk, and what have become less relevant or invisible in this text?

I began the chapter by describing my understandings of social constructionism through a critical review of some of the relevant social science literature. I paid attention to ‘the local’ in terms of social work research, while exploring how and in what ways social work researchers are active in their re-constitution of discourses of objectivity. In order to locate the meanings social workers give to risk in their assessment practices, the case was made for a social constructionist approach to this.

This chapter has followed two previous chapters where I argued that child protection practice in Aotearoa/New Zealand is situated within a broader system of international child welfare. In these chapters, I argued that risk tends to be unproblematised in social work research or practice. This can be explained through epistemological dominance: a privileging of scientific paradigms of research and practice influenced from a positivist approach to knowledge generation. Generally within social work, risk is understood ontologically and informed through a positivist lens (Bessant, 2004). I am arguing that a greater accountability and transparency is possible through the application of critical analysis of social workers’ constructions of risk.

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<sup>78</sup> See Chapter Five for a discussion on insider research issues relevant to this project.

Importantly, after Parton (1998), and supported through a methodology designed to illuminate the experiences of social workers (see Chapter Five), I have argued for a social constructionist perspective that renders risk more ‘socially’ visible. This should be more interesting and useful in social work practice, because it facilitates the visibility of the processes of understanding risk. This can be relayed back into the various discussions within agency offices, and potentially enters court documentation, FGCs, and supervision sessions as reflexive practice knowledge. Adam et al. (2000, p. 6) argue for “changing the prevalent genre of articulating risks and hazards from one based on calculation to one imbricated in mediation”. Such an approach offers dividends for social work, through an application of critical analyses of social workers’ constructions of ‘risk’. Greater accountability and transparency in decision-making practices and judgements about particular children and families is possible. This can be woven through the forums, discussions, and assessment practices of social workers.

Social constructionists argue that knowledge is developed in a dynamic process of interaction between people and their environments. In this way, risk can become a useful topic of discussion in assessment work and collegial discussions as social workers explore how they *and* families construct and arrive at risk assessments. Moreover, the epistemological framings of risk discourses open further possibilities for reflexive practice development. The ‘social’ is not currently problematised in risk assessment work where risk is often seen as ‘discoverable’ and ‘locatable’. When risk assessments are seen as social constructions, they can be identified as dynamic, allowing social workers to consider their reflexive practices of assessment. Social workers, in asking critical questions about risk informed through a social constructionist orientation to practice and research, can help construct a more reflexive child protection system: a system where risk is likely to remain central but also to be problematised.

The following chapters demonstrate the relevance of this orientation to knowledge production for an analysis of the practices of decision-making about children and ‘risk’. I have argued in the previous literature review chapters that there is a gap in Aotearoa/New Zealand’s child protection research literature; that is, how risk discourses come to be known by social workers in child protection system. The next chapter, Chapter Five, provides a methodological discussion of how I have attended to this knowledge gap.

### Research Process and Analysis: A critical discussion

[A]ctors know what they do and we have to learn from them not only what they do, but how and why they do it. It is *us*, the social scientists, who lack knowledge of what they do, and not *they* who are missing the explanation of why they are unwittingly manipulated by forces exterior to themselves and known to the social scientist's powerful gaze and method. (Latour, 1999a, p. 19)

Research needs to 'follow the actors' (Latour, 1987), concentrating on those who are trying to direct the evolution of technological networks. Analyzing the social construction of risk objects can speed progress toward understanding how networks of risks, and efforts to control them, get embedded in the socio- and sociotechnical-fabric. (Hilgartner, 1992, p. 53)

Through the practices of assessment and consultation, information gathering and analysis, social workers as actors build understandings and theories about children and families. The active engagement with risk by social workers is the central focus for my inquiry and the core subject of this thesis work. I am interested in how risk becomes known, identified, worked with, managed, and woven into assessment work through the practices of assessment in child protection social work. Thus, my interpretations of social workers' understandings are reported in this thesis. The process of exploring the practices of assessment and arriving at these interpretations is discussed in this chapter. There were several methodological issues that I had to consider, manage, and overcome. This chapter deals with these issues, as I reflect on how this exploratory research was undertaken.

The chapter begins with an epistemological discussion of qualitative methods and why this paradigm governed the research design. A grounded theory approach influenced the research design and data analysis (Glaser & Strauss, 1968; Layder, 1993; Strauss & Corbin, 1998) and this approach is discussed. I take a critical look at the methods I used in the research process later in the chapter.

## Philosophical Position(s)

Qualitative research is termed ‘knowledge constructing’ (Gilgun & Abrams, 2002), and a way to re-present authentic experiences (Silverman, 2001). For this exploratory research, I used qualitative research to enquire into knowledge construction about social workers’ practices of knowledge building. Like Everitt (1998), I wanted to locate the voices of social workers and the meanings they constructed in the area of decision-making. Silverman (1993) terms this style of research the social organisation of description; however, I wanted to move beyond description and consider the interdependence of institutions and activity (Layder, 1993). Understanding this complex interdependence is not usually amenable to quantitative analysis. It involves attention to accounts about activity and ethnographic observation and immersion in the contexts in which that activity occurred. My interest was in how social workers engaged in the social construction of risk assessments for children. For this reason, I wanted to talk to workers about contrasting assessment cases, and to do this I needed to spend time in the environments in which they worked. I wanted to document their ‘talk’ and hear the inconsistencies and hesitations within this. For these reasons, I considered it important to design a qualitative research strategy.

Qualitative and quantitative research methodologies have traditionally been regarded as epistemologically divergent, influenced by different philosophical foundations. More recently, there has been debate within the social sciences about how these once divergent methodological positions can assist, that is, operate together in knowledge building. This is apparent in psychology (Henwood & Pidgeon, 1996; Michell, 2004) and social work (Connolly, 2001b; Smith, 2001), where increasing support is given to the utilisation of qualitative *and* quantitative methods in social science research projects.

Everitt (1998), however, argues that the merging of quantitative and qualitative research methodologies is problematic philosophically. She argues that the researcher’s philosophical position is crucial in research to enable a critical consideration of the methodology and context of research practice. Similarly, Henwood et al., (1996) argue that feminist psychology needs to resist a quantitative paradigm that potentially renders some voices invisible while privileging the dominant, often that of the male researcher. This is supported by Everitt (1998), in



that the researcher's philosophical position need not shift to incorporate or be incorporated by a more dominant research paradigm. According to Everitt (1998), the rise of managerialism in social work has provided a context for quantitative research to become dominant as this provides a closer fit with evaluative research and accountability.

These debates were useful for my research as I considered the benefits of applying qualitative methods. My interest in analysing how people talked necessitated a qualitative approach and, therefore, guided the method design; a survey design, for example, largely based on quantitative data collection, would have produced a different data set. I adopted the qualitative research strategies of interviewing and participant observation, because understanding social workers' perspectives of assessment and knowledge construction involved an interactive developmental process between me as researcher and those participating in this study. This thesis, therefore, presents my interpretations rather than re-presentations of social workers' experiences.

Gilgun and Abrams (2002) and Ezzy (2002) argue that qualitative methods allow space for the researcher to be located *in* the research process. This approach rests comfortably with me, as I was employed with CYFS during the time of this thesis project.<sup>79</sup>

A focus on practice, through the case accounts told to me by social workers, was a route to accessing information about social workers' constructions of risk. I was interested in the things that social workers use, employ, deploy, and operate, in the 'doing' of child protection work, the interrelationships between the social contexts in which people work, and the activities conducted there. Callon and Law (1997) argue that the researcher needs to consider how people make the various connections to form the networks they participate in. I was interested in the network of relationships between court affidavits, child abuse notifications, the computer-assisted risk assessment tool, and other parts of the work that mobilise social work activity (Woolgar, 1991). These aspects of the research are explored more fully in Chapter Nine.

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<sup>79</sup> I discuss the management of insider bias later in this chapter (see pages 138-140).

I was also interested in a research process that allowed my experience as a researcher to be transparent within the interview process and data analysis. I take a social constructionist view of the world (discussed in Chapter Three). As MacGibbon (2002) has argued, there is no simple definition of social constructionism. There are, however, some shared assumptions among theorists (MacGibbon, 2002, p. 35):

- Having a critical stance toward taken for granted knowledge
- Sense making of knowledge in social action
- Historical and cultural specificity
- The construction of subjectivities.

For me, a social constructionist approach to knowledge production entails attending to the way in which the knowledge I am producing is shaped by the understandings I bring to the research. As an interviewer, I am active in the co-production of interview material with those who participated in interviews (Gilgun & Abrams, 2002). This differs from traditional quantitative research that aims for a more objective and detached representation of social facts (Silverman, 1993), and strives to diminish the extent to which researchers can influence the ways in which participants respond to particular questions.

There is a well developed body of social science literature, in the area of risk, informed through quantitative research designs and analysis. Previous research has focussed on risk assessment models (Munro, 1996), structural risk analysis (Parton, 1999), and risk in social policy (Kemshall, 2002). However, the literature pays less attention to how risk is understood by social workers. This is the topic and focus for my exploratory project and clearly required a strategy of in-depth, semi-structured interviewing. This enabled an in-depth exploration of the social workers' experiences. My interest was as much in how workers articulated what they had done, as it was in the details of their practice. This required the flexibility and access to detailed conversation that was best pursued through this method of interviewing. Through follow-up questions and exploration, I was able to acquire more detail, when they introduced similar ideas or comments about risk, to those of other workers.

## Grounded Theory

As previously discussed, there is little qualitative research that has considered child protection practice and discourses of risk from the practitioner's perspective. Indeed, this is the first piece of exploratory research into this area undertaken in Aotearoa/New Zealand. My approach to the research project, and data analysis particularly, resonates with the work of Glaser and Strauss (1968). They define a grounded theoretical approach in this way:

... the development of a systematic understanding which is clearly recognizable and understandable to the members of the setting and which is done as much as possible in their own terms; yet it is more systematic, and necessarily more verbal, than they would generally be capable of expressing. It uses their words, ideas and methods of expression wherever possible, but cautiously goes beyond these. (Glaser & Strauss 1968, pp. 124-5)

This was the goal of my research – to document the understandings of risk that were understandable and used by social workers involved in child protection work, but to, cautiously, 'go beyond' their words, ideas, and methods of expression through articulating my interpretations of the discourses of risk I recorded.

How the social workers 'story' their practice experience highlighted a variety of discourses in operation. Practice accounts that feature decision-making showed how the workers frame their practice, and in what ways risk discourses are constructed and used in social work.

Discourses are structures of knowledge, claims, and practices through which we understand, explain, and decide things... They are frameworks or grids of social organization that make some social actions possible while precluding others. A discourse is best understood as a system of possibility for knowledge and for agency. (Parton, 1999, p. 106)

Grounded theory emerged in the 1960s as a critical alternative to the dominance of positivist research (Alston & Bowles, 1998). Importantly, grounded theory is an *approach to* qualitative research, rather than a set of techniques or rules (Glaser & Strauss, 1968; Silverman, 2001; Strauss & Corbin, 1997, 1998). Strauss (1987, p. 5) describes grounded theory as "a style of doing qualitative analysis". Grounded theory provides a working frame for qualitative research where the researcher is able to weave him/herself into the analysis. This was important for me as my experience in child protection work meant that I was able to bring a well developed knowledge of the system to the project. Grounded theory is flexible, and allows

researchers to apply the methods of data collection and analysis in ways that fit their own research goals (Strauss & Corbin, 1998).

I initially approached this exploratory research without terming my work ‘grounded theory’. Through a close reading of the grounded theory literature, and discussions in academic supervision, I realised that I had already drawn on and utilised a grounded theory approach to my work.<sup>80</sup> Taking this approach, the researcher moves between data collection and analysis in a systematic yet open manner. Questions and ideas are generated as the researcher moves between data collection and analysis. Areas for further exploration, both within the data and through ongoing fieldwork, emerge as the project unfolds rather than being fully defined at the outset (Strauss & Corbin, 1998).

The researcher is central to a grounded theoretical analysis, as he or she defines both in-vivo and sociological codes from the data. In attending to the voices, attitudes, emphases and meanings of the research participants, in-vivo codes are identified from the collected data (Strauss & Corbin, 1998). Through attending to the sociological codes, researchers draw on their understandings of the emphasis they assign to meaning. Meaning is constructed from this weaving between the data and the forms of framing and sense making that researchers bring to their analysis (Strauss & Corbin, 1998). Moreover, interpretation is constructed from researchers’ active *engagement* with the data.

In summary, grounded theory is an approach to research that encourages the researcher to move within and amongst the data to develop meaning through processes of both inductive and deductive analysis. In contrast to the positivist, qualitative researcher, the grounded theorist does not follow a linear path of collecting data, analysis, and writing. Rather, the researcher returns again and again to the data during the research project, to ask a range of new questions as he or she interacts with the interview transcripts in different ways. Through a process of constant comparison, questioning, and creative thinking, the researcher moves closer to developing a theoretical explanation that assists in making sense of the issues under inquiry. Access to new published sources, conversations during

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<sup>80</sup> Strauss (1987) argues that researchers should read and understand grounded theory in order to take this approach in research. Used in this way, he argues, the researcher can apply the areas of the methodology to a particular project. For my Master of Arts thesis, I had applied a thematic analysis heavily influenced by a grounded theoretical approach (Stanley, 1999, 2000).

supervision, the juxtaposition of different pieces of interview text, all potentially generate new ways of looking at the interview text and different interpretations of the material. While the source of new ways of framing material may be contingent, the process of bringing new questions to the interview material can be rigorous and systematic. Silverman (1993) argues that interviews can be treated as narratives, stories that contain moral and lived experience:

Interviews share with any account an involvement in moral realities. They offer a rich source of data which provides access to how people account for both their troubles and good fortune. (Silverman, 1993, p. 114)

Through reflection, academic supervision, my research journal (and noticing afresh the large drawings and diagrams I had constructed about my thesis one morning in my office), I realised that I had utilised a grounded theory approach without striving to model my inquiry on this approach to knowledge production. In re-reading transcripts, fieldnotes, academic supervision, memo writing and diagram drawing, I also wove myself, my interpretations, and my ideas into this project.

### **Practising Research**

The researcher is pivotal in a grounded theory approach. I follow Gilgun and Abrams (2002), who argue that the researcher should be explicit in the methods and process of their research. As a social worker, and sociologist, working within the area of child protection, my everyday understandings of risk were coupled with my practice experience of completing risk assessments and managing risks for both clients and myself. My experience in the field suggested that defining risk was not straightforward, and that different cases varied in the extent to which standard models of risk assessment were easily deployed. This sparked questions about how, and in what contexts, risk comes to be known and accepted as 'risk'.

The child protection arena was an obvious area of focus for this research. First, this is the practice area where I have the most professional experience. I considered that this would assist me in this research project and that my practice might also be usefully informed by the information about constructions of risk generated through the research process. Second, I had a number of collegial contacts in Aotearoa/New Zealand and in Australia, and these proved helpful in assisting with access, pre-testing and support throughout the process of doing doctoral research. Third, I had experienced major internal reviews of both the Australian and New Zealand child

protection systems, where risk assessment technologies were regarded as best practice. In the US and the UK, risk assessment technology was developed in the wake of tragedies from within the child protection systems (Reder et al., 1993). In New Zealand, a national risk assessment system (Risk Estimation System, RES) was introduced in 1996 to provide a consistent risk assessment process (Smith, 1998a).<sup>81</sup> With such an interest in the development and implementation of risk assessment systems, it is surprising that research has been slow to critically look at how social workers construct risk (Ferguson, 2004).

The major ministerial review of the child protection system in Aotearoa/New Zealand, (Brown, 2000)<sup>82</sup> (see Chapter Two), raised five important questions:

1. What is the role and responsibility of the State in the whole area of Child Welfare?
2. What is the competency and efficiency of the State in this area?
3. What are the alternatives?
4. What are the responsibilities of families to their children?
5. What are the responsibilities of the community to all children in this country?

These questions further sparked my interest in the practice of social workers employed within CYFS. I did a preliminary literature search and found that, internationally, very little research has been conducted (see Chapter Three) on how statutory social workers undertake their investigations into alleged child abuse. Moreover, very little research has explored the risk discourses of social workers. There is no available literature in New Zealand on how discourses of risk are used within this work, and, more particularly, how social workers use risk discourses in conversations about their practice. This gap in the literature, coupled with my interest in the sociology of risk, led to the development of this exploratory research inquiry.

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<sup>81</sup> The development and introduction of the RES is discussed in Chapter Nine.

<sup>82</sup> For a full discussion of the multiple reviews undertaken by the Department of Child, Youth and Family between 1980 and 1995 see Pearman (1995). In addition to the Brown Report (2002), a further review was undertaken in 2003: The Baseline Review (2004).

## Setting up the Inquiry

My practice experience, academic supervision guidance, consultation and reading of the literature, assisted in my preparation for re-entering the field – as a researcher, while also working part time as a statutory social worker for CYFS.

The development of the research design and an interview schedule followed the production of a preliminary literature review. This was followed by a presentation to the Department of Social Work academic staff.<sup>83</sup> The presentation provided an opportunity for valuable feedback and comment about my proposed study. In addition to this, I presented my research plans to the Canterbury committee of the Aotearoa/New Zealand Association of Social Workers. This group also provided additional feedback to me about the value of the project from their perspective.

Ethical approval was sought and gained from the University of Canterbury Human Ethics Committee, and the Department of Child, Youth and Family's Research Access Committee. As I write this section, however, I am reminded of Ezzy's (2002) comment that ethical considerations to research extend beyond the application process:

Ethical conduct of qualitative research is much more than following guidelines provided by ethics committees. It involves a weighted consideration of both how data collection is conducted and analysed data are presented, and will vary significantly depending on the details and particularities of the situation of the research. (Ezzy, 2002, p. 51)

Consultation with my academic supervisors was a useful process throughout the project. This prompted me to consider a range of ethical issues: What would I do if a social worker disclosed practice that was unethical or dangerous? How would I proceed if a crime was disclosed in this research? I was also a social worker from CYFS undertaking academic research as part of a higher degree. Where did this leave me ethically if I became aware of dangerous or unsafe practice? Supervision with my manager at CYFS and academic consultation at the University assisted me in the management of these issues<sup>84</sup>. Throughout the interview process, however, none of the workers who participated in the research disclosed or spoke of issues that compromised me ethically.

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<sup>83</sup> University of Canterbury, May 15, 2002

<sup>84</sup> Katrian Aitken was my line supervisor at CYFS. Her oversight, enthusiasm, and clarity was fundamental in the management of roles as I began this project. I undertook an extended leave of absence from CYFS while I carried out the fieldwork and data analysis.

Having gained ethics approval for the project, I liaised with the central manager of the National Office of Child, Youth and Family (CYFS) in Wellington. This was a requirement stipulated by CYFS as part of their research access process. I had initially considered advertising for social workers employed at CYFS to self-select for this study in the Aotearoa/New Zealand Association of Social Workers (ANZASW) newsletter. However, I was informed by the ANZASW that the membership for CYFS social workers had declined over the past few years. This meant that I would have limited access to CYFS social workers through the ANZASW membership system.

I planned to visit individual offices (sites) of CYFS for two reasons. First, as travel was involved in this study, I wanted to maximise the costs involved by spending time on the ground in one location. Second, I wanted to be able to interview social workers in their workplace. As a part-time social worker, I was able to spend time with social workers, have coffee with them, and immerse myself in the context of each office for a few days. By spending time in the offices, I was also able to discuss the research *kaupapa* (set of core principles) and answer any questions staff had concerning the research and their participation. I contacted the CYFS liaison manager, at the National Office in Wellington, and advised him of the offices around the country that I wanted to visit and he made contact with regional managers to advise them of this. He then confirmed the arrangements with me by email.

Consultation with a variety of individuals and organisations assisted me in the development of this aspect of the research strategy, in particular recruitment and cultural preparedness (Cram, 1993). These included the following groups and individuals:

- Dr Marie Connolly - Academic Supervisor, Department of Social Work (University of Canterbury)
- Rosemary Du Plessis – Academic Supervisor, Department of Sociology (University of Canterbury)
- The Department of Child, Youth and Family Research Access Committee
- The University of Canterbury Human Ethics Committee
- The Department of Child, Youth and Family Community Resource Panel (Christchurch)
- Ropu Here Kaupapa – Social Policy Agency Aotearoa/New Zealand
- The Aotearoa/New Zealand Association of Social Workers



- Jim Anglem – Head of Department of Social Work (University of Canterbury); Runaka o Ngai Tahu
- Te Runaka Ki Otautahi o Kai Tahu
- Maria Wehi - Social Work Supervisor (CYFS)
- Katrian Aitken – Social Work Supervisor (CYFS)
- Richard Tankersley - Runaka o Ngai Tahu<sup>85</sup>

I used an ongoing consultation model in this research. I met with and discussed my research with colleagues from CYFS, academic supervisors, and Richard Tankersley (Te Runaka o Ngai Tahu). The consultation meetings were important to me, as I continued to be challenged academically around the issues I was raising with workers, academic supervisors, and community representatives. My fieldnotes reflect one of these consultation meetings with a key member of Runaka o Ngai Tahu.

The meeting (with Richard Tankersley) was relaxed and generated some good discussion. Richard asked me how I was incorporating a feedback loop to the research – I explained that I would be sending out initial themes soon and then an executive summary to the participants. I would include a feedback form that would allow the participants some dialogue with me. We discussed the process of research (the nuts and bolts) – he thought this is in order and so the research is less likely to be criticised on cultural grounds. Issues for me to consider: Activate the process of minimising authorial bias (feedback loop assists here). I have developed a loop for cultural discussion here with Richard and have been invited to revisit him, call and email with thoughts, ideas, issues to add to the kaupapa of this research. (Fieldnotes, June, 2003)

In addition, I attended and presented my research findings at four social work conferences, both in Aotearoa/New Zealand and in Australia, throughout the course of this study.

### **The Critical Incident Technique**

My data collection design was influenced by the Critical Incident Technique (CIT) (Flanagan, 1954; Fook, 1996). The CIT methodology has been increasingly used within social science research to gain rich and detailed reflections of decision-making processes in casework (Byrne, 2001). The CIT allows access to information about a wide range of incidents from which a rich understanding of the issues can emerge. Fook (1996) argues that CIT is suitable for social work research and social work supervision, as this method allows a detailed focus on the issues that are

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<sup>85</sup> Cultural consultation was used in order for a Maori worldview to be a considered aspect of this research. As I identify as Pakeha, and guided by Smith (2001), I engaged cultural consultation with representatives from both Maori and Pacifica peoples to assist me in my shaping of this methodology.

important and salient to the worker. The subjective experiences around working in child protection are rendered visible because this method asks workers to describe the context and practice issues that they define as representing the best example from their practice. The CIT provides a framework for case recall because the accounts told by participants are about their own experiences. The social workers who participated in the study provided me with a range of both complex and more straightforward assessment accounts where risk discourses featured. This collection of data provided the basis for my analysis of how discourses of risk interact with practice decisions.

Contemporary CIT analysis considers that “each incident is a non reducible unit of analysis whose significance is best understood by interpreting the actors’ behaviour as purposeful attempts to achieve a goal and construct meaning in a particular context” (Boreham et al., 2000, p. 87). The method is found in the nursing and hospital-focussed literature (Bendtsen, Hensing, Ebeling, & Schedin, 1999; Bendtsen, Hensing, McKenzie, & Stridsman, 1999; Bergamasco, Rossi, Amancio, & Carvlaho, 2002; Boreham et al., 2000), and in particular, is used to explore aspects of health-based practice from workers’ perspectives (Bendtsen, Hensing, Ebeling et al., 1999; Bendtsen, Hensing, McKenzie et al., 1999; Colnerud, 1997). It has been used in research on work-place bullying (Cowie, Naylor, Rivers, Smith, & Pereira, 2002), ethical conflicts for teachers (Colnerud, 1997), and hospitality issues (Callan, 1998). A review of the social work literature indicates that CIT has also been used together with a case vignette discussion (Sadique, 1996). Across all these studies, the authors found that the methodology, while time-consuming, provided detailed information for analysis on the content and structure of the incidents under question.

The strengths of the CIT method are that the research participant recalls their own experience of an event, in this case the assessment process, and the researcher asks open-ended questions directed at clarification and detail. Although Flanagan (1954) suggests that recall is best for recent events, Fook (2002) argues that both straightforward and difficult experiences are easily recalled by the participant. The CIT has been applied in social work training and supervision (Fook, 1996), and in operational procedural updates, debriefing, and research into how airline crew make decisions (Flanagan, 1954). In my reading of the literature, I located five steps in the undertaking of CIT research:

1. Determine the general aim of the activity under review (assessment process where risk discourses are spoken about).
2. Develop an incident of this activity (through asking social workers to describe specific incidents/cases).
3. Collect the data about this activity (facilitate discussion: record/take fieldnotes).
4. Analyse the data (organise material in NUDIST files, develop coding categories, read and re-read interviews transcripts).
5. Interpret and report the findings (thesis/conferences/consultation/journal articles/feedback to participants).

Kemppainen (2000) states that there are three main areas that an incident needs to cover, in order to fit the definition of being a critical incident. These can be summarised as:

- The incident describes the circumstances surrounding the event
- The incident presents a description of the interaction between the worker and others involved
- The behavioural outcomes that occurred because of the event are clearly described.

Initially, I pre-tested the design with a number of social work colleagues. I asked social workers to talk about particular cases that they considered examples of both straightforward and more complex assessment work directed at informing protective interventions around children notified as being 'at risk'. This process allowed me to trial the interview questions. In response to my request for practice accounts, the participants provided a range of examples they believed would be most helpful for me as a researcher. This alerted me to the possibility of respondent bias and I managed this through consultation with academic supervisors and further pre-testing. Because of this focus on straightforward and more complex examples, these practice accounts were recalled with ease by social workers. The cases, which I recorded, were described in detail and later transcribed in full.

As a method of data collection, CIT can assist the researcher to gain an understanding of a particular experience or case in recall. In asking social workers to recall effective (straightforward) and less than effective (more difficult) experiences, I gained a rich source of child protection experiences for analysis. I found that rich detail about the assessment process was provided by workers as they recalled cases that were defined as either complex or straightforward. Workers told me that they *knew the case well* and that *this is a great example* in their recalling of particular cases.

Criticisms of the CIT are found in the literature. Callan (1998) argues that the method relies on the researcher to interpret the incidents recalled. The important point here is that a lack of clarity into what constitutes a critical incident can lead to false classifications. I managed this limitation by being focussed on what constituted a critical incident for this study, and I collected data accordingly. Further, and in support of CIT, Flanagan (1954) argues that this technique allows the recording of first-hand events that would not ordinarily be able to be observed. Social workers often present casework through case recall to supervisors and colleagues. In this way, the CIT method was a close fit to the practice context in which my fieldwork took place.

I chose this approach because I wanted to access the assessment experiences of social workers, where decisions were both straightforward and more difficult, and to consider how risk was constructed through these accounts. Critical incident recall assisted in the focus for the interviews, thus reducing the time required for each interview. Rapport was built prior to the interview being recorded, and so clarification questions, informed consent procedures, and engagement occurred before the taped interview took place.

## **Researching Cultural Spaces**

Social work faces increased pressures and public scrutiny. Therefore, Smith (2001) argues, research into practice is important in assisting the identity and development of social work practice. Thus, it was important for this research to consider the epistemological and ontological assumptions held by Maori and non-Maori. These assumptions have been labelled 'different baskets of knowledge' (Tolich & Davidson, 1999). However, ethnicity and cultural identity are diverse across people's experiences. I tried to avoid assumptions about how specific research participants saw the world from a particular 'basket of knowledge', by asking each participant to talk about their practice accounts. While diversity occurs in all strata of society, I approached this research drawing on historical realism as a theory that argues reality is shaped by a process of social, political, cultural, gender and economic issues that come to be understood over time (Guba & Lincoln, 1994).

Smith (2001) argues that Te Tiriti o Waitangi provides a cultural guide for contemporary social work research in Aotearoa/New Zealand. Smith's (2001) argument is worth outlining here as it provided a blueprint for ethical and sensitive research applicable in Aotearoa/New Zealand:

Article 1 Kawanatanga – The researcher manages the process ethically, with informed consent.

Article 2 Tino Rangatiratanga – The research participants retain sovereignty over themselves, their stories and narratives.

Article 3 Protection of all citizens – The researcher gains ethical body support, academic supervision, retains documents in a locked secure office, recognises legal frameworks for research.

There is a body of literature on issues relating to research relationships with Maori and Pacifica people (Kiro, 2000; Smith, 1999; Southwick, 2001). This literature notes that the construction of 'others' in statistics and research has the potential to further marginalise already marginalised groups. As an educated male Pakeha social worker and researcher I explored the literature that discussed researching across and outside my cultural identification.

The anthropological literature addresses cross-cultural research methods (Lewin & Leap, 1996; Spencer-Oatey, 2000), however, this is a largely international body of work. From the Aotearoa/New Zealand perspective, Batty (2002) asks how she, as a Pakeha identified woman, should undertake research with Maori, arguing that a Pakeha interpretation of Maori engagement is woven through her research. She considers that Pakeha should not avoid attention to research endeavours that attend to Maori experience. At the same time, she considers it important that the limitations of their research analysis should be acknowledged.

In Kelly's (2002) doctoral research into *whakapapa* (genealogy) and identity for Nagi Tahu people, she discusses her identity as *manuhiri* (visitor) and not Maori. Beginning in 1993, Kelly undertook participant observation, engaging with the tribal structures as an outsider over several years. This occurred at a time when a number of her research participants were locating their contemporary Ngai Tahu identity through whakapapa. She argued that *doing* time in the field, attending *hui* (gathering) and *runaka* (tribal council) meetings, allowed her to build an understanding of this relationship between contemporary identity and whakapapa.

Like Batty (2002), Kelly weaves herself as knowledge producer into the research project and makes her position as outsider explicit in her analysis.

Traditionally, research has been undertaken by non-Maori into and on Maori people, sometimes with little attention to understandings of how Maori see the issue(s) under investigation or responsibility to participants (Cram cited in Smith, 2001; Smith, 1999). More recently, research by non-Maori *with* Maori has assisted in the development of cultural understandings. *Puaoteata-tu* (Daybreak) (1986) is an example of such collaboration, whereby Pakeha women along with Maori were instrumental in developing the initial research into institutional racism within the then Department of Social Welfare. This report emerged in a context of global struggle around gendered, cultural, and sexual oppression that led to the governmental call for an inquiry.<sup>86</sup>

For my research, I developed a cultural model of research prior to entering the field. This involved a consultation process with my supervisors and colleagues at the University of Canterbury. I also discussed plans for this research with a number of community bodies including the Aotearoa New Zealand Association of Social Workers, the Christchurch CYF Care and Protection Resource Panel, and colleagues and students at the then Department of Social Work, University of Canterbury. This process allowed me to consider how I might enter the practice field as the researcher, draw on my knowledge and training as a practitioner, and then disengage after collecting what I hoped would be the practice experiences of a wide range of social workers.

Smith (2001) argues for the possibility of bi-cultural research projects that provide mutually beneficial outcomes across cultural groups. I was guided by the *whangai* model (adoptions model) of research (Cram cited in Smith, 2001), where the researcher becomes part of the 'whanau' of research participants. Being a social worker who brought experiences of doing child protection work in Christchurch and Sydney, also allowed me to be part of the research field because I held knowledge about the office jargon, experience in the field of child protection, and held a current CYFS identification badge.

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<sup>86</sup> I argued in Chapter Two that the New Zealand child protection story was influenced and informed by research that emerged from within the Department of Social Welfare.

I entered the practice environments of Maori, Pacifica, and Pakeha identified social workers. I also entered the practice world of women, men, new graduates, internationally trained social workers, excited social workers, jaded social workers, social workers who had dealt with death, and social workers who were terrified that a child on their case-load might die. I identified myself as a social worker who had been employed inside CYFS on previous occasions and added that I was a researcher, an educated Pakeha male. While Batty (2002) reported gate-keeping and other delays in accessing key people in both Maori and non-Maori areas of social policy, I found my access and fieldwork inside CYFS ran smoothly.

I also developed a template for the research process. At each office of CYFS, I liaised with the practice manager or supervisor to request a briefing meeting where I provided an overview of the research kaupapa and methods. Food became an important aspect of these meetings, as the social workers and I engaged over tea and muffins, and this enabled further clarification and open chatting about who I was, where I was from, how this research would work, and how the results would be available, and so forth. The reception varied from wary social work staff checking me out, to warm and engaging welcomes. The respect and welcome shown to me in the offices as I arrived and introduced myself, reminded me of Kelly's (2002) research where she became increasingly welcome over time.

At each office, I was constantly struck by how busy social workers were. However, there was significant interest in this research, and, as a result, I undertook more interviews than I had originally planned. Each participant was an individual. Each worked for the same statutory organisation in Aotearoa/New Zealand (or did), during the period from September 2002 to March 2003. The expression of interest in social work practice was reflected in my being welcomed into the whanau of each site. People appeared comfortable with talking about their practice with me during the interview. I respected the research participants as people, as social workers, as Maori, as Samoan, as Tongan, as Pakeha, as women and men undertaking the work of child protection. I did this through the initial overview I presented at each site, responding to questions, inviting participation, and providing the option to withdraw at any stage.

I met with and interviewed the Hon Steve Maharey, the then Minister of Social Services, and Shannon Pakura, the then Chief Social Worker, CYFS, at the end of the fieldwork process, to access their political and managerial responses to some of the

themes that had emerged through my data collection. Both Pakura and Maharey commented that they felt this research would directly assist the front-line social work teams operating care and protection practice in Aotearoa/New Zealand.

This thesis is, therefore, a shared development, because the social workers, in giving me their practice accounts, trusted me to take these accounts and consider them individually, across regions, across cultural groups, and across the service. The case accounts are *taonga* (treasure) because they belong to each social worker who allowed me to use them (Kelly, 2002); the participants retain the ownership of their story, it belongs to them (Smith, 2001). Each social worker was given the opportunity to remove themselves and their practice accounts from this research at any stage. None did so.

### **Inside as an ‘Insider’**

This research was undertaken in the completion of a higher degree at Canterbury University. However, at the time of the fieldwork, I was employed as a part-time social worker within CYFS. I used my experience of statutory social work as an engagement tool prior to the interviews, while locating myself within the University, as a researcher. As Wilson (2001, p. 141) argues, “A researcher’s experiences in the field must have a profound influence on what and how a researcher writes”. I used my fieldnotes, interview data, and supervision notebook as I wrote, reflected on, and constructed this thesis work.

Hough (1996), an Australian social worker, researched a child protection unit, in an Australian city, and utilised a case study approach. He found access issues and being an insider both assisted and posed challenges to him as a social work researcher. Hough (1996) argues that a gulf exists between managers and those involved in the practice of social work, and that practice research is important because of this context. He comments from his own fieldwork:

It became clear that contemporary child protection work is even more overwhelmingly demanding and problematical than I had expected. With the supervisors mindful of their enormously potent mandate (and injunction) to protect children, of the lack of resources, and of a wider organisational culture interested in results and hard-headed management, I came to view them as being as badly used by the organisation, as are the workers and clients. (Hough, 1996, p. 52)



Gaining access to the pre-test site was relatively straightforward as I was both a social work doctoral research student and part-time CYFS employee. After liaising with the assigned departmental contact, I approached the manager of a site close to Christchurch, and met with her to discuss access and pre-test arrangements. Following this meeting, I outlined my research at a management meeting, where the supervisors of the pre-test site were present. This meeting produced two useful outcomes. First, the supervisor of this site was very interested in the research. Second, the management team invited me to make a presentation to the staff. I gathered my overheads, pre-test schedule, contact sheet details, information sheets, pre-test feedback sheets, tape recorder, spare batteries, and notebook, and headed off in my car to this office.

I attended the Monday morning briefing for the social workers at this office and presented an overview of the research, methods and aims. Various questions were asked throughout the 30-minute presentation, and I had anticipated some of these. One social worker was concerned that information included in such a research project would be *sanitised* and presented in *a palatable way for CYFS management*. Another commented that the major issue to consider was *resourcing* CYFS adequately, so that social workers could do their job. While acknowledging both points, I reiterated that my research would not address all of the issues confronting CYFS, but focus on a particular aspect of practice (decision-making and risk discourses). At the completion of the presentation, I provided an information sheet to the social workers and invited them to contact me by email or telephone if they would like to participate. I was then approached by a group of five social workers who said they wanted to participate. Names and contact details were given to me and interview times arranged.

My initial concerns about the possibility of social workers not coming forward to participate were alleviated when this group of five volunteered to be interviewed for the pre-test. I decided to openly invite interested social workers, at the completion of future presentations, to take part and to take their contact details there and then. This would be in addition to the opportunity for social workers to email or call me directly. I found that using a presentation format to introduce the research topic and invite participation was useful in providing the social workers with information about the project, while introducing myself as someone who would be spending time in their office.

Issues associated with doing insider research emerged early in the process for me. I have a professional identity as a social worker. This identity has developed from my training in social work and professional practice. The kaupapa of social work and the core values and the principles distinguishing social work from other disciplines are woven through the practice framework I draw on, and are added to as my work continues. However, being a part-time social worker for CYFS has raised questions from social workers around research ownership. I have responded to these questions by way of situating the research as an academic project, supported and supervised by staff of the University of Canterbury. In addition, I assured people that my knowledge of the CYFS system assisted the research process, that all information would be treated as confidential, and that no one other than the researcher, transcriber, and academic supervisors would have access to the raw data generated by this inquiry. Words of warning were given to me early on:

I am sure you take this seriously, but I guess I would say to you, take it doubly carefully and doubly seriously and really, really look after the information, because it will be given to you by people who are already under pressure and who will be worried about the extra pressure, and there will be people who won't tell you things because they are too frightened to. (Social Worker - Pilot Study)

I drew on social work engagement skills as I entered the offices. I actively used my insider status to facilitate the engagement and overcome concerns raised by social workers about confidentiality and ethics. However, the pilot interviews raised some interesting questions and discussion points for me. In the following transcript, a participant questioned the process of gaining consent.

Social Worker: Their (the client's) permission wasn't asked for and indeed you've asked for mine.

Interviewer: That's right, CYFS has given me approval to talk to workers around case examples.

The ethics associated with the use of client information was raised early on. The focus for my research remained on what social workers had to say about how they did the work of assessment. The vehicle to access the working experiences of social workers was their actual casework, and this, invariably, meant client details. I ensured confidentiality to social workers and their clients, and the security of interview details as part of this research project.

## Researching: My account of practice

My identity as a social worker and my knowledge about the ethics of managing sensitive data assisted me through the fieldwork process. I define myself and introduce myself as a social worker in both academic and working environments. When asked what I do, I say 'social work'. More recently, I have been a social work researcher and lecturer in the School of Social Work and Human Services, University of Canterbury, where this doctoral thesis has been written. Somehow, social work remains the central axis that comfortably identifies my work. My most recent work has been in the child protection field. When I started thinking about doing this research I was working in the Australian child protection system, and within a month of conceiving of this project, I had relocated home to New Zealand.

Throughout the project I worked parttime for the statutory child protection service in the town where I live. Reflecting on the processes of research and work gave me both challenges and rewards throughout this project. I was 'inside' in the sense that I had worked at CYFS. I had a police clearance and ID card. Access to each new office was easier because I combined the roles of researcher and statutory social worker. I was also 'outside' CYFS because I left the field with the data and returned to the University. My location at the University provided a comfortable distance for social workers concerned about CYFS' surveillance of their practice. One worker commented that being able to discuss cases so openly with a researcher who is both inside, as 'part of the establishment', and outside, thus ensuring discussions would be 'confidential', was good:

I think it's actually quite interesting, quite good, to have some of your gripes about things to someone who you know is actually part of the establishment, confidential, so in a way I have had a bit of a gripe about the restrictions that are in the department there. (Social Worker 14)

The time I spent at each site varied from a series of half-days to four-day blocks. At most sites, I was given a desk near the social workers. Being 'in' the site and observing the workings of a social work office added to the ease with which my interviews flowed. The culture of each office also involved dynamics that social workers discussed with me. This was interesting, because office cultures varied widely. Some sites had historic issues that workers focussed on, while for others, regional issues were the focus.

Semi-structured interviews with 70 CYFS social workers were conducted over 14 sites of practice. The interviews conducted with social workers in child protection, together with 20 background interviews with supervisors and practice managers, provided the core data for analysis. The study did not involve the selection of a statistical sample of New Zealand social workers. Rather, sites of practice in different parts of the country were chosen, and access to these offices was negotiated with CYFS practice managers. All workers in child protection in these offices were informed about the study, and all those who agreed to participate were interviewed.

I decided to conduct face-to-face, semi-structured interviews for a number of reasons. Alternative methods of data collection, such as case notes, for example, do not contain accounts of what social workers actually do; rather these documents contain more formal records of what the agency expects (Pithouse, 1988). As a practitioner from within the agency I was aware of the process of case-note recording. Case notes are constructed through the existing agency expectations of both style and conventions of recording. They are directed at providing standardised public accounts and disguise the messy and complex accounts of specific practice. As a practitioner, I began to think about artefacts that are often missing from practice records: the data, reflections, experiences and observations that are erased in the production of case notes, affidavits, and computer records. These missing artefacts are the 'smells of practice' that Ferguson (2004) refers to. My interest in this study was in the decision-making practices of child protection social workers and the risk discourses that informed these practices. Stories about case experiences elicited in semi-structured interviews with social workers aimed to capture the 'smells of practice'.

The limitations 'partial accounts' from recorded (written) case records pose when used for research purposes, Floresch (2000) argues, are overcome through an interview and participant observation methodology. Silverman (2003), however, argues that interviews are not straightforward reports either. Rather, interviews yield accounts of experiences that are constrained by the regimes of knowledge available to participants (Foucault, 1972). This was important in my inquiry, as I was interested in the regimes of knowledge about 'risk' that participants used when they offered accounts about their practices. Talk about risk occurred in accounts about the notification, the risk assessment, affidavits, and discussions with colleagues. Probes were used each time 'risk' talk emerged during the interview

process, and I would attempt to get participants to elaborate on what they understood by risk and why they considered children ‘at risk’ in particular situations.

The fieldwork was undertaken in three stages. First, sites close to, or within commuting distance to my home town, were visited. Two trips were planned to visit other parts of the country. Each period of fieldwork was approximately three weeks, and the time between each trip was used for transcription and idea development (Rodwell, 1998). I travelled to a range of rural and urban centres in both the North and South Islands and met with many social workers who expressed an interest in participating in the research. I planned three field-trips to different parts of the country, and, in so doing, maximised parts of the country where CYFS offices were in a close proximity.<sup>87</sup> Central to my fieldwork was spending time in each office, sitting at a desk, taking coffee with social workers, and arranging interviews that suited social workers. As Hough (1996) notes, child protection workers are busy, and in spending time in the offices I was able to meet with and interview more social workers than I had originally intended. Of the 70 social workers I interviewed the length of service with CYFS ranged from 5 months to over 25 years, 12 had 10 years or more service with CYFS. A further 12 had been employed with CYFS for less than 12 months. The demographic data from the research participants is presented in the following table:

Place of work:	
41 in urban centres	29 in rural offices
Gender:	
53 female	17 male
Ethnic Identity:	
31 Pakeha	
21 Maori	
12 Pacifica	
6 ‘international’ (i.e. not of the three main groups)	

<sup>87</sup> One site had recently been the focus of public condemnation about the assessment practices pertaining to violence, and this site was not included in the research.

The majority of the social workers had achieved or were studying toward a tertiary qualification in social work or the social sciences.<sup>88</sup>

A number of newly appointed social workers felt that they might not have the desired experience to offer much to this study, despite my encouragement that in doing the work of child protection they held valid insights. As the Hon. Steve Maharey (Minister of Social Development) has commented, newly appointed social workers at CYFS will be confronted by clients who have experienced extreme situations, such as sexual and physical abuse; the culture of an organisation is dependent on an open discussion around these issues for practice to grow and become more effective (Maharey, 2003).

I spent 35 days in 14 CYFS offices, interviewing social workers, observing office culture, and mixing with the teams. This was done during staggered time periods to allow time for reflection between each trip. In addition to this, I attended a number of meetings with groups of staff to overview the research. I also met with supervisors, managers, and practice managers, again answering questions about the research and gaining an overview of the office organisation.

On one occasion, a worker, through the narrating of her case, felt she needed to reconsider how she had been assessing risk. At the end of the interview, she said she would seek out her supervisor and review the case direction. She felt that she needed to elevate her definition of a child from being 'low risk' to 'high risk'. The fact that she had reflected on her construction of risk, and the need to revisit her assessment with her supervisor, was exciting for me. I was buoyed with the understanding that the talk being done by social workers, that is their 'storying of cases', was consistent with how they accounted their work during supervision. The social worker who felt she needed to reassess the level of risk had done this through a process of reflection during the interview.

As discussed earlier, the interview method used in this study was informed by the Critical Incident Technique (CIT) (Byrne, 2001; Fook, 1996) to collect a range of

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<sup>88</sup> Of the 70 in the group, 56 self-reported that they had attended or graduated from tertiary study. The remaining 14 did not complete this section of the demographic form. See Appendix 7: A diagram of educational achievement for the research participants.

straightforward and more complex assessment experiences. For this reason, participants were asked to recall child protection assessments and give an account, a story, about their decisions and the factors that emerged for the worker around the decision-making process. Participants were asked to recall salient practice examples that were most vivid in their memories.<sup>89</sup> The names and identifiers of workers and of the people from the cases discussed were changed to ensure confidentiality and anonymity.

Research participants were given an information sheet (see Appendix 3), and asked to sign a consent form before the interviews. Participants were reminded that they could withdraw at any time during or after the interview, and that confidentiality would be maintained. The tape-recordings of the interviews were transcribed by a typist and all documents, tapes, and computer disks stored in a locked cabinet within my office at the Social Work Department, University of Canterbury. The final draft of this thesis was made available to the Department of Child, Youth and Family Research Access Committee, in line with the agency's policy and the agreement we entered into in 2001 (see Appendix 2). Thus the thesis becomes a resource for the agency and social work community. Once the thesis has been examined, a copy will also be placed in the Ministry of Social Development's library in addition to the University of Canterbury library. A research grant from the Ministry of Social Development (MSD) assisted me in the costs of travel, accommodation, and additional research expenses, and a formal report has been made available to them on this research (Stanley, forthcoming).

## **Research Analysis**

The interviews with social workers were analysed through a process of manual and computer assisted organisation. I used the qualitative data analysis software tool, NUDIST,<sup>90</sup> for two reasons. First, the number of interviews was substantially larger than I had first anticipated. The large amount of data was more manageable using a computer-assisted package such as NUDIST. Second, the analysis of the data was ongoing throughout my writing and NUDIST made it possible to recode and data

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<sup>89</sup> See Appendix 6 for the Interview Schedule

<sup>90</sup> NUD\*IST – Non-numerical Unstructured Data by processes of Indexing Searching and Theory-building ([www.qsrinternational.com](http://www.qsrinternational.com)).

search when needed. As ideas developed, and memos were written, further coding was undertaken. I also returned again and again to the tapes and transcripts and to listen, re-read, and consider the accounts social workers told about particular cases and their decisions.

Hargreaves (2002) argues that coding a complete transcript is unnecessary; however, I found that this allowed me to be closer to the data, given that the majority of interviews were transcribed by a typist.<sup>91</sup> The process of coding and recoding was done at the same time as reading and re-reading the interviews. Through using NUDIST to identify the coding nodes that emerged, I developed a number of trees from the material. The four final trees correspond with material considered in the following four chapters: the social worker as risk assessor, the family/whanau interventions generated by risk assessments, and relationships with actors and organisations external to CYFS. An additional chapter on the Risk Estimation System (RES) also emerged through the coding process (see Chapter Nine).

Both Hargreaves' (2002) and MacGibbon's (2002) doctoral research provided pointers for analysis that I found useful. Using large pieces of paper to diagram the connections between coding nodes (MacGibbon, 2002) was a creative balance to the organised process of NUDIST, and assisted my own need for structure and order in research. When writing, I could move easily between NUDIST and Microsoft Word and this allowed for a closer analysis of the transcript material during the writing stage. As my writing progressed, I could easily move between transcripts and NUDIST, to consider the contextual issues relating to each interview. NUDIST facilitated rich data analysis, despite critiques of its limitations in data analysis in distancing the researcher from their data (MacBride-Stewart, 2001). However, it took some months for me to learn the NUDIST package.

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<sup>91</sup> I transcribed a section of interviews. This took a considerable amount of time and I employed a typist to assist me. The use of NUDIST enabled me have a close engagement with the transcripts and I returned to the raw interviews several times during this project. I did this to check emerging ideas as they unfolded through the use of NUDIST.



## A Grounded Approach to Analysis

The analysis of the data was achieved through a grounded theory approach. Previous research experience prepared me for the time needed to immerse myself in the data, and the need to shift between analysis, further data collection, and back to initial transcripts. NUDIST aided this process. I talked with other researchers who had completed doctoral study and gathered ideas based on their experiences.<sup>92</sup> Their experiences of ‘resting with time’ and ‘loitering with intent’ resonated in the literature. External restrictions limited my freedom in ‘loitering with intent’ for too long, as financially, I needed to enter the paid workforce and this limited the time allocated for analysis and writing. Glaser et al. (1968) warn that time is required to produce a well-grounded analysis, while Miles and Huberman (1994) caution the researcher against reaching a premature closure. In heeding this advice, my process of data analysis continued throughout the coding and writing stages.

After checking the transcripts for errors in spelling and literal meaning, they were saved in a readable form by NUDIST. NUDIST allowed me to code directly from the transcripts using in-vivo terms. It also allowed me to code ‘free nodes’ that were stored as provisional nodes. For example, when social workers talked about making decisions to remove a child, I initially coded this as **Decisions**. I also found examples of decisions made to leave children in their home. Sub-categories, therefore, emerged, and I separated these into **Decisions to Remove** and **Decisions to Leave**.

Further coding revealed that within each of these sub-categories, risk assessments and the term ‘at risk’ were frequently used to show supervisors, colleagues, and families that the decision was the right one. Eventually, coding trees were built showing a pathway of my data analysis.

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<sup>92</sup> McBride-Stewart (2001); Pérez-y-Pérez (2003); MacGibbon (2002).

While actually quite complex, one pathway is represented in the outline of a tree developed from sub-categories under the code: Decisions:

- **Decisions**
  - Decision to remove a child
  - Decisions to leave a child
    - Justify the decision
    - ‘At risk’ used to assist the justification
      - Explain *to* supervisors
      - Explain *to* CPRP
      - Explain *to* families
        - Enrolment
        - Strategic presentations of ‘at risk’
        - Legitimate decisions.

Throughout the analysis process, I wrote memos, I sketched diagrams, I returned to the taped interviews and initial fieldnotes. By re-reading transcripts and moving between drafting chapters and NUDIST, I had the freedom to enjoy the data and development of ideas, while working within an organised structure. Using NUDIST was also crucial in managing emotional aspects of qualitative research as I jotted questions and memos. Writing and diagramming produced tangible ideas and I was able to track the development of my ideas by returning to earlier memos and diagrams. I returned to the transcripts with my developing theories. Connolly (2003, p. 110) argues that grounded theory is confirmed by “returning to the data and generative coding, and re-examining the categories in light of this”. In the final stages of the analysis process, I used grounded theory more explicitly. This was informed by Connolly’s (2003) <sup>93</sup> model of qualitative analysis, which uses a grounded theory approach. The core category **Legitimation** emerged through this process of coding, recoding, and seeing the relationships between the way risk was drawn on and utilised by social workers in their decision-making.

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<sup>93</sup> Assoc. Prof. Marie Connolly was the principal supervisor of the thesis project, and we used this model in supervision sessions to develop chapter outlines and the developing thesis arguments.

The case accounts described by the workers were analysed as complete incidents (Plummer, 1995; Riessman, 1993). I re-read each case story that the social workers had defined as encapsulating a key decision about risk. This process was done following my grounded approach in developing an explanation of how workers use risk discourses to legitimise practice decisions.

## Managing Limitations

I entered the research field to explore how and in what ways social workers make sense of and work with risk. I avoided asking social workers directly about risk assessment work. Instead, I entered social workers' fields of practice and followed their stories about the sequence of events from notification to decision-making about children at risk. This allowed a greater exploration of work associated with, but at times not directly connected to the formal risk assessment system, RES.

Clients were not included in this research. It was the process of arriving at a decision about whether a child is 'at risk' and how social workers frame and view the situation that was of particular interest. The 70 social workers interviewed constitute seven percent of the social work staff from the service and in this way the findings are indicative of the responses of other social workers without being statistically representative. During the writing of this thesis, I travelled to additional CYFS offices, presented my findings through peer review (Stanley, 2004), and presented my initial findings to two of the original research sites. The feedback and comments received indicated that the findings and practice implications are of relevance and validity to the social work staff.

I was also 'inside' the field as I continued my work with CYFS as a social worker throughout most of this project.<sup>94</sup> I have presented at several conferences in New Zealand and Australia and at staff workshops where I have been able to receive feedback from social workers. Bolton (1996) argues that the fields of practice and research are less demarcated than many researchers have documented. I am still inside the practices and sites of practice that I investigated as an 'insider', and it could be argued that I have never actually left (Pérez-y-Pérez, 2003).

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<sup>94</sup> In my work, I continued to think, talk, and consult colleagues around discourses of risk. These discussions were stimulating and useful as the analysis unfolded.

Matthewson (1998) argues that qualitative methods have been broadly criticised because of their limited potential for generalisability. However, he goes on to argue that qualitative research does not purport to provide such generalisable data, as the aim is to develop a “deeper understanding of phenomena from the perspective of participants” (Matthewson, 1998, p. 79). This has been the focus for this study. The integrity of this research and its relevance for social work practice in Aotearoa/New Zealand rests in the peer-review processes associated with review of publications based on the data, academic supervision, and the content of this chapter, where I review the methods undertaken in this exploratory inquiry, and make the limitations of my research process transparent.

While I have followed the stories of cases from notification to decision-making, as recalled by workers (Callon, 1997; Latour, 1999a, 1999b), I have not been ‘following’ the social worker. Nor has the emotional impact of practice been a focus for this research, even though the CIT was used. Rather, the CIT was used to elicit accounts about straightforward and complicated cases of assessing risk. During one interview, a social worker recalled her experience with a child fatality some years ago. This case story was recalled in detail and richness. However, the aim of the research was not to get to the ‘truth’ or explore the emotional impact on social workers of particular cases, but to research the understandings and/or discourses of risk used by social workers as they engaged in child protection practice. My focus was on how and in what ways the social workers discussed, framed, and positioned risk in their accounts of the cases they worked on.

The methodology was time-consuming, expensive, and required a time commitment from CYFS staff. I overcame these limitations in a number of ways. I returned to the social workers with my ideas and reported back my initial findings from analysis of the interviews and my fieldnotes. My discussions with social workers<sup>95</sup> throughout the process of researching allowed me to continually reflect on my findings and return again and again to the data. Second, I re-examined the categories developed in light of the feedback I gained from consultation (Connolly, 2003). Academic supervision assisted in the development of ideas.

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<sup>95</sup> In addition to my academic supervision I maintained a core group of support people who were connected to social work by either teaching or practice, or as cultural advisors.

The CIT methodology also facilitated a rich and detailed reflection of issues under inquiry (Byrne, 2001). Fook (1996) has argued for the use of this methodology in the supervision process for social work. I found CIT effective in generating a rich source of information about practice experience. In summary, I found that:

- CIT focussed the discussion on an aspect of practice
- CIT highlighted to both social workers and researcher the aspects of the practice that were successful and in their 'control'
- The CIT method provided a number of practice narratives from each interview. All interviews produced at least two narratives (some interviews produced four case narratives)
- CIT provided social workers with an opportunity to reflect on their practice in useful ways during the interview
- CIT highlighted how cases are 'talked into being' (Silverman, 1993). Cases were constructed as cases and presented as 'difficult' or 'straightforward' through talk.

Bias is a critique often levelled at qualitative research (Hewitt-Taylor, 2002), and I sought to overcome this through my use of academic supervision and consultancy with a peer-review group. As van Heugten (2004) argues, researcher bias needs to be considered by the researcher. Academic supervision was the primary forum for reflection on these issues. I maintained a research journal to note issues and ideas as they arose. I also maintained a social work peer group where I could regularly discuss the development of ideas. Writing for publication and conference presentation assisted in this, and the feedback gained from these forums sparked my imagination and provided further issues for me to consider.

## **Conclusion**

This chapter has discussed my research design and practice while undertaking this exploratory inquiry. I have offered my account of the choices I made, the issues that I considered along the way, and the process of managing this project.

The research strategies were located within a field of qualitative social work research and the reasons for in-depth interviewing have been discussed. I argued here that as a method of data collection, the Critical Incident Technique can provide a rich source of practice experiences as recalled by social workers. The limitations in this method were also discussed. I then considered the relationship between the

data collection methods (CIT) and analysis process within the grounded theory literature.

The construction of knowledge through this exploratory inquiry required critical reflection into the methods of both data collection and analysis. However, like the case records of social work practitioners, this chapter is a partial account. My reflective journal, discussions with academic colleagues and social work peers are not reported fully in this chapter. In essence, it is a synthesis of the issues that I considered, discussed, and managed while doing this research.

In the following four chapters, Chapters Six to Nine, I present the findings from this exploratory inquiry, and in Chapter Ten, I focus on the implications these have for practice. In the first of the findings chapters, Chapter Six, I discuss how knowledge about risk begins in the offices of CYFS. Importantly, this knowledge provides the basis of a risk assessment that occurs prior to meetings with the children and families.

## Chapter Six

### Preliminary Assessments of Risk: Office-based practices

[With] what's going on in the media and such, with kids being uplifted, that is a really tough decision to make, and I would hope that, as well as myself and my colleagues, that whatever decision we made, like, if we had to make a decision to uplift that kid, it would be in the best interest of that child, rather than a decision based on just what I think, or just to punish the family, in other words. You need to do your history, really. (Social Worker 21)

Assessment work of children suspected of being 'at risk' begins prior to social workers meeting children and families. Within the offices of CYFS, social workers collect information from various sources to build knowledge about the children who have been identified as potentially or actually subject to harm. This chapter focusses on this early process of responding to notifications and constructing 'a case'. I argue that in their work of constructing a 'child protection case', social workers draw on risk discourses (de Montigny, 1995). In so doing, the regimes of classification and audit discursively construct the practices of social workers, as they seek to assess child protection issues. Social workers draw on recorded history contained in the various files in their offices and on the CYFS computer information system (CYRAS). They build understandings about children 'at risk' and this is embedded within a practice environment resting on tensions between family support and child protection, as I discussed in Chapter Two. There is an inevitable practice tension between the paramountcy of the child and serving the interests of family and whanau in doing child protection work. Risk discourses are used by social workers to manage this practice tension.

I present the voices of social workers in this chapter to argue that risk is being constructed by them prior to their meeting with families and children, and this occurs through both informal and formal practices of work (Pérez-y-Pérez, 2003). According to Pérez-y-Pérez (2003), the talk generated between workers about work constitutes new forms of knowledge about how to do the work. She argues that this

includes ‘down-time’,<sup>96</sup> a rich source of learning that workers gain from the informal discussions they have with colleagues. The CYFS office is a site of ‘down-time’ discussions about child protection and I was part of these during my fieldwork. The interviews I conducted were also orientated at facilitating this ‘down-time’ talk about the day-to-day experiences of doing child protection work.

Moreover, the talk generated in this early phase of social work practice is central to how social workers initiate an investigation into alleged child abuse and neglect. The social workers in this study regarded risk as a useful construct to assist in the organisation of social work practice in the work of child protection. An uncritical approach to risk by social workers, therefore, potentially limits *how* they think about what they do (Ferguson, 1997).<sup>97</sup>

This is the first of four chapters that examine the responses of social workers to the invitation to talk about straightforward and difficult or complex cases of alleged child abuse or neglect.<sup>98</sup> These chapters follow the practices of child protection work, beginning with office-based practices of care and protection work when a notification is received. The processes directed at making risk transparent are very important in the construction of a care and protection case (Pithouse & Atkinson, 1988). This is a key concern that will be addressed in the next four chapters.

### **Notifications: Starting points for social workers**

The child protection process begins for social workers when a notification is made (CYPFS, 1998).<sup>99</sup> The CYFS national call centre in Auckland processes the information received into notifications,<sup>100</sup> and through the internal computer network, makes these available to local offices. Notifications are allocated to the locale where the child is living and are queued to each site. Call centre staff check

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<sup>96</sup> Chatting over coffee and informal staff-room discussions always involve tacit learning (Pérez-y-Pérez, 2003).

<sup>97</sup> This is further developed in Chapter Ten.

<sup>98</sup> See Chapter Five for a discussion of the research strategies used to generate this research material. Data collection for this thesis was not aimed at discrete areas of practice; rather, social workers were asked to recall complex and straightforward assessments that had been or were currently being worked on.

<sup>99</sup> Connolly (1999b) the child protection inquiry.

<sup>100</sup> Prior to the Call Centre opening in 1999, intake teams managed the processing of information at a local level.



CYFS records and add to the notification any known history the service may have had within the family.

Once at the local office, the notifications are then prioritised by supervisors and allocated to social workers. The process of differentiating cases according to perceptions of risk occurs both at the National Call Centre and during the allocation process, as supervisors respond to the issues contained in the notification.

In contemporary society, risk discourses surround childhood (Ferguson, 2004). There is a public notion of risk to children with a set of expectations attached to it. When a child is identified as being 'at risk' the notifier, potentially either a member of the general public or a professional, contributes to this discursive presentation. Social workers then respond to the discursive presentations contained within the notification.

[The Public] see something that's happened that they believe is a risk to a child. They see something they've seen as a risk to a child. So the risk estimation actually begins before it even comes in here. It begins by someone seeing it outside, a notifier, and they notify us. (Social Worker 17)

The source of the notification influenced the type of intervention plans made by social workers. For example, social workers suggested that notifications made by the police are regarded as being more 'official', and these constituted a more thorough evidential base from which to begin investigation work. This resonates with Cleaver et al., (1998) and Munro (1996), as they found that professionals were regarded by social workers as offering a more objective assessment in the referral information. According to Harper (1998), Dorothy Smith offers an understanding as to why this occurs:

[Smith's] view is that society and institutions have the form they do because individuals within them *assume* that there is an order, a facticity, a truth, or a possible falsehood. Their assumption that these categories exist, and that they are real and substantive rather than mere social constructs, is the basis upon which those individuals are able to act. Assuming that there are such things as facts enables individuals to search for those facts; knowing of their existence enables persons to orient to modes of conduct that enable the discovery of them. This is the basis of science, of judicial proceedings, of hospital work; indeed of institutional life as a whole. (Harper, 1998, p. 37)

The social workers who participated in this study regarded the notification as containing facts and first-hand information that they needed to act on, particularly notifications made by the police, which were regarded as 'official'. Fifteen of the social workers in my study discussed cases where the police had notified CYFS.

[T]hat case came with notification from the police, because they had been contacted by the Women's Refuge about a woman who was having children at the Refuge and they actually, the police had started to charge the woman with assault on her children with a weapon, and so they had taken statements from four workers at the Refuge, so it came in as [a] notification. Four witnessed statements around the abuse situation [were] attached to it. So that meant that we had a lot of first-hand data about [how] this woman had functioned on that occasion, so that made it quite straightforward, and one of the issues for me that makes cases difficult is where you're just getting two stories and you don't have somebody who's actually seen everything, so this was quite good from that point of view. (Social Worker 15)

The concerns or issues reported in a notification are not, however, framed in terms of risk discourses. Risk is the implicit framework used by social workers to make sense of the reported details.

[The notifications] are not framed in that way at all, in fact, quite often notifications don't actually mention risk, or what the risks are, they always say concerns .... They don't talk about risk in notifications, they will state the basic concerns, and then out of those concerns we have to look at what the risks are and formulate an opinion. (Social Worker 2)

Workers used implicit risk assessment check-lists when reading through the notification information. Through identifying risk indicators, a picture is constructed based on the information contained in the notification.

[There was a] baby at risk. Based on the notification, it read awful. It read that this baby was at *high risk*. (Social Worker 68 – her emphasis)

The worker emphasising the degree of risk, in this case *high*, is responding to the information. In this case, the action was to go directly to the home and assess the situation, but it could also involve making a phone call to a notifier to gain more information. The fact that the baby was assessed to be 'at high risk' legitimised a decision to take intervention action. The notification information provided the social worker with the resources to assess whether a particular child or children were at risk, and in certain offices, social workers are instructed to work this way.<sup>101</sup> Not surprisingly, decisions are often made based on the information contained within the notification.

[W]e make assessments all the time, even before we leave the office, and we gear our investigation plan, and the paramount thing is the safety of that child and so we make that

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<sup>101</sup> The identification of risk is a core function for social workers at CYFS (Findlay, 2003). CYFS Practice Manager, Nick Findlay, argues that the notification contains an allegation that requires investigation. The aim of an investigation is to secure *truth* about the allegation (Findlay, 2003) through a focus on risk. Munro (1999a) argues that social workers can be selective in the information they collect, and, at times, this can be used to support predetermined assessments. In Chapter Ten, I argue that social workers can build knowledge with families about the issues they are investigating with the use of risk as a discussion tool. This has been termed constructive assessment work (Jokinen, Juhila, & Pösö, 1999; Parton & O'Byrne, 2000).

decision of seeing the school and talking with the child there, before we go to approach the parents. (Social Worker 43)

What makes it easy to assess risk for children? Depends on the notification, a clear notification makes it easy for us to determine what needs to be done. (Social Worker 26)

The notification is, therefore, a powerful tool in the development of investigation plans. Two social workers assigned a higher risk status to notifications because there had been a gap between the previous social worker's involvement and theirs in investigating the notification. Overall, time gaps in attention to a particular case produced a higher risk definition.

Social workers consistently considered that a notification was an indication of likely risk. The task, then, of the CYFS social worker is to assess *how much* risk.

First off, is like, one of the things that all care [and protection] workers are told to do, and encouraged to do, is [do] a précis, like, go through the whole file, the whole history of the child, so they don't get just, they don't just look at, [they're not] just seeing the plan that they're working on, but they get the context of that, and they get inside - into what it was like for that child, which is why we are involved. So that's one of the first things that we consider. Then we look at, like, family. (Social Worker 69)

When I go into a case, I always have the worse case scenario, no matter how straightforward, because not everything looks the same, you only get a surface [understanding], but it's good for the family when it's not so bad. (Social Worker 58)

There was a general acceptance by the social workers in this study that a notification made to CYFS meant that some form of risk existed for the child. The majority of social workers began their investigative work assuming 'high risk' for the child and modified their assessment as they accessed more information. In this way, many of them noted, they were covering all of the possible outcomes of their work. This is also indicative of the ways in which social workers emotionally manage the processes of risk assessment.

What I say to myself all the time is that, you know, I'm doing this for the child, I'm here for the child. I would rather be wrong than be right about her staying there. I would rather think that she is really unsafe and be right than leave her there.... Because at the end of the day, when you make decisions on where people are, basically [these are] children's lives. (Social Worker 36)

Reflexive assessment practice moves beyond the notification information and extends into the sphere of family life. Attending only to the issues listed in the notification potentially narrows the assessment process. More experienced social workers advocate a more holistic approach:

I see it in new workers coming in. You go into a case, particularly where people don't have experience and hands-on supervisors. They go in looking at the notification and they only assess what's there. You know, did this Mum slap her daughter? "I haven't been able to establish that, close the case". Whereas when you actually, and you should, look at the whole picture, a lot of other things come out and your intervention is actually quite different. (Social Worker 49)

This approach is consistent with the policy discussion document, the Department released in 1998 to staff that advocated a holistic approach to the assessment of families (CYPFS, 1998). The agency attempted to develop a culture within it that welcomed professional judgement by social workers around their assessment work. The tools of assessment and the agency culture at that time attempted to incorporate practice wisdom as a central element in decision-making.

'Practice wisdom' is a generalised term found in the social work literature (Beddoe, 2001; Connolly, 2001a; Smith, 2001), and requires some explanation. Dybicz (2004) argues that practice wisdom is a skill set and knowledge base that social workers can develop. Central to this skill set is the ability to recognise that social workers will not have all of the necessary knowledge that may be expected or required of them. Further, he argues that practice wisdom is "[c]ompetency in the application of social work values and guidelines to the helping process in which the social workers and client engage" (Dybicz, 2004, p. 202). Social workers able to recognise their limitations around knowledge, values, and skills are less likely, Dybicz argues, to apply 'expert knowledge' or 'truth' to clients and their situations. Assessments are then tentative and open to scrutiny. Further, as I argue in Chapter Ten, risk assessments are applied as 'expert knowledge' and this is a result of how the work of child protection is organised. Munro (2004) argues that risk assessments are tentative hypotheses and social workers need to resist applying risk assessments as 'certain truth' (Munro, 2004).

Social workers in Aotearoa/New Zealand are significant actors in decision-making about children alleged to be 'at risk'. Internationally, this is quite different, particularly where actuarial risk assessment tools are favoured. I argued in Chapter Three that risk assessment tools were developed internationally to limit personal error and subjective bias in decision-making. In Aotearoa/New Zealand, an assessment framework was introduced that was designed to be drawn on that would assist decision analysis in professional supervision (Smith, 1998a). Later, in Chapter

Eight, I argue that social workers, overall, utilise risk discourses in ways that are quite different from the CYFS' goals.<sup>102</sup>

### Following a History: The use of artefacts

In this section of the chapter, I discuss the ways social workers talked about the recorded histories of families held within CYFS, and how these histories are used to assess 'at risk' claims about children.<sup>103</sup>

Historical information about a family or child recorded within the CYFS system is used by social workers when building knowledge about a child that is alleged to be 'at risk'. Prior contact between child protection services and families is recorded in case records, and these records influence risk assessment decisions (Jones, 1996), as this next social worker illustrates:

So when this case came here, I weighed it up with the risk indicators, the order, and especially the previous history. The previous history in its own right is a risk indicator. (Social Worker 17)

International research indicates that families known to child protective services are regarded as being at an increased risk for re-occurrence of abuse (Zuravin et al., 1999). For the majority of social workers who participated in this research, the recorded history of a family influenced intervention decisions. This occurred prior to meeting with the family. One social worker noted, "It's too easy for us, from the department, to look up the history and form an opinion before we've even met the people, whether that be good or bad" (Social Worker 25). The reading of case files and recorded history was seen as a part of assessment planning work, yet acted as

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<sup>102</sup> I am arguing that social workers are strategists in the selection of reports and assessments to define and manage risk (see Chapter Eight). Used in this way, risk discourses provide legitimacy in decision-making. The Department attempted to develop a culture where practice wisdom was a welcome component of decision-making. However, the tension between the protection of children and servicing family and whanau needs has produced a context within which social workers negotiate their work.

<sup>103</sup> Latour's (1987) Actor Network Theory (ANT) was influential here. ANT attempts to explain the relationships between people, things and the knowledge that circulates between and around them. An ANT framework considers the circulation of artefacts, for example notification reports (as being both a paper record), and the associated computer file, as being separate and actual *things*, that set up particular sets of relationships between human and non-human objects. The non-human objects are actors within the networks of child protection because they play a part in establishing these relationships. In this way, ANT is a methodological toolkit, and a way of conceptualising the relationships between human and non-human things.

an uncritical regime of surveillance (Lupton, 1999a), as social workers accumulated knowledge about particular families and children.

I kind of knew from history, you know, that there certainly were elements of risk, but it was around neglect, and neglect is a really hard risk to define, it's not immediate risk. I knew the situation was [a] persistent and chronic situation. (Social Worker 2)

Pretty much, the standard [assessment] process I use is that you're assessing past risk which is like the file review, then you're looking at the notification, like, what are the current factors that are saying, yeah, these are the risk factors, and then you're looking at finding out, is that still current, has anything changed, is the same stuff going on? So you're actually, from the time you're picking it up, you're doing risk factor analysis, and you're also looking at strengths as well, because you're going to be working on strengths to reduce the risk as well, and also family. (Social Worker 50)

Practice decisions, informed from a consideration of the recorded history together with the new notification, ranged from worker safety decisions, to the removal of children. Decisions to request police assistance prior to a home visit were made by several social workers, and this was based on a recorded history of violence by family members. For these workers, the history assisted in planning for their own personal safety. Social Worker 9 said she requested police assistance prior to meeting with a particular family, "Because we had seen the history; the father had presented with a firearm somewhere". The risk to her, as both citizen and social worker, was identified and diminished through using police assistance.

Decisions to intervene into the lives of families are considered more legitimate when there is a recorded history of social service involvement (Matthewson, 2002; Rose, 2002). CYFS' records, together with a notification, are key sources for risk assessment at the beginning of any investigation. When coupled with the notification, recorded histories held by CYFS increased the information available to social workers as they assessed the risks for children.

I mean, if you have a client walk in here, first notification, you don't feel, um, they don't present [as much risk]. Say it's a 10-year-old child and it's the first notification, they don't present as much of a risk as compared to someone who has walked in here with a 10-year-old child whereby they've had a notification every year since the child's been born, okay? So in this case, this family, I watched reasonably closely, but I knew this woman knew the system, she knew it really well, and I knew it was waiting for a window of opportunity. I couldn't see anything, I couldn't prove anything, I knew things weren't okay, and then I got a notification that things weren't okay, and I acted immediately because I knew that was the window. And I went out to the home, and it was quite horrific when we removed the children. ... I'm quite clear in my mind that further intervention is actually not a requirement now for these children [as they are now out of the family home]. (Social Worker 17)

The social worker legitimises her intervention decision because the previous history is in itself *a risk indicator*. The social worker positions the family as being knowledgeable perpetrators avoiding the system. She draws on risk discourses to legitimise her intervention decision.

In another case described by one worker, the family was known to the office staff and the supervisor drew on the known history of the family to plan the removal decision, prior to the social worker assessing or meeting with the family. According to this social worker:

This is a family that has had a long involvement with us, the notifiers have always been the family, parents' drug addictions, alcohol, theft, and they had all their children removed, not by our service, but by the family, and it just so happens at the same time, they had 5 children, [they] decided they can go back to their parents, so they did. And then one of the caregivers rang up with concerns for the children being in their parents' care. Because of the long involvement that we had, and in consultation with my supervisor, she actually felt that we should uplift the children. I challenged her and asked her, "Can we go for whanau hui first?" But hers was that this was the second time this year that a notification had been received for this family and that two other whanau hui had taken place and we knew the legal stuff. (Social Worker 36)

In this case, the supervisor draws on her knowledge of the family, and this influences the direction she gives to the social worker. Risk profiles, and decisions about families, are thus constructed through a range of measurement regimes (Rose, 2002).

Your [role, as a social worker, is] assessing risk, and from that, I guess, decision-making starts. Decision-making though, can actually start even before you leave the office, and how do I come to that conclusion? Well, one is if we already have a history on the parents, a decision will be made at work, I left that out, you know. If [pause], like a family's known to us, and we've pretty much got enough for an affidavit, there'll be a decision made at the office, and then it's virtually going out and telling families what we're going to be doing, yeah, I've done that before.

*Int: What's that like?*

It's uncomfortable because there's no second chances.

*Int: And there's no family involvement with that, it's already been decided?*

Because the history is self-explanatory on how primary caregivers are violent and abusive, yeah. It's difficult though, decision-making, it can be. (Social Worker 55)

The social worker in this case was the risk assessor and decision maker. The use of risk factors to legitimate their actions mitigated any struggle workers may have over possibly pre-empting an assessment outcome. Used in this way, risk is a 'virtual object' (Van Loon, 2002), something that is rendered tangible through case files, recorded history, and court affidavits. The recorded history assisted in the establishment that a child is 'at risk', through a process of measurement. Used in this way, risk acts as a moral definer (Lupton, 1999a).

I knew, because, we had a notification late last year for this family at the end, in the assessment of that investigation, and it's case noted as certain things that were discussed in a final visit and what may need to change, so that was a helpful piece of information. I wanted to see if, in fact, any of that had changed, and it hadn't so (pause) yeah, the history, I just felt more safe and secure about knowing a bit more about them and, and I guess that's maybe more around my own safety as a worker in preparation. (Social Worker 1)

I always read the CYRAS history before I go over on investigations just to, because I think in terms of assessing risk, it is always important to have as much knowledge before you go out and knock on the door and meet people you have never met before. Particularly because you don't know what you are going to encounter, and at least if you have some idea of the history then you may know what to be aware of .... And so there was a lot of history, some of which had been, specific parts of it had been investigated and not found, but other things had been found and said, which weren't good and situations, plus there were several open investigations that hadn't been completed because the woman hadn't been able to be located because she was moving all the time. So there were all these other concerns too, sort of, back up the picture, if you like. (Social Worker 15)

Because safety and danger are rendered into observable states, practitioners are engaged in inductive reasoning (Schon, 1983) The gap between safety and danger, that is, not being able to attest to objective safety, is defined by social workers as representing risk. Investigation begins, then, with information gathering and knowledge building, and this was typical for the majority of workers:

*Int: So what do you think made it clear or easy to assess the risks for that case, what was it that was useful for you as a social worker?*

Information, a lot of information. There was historical information and it stated to me that there was a repeated pattern of abuse, and in the past, the children hadn't been removed, and it showed a pattern from 1990 until today, that these two ... are in a relationship with children, and children have either been neglected or emotionally abused, and in some stages there's been physical abuse, and yet this relationship is, and Dad's been in and out of jail, and there's things like that, historical information. (Social Worker 23)

I mean if it's something like alcoholism or a mental health history, even though you can have those situations in, for want of a better word, remission and under control, you also know that it's possible that they could actually rear their head and cause concern, so it means that this is something you have to explore, this is something you have to eliminate as you go down the path. (Social Worker 17)

As this worker noted, history is an important part in the justification of intervention decisions:

You need to do your history, really. ... I've heard of cases in here where social workers have not taken the child, but I've never come across social workers taking a child out of care without reason. I mean, sure, you'll get parents ringing up saying, but I wasn't there when this happened, so I'm still fine, my kids should still be with me, whatever. But there's a reason, there's more to it, there'll be historical stuff, there'll be people that would add to your decision-making, it's not something - that you will just go out there and make a decision on your own. You'd have to get the details and, more importantly, if you can, speak to the child. (Social Worker 21)



The recorded history measured against the new notification means more risk than a new case with no history known to child protection services (Jones, 1996). For the social workers in this study, the recorded history was largely regarded as a benchmark against which to measure the new notification:

In this case, probably like any investigation assessment that I do, the very first thing I do when I get a case is I read the history. Because, usually, if you look in the past it usually gives you a fair indication of where you are going, or where you could go, or where you don't want to go. (Social Worker 17)

[T]he case came in, and we were aware that it was in the other team, so a new thing that has happened in this office, because we've done a review of re-notifications because we have major re-notification problems, and that's a national problem, and one of the things that has come out of it is that every case that comes in, if it's had previous involvement, we do a review, and it's actually not just a review, oh this has happened, that's happened, yeah, we're actually doing a very good analysis of what's going on, what were the risks factors then that are still [reported] now. It's pretty much a full analysis of what's happened, what hasn't been addressed, and stuff that is now, has to be addressed now, kind of thing. ... Because we looked at, by doing this review, the risk factors were there in every notification, and some weren't even looked at, or it was identified, yeah, they were, but nothing was done about it, there was just a whole lot of stuff. So yeah, that was where the file review was done with that, so we were well aware of what's going on for the family, now we've got to decide about how we're going to do it, what our actions are going to be for safety reasons. (Social Worker 50)

Recorded history is a powerful discourse for social workers. The majority said they read any history held in both files and on CYRAS. A small number made specific reference to the recorded history held by CYFS with respect to future interventions. Future intervention decisions are then legitimised through the construction of assessment profiles. These are on record, for current and future review by a range of potential readers, including social workers and supervisors.

And I say [to the parents], you need to know that if you go to this agency and you don't work with them, you don't engage, and you come back our way, then our tariff will rise. Because any social worker worth their weight in gold will go into a system and read that this has been tried before. Why would you try something that has already been tried before and failed? How many times do you keep giving parents chances? (Social Worker 17)

So the neighbour re-notified about this child, so she notified us, plus the note from the police, and so we became involved this time. And when you read through the notifications in the past, the social workers always end up with the statement like, 'I believe this family will re-notify in the future and next time they re-notify we need to take more positive intervention'. But it's always been hard, because, like, they don't take the children to the doctor, no GPs know anything about it, they're very, very hostile to the school, particularly around this child. (Social Worker 32)

The assessment practices undertaken in the office, and prior to meeting with families, potentially disembodify the 'family', and neglect the biographies of those identified as being 'at risk' (Mills, 1970). Personal misfortune is re-constructed as

the prudential duty of individuals to self-regulate, and the potential connections between personal issues and socio-economic environments become less likely (Lupton, 1999b). Social workers' attention to the socio-economic and political issues, and, particularly, how assessments of 'at risk' emerge, is easily rendered less important to the identification and accounting of 'risks' for children and families. In child protection, risk is clearly focussed on children and families. There was little discussion in this study on risks associated with intervention, such as the removal of children from their families (Kantor & Little, 2003), or the risks associated with poverty.

Interviews with social workers participating in this research suggested that some workers may reach a preconceived assessment of risk prior to engaging with the family and undertaking a more participatory assessment with them. The majority of social workers indicated that they considered that the risk was higher if recorded histories were with CYFS. The records of a family's previous history or contact with CYFS prompted one worker to act 'immediately' to ensure the children's safety, and this is consistent with the CYFS' assessment policy:

[A] notification came in about the mum, saying that she'd gone, she wasn't well, and I happened to be on intake that day, and it also happened to be a case of mine that had just been given to me. And I got a phone call from [a relative] first, he was concerned about her. Then I ... got a couple more phone calls from other community members, and because I was only really new to the department, working as a statutory social worker, I was wondering, geez, I wonder if I should go around, but I got told no, let the community go to the mother because they'd been working with her. But I didn't hear anything for, like, I waited the whole day, and it seemed to, like, something in the back of my mind, because I read the file and she seemed to have a pattern when she became unwell and it was always, and what they'd described was in the historical. So the co-ordinator who is not really a social worker, said, "Maybe you should go out", because I said, "I'll go out, I just want to check, just to make sure that these kids are alright", because I was worried about them. (Social Worker 58).

This worker waited *all day* and over the course of the day, her concern increased through the reading of the file. She described being *new to the Department*, and added that colleagues encouraged her to let other agencies assist the family. However, she made the decision to go out and see the family and make sure things were okay. The building of hypotheses about families is not in itself problematic, however. It is the way in which information provided to this worker *remained in the back of her mind* and resulted in her *feeling worried*. The case file significantly shaped the concern of the social worker. She felt obliged to check on the family and waited until the end of the day to do this. The community agencies who had been working with the family failed to offer the social worker any new information that alleviated her concern.

Case files and notifications discursively construct families and children in particular ways, and, importantly, this means attending to the ways in which risk is embedded within textual records about children and their families (de Montigny, 1995). Few social workers in this study saw the recorded history as a partial and interpretive account (Pithouse & Atkinson, 1988), thus requiring a more critical engagement with it. For the majority of workers, the recorded history was regarded as evidence, an account of the facts, and transparent information about the family. For a small number of social workers, file history was regarded as a way to understand the family issues and current context. However, decisions can be made and justified quickly because, as one worker noted, the notification and history mean you can access the issues *all at once*.

I got contacted by the Plunket nurse to say they hadn't sighted the family. And then, when I read the notes, and, of course, when I read the previous history, well, I went out immediately, sighted the child, the second child had survived quite well and has done well. (Social Worker 15)

Documents, case files and records held about children and families are resources that social workers make use of in their work. These documents travel between social workers, between social workers and supervisors, and are reported to colleagues. At one level, they are immutable, because they are regarded as concrete examples of observations reported to CYFS by professionals and family members. On another level, these documents are highly mobile (Harper, 1998), as they move around the office of child protection in both paper and electronic form.<sup>104</sup>

### Consulting with Colleagues

Recorded history contained in files and on computer records provided social workers with their colleagues' assessment work. The process of consulting with colleagues known to families, however, was less than straightforward. File-based reviews were largely accepted as a collection of facts, drawn from the experiences of other social workers. Moreover, challenging or questioning previous social work practices were generally unwelcomed. One worker described reviewing a

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<sup>104</sup> According to Latour (1987, p. 229) immutable mobiles, or things regarded as being calculated and finalised, contain quasi power as they can "act at a distance". In this case, the notification empowers social workers to act in particular ways.

colleague's work on a file as being seen as going on a *witch-hunt* by her colleagues. File reviews by peers were generally regarded as a criticism of their work.

Even when we had our first meeting, we called a meeting of all the previous workers to say look, this is where we're at, I think there was some discomfort about talking about anything, their decisions possibly. (Social Worker 41)

I felt on the spot, I felt that [the previous social worker] felt a bit like I was questioning them about why they'd made decisions, which I was, but I think they felt that I was threatening their credibility, which I didn't mean to, but I said to them, I apologised, I'd only been in the place [a short time] so I excused my naivety, this is why I've come here, but at the same time, I think we all come with different strengths. ... I keep hearing about a strength-based approach and I think it's hard sometimes to bring it to social work, at the beginning [of] an investigation ... I felt like I didn't have a very good meeting with the social workers. (Social Worker 57)

In the one exception to this, another social worker welcomed a file review by a new colleague, as she felt stuck in decision-making about a family. After this review, a decision was made to remove the children. This assessment decision was based solely on a file review and on discussions within the office. The reviewing social worker had yet to meet the family.

It's been very interesting, because having given it to [a new social worker], she's had a chance to have a look at the whole [file], we've collapsed two-and-a-half years [of work] into two days, so that's helpful in the sense of getting a very clear picture, and she's very clear that the children shouldn't be in that house until Mum has been able to make the decision that he can't, the father can't come back. (Social Worker 18)

Overall, the social workers who participated in this study welcomed the involvement of their colleagues during the early part of assessment work on *new* cases. For one worker, this provided a site of collegial risk estimation where families were not present:

I felt that I wanted to take [the case] to discuss [it], [and] I think that it is important that those forums exist for us, and that we encourage, get encouragement from our supervisors, get encouragement from our peers to use those places for, to keep the practice transparent and for us to estimate risk in those times. (Social Worker 1)

Sharing responsibly for decision-making was a feature in these early case consultation meetings. This was the case for the more experienced workers and those new to the work of child protection:

[W]ithin that [consultation] process, [colleagues are] offering support; you get a better decision, but as well, you get the support offered to the particular worker involved, and no one is left, sort of stuck out on their own, having to wear the consequences of the decision being made. ... There's been a number of difficult cases that we've talked about collegially, you know, everyone's had an input and, because we've been fully aware of the impact of people making decisions in difficult cases and then things coming unstuck, and someone is left holding the responsibility, as it were, of difficult decisions that have been made and

things [have] gone wrong and [there is a] need to share that responsibility around, rather than leave it with one person. (Social Worker 48)

Re-allocation of social work is a feature of staff change (Brown, 2000), and this has an impact on how risk is determined. Several social workers described situations where they were allocated files when the previous worker had left the service. File reviews were routinely undertaken in these circumstances as new social workers familiarised themselves with the issues. Decisions were made which meant that children remained at risk when little evidence was located in the file to the contrary.

[B]ecause the social worker left, [as] did the supervisor of the case, the case was left. ... Now this left the Counsel for Child feeling like this was all over the place, and this kid was still at risk, and I picked the case up and thought, this is a young woman who is definitely at risk. (Social Worker 8)

The worker described another case where she had picked up work following the resignation of a colleague, which showed a child remained 'at risk':

The social worker, initially, had gone out and interviewed, no she hadn't interviewed, she'd interviewed the mother, and the mother had said that it was all bullshit and that it was just his mother, she was snotty because they wouldn't do whatever she wanted, and they'd had a fall out with her, and that the child wasn't sighted, and that's how it was left. So I pick it up a year later and looked at it and thought, Oh my god! Because all I could see was this kid who was now three, was living in a situation that we'd never fully assessed was okay, so it frightened me. And what the risks for me were that he had been convicted of a sexual offence against a child, and that he'd been living with her. The other thing in the notification was that he'd been offered [a sexual offending treatment] program while he was in prison but didn't do it, wouldn't do it, so therefore, I thought, well, maybe he's not admitting that there's an issue around his sexual behaviours, so I believed that created a risk for this child. The other thing was that if the mother was drinking, that increased the risk for the child, especially if she was drinking with him. The next thing for me was around the neglect issues, around the feeding, looking after, nutrition, cleanliness, you know, social activities, so that again increased the risk in terms of vulnerability, so, and my belief was that that had never been addressed and you couldn't see any action taken to address those risks. (Social Worker 8)

According to Parton (1999), social work practice and social workers themselves are increasingly subject to processes of audit. This may explain the defensiveness of workers who felt that their work was being scrutinised by colleagues. Moreover, this has implications for how social workers discuss cases together and reassess issues for families known to CYFS. The office culture, clearly, has a significant impact on how social workers talk and consult on case matters. Morrison (1999) argues that workplaces need to be emotionally competent and supervisors and managers have a key role in how the culture of each office is adjusted or maintained.

Supervisors have an important role in developing talk with social workers about the work of assessment (Smith, 1995) that involves, at times, families known to the agency.

## The Supervision Process

The supervision process inside CYFS is a direct line supervisory relationship. For the majority of workers in this study, supervision was useful, and was welcomed and valued by them and they regarded supervision as encouraging and supportive of their work. Such support is a core feature of professional supervision in social work (Kane, 2001).

Overall, some form of discussion about the notification issues occurred among social workers and supervisors prior to the worker leaving the office to visit families. A small number of social workers did not have an assigned supervisor because of staff changes. Four of the workers in this study were acting supervisors whilst they carried a social work caseload; these workers sought peer supervision with colleagues. More recently, in December 2004, the Employment Court ruled that the Department of Child, Youth and Family Services had failed in their duty of care for a supervisor who had been managing the caseloads of several social workers (Travis, 2004). This case profiled the central and important position of supervisors within CYFS. In his summary of the case, Judge Travis (2004, p. 57) noted that in the supervision of risk assessment, social work “can be highly stressful work”.

For the majority of the workers, supervision in the planning stages of an investigation focussed on *what to do next*. Social workers discussed to whom they might speak, what information it was necessary to gather for the investigation, planned home visits, and spoke about administrative tasks that needed to be completed, such as the updating of computer records. The generation of more information gathering was the primary outcome of these supervision meetings:

Talking to your supervisor a lot helps, to get clarity on **what to do, where to go**. (Social Worker 12)

[W]hen I'm given the case, you also discuss it with your supervisor anyway, so **you've basically got a briefing of what needs to be done**, but in saying that, you have to put it down on paper. So you message that to your supervisor, and then weekly have your supervision. (Social Worker 21)

Supervision helped in terms of **getting ideas about more people to talk to**. I've just drawn up an investigation plan. Like, I have interviewed the, the boy is only three - I haven't talked to him, but I talked to the girl, the five-year-old girl, but I did that at the mother's house, and now I'm going to go and do it at the school, to see if I can make any headway. **Supervision's just given me some more ideas about who will I talk to, really.** (Social Worker 15)

A number of supervisors had information about particular families from their own work backgrounds, as some had previously worked with the family as a social worker. Information exchange in this early supervision forum was regarded as useful by social workers. The supervisor, as seen in this next example, is a source of information in building a case in response to the notification:

[The supervisor] and I did [discuss it], she was the previous worker, you see, so that had a lot of advantages, she knew a lot of their information before I came on board. (Social Worker 41)

The importance of supervisors assisting social workers conceptualise issues in assessment work has been noted elsewhere (London & Chester, 2000). However, there was little discussion by the social workers in this study of how and in what ways supervision challenged their constructions of a particular case or issues emerging in their investigation and assessment work:

[Supervision is] just case reporting, really, and I couldn't tell you the last time that [my supervisor] challenged me about a decision that I'd made, and not that I wouldn't welcome it, I think it would be really good. (Social Worker 61)

Understandably, there were differences noted between supervisors. One social worker acknowledged this, yet expressed frustration about how this potentially impacted on outcomes for children and families:

The person who supervises me directly has a different philosophy in some cases than the [other] supervisor, in terms of placement of children, and what's appropriate. The [other] supervisor's very much into trying to get the child [home] - they have quite a lot of ideological differences between [them], where children should go, [and] who should be caring for them. (Social Worker 32)

As was common throughout the offices where my research took place, teams of social workers were managed by individual supervisors. However, in their absence, another team's supervisor was available to consult with.

The supervision sessions also provided a space for social workers to articulate their 'frustrations', yet the majority of workers used the supervision consultation, in the early stages of assessment planning, as a check-list of what needed to happen in the

investigation work. Supervision provided a validating mechanism for social workers in discussing their casework. In the next two examples, social workers typically use the language of supervisees. For these workers, supervision provided an emotional release about the information-seeking strategies:

[Supervision] works, because it just lends an ear to let out what I'm feeling and to get some reassurance that I'm on the right track, and that it's okay to feel that way, and that I've just got someone to oversight that I've done what I can. Is there anything else that needs to be done, in other words. (Social Worker 21)

[Supervision is helpful in] just letting your frustrations out and (name) he gets the full brunt of a lot what I ... and, of course, when things bottle up inside you, and when you release it, it's well, he still gives you some pointers, on maybe you should look at this and [he] doesn't tell you what to do. (Social Worker 23)

The focus on events, actions, and people in these preliminary meetings assisted in building an assessment plan. The people needing to be talked to, interviewed, and questioned were all discussed. Overall, there seemed to be little discussion between the social workers and their supervisors in these meetings as to what constitutes risk, and, in particular, how the social worker had framed or was constructing risk for the child. In Chapter Nine, I argue that the Risk Estimation System (RES) was introduced to assist social workers in their analysis around assessment decisions. Importantly, supervision provides a forum for such discussions (Smith, 1998a). However, in the beginning stages of casework around particular families, the majority of social workers received validating support from their supervisor. Rather than a critical engagement into how particular social workers were constructing the case, supervisors mainly agreed on case plans and provided tacit support for the direction being taken by social workers. However, the opportunity exists for supervision to act as a critical discussion point in which social workers *and* supervisors consider the case issues as reflected in any history and notification details, and any predetermined thinking social workers may hold.

Social workers bring to their assessment work their cultural and social understandings informed through their own personal backgrounds. Risk analysis by workers draws on this thinking, and supervision provides an opportunity to render this explicit. One worker described a case of a 12-year-old girl wandering the streets unsupervised, and the assumption that this was a high-risk matter:

[The supervisor] could see the high risk. See, what we've got now is sort of like a double problem because this girl has had so much freedom that now she's reaching 12, she's quite, um, like physically mature, I think that she knows quite a lot sexually, too, she's still got older males sniffing around, and I think her mother's going to have one job to control her. (Social Worker 13)



The supervisor provides confirmation of the social worker's point of view. Throughout assessment work, workers reported issues back to their supervisor in the form of an account.<sup>105</sup> One social worker described how her supervisor provided a sounding-board for her ideas, and this, she said, was helpful:

I think [supervision is] just another kind of sounding-board, to see what, is there anything that they could add. Basically it's like, you know, what can you add to this, umm, from my presentation of the assessment and the risk, is there anything that you can actually add to it, do you think it's okay, or do you think it's not okay, either way, so in discussion we decided, yeah, we could leave it till another day. (Social Worker 3)

In this case, consensus was reached that the investigation would continue the following week when the worker would attempt to locate the mother. While phone calls had been made as part of the assessment process, and the computer records were checked, risk was already beginning to be rendered tangible. The preliminary assessment of risk was presented to the supervisor, and then a decision was reached that the matter could wait until the following week. Risk was understood to be present and, therefore, in need of assessing.

This case was typical in that the social worker provided an account of the issues raised in the notification and in the case plan, and additional information collected by the worker prior to meeting the family or children. Overall, supervisors tended to agree with the intervention planning presented to them, and this validation left social workers feeling less isolated in their practice. I argue later in the thesis, that supervision is a vital point in the assessment process to which social workers bring their initial analyses (see Chapter Ten). Through discussing what is meant by risk in this early stage of assessment work, attention can be drawn to other risks, such as the risks associated with removal of children from families, and the risks associated with foster care, as Kantor and Little (2003) note:

Removal of the child for the parent, even an abusive parent, can be traumatic for a child, and there is the possibility of children experiencing multiple placements and lingering in foster care. (Kantor & Little, 2003, p. 352)

While decisions to uplift children are, at times, urgently required, consultations with supervisors provided more validation for social workers in this research than critical engagement in the cases they discussed.

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<sup>105</sup> In Chapter Five, I argued that my method of data collection, the CIT, enabled me to collect these accounts of practice, and these became the basis from which this thesis is argued.

The assessment that a child was at risk depended on building knowledge about the issues presented through a notification. The investigation process widened through consultation with a supervisor and through the identification of new information to be collected. This process assisted in establishing legitimacy in the claim of a child being 'at risk':

If I haven't rung someone that I should have, [my supervisor is] the first to be there to say, "You need to ring this person, you can't make a decision without knowing about that person". So when we make decisions about risk and whether a child or young person is or is not at risk, we've got the consultation back-up, so we've done everything, so I'm confident that I can allow children to stay at home and know what level of risk they're at, and say, "Well this is why they're at risk and this is why not", because I've got the process behind me, but I imagine when it's not so, it's quite scary. (Social Worker 19)

However, according to some respondents in this study, the skill and availability of a supervisor varied, making this process more complex. This draws attention to the resources available around supervision for social workers. In this research, some offices had supervisory positions vacant, while for one office, supervision was available by telephone to another office. Six social workers considered their supervisor as needing more skills. Their comments are illustrated by the following reflections on supervision:

I have some issues with [supervision], because of the fact that I don't believe my supervisor has had sufficient training in proper supervision and how to manage proper supervision with her workers, just things that are happening within our particular group, there are too many questions there about her capabilities. (Social Worker 25)

[Supervision is] contradictory, so I don't think it is actually safe, because a lot of social workers would actually not necessarily be able to reflect on those things, especially when the same supervisors are going to do your performance appraisal, and then you're open about, sort of saying, "Okay, I really struggled to cope with that, I find it difficult", or, "This is impacting on my work at the moment". It's not a safe forum. (Social Worker 59)

Levels of frustration, coupled with an increase in feelings of responsibility to achieve workload commitments, were experienced by the social workers in varying degrees. Workers, overall, experienced a sense of responsibility for the protection of the child when the case was allocated to them, and this was also noted in the literature (Berg & Kelly, 2000). The next worker described her reaction to her supervisor adjusting the computer records to reflect that children had been seen, when in fact they had not. Such action is risky for everyone involved, including families and children:

Well, most cases I've seen where the children haven't been seen for a while, - seen within the time period - but then, like, a supervisor will go in and just click the Date Case Activated

[screen] and they haven't been seen, the children haven't been seen, and it's all a matter of - and it's dishonest. (Social Worker 54)

Importantly, this worker drew attention to the way decisions made at the supervisory level impacted on her work. She also expressed concern that social work practice is regulated by bureaucratic requirements; in this case, statistical measures about casework. There are serious implications about child safety emerging from this case example. The social worker rightly stated that the child had not been seen, yet computer records show that the child had been seen. According to McKenzie's (2003) research, where she focussed on 150 cases of physical abuse reported to CYFS, 30 percent of children were not interviewed or seen by CYFS social workers (Warren, 2003). Her conclusions were that cases are prioritised according to available resources. Writing from the Irish context, Buckley (2000b) argues that the influence of managerial requirements contributes to families being external to child protection practices. Buckley's qualitative research into the Irish child protection system found that despite the Irish Child Abuse Guidelines requirement that children are to be seen and their appearance recorded, the focus "was certainly not on the 'behaviour and appearance' of the children" (Buckley, 2000b, p. 256).

An overall feeling of being responsible for the protection of the children was made additionally difficult for workers in my study who felt that the expectation was that they should ensure the safety of children at all costs. This pervaded the public arena in which they worked:

It's really frustrating because, I mean, although we consult with our supervisor and [when] we [visit families], we all have different opinions, and I think front-line social workers have more insight than a supervisor. They have a lot of knowledge and experience, but then it depends, have they [the supervisor] been front-line social workers for years or have they been supervisors for years, you know. When you're out there, and you get that whole feeling of the environment that you're in, the body language that you see, then your assessment is sort of based on that as well, as well as gut feeling and knowledge and, yeah, I can see that social workers can make some wrong judgements, but then it's really hard, it's really. [A]ll I'm worried about is, the kids have got to be safe – "What am I doing, in the best interests [of the children]?" (Social Worker 24)

This worker worried that the children might not be safe. She was reflective about making judgements about what it was that was in the best interests of children, and she was motivated to ensure safety, and this may have meant the removal of children from their family. Another social worker noted that she found it difficult to acknowledge mistakes in her practice during supervision sessions, because the

supervisor was responsible for her performance and pay review. This had implications for how she might have discussed any mistakes or errors.

Overall, the social workers wanted their supervisors to be knowledgeable about their work, and this was partially achieved through the case presentation by the social worker to the supervisor. The need to share the experiences of assessment work was common for many of the workers. The understandings reached by a supervisor about an investigation are largely dependent on the account presented by the social worker. In this sense, the social worker is the sole determiner of risk, and when working alone, carries the responsibilities, and dangers, that are inherent in this (Munnely, 2000).

I think, in working with risk assessment, there's always the anxiety that you're going to be wrong, that no matter what tools are at your disposal, it all comes down to a judgement at the end, and we can only, we are human, we can only use our tools to the best of our ability. But the risk for the worker is, I think, the fact that you may be wrong and that the child, by being sent home, is going to be further damaged. (Social Worker 47)

The social workers consulted with supervisors and social work colleagues in the initial investigation phase of their work. As noted, this was largely welcomed by workers as a way to share responsibility with colleagues:

Yes, I mean the team that I work for, there's been a number of difficult cases that we've talked about collegially, you know, everyone's had an input, and, because we've been fully aware of the impact of people making decisions in difficult cases and then things coming unstuck, and someone is left holding the responsibility, as it were, of difficult decisions that have been made and things gone wrong, and the need to share that responsibility around, rather than leave it with one person. (Social Worker 48)

The majority of social workers had their investigation plans validated verbally through consultation with supervisors or peers. This meant that the workers, through the inclusion of their supervisors and peer colleagues, modulated any anxiety about potentially 'risky' decisions. Reflective practice for supervisees is now well developed within the literature (Karvinen-Niinikoski, 2004), although less attention has been paid to how supervisors conduct reflective supervision (Morrell, 2003).

## Care and Protection Resource Panels (CPRP)

In addition to supervisory and peer consultancy, a community resource body operates for social workers in the early phase of assessment work. The Care and Protection Resource Panels (CPRP) <sup>106</sup> are community bodies governed by the 1989 Act (Section 17), which social workers consult for advice on their assessment plans and investigation work (Connolly, 2004b). Aotearoa/New Zealand is not unique in having such consultancy bodies; however, they are more likely to be found in systems of child welfare characterised by family support orientations (Trotter, 2004).

Social workers provide the panel with their account of the care and protection issues they are investigating. The account is based on the notification, additional information held in CYFS, and supervision consultation. There is a legislative requirement for social workers to consult with the panel as soon as practicable in the assessment process.<sup>107</sup> However, in practice, the social workers consult the panel anywhere between case allocation and the completion of assessments, and this is consistent with previous research findings (Wood, 1992). Wood (1992, p. 10), in her review of CPRPs, found that some social work staff censored material “to manipulate or shorten the process” of consultancy with CPRPs. The influence of organisational factors can assist in explaining this. Social workers in my research talked about getting through the process of CPRP as quickly and efficiently as they could. This has implications for how the consultation process actually operates in practice. Importantly, these panels offer another forum where a critical engagement into how child protection cases are being considered can be discussed. Manipulating the CPRP to expedite a process produces new risks for the children and families subject to the assessment practices of social workers.

A more recent research review (MSD, 2003b) found 92% of respondents agreed that the CPRP fulfilled its role of providing advice to CYFS staff. However, the majority of respondents in both the 1992 and 2003 reviews of CPRP were not social

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<sup>106</sup> Care and Protection Resource Panels were established under the 1989 CYP&F Act (s428-432) to provide advice to CYF social workers, care and protection coordinators, and the police, on the exercise, by them, of the functions, powers, and duties conferred or imposed on them of Part 2 and 3 of the 1989 Act.

<sup>107</sup> CYP&F Act (1989) s18

work staff.<sup>108</sup> As Connolly (2005) notes, relatively little research has been undertaken into the effectiveness of CPRPs. Her recent qualitative study with care and protection coordinators from CYFS, found that none of the coordinators considered that the advice given by panels was useful in the process of convening FGCs. However, the advice CPRPs provide is dependent on the quality of information being delivered to them. What is known is that the quality of discussion between social workers and CPRPs is dependent on the information provided to them by the social worker (OCC, 2003).<sup>109</sup>

Overall, the social workers from this study did not regard attending the CPRP as a helpful process in their consultancy around the assessment process. Rather, the panels were regarded as a regime of justification for the social workers' actions and planning:

I don't actually think Care and Protection [Resource Panels], at any stage, were particularly helpful, it just seems to me that it's something that we have to do. They seem to just accept, I find anyway, accept us. I mean, I might get the odd question from them, it's quite rare really. (Social Worker 66)

CPRP have almost a voyeuristic, kind of, I guess, you know it's like, there are situations where it's kind of cut and dry, great, child's safe, go and do it. And then there are situations, like, bring it back, we want to know what happened, kind of, and you're constantly thinking why do you need to know, and what point is this actually becoming, sort of, just curiosity. (Social Worker 42)

Trotter (2004) notes that Austrian child protection workers consult an expert panel. Panel members include medical staff, drug and alcohol experts, and other community advisors. The aims of both Austrian and New Zealand panels are similar: to provide social workers with a range of community and professional experts able to assist social workers in their decision-making.

One of the social workers interviewed for this study found consulting with the panel left her feeling inadequate, as the panel became divided over the level of risk for a child living in a home with a convicted sexual offender. The panel was divided between those who agreed with the social worker that the offending man might not

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<sup>108</sup> The 1992 review acknowledged the difficulty in locating social work staff to consult with. The report notes that while contact was made with staff, the opportunities used for discussion with CYFS staff were disappointing (Wood, 1992). In the 2003 review, 13 respondents identified as working at CYFS (MSD, 2003b). The specifications of work were not recorded and this means that of the 13 CYFS employees, it is unclear as to the number of social workers who participated in the review process.

<sup>109</sup> In the final report into the deaths of Saliel and Olympia Aplin, the OCC (2003, p. 26) noted that Care and Protection Resource Panels are "an essential care and protection tool to act as a check list and a balance on social work decision-making".

pose an ongoing threat to his own child, and those who wanted further assessment of this man. From one perspective, the risk was not resolved, given that the man was residing with the child:

It was awful, it was horrible - it leaves me feeling really inadequate. I walked out of that room thinking, I can't close this case. I need to do more follow-up. I need to investigate more and then, when I sat down and thought about it, I thought, well, who am I going to ring, where am I going to go, who am I going to go to, will I go out and find other family members? And I started looking at where I should go with it. (Social Worker 8)

The panel became split over what indeed posed risk to the child. Not being able to clearly state that the risk was managed or removed, left the social worker feeling that she needed more information that would answer these questions for herself and her colleagues. When a panel member, in this case, asked what the concerns for the child were, and the social worker said alleged sexual abuse, the panel asked to hear the worker's assessment plan and work. The worker explained that the man's name had been released in a sex offenders' list, and the details were that when he was in his early 20s he had engaged in sex with an intellectually disabled woman aged under 16 years. The social worker had investigated the case, talked to family and professionals known to the child, and assessed that the situation was safe enough. The doubt that the panel raised in the social worker left her feeling inadequate. She took this case to a colleague for discussion and resolved that her assessment was completed – there was no one else for her to talk to.

This is an example of a situation in which consultation does not simply confirm or rubber-stamp the social worker's assessment. Understandably, this gives rise to doubt for the worker and she seeks out further colleagues to provide her with the validation that she has conducted a thorough assessment. While reflexive in her rethinking of the case issues, she seeks the support of colleagues in further validating her assessment.

Consultation for the social workers in this study is a local issue: occurring within each office. There was very little consultation across CYFS offices in the same city, or other regions of the country. None of the workers used other offices to assist in their initial investigation planning that may have included information about a particular *hapu* (subtribe) or *iwi* (tribal structure) cultural social service. Previous research has recommended that the CPRPs continue to provide cultural consultancy (MSD, 2003). For a small number of social workers, who welcomed the

involvement of the CPRP in assessment work, there was an emphasis on consulting to legitimise their practice:

[In the event of a tragedy, if I had] explored all the avenues [and] all the forums to discuss the case, [and I] went round to all the professionals, that [the case] went through the Care and Protection Resource Panel, that everybody around me [was] aware of what was going on and, I mean, those things do happen, the death of a child, it certainly would have felt, it would have sat with me better having taken it to all the appropriate forums to assess risk and potential risk. (Social Worker 1)

[I]n this particular case, we contacted Plunket, we contacted the school, once we were quite clear of who the children were, their names, ages, we contacted schools and requested information about their general behaviour and appearance, whether the school had any concerns. And then from there on, after devising the plan, you consult your CPRP people which is Care and Protection Resource Panel, and they say that your plan is okay, or pretty much give you the okay, and you can go out and do the rest of your plan. (Social Worker 21)

For the majority of workers in this study, supervisors, CPRPs, and colleagues provided little critical challenge to the decisions being made in the assessment process. Social workers presented their accounts of the issues, and these were validated by supervisors and panel members:

[B]y the time you get to talk [to CPRP] about the [case], it's either closed off or gone, or whatever, or you go up with your investigation plan and they go, "Oh yeah, that looks fine", and it's really unhelpful. ... I basically find them a waste of time, because I don't really think they have enough training or understanding, really, of what we do or how we do our risk assessment. (Social Worker 49)

The CPRPs potentially offer social workers a forum where critical engagement with work can occur. Importantly, this includes how risk is being used and presented to panel members. The majority of social workers regarded the CPRP as a forum to present assessment plans and assessment work in a way that met proforma requirements of the agency. Opportunities to have a more critical engagement into how the work is being constructed, organised, and carried out are missed, particularly when bureaucratic imperatives regulate and organise the practice. This is risky.

### **The Office Approach: Toward risk management**

Constructing risks in child protection work is a process carried out by social workers, and, as I have illustrated throughout this chapter, much of the assessment of risk happens prior to meeting families and children. The work of child protection



has increasingly adopted risk assessment practices. Parton (1999) argues that a shift toward assessment and management of risk has occurred because of an increased demand for child protective services in most Western nations.

The work of constructing risks occurs within child protection offices, using the resources of internal policies, assessment tools, legislation, and sets of talk that occur between social workers and those that they consult. The generation of risk knowledge is central to understandings about defining acceptable risks, and this underpins the case management approach widely adopted within health and social work (Rose, 2002). The shift toward legal and bureaucratic practices in child welfare developed during a rapid move toward risk management within child protection work (Pithouse & Atkinson, 1988). However, Aotearoa/New Zealand developed an assessment structure that included the introduction of the Risk Estimation System (RES) to be drawn on in supervision sessions. Further, as I have argued in Chapter Two, as a consensus tool, the practice wisdom of social workers is able to be included because workers are able to bring the 'smells of practice' to discussions with supervisors and colleagues (Ferguson, 2004). With the increasing focus on the assessment and management of risk, less attention has been paid to families and children, the subjects of child protection notifications and reports. Castel (1991) argues that risk is a classificatory mechanism because a combination of risk factors renders the subject of family or child less central to assessment work. Social workers are legitimately using risk discourses to begin assessment work and make intervention decisions prior to meeting the very subjects of this work.

Consulting with peers, supervisors, and colleagues, both within and external to CYFS, occurs after receiving notifications and making decisions about interventions. Any paper files and electronic records held are routinely scrutinised for information that may assist the worker in determining a course of action. In addition, the office-based assessment tools, policies, and legalisation all contribute to how social workers frame their assessment thinking:

The thing that's confused me about [assessing risk] is that I don't believe we've ever been, we used to have, years ago, maybe in the 90s, we actually had a manager who gave us a list of things, these are lists of, you know, if there were so many on this list, and kids, children and young people that made this list, they're likely to be at risk. And then that sort of phased out where you got people that came to, I think, we talked about, I think it was things like, the words that we used, or the buzz words that we used, were safety issues, then they became at risk issues, and then I think the new buzz word that we were using was 'harm' and what was likely to be harmful. And I think my best way of trying to focus in on that is what the Act that I work with says about children that, the word 'risk', and that needed care and protection. And I guess, that's where I'm looking, and if children or young people meet that

criteria, I'd be looking at, well, where is the level of support for them, or how are we going to make them safe? (Social Worker 11)

Intervention post-notification can be justified because of recorded histories, supervision, and the CPRPs stand behind decisions to act. The risk is presented by social workers and this acts to legitimise decisions made. Verbal and written accounts contain this justification. Accounts are provided to the CPRP and supervisors, notes are written for files and stored on computers, all of which happens prior to meeting children and families. This knowledge building is central to the construction and presentation of risks, *about* children and families. In these processes what counts as 'risk' is often implicit rather than explicit.

Overall, the ordering of assessment into what can be known and thus managed was important for the social workers in this study. Building knowledge about the child was achieved through information gathering and this assisted in decision legitimacy. Securing the safety of children is a core mandate for child protection work and this operates within a practice context where legislation and policy position families as participatory members in decision-making. Operating with objective knowledge is crucial in decision-making about children's lives. However, the social workers in this study demonstrated little reflexivity into how this objective knowledge is arrived at. Risk is largely implicit, and rendered explicit through the rhetorical use of it. This has implications for how supervisors and social workers engage with risk.

Maori ontologies are less likely to be drawn on in supervision models that are premised on epistemologies based on objectified knowledge. Walsh-Tapiata and Webster (2004) argue for forms of cultural supervision that allow space for Maori epistemologies to be incorporated within existing organisational parameters. Retaining a focus on what is known and, therefore, able to be identified and intervened, limits the adoption of alternate epistemological positions. Risks taken in practice, and, importantly, during supervision, are, therefore, less likely to emerge (Morrison, 1999). Further, as there was no discussion in this study as to risks associated with placing children in alternative care (Kantor & Little, 2003), questions can be raised as to how such discussions could take place. There is an opportunity for social workers, supervisors, colleagues, and CPRP members to raise attention to and ask questions about risk.

Knowing what was to happen or who was going to be contacted and interviewed, provided social workers with clarity around their investigation work. Being in control of assessing risk began with identifying issues from the notifications. This meant that social workers were more certain about *what* they were investigating. The notification was powerful in determining the initial issues of investigation and, therefore, defining in what respects the child was 'at risk'. Yet limited attention was paid to how the processes of social work contribute to such definitions.

The building blocks of risk assessment are set in place early on in the investigation work. Assessment tools, procedural manuals, and the CYP&F Act (1989)<sup>110</sup> are drawn on by social workers in their assessment work. The procedures and tools, designed to assist in practice and assessment clarity, potentially restrict innovation within the assessment frameworks. The social workers in this study used a range of techniques to share the task of constructing an assessment of risk with others. For some, the use of supervision provided a validation of what needed to happen. This maintained certainty in what was to happen. Uncritical validation by supervisors to social workers' actions, however, could potentially lock social workers into a pathway of practice in which there were few challenges to interrupt a predetermined assessment:

[Supervision] was very good, I think it was very good for me, because that would have been in my second year, and so having him there with a lot of knowledge eased a lot for me, but in saying that, he was in support of my decisions, and I was quite clear about what direction I was going, and [having a] child focus, if there was anything that I wasn't too clear about he was there to clarify things. (Social Worker 22)

Three workers, Social Workers 36, 17 and 2, argued that the recorded number of notifications received by CYFS over a 12-month period indicated that a higher level of intervention was necessary in managing a particular family; the children were at higher risk because of the number of previous notifications. When hazards are identified through assessment, they become risks to resolve, avoid, or overcome, and in this way, risks are constructed through the process of knowledge building.

However, managing risk was not always straightforward. For some social workers, the elimination of risk was the goal of intervention into a family after risk had been established. By contrast, reflexive social workers were aware that the elimination of risk remains problematic:

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<sup>110</sup> The CYP&F Act (1989) is the legislative framework that governs statutory child protection and youth justice in New Zealand.

I don't think we can eliminate risk, and I think a social worker might feel better about being able to eliminate risk. Society would feel better if the social worker can return a child with absolutely no fear of risk, but I don't know if, in some cases, it's possible to do that. And we work with our [legislation] that clearly states that we have to work with families and try and maintain children within their families, for support. So we work with an Act [of legislation] that is supporting children being with families, not in care. So I think there's an inherent dilemma with this job, that I don't think you can clearly eliminate risk in some cases. (Social Worker 2)

The need to locate risk was, however, common for most of the social workers. Working with unknowns and then not having clarification emerged as a source of concern for many. In rendering risk manageable, social workers construct what Van Loon refers to as a 'virtual object' (Van Loon, 2002). In this way, they have something to assess. However, this means that future risks that may emerge are neglected. The focus is on the management of the objective risks under investigation. It was through the establishment of objectified risk, that the social workers found security and this maintained a focus on children and families. Less attention was paid to any risks associated with placing children out of family care. While one set of risks is knowable, through the assessment process and creation of a virtual object, the other remains out of focus for social workers.

Once risk has been identified, intervention decisions can then follow. Supervision, case consultancy, peer review, and case recording are focussed on the risk that the social worker renders concrete. Decision legitimacy assists the social worker in managing any conflict around pre-judgement of an assessment with the family. Moreover, the ability to review assessment work in the light of new and changing information (Munro, 1999a) and open up talk about 'risky decision-making practice' is specific to the dyad of child protection supervision (Munnely, 2000). Opening up dialogue about how decisions are reached and in what ways these are increasingly risky for social workers and their supervisors, is central, I argue, to becoming increasingly reflective about how this work is done. Most professional practice involves the assessment of patterns and connections. In this case, family histories are essential to knowledge building (Gould, 1999; Murff et al., 2004) and making connections. A consideration of the discursive practices located in the various case recordings potentially includes families in the re-construction of their stories and 'histories' as contained within the multiple case files, computer data storage systems, and court documents.

The processes of consultation within CYFS act as strategies for validation. There is little if any challenge to the assessment offered by workers or pre-judgement of risk they present before interacting with family members. In the case of the CPRPs, quite the opposite can occur. In the experience of Social Worker 8, for example, the panel needed assurances that the child was not 'at risk'. Failure by the social worker to be able to describe this left her feeling inadequate and in need of further assessment information. The consultation meetings clearly required an account about risk to be presented to colleagues. In cases where risks were not known or quantified, further assessment work was encouraged.

While assessment is the role of a care and protection social worker, and any assessment work is supposed to be done in collaboration with families, as I have argued, the process actually begins prior to meeting the clients. Through involving social workers, supervisors, and family members in discussions, the assumptions that underpin knowledge about particular risks can be rendered explicit. Moreover, there are implications for not attending to the 'black-boxes' that may mask the processes of how certain actions, behaviours, or events come to be known as 'risky'.

The office is a key factor in how risk is shaped, understood, and then applied by social workers in their doing of child protection work. Parton (1999) argues that a model of 'expert' has emerged in child protection practice via methods of classification and audit of both practice and families. Thus, the legal and bureaucratic context, within which child protection work is embedded, influences and shapes the work being carried out. In a working environment fraught with ambiguity, audit has replaced trust as a mechanism to ensure legitimate and measurable outcomes are reached (Power, 1994).

I think ... there is reluctance for the social worker to let go of the responsibility for child protection. And that's probably endorsed by the supervisors, and a whole, sort of, a cultural thing within that organisation; that the supervisors and practice managers aren't so willing to let family assume that responsibility. (Social Worker 45)

## Conclusion

In this chapter, I have argued that the processes of risk assessment actually begin prior to social workers' interactions with children and families. Once notifications are assigned to a social worker, this notification, together with case files and

recorded history, is the basis of a preliminary risk assessment. Social workers from CYFS assess and make decisions about the risk to children before doing fieldwork with children and their families. This is not surprising given that CYFS has adopted a risk estimation tool, the RES, and risk has, increasingly, been the focus of statutory child protection work over the last decade (Dalley, 1998; Smith, 1998a). This raises a number of issues, not the least of which is the involvement of family members in processes of risk assessment, and the way in which such assessments are almost exclusively the domain of professional decision-making, as this research suggests. As argued in Chapter Two, there is an inherent tension in supporting families and recognising their strengths while focussing on the need for child protection assessment and intervention.

Social workers receive notifications and then embark on 'risk assessment' with little attention to reflexivity about discourses of risk that they use in those assessments. I argue that critical reflection about these discourses would lead to improved investigation and decision-making practices. Supervision offers a vehicle for both social worker and supervisor to approach risk assessment work critically (Smith, 1998a).

There was little attention paid by the social workers in this study to any new or potential risks to children and families that resulted from the way they approached the consultation process, supervision, the foster care system, or, moreover, the statutory intervention service itself. Indeed, there is little evidence in this study of social workers conceptualising themselves or their actions to be or potentially become 'risky'. They do, however, demonstrate an awareness of risks to themselves of engaging in social work practices that are challenged inside CYFS and beyond. Buckley (2000b) argues that child protection work has become increasingly bureaucratised. Work, then, becomes unreflective when social workers carry out technical and bureaucratic requirements to achieve agency risk management goals (Buckley, 2000b).

Risk, then, is a discursive construct that is rarely critically examined by social workers. Risk becomes a virtual object constructed by social workers because they see their role as one of determining the amount of risk as an objective reality that exists for the child in any particular family context. The notification alerts the social worker to concerns and issues as reported to CYFS. The role of the social worker is to quantify *the* risk. As a virtual object, risk becomes a critical decision-

making point, from which intervention decisions are legitimately made. As discussed, social workers use the various forums and consultative bodies available internally at CYFS. However, these serve mainly to validate the work already undertaken and do little to disrupt any pre-determining of risk assessment by the social workers.<sup>111</sup> Learning about work occurs in ‘down-time’, that is the informal chat and talk between workers about work (Pérez-Y-Pérez, 2003). Supervision, CPRPs, and collegial discussions provide an opportunity to engage more critically in how discourses of risk are being drawn on and utilised with respect to assessment work.

I have used the material from this study to show that while working with the identified risk posed to a child, social workers manage risk and the associated decision-making because they are working with an accountable and measurable issue (that *is* risk). The need for workers to ensure safety for the child potentially masks any new risks that the child may face as a result of action by CYFS. It is difficult to argue against strategies directed at ensuring safety. Moreover, the recorded history is drawn on by social workers to render risk tangible and, thus, manageable. Practice decisions are, therefore, legitimate, because risk has been established. This means that intervention is justifiable now and in the future.

Working collaboratively, that is through the inclusion of families, whanau, hapu and iwi, in assessment work is, however, a central principle in the 1989 legislation (Connolly, 1994). Balancing statutory intervention into the private lives of families, while assessing the care and protection information provided by the referral, is a difficult process to manage successfully (Parton, 1985).

In the next chapter, Chapter Seven, I consider how, and in what ways, intervention decisions are premised on identified risk, where concerns have been raised about the wellbeing of a child in the context of family and whanau. I continue to argue that a more critical consideration of risk discourses will enhance intervention practices within child protection social work.

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<sup>111</sup> This idea is further developed within the discussions on implications emerging from this research (see Chapters Ten and Eleven).





## Chapter Seven

### Family and Whanau Intervention: The professional presentations of risk

Social workers, in the course of their working day, enter the homes, schools, and communities of children and families. They do this to follow up on the issues identified through their initial construction of the child protection case. Ferguson (2004) argues that this is a crucial aspect of child protection work where more can be learned:

Stepping across the threshold of someone's home – effectively into another world – is a classic entry into a liminal state. This applies to all kinds of homes, not just smelly, dirty ones as all interventions involve transitions: the crossing of the threshold, into the home, into the self and lived experience of the other(s). It is the most fundamental act or step that child protection workers have always taken, yet is the least well understood aspect of its practices and an absolutely crucial aspect of the context in which fateful moments are played out. (Ferguson, 2004, p. 188)

In this chapter, I continue to argue that risk discourses are drawn on by social workers as they present their initial assessment to families. Through the presentation of risk to families, social workers are both building relationships around which the work is organised, and attempting to ensure the safety of children. I illustrate how, and in what ways, social workers attempt to achieve this tense balance of family support, while maintaining a child protection focus. As one worker described it:

And it's working with [the parents]. I just think that you have to be honest with them, straight away from the start. There's no way I want to go in there and say, "You's are fine", and all that stuff when it's not true: "You're not fine; your kids have been brought up with drink and alcohol every single day, having parties, people there". No, this is when the kids can get abused; they're at risk a lot of the time. I talked to them about that and it's got to stop: "You've got to make some changes." ... You know, I talk to them like that. If they don't want to do it, it's not going to work, so you know, "It's alcohol or children - what do you want?" (Social Worker 37)

The techniques of information gathering following a notification are discussed in this chapter. The interview is the primary mechanism whereby social workers gain information, often in the form of an abuse account, from both children (who, at times, may disclose abuse) and family members (DeJong & Berg, 1998; Moore, 1992). The validity of the interview is strengthened through the collection of evidence, and I argue that social workers find decision-making about children at risk less problematic when their professional assessment is supported by evidence and disclosures. The construction of the case, therefore, is predicated on a professionalised assessment of risk. This assists workers in the management of child protection in a context of expectations that they should attend to family and whanau support.

The Family Group Conference (FGC) is used in this chapter to illustrate professional decision-making in action in the context of social worker and family/whanau relationships. The majority of social workers in this study approached the FGC with considerations about the ideal outcomes, and this aspect of their work is discussed.

I argue that the legitimacy of intervention decisions draws heavily on risk discourses and that social workers use these discourses to situate themselves as ‘professionals’ as they make complex practice decisions. I contrast decisions to leave children assessed to be ‘at risk’ at home with cases where children were uplifted from their families, and argue that risk was used in a justificatory way to legitimise both of these areas of decision-making. I discuss a range of working practices undertaken by social workers to ensure the safety of children identified in notifications, and the management of monitoring regimes.

Conceptions of risk were used by the majority of social workers in this research, but there was little evidence that these social workers engaged in critical reflexivity about risk as they made these decisions. I argue that a critical attention to risk can, however, build more reflexive practices into child protection work. Social workers make judgements about risk as they do their work, but seldom explicitly question what they mean by risk. I argue that attention to the problematisation of risk would facilitate more reflexive child protection practice.

## Building 'the Case'

In this section, I discuss what the workers had to say about interviewing families and children. I follow this with a discussion of how disclosures by children influence their intervention decisions. This is followed by a brief discussion of how the collection of evidence, and how it was presented, shaped social workers' identification of issues relating to 'risk'.

The home is a core site of child protection work (Ferguson, 2004). Every social worker in this study attended some form of home visit as they worked on the cases they discussed with me. As I argued in Chapter Six, initial assessments of risk are often made in the office before any engagement with the families takes place, and this assessment occurs through discussions in planning meetings, consideration of the notification information, attention to the recorded history of families, and the various consultation bodies social workers attend. For this worker, the department was a shaping influence in risk assessment work:

I think [assessments] are all pretty much the same, **in terms of the department's assessment toward the risk**, and I think there are some complexities around those cases that we've not heard of before. ... Families that we don't know, and the first thing - so there's a whole information gathering around that and usually closure. And families [where they're] closed, that are very closed, those are more difficult to assess, because you generally have to assess at a higher level of risk, simply because of the closure and the inability to get the information. (Social Worker 60)

In cases where families were less cooperative, as this social worker noted, a higher level of risk was applied to them. By the time social workers meet families and children they have already constructed 'a case' (de Montigny, 1995), and, as argued in Chapter Six, levels of risk have been applied to them. Entering the home was not, however, a uniform experience. A small number of social workers described 'cold calling' on families. They did this in order to *catch* the family in a more natural state.

The next thing for me [that I assessed from the file] was around the neglect issues, around the feeding, looking after, nutrition, cleanliness, you know - social activities. So that again increased the risk in terms of vulnerability, so, and my belief was that that had never been addressed, and you couldn't see any action taken [as far as the file showed] to address those risks. So I come in, the first thing I did was I went out and sighted the child, I wanted to see that kid now, because it had been a year ago, so that was my first thought, "I want to see this kid", so I went out there, I didn't ring or anything, because I actually wanted to walk in on what it was like, so I didn't warn them I was coming. (Social Worker 8)

This worker builds an understanding of risk from the file, and measures this against the situation she finds at the home. Moreover, when risk is identified and rendered objective, the worker can use this as a vehicle for intervention decision-making.

I guess we have to be honest about our failings as a department early on, as well. We need to be honest with other services involved, exploring those risks again is probably made a little bit easier by the fact that Mum physically assaulted two of the children, earlier this year, so that gave us a good 'in', I guess, to re-visit those risks, and when we were able to put it on a time-line with Mum and go through our involvement the whole way through, over four years, she actually acknowledged, at each stage, what the risks were, why the courses of action were taken, that we took. (Social Worker 45)

This social worker presented his assessment of risks to the mother who was encouraged to 'acknowledge' these as risks, and to acknowledge the associated decisions made. What the mother regarded risk to mean is not clear. This social worker was typical in that his assessment of risk was presented to particular family members. In the case above, the social worker was explicit when explaining to the mother that the risks justified the intervention decisions. The social worker strategically drew on risk discourses as he presented a time-line that showed a number of significant events that required intervention by CYFS. However, this was done following an incident of physical abuse to a child. This time-line tool could have been used with the family prior to the latest incident, and, as I argue in Chapter Ten, the mother's definition and understanding of what constitutes risk could have been incorporated into an assessment. Risk is used cumulatively to explain intervention decisions, and this assists in the building of 'the case'.

The processes of building the case are discussed in the next sections. These processes are: the interview, the disclosure, and the collection and presentation of evidence.

## Interviews

Information gathering was the primary purpose for arranging an interview with caregivers and children. Through this process, the social worker sought to locate the fullest account of what had actually happened. A number of workers described getting to the core issues, or truth, as the primary aim of interviews:

And [the child] got increasingly agitated as I got closer to what was really going on, and then he just said he didn't want to talk to me and he left. So that, it made it very difficult, but for me, it also made it more likely that something had happened. ... [It's] always difficult

when you go and see kids to do an investigation and you're trying to get out of them, you know, "Did Dad whack you?" You've never met them before, [and] it's damn near impossible, unless the kids are really clear that it happened and they want to talk about it. (Social Worker 18)

We've got the notification, the disclosure that she'd made to school, I interviewed [her] and then I say [to myself] throughout the interview, while I'm asking questions and she's answering, and I'm assessing, "Okay, what's happening here?" and then move on to another question that I think could lead to a better assessment of what's happening. So for the risk, I thought, nah, these kids [have] got to come out [of] here, I mean the risk is high, it's too great. (Social Worker 30)

As discussed in Chapter Six, a preliminary risk assessment is already underway in the thinking of social workers before they meet with families and children. According to Kemshall et al., (1997), caution should be exercised against truth gathering through assessment work. The interview offers the opportunity to have information added to heuristics, and the building of the case potentially continues through this process (de Montigny, 1995). This was primarily achieved by the social workers in this research through filling in the information gaps:

So what we didn't know was what we really wanted to know, obviously. (Social Worker 19)

[W]e're a bit like the police, our job is to be a policeman for the child, and police base their actual facts, black and white, bit of grey, but on facts, so if you can't find out what the facts are, it's quite difficult to work out what to do, and investigation is about finding out the facts. (Social Worker 12)

For a small number of workers, interviewing the youngest sibling first was a strategy aimed at getting the fullest account. Social Workers 50, 52, 20 and 24 all selected the younger sibling to interview first. A younger sibling was regarded as being more likely to provide an unfettered account:

When we went for the home visit to the parents, we actually went to interview the two girls, we went to interview them again, we interviewed the youngest one first, because she was the blabber-mouth, and we knew, I mean, she just doesn't like it, and she's willing to tell us stuff. ... [W]e needed to get [the children] separate. So we interviewed the younger girl again, she completely shut down, well, she told us she wasn't allowed to tell, she'd been told she was not allowed to talk to us. She did come out with some stuff, she confirmed the disclosures that were made, so we haven't interviewed the second girl, because, well, we weren't going to get anything from her, she was not giving us much anyway in the first place. (Social Worker 52)

So I went and interviewed one girl at one school and went over the concerns and, sort of, in a round-about way, didn't ask direct questions, just sort of, "How's things at home, anything making you unhappy?" All that stuff. We got what we needed out of the youngest girl and then we went and saw the oldest girl that goes to college, and she, sort of, explained what was going on at home and what had happened. (Social Worker 24)

Another strategy employed during interviews was the checking of one version against other accounts. Re-interviews were common when the story gained from a child was not consistent with the version explained by a parent:

I will be bringing the mother back in to interview her again, to go over some questions that haven't been answered that other people have brought up. I want her to clarify those. If she clarifies them, then that will help me make my decision, and if she's going to admit to these allegations, and then I will take the children and place them with someone else, because it just seems that it's been a pattern for a long time, for many years and I think she's at risk too. (Social Worker 24)

Interviews were described by many social workers as hard work and difficult. The most perplexing issue for social workers was balancing multiple or divergent accounts, and the challenge of deciding on the truth or salience of each version. The different accounts provided to social workers made risk assessment work more complex:

The hardest thing about assessing the risk of the child is when the child is not being honest and they're protecting the parent. (Social Worker 27)

[Risk assessment is difficult] when there are conflicting stories, obviously, between all the parties. So it's very easy on the one hand, to hear someone's story and to think, "Oh god, that sounds dreadful!" or whatever. And you go to other parties and, I guess, at the end, somewhere you know, within all that, is the truth somewhere, so I guess, it's just trying to assess what are the facts, I guess. (Social Worker 66)

For this next social worker, 'the real risk' became increasingly clear, during a later interview with the family:

The real risk became clear to us later when the husband, or ex-husband, came in and said, "At the time you investigated those allegations, I didn't like to say anything, but my wife was hitting that child". (Social Worker 47)

Social workers used interviews to provide information about the case and, increasingly, confirmation of their casual account (de Montigny, 1995), as they compared the stories generated through these meetings with their initial risk assessment.

### **Disclosures: Talking about abuse**

Children's versions of events, often gained during the interview, were more likely to be accepted as representing an accurate account of the event or incident by social workers. Disclosures had a powerful shaping effect on social workers during interviews:

[B]oth of us [social workers] looked at each other and said, "This is a huge risk." Dad [said he] didn't want us in the house, and I was looking at the boy who actually made the

disclosure, who actually disclosed the information to the school teacher, his head was down, he just had that look. (Social Worker 23)

We made that assessment because of the disclosure by these two older girls. (Social Worker 43)

I mean, before, prior to going out, we looked at the system and found that this was the first notification for this family, and after speaking to the [school], and after speaking to the child, and the child said that the mother apologised to her, we came up with our assessment ... she was quite keen to go home, and if the child had told us otherwise we probably wouldn't have taken her home. (Social Worker 27)

It felt like, oh, there's something there, like, there's something there I felt, you know, there's a real trap for social workers feeling like an interview is not successful, and then you get a disclosure. ... A disclosure is different, even if it's grey, or even if it's like that girl [I discussed]. It's kind of a disclosure, I guess. (Social Worker 32)

It was two young girls, and they were seven and nine and they had, it had come to us as a critical, because they said that their dad had hit them the night before, and that he'd hit them with a stick, so we had to go out and just interview them. (Social Worker 4)

Reported disclosures supported the initial assessments made by social workers that the child was at risk:

[N]o one knew about it, and then the child went to school one day and said his step-dad had slapped him in the face.... So clearly that did come through as risk. (Social Worker 2)

[M]y assessment at the time was, it looks like the children are at risk, the mother's at risk, coming from what the children had said, Mum's disclosed. (Social Worker 24)

I'd assessed that child to be at risk, but not in the higher level of, the risk will come if, I suppose, the real risk is having [him] hit again, like we turn our backs. And so I have to assess [his] immediate safety. If, say, after we intervene on that day and talk to the parents - now the parents know that the child has spoken to the school, which is outside [of] the home, what will happen then? Because lots of parents will turn around when we turn our backs [and punish the child for talking about what happened]. (Social Worker 43)

Decisions for medical examinations and removal of children followed some disclosures made by children. Once a disclosure was made, workers had the legitimacy to intervene at a greater level. Importantly, this was to achieve child safety in cases where the information required immediate intervention:

[W]e went out and interviewed him, got a very clear disclosure, didn't actually sight the bruising, because it was on his buttock area and we didn't want to show, take his pants down, thought we'd leave that for the doctor. (Social Worker 45)

[The decision] came about when we interviewed the child, the notification's been made, it came as a critical, we interviewed straight away. She was really upset, she looked terrible and she said that she didn't want to go to [a relative's] place, and so disclosing that her younger sister also got smacked, we decided from there that the children were going to be placed with a relative of the caregivers. (Social Worker 27)

[The child] disclosed that Aunty smacks her children and [so] her children are at risk. (Social Worker 27)

Not having a disclosure made by a child restricted the intervention decisions available to the social worker:

So I guess, for the man himself, to get him out of the way and keep people safe, or get him directly off the street, a child would need to make a clear disclosure. (Social Worker 6)

A disclosure and retraction also indicates potential risk for the child (OCC, 2003), and it is the policy of CYFS to adhere closely to retractions as signs of risk.

And then I assessed this young woman as being at risk when I picked the case up, because the young woman had made the disclosure about her father's drinking and his violence and then retracted it at the FGC. (Social Worker 8)

Having a clear explanation for the alleged abuse was regarded as straightforward by social workers. Knowing what the 'truth' is or having a notification of abuse confirmed via disclosure or acknowledged culpability, assisted workers in forming or confirming causal accounts (Bull & Shaw, 1992) that explained the notification concerns:

You see, it's been admitted to by the parent, so it's consistent with what the child has said. (Social Worker 43)

But [the mother] had actually belted her up quite severely, you know, real obvious bruises and she was willing to admit that, so it was pretty clear cut, really. (Social Worker 13)

So there was reasonably clear sort of evidence that this event had happened. On top of that, there was Dad's acknowledgement that it happened, as well. (Social Worker 45)

Because you can't really read the signs as clearly [with a baby] as you can with a preschooler or an older child, you know, you've got to solely rely on the parent or the grandparent or word of a caregiver of that child. (Social Worker 26)

When children disclosed to social workers or a disclosure was reported to CYFS in the form of a notification, intervention was a legitimate response to the issues raised.

## **The Collection and Presentation of Evidence**

The gaining of evidence to substantiate the causal account was crucial for the majority of social workers. The causal account is premised on risk being there at some level, and within the working context of child protection, social workers are required to make defensible decisions (Parton, 1991). The observed physical injuries, disclosures, and witness statements provided workers with the evidence they needed to make intervention decisions:



If you haven't, sort of, got that hard sort of evidence, then, if Mum's telling one story and Dad's telling you something else, that's what's really difficult. (Social Worker 66)

But to prove a declaration, you need a little bit more. ... You need evidence of what has happened, something evidential that will allow you to come to the conclusion that if the child isn't removed, then it is more than likely they will be further traumatised, you know, abused, and when you get into court, and what you have is tested, you know, if the parents agree, then it doesn't become such a problem, but if it is to be tested, then you'll end up, at times, things are a bit thin as to what you've got. (Social Worker 48)

The hard evidence for social workers is documented physical injuries and bruising, broken bones, disclosures, and expert assessments; the known and verifiable details for each case. The evidence of physical markings or bruising is indicative of force being used, and this is a line they regard parents and caregivers as having crossed. The comment of a Pacifica social worker illustrated the importance of physical evidence of abuse. Marks and bruising were visible and observable signs and rendered serious. Moreover, deciding what to do was straightforward:

And basically, [I] make a decision right there, because there were little marks on the child and also the mother was using the discipline option by hitting around the face area, and so usually, I see that as serious, any hitting or slapping or smacking or whatever on children. Samoans are good at doing that from time to time; and around the facial or head area, usually to me, is serious, so I'm always, or there's any marks that demonstrate the seriousness, or I think it's an indication of how heavy or hard the hitting was, [through the signs] of any marks or bruising on the child. (Social Worker 43)

Locating evidence that further action was necessary was common across the social workers to justify their intervention within family/whanau. Evidence that abuse or neglect had actually occurred assisted workers in managing those cases where things were less certain and more ambiguous.

The majority of social workers found assessing child protection cases where things were less certain more difficult. Locating physical evidence of abuse assisted workers in their assessments of uncertainty. This was important in managing the 'what if' scenarios:

I'd worry, I think, if I was directed to [remove children], then I would, I can't, can't deal with all the 'what ifs', just try and get the evidence if [the assessment] comes up high risk to justify taking further action. (Social Worker 20)

Drew (1996, p. 39) cautions against decisions being made to manage the 'what if' or 'just in case' scenarios. He argues that the FGC process is to be used to secure family and whanau decision-making to achieve child safety *and* security.

Sometimes workers were unable to accumulate evidence to assess whether a case was 'high risk' or 'low risk', and decision-making was described as being more difficult. Assessments in these cases took longer; decisions to close cases were more difficult for workers. Not knowing for sure what may have happened, or what could occur, produced increased anxiety for social workers. These were the difficult cases they discussed in interviews:

I haven't made [a decision] and that's because I can't make one. I can't make that decision because of the fact that I can't see the child, I can't get the child to EDU to substantiate the sexual abuse claims, so I'm relying on grandma and granddad to tell me the truth. (Social Worker 25)

There had to be, like, it almost seemed, like, I had to return the child home and have another incident of abuse for the case to be able to be taken further. I needed to have more evidence that it wasn't okay, that there was more physical abuse rather than neglect. (Social Worker 2)

The type of abuse identified from the notification affected the prioritising of work. Understandably, notifications about sexual abuse were a priority for the social workers (Buckley, 2003):

[I]f we knew that he'd slapped the child across the face or something like that, I wonder if we'd reacted the same way; sexual abuse has a different, distinct thing. People react differently. Any level of sexual abuse, every level of sexual abuse, if there is any doubt about sexual abuse, there's just this, like this - anything we do, any intervention we make is justified on the basis of that [it's] sexual abuse we were talking about. ... I can't speak for the other teams, but [in] this particular office, it doesn't seem to be a particular vendetta against sexual abusers, it's just that an extraordinary amount of care is taken on [the] sexual abuse category. ... I think it's accountability issues and consequences, you know, professional consequences particularly, if you get it wrong. (Social Worker 32)

Defining abuse, and thus the level of risk, was important for many of the social workers. The measuring of events and incidents, weapons, force, and attitude of parents were all issues regarded as assisting a risk assessment. A weaving of these issues together assisted in constructing the case (Pithouse & Atkinson, 1988):

[I]t's because, when you're looking through the risks and the vulnerability and everything, you've got the age and all the rest of it, you have everything, all the measures there, so then you actually have to state, you know now what are we looking at, what are the risks to this child, what's the abuse.... [I]f you have a person as an alleged perpetrator, then you are looking at the actual incident or incidents, and you are actually clarifying what happened, when, and who actually said what, and what the actual evidence of the abuse was, if you know, it's sort of clarifying, like, if it's an evidential interview, you've got someone who is saying, a child might say, you know, have said that they were hit, you know, yesterday, the day before, or every week with a stick, or whatever, so you've got [their account]. (Social Worker 67)

Certain abuse types are more straightforward to investigate. According to Beckett (2003), the assessments of neglect and emotional abuse are more difficult to prove

than cases where observable physical injuries or disclosures of sexual abuse have been made. He argues that child protection systems respond to abusive *events* before abusive *relationships* (Beckett, 2003, p. 73).

Social workers described assessing neglect as being *tricky, subjective, indicative of parental irresponsibility, and a value-laden task*. This was more evident in cases described as 'low-level neglect'. A number of social workers drew on the recorded CYFS history to define neglect as a measure between the historical situation and the current situation, and this was used to assess whether the environment was improving or slipping.

[T]hat case is around neglect, and I think neglect is always tricky. I mean, it is, physical abuse can be seen and sexual abuse can be disclosed, but neglect is, umm (pause), what's the word, subjective, you know, it's kind of (pause) based on, sometimes, the family's abilities or culture. (Social Worker 1)

The need for sound analytical case recordings is important because other social workers access files and case notes, to assist them in making sense of particular cases of child care and protection. Having the evidence of physical injuries, sighted and thus verifiable, recorded on file, or revealed through a disclosure, made decision-making more straightforward:

[W]hen kids have got bruises, or they've got, you know, they've got physical signs of being sexually abused and you've got forensic evidence, it's a piece of cake. (Social Worker 61)

I think the strong level of the solid information that we had, reduced our choices in terms of making alternative decisions. ... It was almost a foregone conclusion in terms of what our response would be. (Social Worker 42)

I must say that I've always found sexual abuse, and, certainly, the disclosure, it's fairly straightforward, physical abuse is the same. Neglect is probably a bit more, it's about that definition of, you know, being detrimental [in] the extreme, so emotional neglect, sometimes, is difficult as well. Because, I mean, with the bruising, you've got your bruises and the physical evidence, as well, and with sexual abuse, you have a disclosure, so it's the belief issue, you know, who do you believe? (Social Worker 6)

Three main areas of evidence in determining abuse and risk were drawn on by the social workers. First, physical injuries and marks to a child including bruising, cuts, abrasions, burns. Second, a disclosure made by a child or caregiver. Third, expert or external assessment information, which was regarded as being more certain because it was provided by an expert. Certainty this facilitated intervention decisions:

Evidence [is needed because] emotional abuse and neglect are quite hard to present if you haven't had psychological reports done, assessments done. (Social Worker 52)

The justification of action and decision-making was assisted via locating the 'evidence':

[Working with community agencies has] changed our work, and so it's had an impact on risk assessment now, because now we're more, I suppose, focussed on finding the evidence, it's more evidence-based now, and, I suppose, I heard somebody say it's also deficit-based and it's got some good things about it. This is the only good thing about deficit-based assessment is that it will stand up in court because, basically, you've found the evidence to prove that there is this deficit there, and it justifies why we did our intervention. (Social Worker 69)

Having the facts to substantiate the risk was important in establishing this next case:

[The work] sort of spread out over a longer period of time, so you can see things fall down, like, you've put things in place, and the child is put in the situation with the mother, for things to fall down. And then you've got something specific to pin it on, so that when you do go to Family Group Conference, or go to custody, or whatever, there's something there, or you can make a better judgement, you can be real sure that there is actually something happening, rather than just a feeling, or you know, [and] professionals ringing you up going, "What's going on?" (Social Worker 9)

In contrast, not having evidence that there is abuse allowed this worker to close a case:

I felt I could have closed it on my first visit without much follow-up because there was no evidence. The sleeping [arrangements] and food was alright and nothing [was] unhygienic. I wasn't keen that the washing was drying in that room, [with baby] breathing moisture, and apart from that there was no evidence that abuse and neglect was happening. (Social Worker 68)

The eyes of a child were significant assessment areas and evidence providers for two Maori social workers. Both of these workers said that they believed that *the eyes of a child* would reveal the real and true story. They illustrate this point:

[I] tried to fathom out whether it was [the] truth or not, and not trying to really form a definite opinion until I'd met the child and viewed her and take her to [the evidential unit]. I guess, you know, when you see one sexually abused child, you've see them all. I'd say that in a sense that they have a sort of sadness in their eyes, like when you're talking to them, and you look at their eyes and what have you, if any of that stuff is even mentioned, it's like just a total cloud of darkness comes over their whole face. In particular, I feel with Maori children, not so much with European children, Maori children, whether that's just something, I don't know, so yeah, and I couldn't see this child, so I couldn't substantiate anything, which was really difficult. (Social Worker 25)

I have to be honest here, just a gut feeling [told me]. Well, I actually talked to my supervisor, I don't know if I can equate, and you know, in my culture, there's, you can see there's something about the person in the eyes, because they asked me about the eyes, I just said I looked into her eyes. (Social Worker 58)

Social workers who are concerned because of the look in a child's eyes will diligently search for any evidence that will constitute a case for intervention.

Intuitive, relational, interactive information sits alongside the text with the disclosures or the doctor's report as evidence for social workers. But the informal evidence will not be enough to constitute a case of risk or further intervention. This practice wisdom has been scarcely discussed in the social work literature (Dybicz, 2004; Zeira & Rosen, 2000), yet remains a central aspect of assessment work for the social workers above. According to Dybicz (2004), practice wisdom is an ability to reflect on gaps in knowledge.

Social workers can bring to families an awareness of knowledge gaps and engage with them to build understandings and assessments about risk. There are also risks associated with excluding families from such discussions.

### **Presenting 'Risk' to Families and Whanau**

Forming a relationship with families was a key vehicle for the presentation of the case issues (Ferguson, 2004). Many social workers described these relationships as the 'building blocks' for their practice, and within these relationships discussions about risk took place. However, discussions about risk focussed on what social workers had to say about it:

[B]ecause my relationship was slightly different, the risks might be there, but I probably see them slightly differently and because I've got different relationships with that adult, that grandparent. Those risks are there, but you see them in a different light, and you can respond to them differently, you can manage the risks differently, does that make sense? (Social Worker 57)

The majority of social workers indicated their commitment to working in a participatory way with family and whanau, to build relationships, but the assessment and determination of risks occurred within the professional domain:

[Talking with my CYFS co-worker] just helped me, maybe it just provided a time for me to just examine the whole family situation, the risks, I mean, it was just a professional time that was all about assessing risk and nothing else. (Social Worker 1)

Social workers' narratives about their difficult and straightforward cases suggested that they usually reached a predetermined risk assessment before meeting with the families. The information provided before this meeting was, at times, so compelling that a decision to interview children and make alternative care arrangements occurred almost immediately:

For that particular case, I think it was just the fact that the issue itself was very clear: Do we allow children to continue to be sexually abused by this man while mother is present in the home? Or do we take the children out and save them from further abuse? And that was the final decision. (Social Worker 25)

There was little debate about the need to place a child outside of the family of origin in cases such as these. Of course, this seems absolutely reasonable – to ensure safety of the child is a primary function in child protection practice. What is missing from these accounts is discussion about potential risks for children *after* the removal from caregivers (Kantor & Little, 2003).

Placing children in out-of-home care has been critiqued in New Zealand as having as yet unknown costs for children. In Chapter Two, I argued that critical attention has been paid to the impact of placing Maori and Pacifica children outside their cultural groupings. The associated debate informed a major legislative shift that introduced FGC, and the inclusion of wider family groupings to the participatory processes of child protection work. According to Drew (1996), there is an absence of ‘best practice’ guidelines in placing children in care. He argues that “best practice is left to the individual social workers or at best a site” (p. 38). He is critical of decisions made to achieve short-term safety over planned judgements that are focussed on security for children.

According to Judge Mick Brown (2000, p. 73), there is evidence that “children are not well served in care”. Connolly (2004b) notes that a large proportion of children in care have little knowledge about the circumstances that resulted in a placement decision being made. She argues that gaps in knowledge about one’s life are correlated to low self-esteem outcomes. Further, she argues that little research attention has been paid to the health outcomes for children raised in care. What we do know is that many children in the New Zealand care system have multiple placement moves and several changes of social worker during their time in the care system (Brown, 2000). Maintaining connections to family, and cultural and spiritual identity are social work practice imperatives consistent with the legislation and policy of CYFS. A lack of attention to these practice imperatives poses new sets of risks for children, who, in being made safe from one risky situation, may face other forms of risk.

In the following illustration, the social worker is explaining that a whanau hui was called to plan for the child’s wellbeing, after a removal had occurred. The child was

removed to ensure safety, and this action was understandable given the information provided to the social worker. However, the meeting with parents, and interviews with various people known to this child, started some days later:

*Int: Do you think [the whanau] have an understanding of the same sorts of risk issues that you were talking about?*

No, they didn't, that was the obvious, they did not. Because incest is practised out in those way back, outback areas, and nobody can prove it, but we just know it because everybody's related to everybody, and, I guess, we as Maori know that it's happening. I mean, they don't ever leave there, they're sort of born, grow up, and stay there. So I think in terms of how we saw the sexualised behaviour, they just couldn't understand it. (Social Worker 62)

The social worker made an assessment of risk for this child and this was not shared by the whanau. In this case, as with many others, social workers defined and constructed their assessment of risk prior to removing a child and meeting the family. While the intention here is to assist the whanau to understand the sets of problems encountered within the community that eventually resulted in sexual abuse occurring, and the hui was convened to jointly approach safety and planning, building understandings about risk and how it is actively drawn on in the decision-making process is not indicated. The social worker's definition and assessment of risk provided a benchmark and was used to assert professionalism.

Compliance by parents with social workers in decisions for children's safety, often described as *getting on board*, was viewed favourably by the social workers in this study. When relationships were described as good between social worker and parent, managing risk was more straightforward because there was agreement about the social worker's assessment of risk. Resistance to some of the social worker's assessment work was assessed as hostility and minimisation. For several social workers, a more coercive presentation of risk was used to enforce change through an acceptance of the social worker's assessment. Social Worker 24 instructed a mother to attend a parenting program with the goal being that she would then agree with the social worker that his assessment of risk was correct:

[T]he way I see it, if the mother's wanting to stay with this partner, well, then they need to do something like a family whanau agreement, put in some tasks, some programs to complete for both, for them to identify those issues that are going on, and, maybe, for someone sitting outside that circle, [they] can look in and help towards supporting them. (Social Worker 24)

[I]t was really hard trying to convince the parents that their children were at risk ... and then once the children were interviewed, one of my colleagues interviewed the children and she's done the training, child-focussed, and the conclusion of that was that it did appear that the children [were at risk]. (Social Worker 27)

Social Workers 3 and 23 told families that the children were removed from their care in order for the families to understand that the social worker was serious about the level of concern they held for the children:

[The kids won't be at risk] because Dad and Mum have now started to come and play ball, they now realise that the department is serious. There are some serious concerns, and they started to admit, and Dad has acknowledged a lot of it is his fault. (Social Worker 23)

A small number of social workers used care agreements<sup>112</sup> as leverage to have parents undertake training, parental courses, or counselling.

Something has to be done. So we stepped in, I stepped in, um, tried to work with the family a lot. We looked at straight away, in regards to taking a temporary care agreement, so we can actually get Mum and Dad to do some training, and also, um, you know, counselling for their own problems that they've got. (Social Worker 37)

In summary, the relationship between social worker and family is the vehicle where risk assessments are discussed. However, it remains the social worker's assessment that is presented to families and whanau. These findings support previous research that an ideology of professional decision-making is dominant within child protection practice in Aotearoa/New Zealand (see Connolly, 2004b). This has implications for how social workers approach family-centred, decision-making forums, such as FGC.<sup>113</sup>

### **Family Group Conferencing (FGC): Legitimate intervention**

In this section, I discuss the Family Group Conference (FGC) process from the perspective of social workers. To date, the majority of international research in the area of FGC has focussed on design and process issues (Chandler & Giovannucci, 2004), while in Aotearoa/New Zealand, Connolly (2005) has undertaken research into the experiences of FGC coordinators. She found that a move toward professionally-driven decision-making potentially undermines the empowerment

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<sup>112</sup> A section 139, temporary care agreement (CYP&F Act, 1989, s139), places children in the care of the department for up to 28 days. This voluntary agreement is a working arrangement that allows families time to manage issues that have placed children in need of care and protection, before they are returned.

<sup>113</sup> In Chapter Ten, I argue that knowing more about what families think poses 'risks' to children, in cases where this is uncertain and more ambiguous, would assist assessment work, because family attitudes, behaviours, and values can be woven into assessment work.



principle of family decision-making enshrined within the legislation. Having a predetermined outcome before the FGC was an indication of this:

[T]he FGC is coming up. ... But the minimum what I will do is, I will be taking a support order, minimum, so [that] the department remains involved [with the family]. (Social Worker 2)

The Family Group Conference has been widely heralded as a model that provides family participation in the decision-making for child protection cases (Chandler & Giovannucci, 2004; Connolly, 1994, 2001b; Connolly & McKenzie, 1999). Enshrined in the New Zealand family-centred child protection legislation, the FGC aims to bring together the significant family and whanau members around the child and seek their ideas about the resolution or management of the child protection matters. Fifty of the seventy social workers in this study discussed cases where an FGC had been held, or cases where they were waiting for one to be convened.

A small number of social workers described the FGC as a family-based model of decision-making. One worker used the FGC to review social work plans in the preparation of court review documentation. Six social workers regarded the FGC as a way of building protection and harnessing family strengths and resources around the child:

We're only waiting for the conference, for a date for the conference so that family can decide, but I've told the family today that if there's a non-agreement around protection, the children will be placed with either the family or foster care. (Social Worker 55)

[T]he most pivotal thing in the whole case, really, was them coming to the FGC and saying that they wanted him, really, which is something that a worker can't provide, it's family really coming forward and doing that. (Social Worker 40)

The FGC was used by a small number of social workers to assist them in case decision-making. However, unlike the few social workers who described the FGC as a model of family decision-making, the majority of social workers held predetermined ideas about the outcomes they defined as being in the best interests of the child. Some workers described using the FGC as an increased intervention step, thus providing the social worker with more formalised power. This next worker described how she went into the reconvened conference to formalise her power as professional worker:

So the first decision, I think, one of the decisions I feel comfortable about, was making the decision that the whole matter needed to go to the family group conference, and Mum agreed to that, she said that it would be helpful, and it was helpful. When we had the second

family group conference, little had changed when we had [this] FGC review, and at that point, I had gone into the conference feeling that we needed to have more authority, more clout about this, and so the agreement was that we would have an application for declaration, and for various reasons, that took quite a while to get done, and then, of course, it was in the court arena. (Social Worker 18)

The FGC, in this case, provided a meeting space where social work plans could be formalised. A number of workers described how they used the FGC process as a way to formalise monitoring of the family. For others, the conference provided the mandate to formalise support plans around families:

They're still in our care, we are going to have FGC next Tuesday, and my recommendation is for the department to take a 101, which is custody order, and the children have been placed with [a relative] they know really well. Actually, the children are the ones who said, "Oh, we would like to live with Auntie." And I did a caregiver assessment on her, placed the children with her. (Social Worker 23)

The outcome, at the moment, I'm currently doing a further FGC referral, this is number 4, because the previous 3 never had really good outcomes for the children, they ended up back in the home and were able to be sexually abused again. So I'm currently doing another FGC referral whereby I'm going for declaration, because I don't believe mother can keep these children safe. And that's a lot of work. (Social Worker 25)

So we had the FGC, it was really quite difficult; the family, basically, didn't believe that we had to go that far in removing the kids. So then after the FGC, I had to go for declaration and apply to the courts for declaration and interim custody of the kids to get them uplifted. (Social Worker 39)

The workers who described predetermined outcomes for the FGC process were clear that there was both an ongoing role for CYFS after the conference and that a necessary level of intervention was needed to ensure child safety. Overall, the FGC is used by these social workers as a model of professionalised intervention. While the family was given the information necessary to make decisions about their child, these social workers held predetermined ideas about the taking of custody orders and the level of intervention necessary to ensure *their* assessment of safety was assured. This is partly explained by these social workers expressing a strong commitment to ensuring child safety and the FGC offering the collective forum through which to achieve this. This, coupled with feelings of increased responsibility to ensure that little or no risk exists for the child, assisted in explaining why social workers were arriving at FGC with a higher level of intervention planning already established:

The decision to go to FGC was because I couldn't just close the case. Although there's no, as I said, it's neglect and, yes, we've supported the family, however, I wanted to put plans in place for the family so the department wouldn't just like close the case. ... That's happened and nothing changes. It was about, this family has been in the system for so long now, let's actually take a re-look at the whole thing, and figure out what to do with this family, and make some decisions about this family, like, whether to remove, whether to continue to support, and how do we do that, and what does the family need. So it was about looking at

the needs of the family, the needs of the children, needs of the family, which I felt was important to do it at FGC, because I do believe they are in need of some care and protection at different levels. (Social Worker 2)

A number of social workers were clear that their decision to refer for a FGC was because the child was 'at risk'. Using the FGC process was both strategic in assuring safety, and a form of legitimate social work practice. Risk discourses were central to both referral to FGC, and decision-making during this process.

So I think my decision will be, there are clear care and protection concerns, and that is what the Act says, if there are care and protection concerns, then refer to FGC, and I think that is what is needed in this case. And I think we will be looking at placing the boy, and we'll be looking at signing another [temporary care agreement, s139] with the mother, and if she doesn't, then I will go to court, because I believe that the boys themselves are at risk. (Social Worker 2)

For others, the FGC was used as a higher tariff of intervention following a number of earlier notifications:

I think that whoever was supervising me at the time was in agreement that this time, yeah, I do remember who it was now, that this time we were not going to let this case just, sort of, be treated as, you know, like we've had notifications in the past, and it's just, sort of, been closed, and it hasn't been given enough priority, really, and just, sort of. My supervisor at the time was absolutely adamant that this case needed to go to FGC for a start off and that we needed to stay involved. So she was, actually, she had quite a strong position on it herself, and I didn't disapprove. (Social Worker 15)

According to Doolan (2004), a combination of ideological and organisational issues has contributed to a more residual approach to child protection, and this is further evidenced in my research through the majority of workers approaching FGCs with predetermined outcomes.

### **Removing the Child: Risk managed**

The decision to uplift a child from their family or caregivers is one of the most difficult decisions in child protection practice (Arad & Wozner, 2001; Connolly, 2004b). However, the decision to intervene in a family/whanau is made easier for social workers when there is clear evidence to do so (Ferguson, 2004). Surprisingly, little empirical research has addressed this function of child protection practice to date (Ferguson, 2004). At times, social workers must intervene directly with families because of the seriousness of the notification concerns. Assessment information provides the justificatory evidence necessary in validating such a decision. However, the literature indicates that such assessments are not always

completed prior to such decisions being made by child protection workers (Nowling, 2003). This suggests that these decisions may require increased justification, and in this section of the chapter, I argue that social workers in Aotearoa/New Zealand draw on risk discourses for this purpose. Risk is performatively used by social workers through this justificatory process (Healy, 2004).

Deciding to remove a child from their family was a topic that emerged frequently in this study. The decision to remove a child, to place the child in an alternative situation, was directed at action to ensure safety for children. As noted earlier, less attention was paid to potential risks associated with the removal process (Kantor & Little, 2003), or alternative care.<sup>114</sup> According to Jones (1991), iatrogenic harm includes the over zealous intervention by professionals into the lives of children and families. A focus on child safety needs to incorporate reflexivity around risk discourses and how these are used, at times, to legitimise decision-making. Thus, a closer attention to how this has been produced offers dividends for social workers reflecting on their practice.

For many social workers in this study, risk was conceptualised as *an absence of safety*. Social workers tended to operate with a binary of a child being either *at risk* or *safe*; risk was often defined as a child *not being safe*.

At the end of the day, everyone wants to have their say, but they don't want to be the one to pull the plug, and that's our job, and I've probably got - that's the other thing for new social workers, for the first [time], it's a very hard decision to do that, to remove children from their parents. Very, very hard, and you go home and you wake up at three in the morning, and you think about it and, you know, you've, you've got (laughs) it's a scary thing. I've gone past that now, because, and I use this formula (points) and I like this formula. Because anything that's told us, anything, to some degree, we have to put emotion aside, because there's a lot of talk about having trained people who understand about theories, understand the social work process. If we're going to be trained and taught to recognise antecedent behaviour, and the likelihood of things developing, and looking at risk estimation, which is part and parcel of that, then we have to feel, we have to be confident in using it. And we have to be confident in standing up and saying, "Hey look, I'm a professional, I have had training in this area, I have X number of years working here, I recognise this, this is the formula I use, this is the model I work under, and I firmly believe, and research shows that if XXX and X is present then we know we are going to end up with Y, and unless we put

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<sup>114</sup> In Chapter Ten, I argue that reflexivity around risk discourses provides social workers with an opportunity to enhance their risk assessment work. Turnell and Edwards (1999) propose a risk-strengths continuum in order to build assessments with families. My research shows that risk remains an assessment criteria for 'professional social workers' while strengths are solicited to assist in planning. Gaining a family's risk assessment will assist social workers reflect on the discursive processes that they *and* the family bring to making sense of risk. In this way, risk moves from the domain of expert assessor to a participatory model where families and social workers make explicit their uses of risk. Risks associated with foster care, the removal process, and the involvement of state authorities into the lives of families invite discussion between social workers and families in the building of risk assessments.

some intervention in place, Y will continue.” [B]ut social workers, I don't know why, if you were any other professional, a lawyer, a psychologist, people could stand up and quote that sort of stuff until the cows come home, but I just think that [pause], social workers have got to start realising that they are experts in their own right, as well, and that they have good processes for being able to do assessment and they need to stand by them. (Social Worker 17)

The social worker above was asserting her use of particular professional strategies to assess a complexity of factors that can be labelled ‘abuse’ or ‘risk’. She asserted both professional training and the Risk Estimation System. Performing professionally, then, is to draw on the science of risk assessment (Healy, 2004) and the presentation of this assessment work. As discussed earlier in the chapter, the threat of uplifting children was used at times to ensure that parents made the necessary commitments to behavioural or environmental change:

[The mother] never believed that her children would be removed, so this was like a huge wake-up call, which made her do a 360 degree turn and start recognising the issues, so she came on board and was doing the work. So it was around, I was kind of putting my faith in her. (Social Worker 5)

The actions to ensure safety include making a declaration in court that a child is in need of care and protection. For a small number of social workers this occurred prior to a completed assessment. This is also noted in the international literature (Arad & Wozner, 2001). Intervention decisions made prior to the completion of an assessment, however, can be risky for children and families, as several social workers noted:

[The] easiest part is applying for declaration of the child to leave home, because that way you can cut through everything and just have that child sitting there, and you know that that child's safe in your custody, and then you can - this is terrible - it's easier to make a declaration to keep that child safe than to go through the whole investigation process, because it's much longer to go through that way. (Social Worker 54)

And sometimes, we play things too safe in the way of putting kids in care until we find that out, like we might do a 78 and a declaration based, I'm talking about other cases here, based loosely on information that we know, just so we get the child out of the situation, so we can work out what's actually going on, so we can assess the situation. Now it might be that the child would have been safe [at home]. (Social Worker 12)

[S]afety and remove first, then do your investigation, then once you've removed the child, actually, getting them back into the home, you take the highest tariff, and then when you've actually convinced the court [that they can return] there's [more work]. It can be quite time-consuming and a long process to get them back home. (Social Worker 45)

Justificatory frameworks require workers to produce evidence and reasoning that the intervention was necessary. Locating and presenting ‘the dirt’ and ‘the smells’ that represents ‘risk’ within the home, provides the necessary evidence to intervene

(Ferguson, 2004). This allows social workers to act legitimately within the organisational context of the child protection agency (Harris, 1999). Risk discourses are used in this justification of decisions. This raises questions about how reassessment work is incorporated within the practices of child protection (Munro, 1996). Further, building assessments with families is more problematic because social workers are aware that they are held increasingly accountable if they get it wrong:

When you have that first experience of uplifting children, it's not very good in a way, because you go through all sorts of things, you know, like, you wouldn't be human if you didn't ... [the risk assessment] was helpful then, [in] sort of confirming or affirming that you saw those risks were there, and it's okay [to remove the children]. (Social Worker 3)

The [risk assessment] formalises things, [and] also gives you something to back up whatever assessment that you've come to. Because, sometimes, there are times when you're not quite sure about the assessment or [what] the outcome will mean ... and so doing the [risk assessment] tells, just reassures that. (Social Worker 27)

This research suggests, and this was argued in Chapter Six, that these decisions can precede a completed assessment of the situation (Nowling, 2003).<sup>115</sup> Several workers commented that the culture of the office influenced how collegial reviews and discussion about practice were carried out. This indicated that removal decisions by child protection workers are at times difficult to revisit and reassess within the office context:

[The] culture of this place is that you tend to defend your decisions and justify them, rather than using them as a benchmark for learning and developing yourself and your assessment skills. ... I've been in the service on and off for years, so I've always known it to be a culture where you defend your position, you defend your decisions, and, sometimes, you're defending them all on your own without the support of the supervisor or a manager. (Social Worker 69)

I met with previous workers in this office, our practice consultant, lots of other people, because I still felt like this [situation for the children] wasn't right. And there seemed to be some reluctance, even in the office from previous workers, about going over decisions that have been made. And it wasn't a witch hunt, I didn't want to blame anyone, I just felt like this wasn't the right place for [the children]. After about a year of really trying to dig away, we made the decision to remove the children. ... Well, I didn't make that decision on my own, although I felt like I was on my own quite a lot of the time, because I was new to this office, new to staff, I thought, How do I approach this, how do I...? So it was really good having those other professionals [to consult with]. ... We couldn't put our hands on anything, and so this assessment [from the child psychologist] was really good. (Social Worker 41)

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<sup>115</sup> In Chapter Nine, I argue that the Risk Estimation System (RES), the risk assessment tool used by CYFS social workers, is used in the legitimising assessments. While not always the case, the majority of workers used the RES to justify assessment decisions already made.

Ensuring the protection from harm (CYP&F Act, s13a) and intervening in a minimum way, that is, the least intrusive method necessary to ensure safety and protection for the child or young person (CYP&F Act, s13b(ii)), are principles of the 1989 legislation intended to guide practice. As argued in this thesis, this family-centred legislation operates within a tense practice environment where workers are determining risk assessments and presenting these through a range of legitimisation practices.

To illustrate this argument: A social worker, one Friday, was attending to two critical cases. In both cases, there were reports of physical discipline to be investigated. Unable to assess both cases, the social worker applied for the custody of both sets of children,<sup>116</sup> thus ensuring safety over the weekend, and then set about to assess the situation on the Monday. Reflection on this case shows how this intervention was peremptory. Moreover, the decision made was maintained and the parents were then advised of this:

I uplifted [the children] on a 42 or so, and now, they are on a 139, which is a temporary care agreement. And I think now, when I look back, maybe they would have been alright at home, possibly, on the same day, those two days I was working on two criticals. So I made decisions to uplift the kids on a 42 [search and detain without a warrant] because what happened if Monday came round, both of them went to school black and blue, so I made that decision to uplift. ... [I] let [the parents] know that [that] decision is a very important decision, and you've made that decision, there's no way you can go back on it. (Social Worker 23)

This social worker reflected on his decision-making during the interview. As I argue in Chapter Ten, supervisors and social workers need to reflect on how they are thinking about risk before such decisions are made. In this case, the social worker advised both families that their children needed to be removed from their homes. The social worker managed risks to both children and himself through his decision-making, yet new risks emerged for the children, as they were placed in foster care until the Monday morning when the assessment work continued. Of concern here is that the social worker advised the parents of this decision and not the process of how this was arrived at. It was, he noted, an *important decision* and one that he felt he could not *go back on*. The decision was 'black-boxed' and then presented to the families.

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<sup>116</sup> Search without warrant by police and the placing of a child or young person in the custody of the Director General (CYP&F Act 1989, s42)

Several social workers talked about *persuading* parents to sign temporary care agreements to ensure the safety of children. The worker's assessment of risk is presented, and the negotiation around the managing and reducing of risk follows. This worker is typical in her attention to working with families, while negotiating toward agreement that her assessment of risk is the benchmark to ensure safety:

[The family agreed to a temporary care agreement], they did agree to that. It takes a bit of work, because of, it was obvious, because, he didn't agree at first though, it took some negotiating. And again it's about the risk factor, they're trying to eliminate it, or work with it to eliminate it, and [I'm] also making sure that they understand the process that we needed to take and about communicating it in a way that they don't feel, they feel there is a window of opportunity to get things right, rather than [us] just shut the door on them. (Social Worker 3)

The talk of inappropriate action against a child and in some cases the *hint* that something untoward may be occurring was enough for the children in the next case to be removed from the care of their father. The social worker in this case negotiated with the father to enter into a temporary care agreement (s)139. Again, attention to *talking parents into it* is followed by professional decision-making that is then relayed to the father:

So on the basis of [one of the Mother's comments], we got him to sign a temporary care - I got him to sign a temporary care agreement - so I talked him into it and removed the children. ... He signed the temporary care thing, and he wanted them back at the end of the 28 days, but [the social workers] didn't want to give the children back, so we went to court and got a declaration. (Social Worker 32)

The children remained out of their father's care, and following the temporary care agreement, more formal court orders were sought. Entering into a temporary care agreement substantiated the intervention decisions. However, the presentation of assessed issues to families, such as in this case, raises questions, not the least of which includes how reassessment work is then carried out with families (Munro 1999).

### **Securing Safety: The place of safety warrant**

I get the warrant first and then go and do [the assessment]. (Social Worker 68)

While the 1989 CYP&F legislation is premised on the inclusion of family in decision-making about children, some intervention decisions are made to ensure the



immediate safety of a child. Place of safety warrants<sup>117</sup> are a mechanism of intervention used for this purpose. One office in this study used this intervention mechanism more frequently than the others. Social workers in this office described how place of safety warrants were used to ensure that an assessment could be completed:

[I used a place of safety warrant] because we couldn't get any contact, we'd had no response, [so the risks] escalated. We had the grandparents concerns; we had the information from the police, the no contact with the mother, and then the school's concerns. So it just all escalated and so we took that action. ... The place of safety warrant took them out of that environment, so I knew that they were safe and all those concerns that had come to us about doing drugs and the environment and neglect issues, they were just, sort of, left behind. I mean we had no idea, there was no intention that these children were going to be removed permanently, but that's just what happened. (Social Worker 44)

So we did our checks, there had been previous notifications, similar sort of stuff, there'd been an FGC previously, we immediately went for a place of safety warrant, don't muck around here in [this office]. Straight to court! Ensure the immediate safety first. ... [I] took a colleague out to do the interview at school, came back to the office, discussed it with [the] supervisor, [and] given the time of day and the fact that he was going home after school to a potential place of risk, Mum wasn't in the home, there was no adequate protector there, there had been previous history, that it was reasonably severe most of those things that come up in RES. ... It was just the clear disclosure, really, the fact that a weapon was involved, that we have quite a clear position from the judge in our family court here around what's the reasonable use of physical discipline of children. ... Yeah, it's a very safety first approach, and something that this office probably does quite a lot is take place of safety warrants, if they have concerns for the immediate safety, concerns and a suspicion, then go for a place of safety warrant, have control of those kids for five days and do your assessment during that time and then - I actually think in this situation it did work quite well. ... We don't use 139's very much at all here, at all hardly. We've been given a clear directive that they are only to be used, they're not to be used coercively with parents 'sign it or else', that there must be an intention that the child is going to be returned home within those 28 days, that if you've got a suspicion of abuse, then you must take a place of safety warrant. ... [M]y view is that place of safety warrant has a suspicion, and that's all it is, there, actually, needs to be more assessment at that stage of the risks, so going from a suspicion to a belief, there's, actually, more assessment required in there of the risks. (Social Worker 45)

Practice is invariably shaped by the multiple actors involved within the networks of child protection. As the above social worker noted, definitions of appropriate discipline and abuse are provided by Family Court judges, and influenced by particular office cultures.

Moreover, families are the recipients of the defined arrangements, which they find out about when they are within the court arena. The work is negotiated between social workers, lawyers, and judges, among others, with the family then advised of

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<sup>117</sup> Place of safety warrants - Section 39 CYP&F Act (1989). The satisfaction on reasonable grounds has to be made by a judge or any registrar suspecting that a child or young person is suffering or likely to suffer ill-treatment, neglect, deprivation, abuse, or harm, who can then issue the warrant enabling social workers or police to search and remove the child or young person.

the orders when issued. Of note in the next interview extract, is the observation that the action (warrant) *felt appropriate for the crisis of the moment*.

I didn't have a lot of other experiences to compare to, and, certainly, this was the first time that I had ever taken a warrant, a place of safety warrant, for a child, the experience seemed quite rushed, but it felt appropriate for the crisis of the moment and that we were operating at quite a, making decisions quickly (pause), so there wasn't a lot of reflection in the decision-making, it was very crisis: "Are we doing this or that?" (Social Worker 1)

It was a rushed environment, because I think it was on a Friday, so he had the interview in the morning, so I just really had Friday afternoon to do a [court] report, make the decision, and do the court stuff, and move them and place them - so it was quite rushed. (Social Worker 6)

Throughout the practice of assessment and intervention work, social workers continued to attend to their relationship with families and caregivers. One worker attempted to enrol the family, to get them 'on board', before placing the child:

[S]ometimes you might make a decision in the morning for safety, you know, to uplift, but you mightn't do it until that evening, because it's the process and [you're] always trying to get family 'on board,' [be]cause, you know, they do help you, if you're going to place children, at least you've got a family member who has to go through a risk assessment as well, to make sure that they don't discipline the same way or practice, you know. So you've got to have that, you've got to have a police report to see if they're not up for assault, so all these things happen if you're going to take warrant action. (Social Worker 55)

According to Callon and Law (1982):

Enrolment is concerned with the ways in which provisional order is proposed, and sometimes achieved ... actors great and small try to persuade by telling one another that 'it is in your best interests to ...'. They seek to define their own position in relation to others by noting that 'it is our interest to ...' What are they doing when they so attempt to map and transform interests? ... They are trying to build a version of social structure ... they are attempts to define (and most importantly, to enforce) the institutions, groups of organizations that exist from time to time in the social world. (Callon & Law, 1982, p. 622)

There is substantial evidence in this study that many social workers attempted to enrol families in order for them to accept the social worker's assessment of risk. Discourses of risk were strategically drawn on and presented to assist in this process. Further, the language of getting families *on board* is a signal that the process of enrollment is occurring. There are a number of implications emerging from this, and these are discussed in Chapter Ten, not the least of which is how family views, definitions, and understandings of risk could be included in assessment work.

## Deciding to Leave the Child: Managed risk

A significant number of social workers interviewed for this research also talked about their decisions to leave a child identified to be at risk, through a notification, with their family or caregivers. Defining risk is important for social workers as they make and justify decisions to leave children assessed to be 'at risk'. This is not confined to situations where children are removed. For example, child protection officers in Arad et al.'s Israeli study (2001) explicitly weighed up decisions to remove or leave a child; workers held an explicit belief that children fared better out of their original home when there was uncertainty around their future safety. Social workers in my research demonstrated this weighing up of the alternatives: of removing versus leaving children. The most difficult decisions for workers were those where they were unsure of the level of risk:

[I]t's [difficult] when you have got chronic, borderline situations, and my experience is, actually, that it's easy if a kid gets a hell of hiding and you have the physical evidence, and then things are pretty much clear cut, it gets difficult when it's borderline, then a lot of other sort of things impact on that. (Social Worker 59)

[Y]ou can only ask the same question so many times, and there's no magic tool thing to give you an idea, and it's difficult, because if you don't remove the child, are you placing that child at risk? And then the child feels that you haven't believed them, because you've left them there! Do you remove the child, and then the child is not at risk, you've upset that attachment and emotional wellbeing of the whole family? So it's the most difficult thing to assess because you've got to, if you're wrong, you're in big shit, and if someone else is wrong, and you're in [a regional centre], and let me tell you, everybody has an opinion, so everyone has an opinion. And you know, you sort of talk to professionals [working outside of CYFS] and they'll be very opinionated. (Social Worker 19)

As was the case for the majority of social workers who participated in this research, the next social worker made no mention of risk being a possibility in foster care or alternate family care generally. The worker described risk as being located in the child's home, and enrolled a number of key people to assist in the decision-making process of permanently removing a child:

[The parents' level of functioning is a] risk. So what I've got to do is, I've got to balance, well, the baby's out, because I know they couldn't cope with two children. This has not been an easy case. But now I've got, they love this little boy and he actually loves them, but I also know that he's not been given a full, [pause], he's not going to reach his full potential. What I've got, on one hand, is the natural love of a child to his parent and parent to the child, their right to be able to parent, child's right to be with his parents. On the other hand, I've got the child's right to develop fully and to be free from risk and harm. At the moment, they don't know this, this is not an easy one. So in this sense, I've called in Counsel for Child, court report writer, judge, FGC coordinator, practice manager, my supervisor, and me. I won't make this decision in isolation, it's too big to make in isolation, actually needs to be made with a large group of people. (Social Worker 17)

The decision to leave a child in a potentially abusive situation is one of the most difficult and challenging decisions to make. Many social workers articulated this, and as I have argued earlier, cases where there is physical evidence and disclosures of abuse allow decision-making around the removal of children to be more straightforward. Nevertheless, decisions are made to leave children in their homes during the assessment process, when the guarantee of safety is less than secure.

Fourteen workers<sup>118</sup> in this study described their practice decisions to leave children, identified as being ‘at risk’, in their homes, while continuing their assessment work. As one worker commented, “The child was not at enough risk to remove”. Two major themes emerged in the analysis of these ‘deciding to leave children’ narratives. First, the measurement of risk allows this to be presented to colleagues, supervisors, and, importantly, to families. This ‘risk account’ legitimises the decision to allow the child to stay because a ‘low risk’ qualification is given.

The most common justification used by this group was that there was not enough risk to legitimise the decision to remove of the child. The following social worker illuminates this point when she argued that, while risk was a benchmark used in the decision to uplift, it acted, in this case, as a measure in her decision that the child would stay. In this case, the social worker decided to leave one child with his mother, while family cared for another child, a baby:

[I made] the decision to leave the [teenager] there. I investigated the mother - I don't believe that [she] was at risk enough to uplift [from her family].

*Int: What would be enough risk?*

Immediate danger, um, if I'd seen any physical signs that this baby was distressed or, um, if Mum had shown, if she was obviously very stoned, well, we could smell marijuana, but the baby was leaving at that time. If Mum was clearly aggressive and stressed and didn't look like she could control her physical[ly]. (Social Worker 22)

Second, an acknowledgment from family that the risk was real and current, demonstrated family compliance for the social worker's assessment. This was most commonly expressed as parents *getting on board*. Without parents *on board* one worker (Social Worker 21) said, “It's almost as if I have to take out my client, in order to fix that situation, before I place him back”. The compliance that parents can demonstrate, most commonly expressed verbally, told the social worker that the parents accepted the risk issues and they were able to manage them. Managing risk is premised on the identification of it. When families indicated to social workers

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<sup>118</sup> These workers all described cases where their decision to leave a child in the home was less than straightforward.

that they accepted the assessment as presented to them, social workers were more satisfied that the family were less likely to act in a way that increased the likelihood of harm.

However, Reder et al. (1993) caution against this acceptance, because disguised compliance could indicate a family's tacit acknowledgment toward the assessment, while masking actual or potential harm. Disguised compliance can occur when families appear or present as being co-operative to a social worker's decision to take a more controlling role. Attempts to defuse the social worker's decision can be masking other more dangerous behaviours and attitudes toward children. The term 'disguised compliance' emerged out of the child death review literature from the UK, where tragically, children died while social workers believed families were working toward achieving or enhancing safety (Reder et al. 1993).

A number of participants in this study discussed cases where injuries happened to children after contact was made by the child protection service. One reflected on her work, and asked in what ways she could have spotted 'the con' in the child's mother's response during the contact:

[W]e left the children [at home] and I carried on part of the work, and then, not long after that, we got called in because a child had died. ... We found out that it was non-accidental. ... It's awful; you don't sleep for ages, all that keeps playing on [in my mind]: "Did I ask the right questions, did I look, why was I conned by her?" you know, "What could I have done that would have stopped me being conned by her?" And I still go [think about that], because I still don't know whether I'd have asked different questions, whether I would have known. (Social Worker 31)

The theory of enrolment offers some useful insights into this particular case. According to Callon and Law (1982), enrolment is the process of proposing a provisional order. Further, as discussed in the previous chapter, the process of enrolment begins prior to meeting families. The social worker asks a range of professionals around the child to give their views and assessments of care. In this case example, the worker gave weight to the assessments of professionals. The reports she received attested to 'a good mother':

I don't know who else I would have asked now. ... I left it to **professionals** and I think that's the only thing that I can come back to is that I **relied on professionals**, the doctor and [other professionals] and me. (Social Worker 31).

Social workers can themselves be enrolled by external professionals while enrolling families into accepting the social work assessment. This also occurs when

supervisors, CPRPs, and colleagues are enrolled into the provisional order constructed by social workers. They are compliant in accepting the presented assessment of risk.

Gaining family compliance was necessary for this next social worker to be assured that a suspected sexual offender was not having access to the children. The children remained in their mother's care under the condition that they were not having access to him:

So we went to an FGC, and Mum, we pretty much said to Mum, we can't control her relationship with [the alleged sexual offender], but the moment he steps in the house and has contact with the children, we will uplift the children. So that's the straightforward bit. (Social Worker 19)

Being able to back up the decision, and, thus, making sure that the action is legitimate, was important for the majority of social workers in the study. One worker said that he was answerable to God, and so he wanted to ensure that his assessments and decisions to uplift or leave children were *the correct ones*. The need to ensure safety was a strong influence over many of the social workers in this study. Avoiding further tragedy, in this case further injuries or a child fatality, tended to guide social workers' decisions:

The continuation of that interview, and discussion and meeting with the parents, is to really make sure that that child, that what was in my head was basically immediate safety, it starts from when I turn my back from that family. And that was ensured, you know, and once you ensure the immediate safety of the child, and the thing, and still leave them at home, there's a great potential for the, you then come and, I realise, that one, I speak to them, I gain the social history, there's no, the straightforwardness, for me, is that there's no sign or indication at all of domestic violence, there is no substance abuse at all in any of the parents, there's an understanding and a good perception of the development of children and the impact of children by hitting, at least by the father, the one parent, so that's really good. (Social Worker 43)

Deciding to leave a child in cases of alleged child abuse and neglect had both professional and personal impacts for the social workers. Making the decision that a child would be able to remain within their family raised doubts and unease for all of the 14 workers in this group.<sup>119</sup> The most common reaction described by them was feelings of increased responsibility for the child's safety. One worker reflected on her decision to leave a child, and commented that her supervisor was likely to support the child's uplift in the interest of ensuring safety from risks in the home. Doubt rested with the worker, as she considered her options:

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<sup>119</sup> Of the 70 workers who participated in this study, 14 described cases of child abuse and neglect where they had assessed that the child could remain in the home during the investigation process. In all of these cases, some level of risk had been identified.

I know it's bad practice, but I still think about it even when I go home, I think about, okay, my next step tomorrow is, so like, right now, I'm thinking, okay, my co-worker, I've just asked her to try and get hold of Mum to get in here before 4.00pm. And I'm thinking, okay, Mum's to clarify some stuff and that will determine whether we get her to sign a 139 temporary care agreement, and then we'll place the children, it will be in the morning, after school tomorrow, with the father. But then, because the father's moving in with [a relative] there's a caregiver's assessment and a police check to make sure that that's a safe home. Yeah, I don't know if there's a right, I mean, as I said, you could consult with your supervisor and they'll say, "Yeah uplift them", but who is to say who is right, really? I can't really see a clear-cut answer to these similar cases that I have. (Social Worker 24)

In this case, the social worker is aware that her supervisor will support a decision to uplift the children. In Chapter Six, I argued that supervisors are in crucial positions to assist social workers determine decisions. Tacit knowledge that her supervisor would support the uplifting of these children requires critical reflection as this indicates a more risk adverse position around leaving children 'at risk' with their families.

When children are left with families, and defined as being at risk, social workers enact regimes of risk management. The most commonly used of which is monitoring, and this is discussed in the next section.

### **Monitoring Risk: Regimes of control**

*"To be thus is nothing; But to be safely thus."  
(Macbeth, Act3: s1)*

So that's the difficulty - at what point do you say the risk is too great? (Social Worker 18)

I think it's the risk side, it's, actually, setting up and, actually, getting someone in the community to, actually, help me to identify what the actual risks are, and what changes the mother has to make, for me to be happy, and the courts to be happy that there is no risk to her ... there's brighter scenarios which could be open to us, and among them, we're looking at the possibility of [the children] going to full-time care with the Mum at some stage, but I certainly have to be realistic. What [are] the risks going to be involved in them ever going to stay with the Mum? How can we eliminate some of those risks? Or, if not, those risks are always going to be there, so we just forget about it, [and] continue access - but to me, that whole thing is on my mind. (Social Worker 57)

According to Castel (1991), social services work today incorporates surveillance through the process of case monitoring. His argument is that the dangerous 'body' has been dispensed with, in favour of the identification and management of risk factors. We no longer need a perpetrator or identified cause of harm; instead, the abstract factors that combine in various ways to represent risk now fall under the

scrutiny of statutory authorities. This resonates in the case experiences of social workers in this research:

[S]omebody has to be removed from that situation to eliminate that risk. I suppose, for me, at that particular time, was just a social work process, it was just a process I was going through, I was giving them options about how we could eliminate that risk, yeah, well, that was just the process at that given time, I think we find with criticals that you have to upgrade [and] kind of work so quickly, and make decisions, quite quickly.... I think the most successful part of [decision-making] was actually giving that child, oh well, eliminate the risk for him, the immediate risk for him, at that particular time, and putting him in a safe environment. (Social Worker 3)

To talk of risk elimination is potentially misleading, in that risk can never be totally eliminated from the lives of families (Titterton, 2005). Further, this may set up unrealistic expectations for social workers. However, potential risks associated with foster care or extended family care were not discussed. The decisions to ensure safety drew on risk as a legitimisation discourse – in this way, risk was used to mitigate an ongoing threat to safety. In summary, risk is an environment, a particular adult or event. To manage safety is to reduce or eliminate objective risk. When risk is objectified, the decisions about reunification with family become problematic because the initial risk potentially re-presents.

[W]ell, initially, when you get the notification, and they outline the concerns, when you substantiate that this and that is happening, then that makes the decision. Yes, they have been living in the house and that's the risk. The drug and alcohol question, as I've said, was suggested, but wasn't substantiated, and there was really nothing I could do, apart from following her around and seeing if she was taking any, know what I mean? So the decision was to address the concerns that were visible and also the ones that were sort of - quite the highest risk type. (Social Worker 35)

The practices and work of monitoring clients is largely missing from the social work academic literature, yet remains a core part of child welfare practice (Connolly, 2004b). The literature gap is not surprising when a focus on emancipatory and critical social work practices is premised on liberation from oppression, which includes acts of commission and omission by adults toward children, and the practices of statutory social work (Ife, 1997; Pease & Fook, 1999). However, the activities associated with tracking and monitoring daily lives are connected to managing risk (Lyon, 2001). Moreover, the generation of more information about families 'at risk' is produced through the monitoring process. Institutional risk knowledge, then, forms the basis for continued governance of family life (Ericson & Haggerty, 1997).



The social workers in this study regarded monitoring as a mechanism to assist them in reducing any stress associated with case responsibility. Monitoring of social work practices occurred in the supervision forum for most of the social workers, as this worker described:

[The practice manager] comes up here once a week, and she is monitoring our cases and what we're doing. And she is really quite particular about processes that are followed, and when they are followed you don't feel the stress, you're okay about making decisions about risk because you've got the back-up. (Social Worker 19)

Sharing responsibility for cases was discussed by many of the social workers. This occurred through consultations with supervisors, as above, or through partnerships with other agencies:

I guess having the big meeting, where all the agencies and everybody came together, and so that we were able to talk collectively around managing the risk, that felt good for me, that I wasn't there on my own managing it, it's a shared responsibility, same with the suicide monitoring programme, that's kind of sharing the risk, and that's, yeah, I don't feel like I'm carrying it all on my shoulders. (Social Worker 5)

While this social worker may have experienced this as a shared responsibility, it was the assessing statutory social worker who ultimately made the decision that a child could or could not remain in a home with family. Social Workers 1, 10 and 11 used the FGC forum to organise a monitoring system around a child, as they were unsure as to the level of issues that may have adversely affected the child. Social Worker 37 decided to monitor the mother of a child because she was unsure of the level of concern she was assessing. In this case, the social worker engaged additional family as a monitoring system and asked them to contact her should they observe any behaviours or actions that could adversely affect the child. In each of these cases, the social worker was unsure as to the extent of the risk to a child. While each had determined that a child was 'at risk', the degree to which a child was facing a negative or detrimental outcome was unclear. Thus, monitoring the possibility of a negative outcome was organised. Social Worker 43 had one young person self-monitor their safety and she arranged with the young person to call her if the alleged sexual offender returned to the family home. In a similar way, Social Worker 19 asked the young person to use the internet to *check in* and update the social worker on who was in the home. In both cases, the identified risk was sexual offending and, understandably, a high degree of monitoring was in place around both families.

Many of the social workers in this study considered the monitoring of a child or children to be a form of safety assurance for both the child and themselves. As discussed above, a number of workers drew in family to assist in monitoring (Social Workers 1, 8, 10, 11, 19, 35, 37, 43, 50), while others used various community and social agencies.

I felt like the message still hadn't got through to aunty, so, I mean, I've been advised by our supervisor that it would be strict monitoring of this child, plus further investigation of the other children, as well, and the aunty and her husband were told about that. (Social Worker 27)

Social Workers 26 and 37, both Maori, used Iwi social services to monitor a family on behalf of CYFS, as they said, "There isn't the time for us to do this level of monitoring". Another noted that stringent monitoring assisted in risk reduction:

Well, there are still some risks around whether they're going to maintain that access situation, but the risks are less, so we are stringently monitoring it. I spoke about in the investigation stage feeling like the monitoring wasn't happening enough, and access did go wrong, I think now, everybody's more aware of how things need to happen, do you know what I mean?

*Int: Monitoring will reduce risk?*

Definitely, and also the fact that the family have themselves participated in the FGC and have been quite active in the intervention stage. They are very much 'on side' with what the risks are for the child, and they're less, you know, afraid of this agency for one thing, yeah, like they're not afraid that we're going to take their grandchild away. (Social Worker 35)

Other CYFS offices were asked, at times, to monitor families and family members as particular families had moved. The inter-office transfer process, however, is a more complicated matter, with cases remaining with the assigned social worker while other offices monitor the new situation. While monitoring is occurring by a new CYFS office, the responsibility rests with the initial CYFS social worker:

I've got somebody monitoring. I said to [another] site, "Look, this is too difficult for us to continually have to travel backwards and forwards, how about we remain where we are at the moment, so that if you need any assistance when it comes to grandma, grandpa, or court case, and they're involved, but can you monitor the child and ensure her safety?" [They said], "Don't know if we can ensure her safety, but we will monitor the case." (Social Worker 25)

Social workers from CYFS hold increasing case responsibility across the many services that have contact with the child and family.

I will monitor that case, purely because we can't close it. As soon as we close it, community [workers] make another referral. We can't close that case without recommending or mak[ing] another referral. (Social Worker 19)

It can be argued that this occurs because the legislation empowers CYFS social workers to take such action as required in the securing the of safety of a child. However, the 1989 CYP&F Act also empowers police and iwi authorities to take such action.

As several workers commented, additional assessment information was requested from other agencies as part of their monitoring on behalf of the CYFS social worker:

I asked for that to be done, so that there are agencies in there. I think there is a risk, I mean, they have had assessments done, and, I guess, I'm asking for some updated assessments. (Social Worker 10)

[W]e always give consequences, you know, like, we do get families who say they're going to do this, this and that, and from that plan we might say, "okay, then we would like to stay involved, we want to enter into a whanau agreement so we can monitor it for three months", and, then, after three months, we can let them know, we still want to stay involved because we're still not too sure that [the] family's got it right, we'll stay for another three months. And it's just so that we monitor, often there's a lot of community agencies out there, Maori community agencies used to monitor, too. And we try and get a lot of monitoring agencies involved with, whanau support might be involved, the schools, Kaumatua. We want to know [from them] "Are there any concerns?" (Social Worker 37)

In this case, the monitoring of the plan was done with the assistance of community and iwi social services. Reassessment of the family, however, was rarely mentioned by the social workers and monitoring the plan or case suggested a review of a more static state, undertaken from a distance.

In this next case, a baby was removed from her mother's care and the social worker sought the assurance from a colleague in the mental health system that the mother could recognise the 'risk' she potentially placed her baby in, as an outcome of her declining mental health. The mother was held responsible for seeking the help *before putting her baby at risk*, and this help was achieved through monitoring by mental health workers or family. In fact, the social worker was not looking for a particular service to do this, as she noted *whoever is doing it* would suffice in the assurance of safety for the baby.

I want mental health to get in there a lot more, I want them to ensure me that when she's unwell, she can identify it, and that she will get help before putting her baby at risk. If they can't do that, and if it's not them that's doing it, whether it's family that's doing it, whoever is doing it, is monitoring her closely, well, then, I don't believe the child should go back. (Social Worker 37)

Monitoring by external agencies, mental health services, and family is necessary to manage any gaps in safety assurance. This next worker described monitoring as being beneficial to the children, while providing information necessary for further intervention, if necessary.

I think we need some treatment for Mum and Dad, however that happens, mental health input. If the family home is going to remain intact, then there needs to be huge amounts of support that's going to go in there, so some family support workers going in, home help kind of stuff, trying to, I guess, crack their social isolation, so whilst they might not be engaging and making friends, we can get agencies in there, so at least somebody's got some eyes and ears in terms of the kids. (Social Worker 42)

The CYFS social worker is often the worker identified as the lead agent in case planning and decision-making around children and young people that are clients of the CYFS system. This makes sense given the statutory practices governed by the CYP&F Act (1989). Several social workers said they used monitoring as a mechanism to manage risk because of this:

[L]ike, usually, it's a feeling on degree of risk, like, if it's really high, then I think, well, we will stay involved and monitor the situation ourselves. But if it's not, then we close the case and another agency's involved and they're helping, and in a sense, they're monitoring as well, I mean at least they know they can re-notify. ... I have a plan around them; it's a year-long plan with us monitoring the situation for a year. We have a whole lot of other people and organisations involved and networking around those children, but with me, sort of, overseeing it. Because if it falls apart too much, then, basically, we'll just take the children into our care. So that's a high-risk situation in a way, because it, sort of, it's not high-risk when the grandmother's there, but it gets high-risk when she's not around or when the mother is too 'off the wall'. (Social Worker 15)

Monitoring, as a regime of surveillance aimed at increasing safety, potentially contributed to the increased isolation workers experienced within the wider system of child protection:

I definitely feel responsible, I mean the Counsel for Child and the schools are only going to be monitoring. Counsel for Child, I think, is only [monitoring] because she had made it clear that, you know, she really didn't believe that this whanau hui is going to be of any benefit to the family, but [she] also took a chance as well. (Social Worker 36)

While monitoring by family and other agencies provided information and some security for social workers that there were mechanisms to ensure safety, a small number of workers described feeling anxious about not knowing what was going on in the home after hours:

The children aren't saying that this has happened. But, I mean, I still believe that those children are at risk, and even though we are monitoring, supposed to be monitoring, and Mum [is] still having this guy in the home, I mean we aren't there to watch 24 hours so I'm sure that those children are at risk. (Social Worker 27)

In this research, the cases that remained open longer were those using a monitoring system to give assurance that the family was safe and any risk was managed. This next worker illustrated the need to ensure that someone was overseeing cases where safety was not guaranteed:

What I'm saying is, that I want more whanau to 'come on board', that's going to support. I want mental health to be involved a lot, where she's monitored on a regular basis, not just say, okay, then, and two or three months later, she's fine we can stop seeing her. As long as she has that child in her care, they should be visiting her on a regular basis, every week, every two weeks, take five minutes of their time, 'cause if she's going down or she's well, I don't believe ... they should be able to do that. If they can't do it, let a community agency do it. (Social Worker 37)

[The father] agreed to a high level of monitoring, we've got an access plan that he's absolutely in favour of, it's not even an 'oh, if you have to' kind of thing, this is what he's wanting. The extended family have come on board and are also supporting that, we've got a number of agencies going into the home, this, that, and the other's going to happen. "Part of your team is going to be involved because that's your role." "Oh, okay, then." Yeah, so it was, actually, I kind of went in there thinking, "Oh my god, they're going to hang me up!" And the department this, and the department that, so they just said those things and we named them, and I think their relief in hearing that we'd heard [their anxiety], and we also shared it, and that it was valid, well, they felt legitimated in some sense. (Social Worker 42)

The social workers in this study used the legislation to support monitoring as a practice strategy. Some workers named section 102 from the CYP&F Act (1989) to legitimise the use of monitoring.<sup>120</sup> The use of s102, an interim custody order, for the workers in this study, was seen as a holding pattern in which the parents or caregivers could follow the devised plan. As I have argued earlier, while saying that they wanted to develop plans with families, social workers were actually presenting plans to families and coming to an agreement that this plan would work. This raises implications for how social workers used monitoring regimes, and, importantly, what families understood this to mean. Workers were assisted through modulation of their anxiety with additional assessment information and regimes such as monitoring. For families, however, monitoring by social workers meant the building of risk profiles about them, with little engagement in how this would be done and what this might mean for them:

And here we were saying, "This guy's has sexual abuse charges laid against him previously", and although court outcome was not guilty, that still poses, you know, we still see that as a risk. So Mum wasn't really that good about, and we didn't have, although, we had enough to go get a warrant of safety, we felt for these four children who had a very clear attachment to Mum, we would cause more trauma for the children and we'd rather do a monitoring [plan]. (Social Worker 19)

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<sup>120</sup> Section 102 is an interim custody order to be used when custody is needed for no longer than six months. At the end of the six months, this order is discharged, and the social worker can apply for other custody orders if they assess this to be needed (CYP&F Act, 1989)

## Cultural Risk Management

Managing and monitoring risk invariably included the involvement of family and whanau. One of the social workers interviewed expressed her belief in whanau placement as providing consistency in *tikanga*<sup>121</sup> and spiritual connection:

Placing the children has been a different matter altogether. Being part Maori myself and understanding our tikanga, when it comes to our mokupuna, we prefer that they go to family so that their spirituality throughout their tikanga is [maintained]. Now we also believe that while there may be one perpetrator in the whanau, doesn't mean that that same stuff goes right through the whole iwi. So somewhere there's got to be a whanau member who we can track, and that's where I'm currently sitting, is trying to locate an appropriate whanau member to bring to the FGC. (Social Worker 25)

I find that with Pakeha families they know what they want already, when we're working with them. And I find that they tend to get more services than the Maori family because they keep pounding, they keep ringing us up to the point where you eventually wear down. And yet with Maori, they're *whakama*, they're shy, and they don't do, they're not pro-active in advocating for themselves, and that's probably why we tend to not take those children out as much as the Pakeha. (Social Worker 54)

However, this practice was variable across the country. Assessing whanau history as a risk factor means that in this next case, some wider whanau were excluded from being considered as caregivers:

It's very high tension for the older members of the whanau, who have actually been involved with the department before, because all their stuff has been dealt with now, I can now talk to them, but as far as the parents of the children are concerned, no way, no way are they even going to let me in there. But I was talking to the great-grandmother, and she said, "You know, these children needn't have come into the department because we have whanau who could take them, just because of what we did with our children, wasn't good that they ended up in the department, doesn't mean to say that our whole hapu or iwi is like that". And she's right. But there wasn't enough research put in to find whanau. (Social Worker 25)

In contrast to the above worker, this next social worker commented that there is pressure to find whanau and place children in a secure and permanent placement.

There's huge [pressure] - especially on grandparents, to take these kids, there's huge pressure, and it's like, "Take these kids, apply for [legal] orders", you know. We've been asked to send these old grannies out to apply for custody orders of their children, which is stupid. I refuse to do that with these elderly ladies, you know, I'd rather take custody of the kids ... like, there's this huge push for us to, when we take our kids, we've got to look at the extended whanau, and I've yet to find an extended whanau member that's so great, it's good for these kids, and we're asked to push on these - and it's usually grandparents, to apply for custody of these kids. (Social Worker 54)

Role clarity assisted one of the social workers as she managed cultural pressures from within her own community, while maintaining a focus on the paramountcy of

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<sup>121</sup> Maori protocol and knowledge

child protection. Whether or not there is risk is a matter of the belief of someone embedded in a particular culture or community.

With all the pressure and all [of] the storm that was raging out there, and I knew it was a storm to a highest level of my own cultural, and the group of people that I belong, it did not affect me at all. You know, it really wasn't a problem at all. The problem is I form a belief that these children are at risk, these children are critically unsafe. (Social Worker 43)

Variability in assessment work has been noted in the literature (Brown, 2000), and in this current research, cultural variability was also noted. Notwithstanding this, the rhetoric of risk positioned social workers as expert, as they presented assessments to families and whanau, and this tended to occur for Maori, Pacifica and Pakeha social workers.

## Conclusion

In this chapter, I have focussed on the intervention of social workers into the lives of families and whanau. I have argued that while social workers want to attend to developing relationships with family and whanau, their practice is often one of 'enrolling' families into these assessments of risk to children and actions that contribute to the safety of children. Risk is strategically used as a legitimising discourse in the execution and performance of social work practice. As one worker noted, "You have to define risk to come to a decision":

[T]hat case was pretty difficult, because of the neglect issue, and I mean, neglect is always hardest to define, the risks, than physical abuse and sexual abuse.

*Int: What happens if you can't define the risks?*

What happens if you can't define the risks? Well, usually, you have to define; you have to come to a decision. (Social Worker 2)

I have argued that professional decision-making is realised through the everyday practices of social workers. While they aim to attend to and build relationships with families, the focus is often on getting families to agree to social workers' assessments of risk. The FGC was used to illustrate this argument. Managing risk is a key feature and this operates during the assessment work carried out by these social workers. Professional decisions are discursively developed in light of this. Risk is performative, and through the analysis discussed in this chapter, it is evident that professional understandings of risk are dominant in social workers' presentations to

the families with whom they seek to form participating relationships. Moreover, social workers tend to present their 'expert' assessments to families and supervisors, and few, if any, internal practices are drawn on to challenge this. The focus is largely on objective risk; that is, risk that can be known and acted on.

So [the social worker] did intervene, you know, based on this new notification, wrote an affidavit saying the children were at risk, removed the child and put her in a placement, and she's thriving. (Social Worker 32)

Less attention is paid to potential risks associated with social work decisions. Used in its current form, risk rests with experts to define and present. Families are less likely to be included in the discursive construction process; rather, they are enrolled to *get on board* with assessments and decisions that have already been made. Social workers make judgements about risk as they do their work, but seldom explicitly question what they mean by it. How 'at risk' situations are actually produced, that is, defined, articulated, and constructed by social workers, requires critical reflexivity. The need for critical reflexivity is argued in Chapter Ten.

Social workers are also strategists in their collection and presentation of the assessments and the reports they seek to assist them in their work. This is the subject of the next chapter, Chapter Eight.



## Chapter Eight

### Documents and Reports: Strategic practices

[O]rganizations, which make possible the complex systems that produces scientific and technical work, have powerful and continuous effects on how information is created, gathered, processed, exchanged, recorded, stored and used. (Vaughan, 1999, p. 931)

[I] can't fully assess what's happening with this child if those assessments aren't coming in as well. Like, I'm not a psychologist, I can't say, well, this is why [she] is how she is, because they get into her brain and they find out what's happening, and I make my assessment off their assessment, and I make decisions in her best interests, based on everybody's assessments put together. (Social Worker 30)

In building knowledge about children alleged to be 'at risk', CYFS social workers consult widely. While participation between different agencies and workers known to the child and family has been noted as optimal in assessment practices (Pakura, 2004b), there is much rhetoric and little empirical knowledge available about this area of child protection work (Buckley, 1999; Doolan, 2004).<sup>122</sup> When decisions are made about children assessed to be at risk, risk becomes part of the ongoing rhetoric used across and between occupational groups within the child welfare sector. This chapter takes as its focus these occupational groups, the various reports and assessments they produce, and their engagement with discourses of risk, as reflected on by the social workers who participated in this study.

I argue in this chapter, that the various documents and reports, produced by a range of occupational groups, contribute to and maintain the use of risk discourses by social workers to assist them in legitimising decisions. It is the strategic collection and use of these documents that is discussed in this chapter. Researching inter-professional networks, and the tools and technologies that shape their work, assists in building knowledge about the practices that are aimed at assisting families and children (Nikander, 2003). The organisation of child welfare work is also influenced by the context in which this work is carried out. The Family Court, in

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<sup>122</sup> Doolan (2004) recommends further research into the CYFS/judicial interface, particularly in the area of private law custody disputes. The discursive constructions of risk within each occupation group are also worthy of further study, and I argue this in Chapter Ten.

particular, has a powerful influence over the collection and presentation of social work reports and documents, and this is also discussed.

Social workers strategically collect and disseminate reports and documents about child abuse and neglect making use of 'expert' assessments to achieve their goals. Centrally, this chapter argues that communication between workers across the child welfare system largely involves the collection and use of written reports and assessments. However, families are frequently absent in the meetings that occur between professionals. They are represented in the form of an assessment or report, and these can be used strategically to support the legitimacy of decision-making.

The uncritical use of 'expert' assessments by the CYFS social workers in this study tends to 'black-box' assessment work (Latour, 1999b). Social workers focus on these external determinations of risk rather than the processes through which they are produced. 'Expert' assessments collected by CYFS social workers are a resource to validate intervention decisions. Professional assessments are constructed through the collation of external assessments and reports, together with the range of practices completed prior to meeting with families (see Chapter Six). This provides a welcome and 'objective certainty' within a practice environment fraught with ambiguity and uncertainty. This is a key theme through the thesis, as the practice context is one of ambiguity and uncertainty. Social workers are drawn to strategies that provide certainty, definition, and legitimation for their actions.

## Communicating Risk

How do I work through [the assessment]? Well, I mean, you very much need your outside, neutral, professional people's opinions, don't you? (Social Worker 15)

Communication issues between and across social services and statutory agencies are reported in the child death reviews and social work practice more broadly as an ongoing area of difficulty (Munro, 1996; Pakura, 2004b). Recommendations for improved communication between professionals across the child welfare sector is noted in the literature (Thompson-Cooper, 2001). However, Packman (1975) argues that a focus on inter-professional communication has come at the expense of developing communication between families and professionals. Further, Reder and Duncan (2003) argue that calls for the restructuring of child welfare services to

enhance communication between agencies is more problematic than simply improving role clarity and agency boundaries. They argue that “individuals and groups create their own boundaries based on beliefs, attitudes, work pressures, and so on” (Reder & Duncan, 2003, p. 95-96).

According to Kinley and Doolan (1997), child protection work must include consultation with the people who are involved in the different areas of children’s lives. In recent years, there have been several widely publicised reports critical of the wider child welfare system in maintaining child safety in New Zealand (MSD, 2003a; OCC, 2000, 2003). Little attention has been given within the literature as to how discourses of risk may differ across professional groups and agencies within the child welfare system, and in what ways this may limit participatory social work practice; this is a central focus in this thesis.

According to Reder et al. (1993), professionals in child protection frequently work in isolation. In their review of 35 child death cases in the UK, the authors found that interagency communication was consistently lacking. “Report after report highlights how crucially relevant information was not shared amongst concurrently involved professionals” (Reder et al., 1993, p. 60).

The occupational groups to which the clinician or worker belongs will also influence and shape the interpretation of practice and risk assessment (Taylor & Meux, 1997). Further, according to Taylor and Meux (1997), the individual experiences, cultural context, and professional backgrounds of clinicians and workers will also impact on risk assessment practice. In their study, they compared different professional groups, including social workers, psychiatrists, psychologists, and psychiatric nurses, in their assessment of a series of case vignettes premised on risk. They found that all groups located and identified some form of risk, yet the process of identification was influenced by the particular occupational category in which they belonged.

More recently, the impact of power differentials between and across professional groups has been explored, particularly the impact on how information about child protection matters is accessed. Peterson (1996) summarised this issue best when he noted:

Different groups have different interests in promoting their own risk narratives. In the area of risk assessment there is much disagreement between experts about what constitutes risk: levels of risk; how to respond; and so on. (Peterson, 1996, p. 54)

This increased focus on risk within the social services (Kemshall et al., 1997) has not been complemented by research into how these groups actually determine what they mean by risk (Stalker, 2003). The determination of risk is a central issue addressed in this chapter.

More recently, the practices of risk assessment work have been criticised within child death reviews. In their review of the Victorian child death reviews, Stanley and Goddard (2002) argue that in 11 cases, child protection workers failed to undertake effective risk assessments. Recent New Zealand research has similar findings. In his research on child homicide, Doolan (2004, p. 121) found that in a small number of cases, child protection social workers had “an evident lack of knowledge about what constitutes a child protection risk [and that this] contributed to a minimisation of the concerns”. Doolan (2004) reviewed 91 child homicides in Aotearoa/New Zealand, in the period 1991-2000.<sup>123</sup> Of these children, three were killed during the period of investigation by statutory child protection social workers. Doolan (2004) found common features in these homicides:

- No formal risk assessment was carried out by a statutory social worker
- No recorded assessment plan was held by CYFS
- No determined child protection action was evident.

This was also reflected in the 1997 Victorian, Australian child death review report, where the relationships between child protection workers and their colleagues were described as “characterised by poorly articulated plans, poor communications, and lack of effective and stated review/feedback mechanisms and expectations” (Stanley et al., 2002, p. 31). Risk discourses are a powerful organising tool that social workers are both subject to and assist in constituting. They are woven through Doolan’s (2004) research, and he makes a compelling argument for the use of risk assessment tools in assisting social workers to enact their knowledgability in analysis work. How risk discourses both position social workers’ practice and how they themselves are positioned by them has a lesser focus in his work.

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<sup>123</sup> Doolan (2004, p102) argues that there is a widespread misunderstanding about children killed in New Zealand being known to statutory child protection agencies. If the 91 children in his research, nine were known to the Department Child Youth and Family Services.

Addressing poor communication practices within the networks of agencies and professionals is fundamental to functional child welfare practice. This is particularly relevant given the multi-disciplinary approach to practice found in the Aotearoa/New Zealand child welfare sector. Moreover, the client is often absent in professional-to-professional discussions, and the discursive shaping of clients within multi-disciplinary discussions draws attention to differential power within occupational groups (Nikander, 2003). Further, through ethnographic research, Pithouse (1998) found that social workers regarded case recording as a way to protect them from unwanted scrutiny. Thus, documents and case records are negotiated, and, more importantly, remain only partial accounts of practice. However, they were collected and used strategically by the social workers interviewed for this study.

Internationally, child abuse tragedies have resulted in calls for greater consistency in assessment work across the systems of child protection (Dale, Green, & Fellows, 2002). This has been also been echoed in Aotearoa/New Zealand (CCC, 2003) where recommendations to have a generic risk assessment tool to be applied across the wider child welfare sector may assist child safety.<sup>124</sup>

In the final report into the death of James Whakaruru (OCC, 2000), risk is reinstated as a central and shared frame for use across the child welfare sector. The report notes that police failed to provide information to CYFS that would have “provided evidence of significant risk to James’ safety” (OCC, 2000, p. 48).

Reponses by state agencies in a manner which evidences a flawed or incomplete assessment of risk factors results in isolated and dangerous service delivery which does not address the complex range of factors implicit in cases of child abuse and neglect. (OCC, 2000, p. 51).

Further, the report into the deaths of Saliel and Olympia Aplin (OCC, 2003) noted that the CYFS social worker and supervisor failed to recognise risk.

The supervisor’s statement ... is an example of the failure of those working with this family to objectively consider information coming to the department about the family and risks to the children within it. (OCC, 2003, p. 21)

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<sup>124</sup> Through a process of consultation and collaborative workshops held in 2002, the Christchurch City Council recommended the development of risk assessment tools that would assist child welfare practitioners, community and social workers, public health, statisticians, and council staff in their understandings and intervention into areas of child poverty, community participation, and child welfare. The focus was less on how this renders risk more user friendly for the expert system of child welfare, thus neglecting the family’s understandings of risk.

Attention is placed on the identification and management of ‘objective’ risk and less on the organisational groups that may construct risk in varied or divergent ways. This is done to increase child safety; however, there was little evidence in this study that social workers were reflexive about their use of risk discourses.

Strategic plans to enhance systemic practices directed at child welfare have developed following the widely publicised deaths of children known to state authorities (MSD, 2003a). In Aotearoa/New Zealand the *Care and Protection Blueprint* (2003) was released as a strategy directed at “enhancing the services provided to children and young people who are at risk of, or who have suffered from, abuse and neglect” (MSD, 2003a).

There is currently inadequate co-ordination of care and protection services at every level, leading to unintended duplication of services, problems of information sharing between agencies and gaps in service provision. (MSD, 2003a, p. 32)

However, the *Care and Protection Blueprint* (2003) is premised on the sharing of professional responsibilities in child protection and building partnerships across the sector. Risk discourses are implicit within the document; however, no attention has been paid to the different occupational groups within the child welfare sector that influence risk constructions.

There is now a well developed body of literature in the area of risk communication representing a range of occupational groups and people (Ericson & Haggerty, 1997; Stanley, 1999; Tulloch & Lupton, 1997). Using their ethnographic study of Canadian Police, Ericson and Haggerty (1997) argue that the police are information brokers to a range of institutions, such as insurance, and health and welfare organisations. They contend that knowledge about risk is used to manage danger, and in so doing, police have been increasingly required to respond to demands for risk information.

Community policing turns out to be risk communication policing. ... Risk classifications infuse moral certainty and legitimacy into the facts they produce, allowing people to accept them as normative obligations and therefore as scripts for action. (Ericson & Haggerty, 1997, pp. 5-6)

Further:

Police work is not *ad hoc* and situational but prospectively structured by the categories and classifications of risk communication and by the technologies for communicating

knowledge internally and externally. The communication formats provide the means through which the police think, act, and justify their actions. These formats are in turn structured by the expert knowledge of risk required by police managers and by external institutions. (Ericson & Haggerty, 1997, p. 33)

Social work practice is neither *ad hoc* nor situational work. Like the police work that Ericson et al. (1997) describe above, social workers also draw on a range of technologies, tools, and formats through which they communicate the risks that they have assessed.<sup>125</sup> This information is discussed between agencies and reported on in assessment documents and reports, and this work is embedded within a wider ideological and political child welfare system. Concomitant to this, is the locating and self-managing of risk, which lies at the heart of the neo-liberal project (Culpitt, 1999).

In the following section, I discuss what social workers involved in child protection in Aotearoa/New Zealand had to say about communicating about risk with their colleagues across a range of different occupational groups.

### Professionals' Meetings

Information about children and families is exchanged between CYFS social workers and colleagues outside the agency through a range of formal and informal practices. These included meetings with external professionals, phone calls, and requests for reports and assessments to be shared between agencies. Conversations between social workers and external colleagues about children and families often referenced risk.

I think, by the very fact that you're having a conversation, you're having it because of the risk. ... I mean, like, you wouldn't be having a conversation with an organisation, say that you are talking to them about the possibilities of how this family's going to be supported. You're having that conversation because there is risk. (Social Worker 15)

Members of different occupational groups meet to discuss children and families, the principal purpose being information clarity and exchange. While the New Zealand legislation (CYP&F Act, 1989) enshrines the FGC as the model of decision-making that ensures family and whanau inclusion (Connolly, 1994, 2004a, 2004b;

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<sup>125</sup> In the next chapter, I discuss the Risk Estimation System (RES) as a tool of risk assessment strategically utilised by social workers in three ways: as a tool of inquiry, a tool of bureaucracy, and a tool of legitimation.

Connolly & McKenzie, 1999), professionals' meetings also occur, without family and whanau present, to review information and to develop practice plans. Following Connolly (2004b), Doolan (2004, p. 132) makes a compelling argument that the predominance of professional decision-making is a contextual development within an ideological, organisational and political context where professionalism has been steered towards "residual, forensic models of practice". Social work practice operates within the wider ideological and cultural frames where risk discourses are located.<sup>126</sup>

The social workers who participated in this research found meetings with colleagues within CYFS, and those external to it, useful for case review and planning.<sup>127</sup> For these workers it was a time for doing professionalism through consultation and convergence around the risk issues:

[W]e had all those professionals together and it was then that we decided that we have to act on something ... [the outcome was to] take [the child] away from what his behaviour seemed to be [reacting to], and he did change somewhat when he was removed. (Social Worker 33)

[Y]ou actually need to bring all the professionals together, and, maybe, listen to what all their concerns are, look at the assessment, you know, like all those kind of things that we might talk about ... because I think, sometimes, even with a key [social worker from CYFS] and co-[worker from CYFS], you can get that block, you know. [Y]ou just need someone to say, "Okay, we can see what's happening here". (Social Worker 37)

The social workers who participated in this study indicated that meetings without family members were regarded as useful times for them to discuss case issues with

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<sup>126</sup> Increasing demands to ensure the safety for children within the welfare sector have occurred within an environment of shrinking resources. Risk assessment models allow the directing of services toward those deemed to be high risk and, it is argued, in greater need of statutory assistance. Within New Zealand's wider welfare system, there has been an increasing gaze toward health and welfare workers, given the increasing number of high profile child injuries and fatalities over the last decade (Brown, 2000; Doolan, 2004; OCC, 2000, 2003). This has played out significantly within the mental health field where the number of high profile attacks and fatalities has drawn sharp criticism from an increasingly anxious public (Matthewson, 2002).

Public sector services have a definite responsibility to work proactively for the safety of both service users and others, and the need for accountability in this regard is accepted. There is a need for appropriate audit and review of clinical decisions. (Matthewson, 2002, p. 42)

<sup>127</sup> In Chapter Six, I argued that social workers build risk cases before leaving the office. Meetings are a central mechanism for this to occur. Elgaard (2001) researched social work practice through an ethnography of the office, and argues that forms of professional competence were achieved for social workers through the process of meeting together to discuss cases and work issues. Competence and expertise is constructed through both formal and informal talk. The meeting room, the equipment within the room, and the location of the room (within social work offices) assisted in organising this construction of competence (Elgaard, 2001).



colleagues. This use of these meetings was common in achieving consensus around what the risks were and how best to manage these. Yet little negotiation occurred as to how these risks became identified and what this process of identification may mean for families. Jargon that is specific to social work can be used in these meetings without the need for translation for family members:

[It] is clear, sometimes, in a case conference, because the family aren't there, and hearing all of those difficulties. [B]ecause they couldn't handle it anyway – [when they are there] it means you've got to try. I feel as if I'm sometimes trying to water it down when I discuss some of those things with the family. I suppose it's about jargon, too, because we do use jargon a terrible amount and, sometimes, that's difficult because you've got to go back and translate, there's always a translation difficulty. (Social Worker 18)

The jargon associated with risk is now central to social work practice. A central question for this thesis then, is how this becomes 'matter of fact' (Van Loon, 2002). I argue in Chapter Ten, social workers need to attend to what families and children understand when this language of risk is used.

Reder et al. (1993) report that communication barriers between professionals in meetings can result from an exaggeration of 'hierarchies', when one group of workers is accorded more status than others. Doctors, for example form one group of professionals often regarded as having a superior status within the child protection assessment system (Buckley, 2003). How these occupational groups understand risk is currently unknown. What is now known, through this research, is that the social workers who participated in this research neither problematised their constructions of risk nor entered into debates with colleagues about their constructions. Risk, therefore, remains an understood and accepted 'matter of fact' (Van Loon, 2002). Importantly, questions can be asked about the institutional influences that help shape the ways social workers think about and conduct risk assessment practices, particularly when there are differences in the understanding of risk across agencies. For example:

Police [can hold different understandings of risk], because they also have the authority to take a declaration into [the] Family Court. On a number of occasions, where we have said that we can resolve the care and protection issues for children and their families through a different intervention, rather than taking orders, we have disagreed, and we're in logger-heads, and [the police] file a declaration and take the children into custody [anyway]. (Social Worker 60)

Difficulties and differences in perception and understanding can also arise in relationships with other professional groups. For example, in a small qualitative study of social workers and legal services staff relationships, Porteus (2004) found

that social workers were more critical of lawyers than lawyers were of them. She found that 46% of the social workers in her study felt satisfied working as professionals with lawyers, while 73% of the lawyers she interviewed had confidence in their professional working relationships with social workers. Case conferences and particularly FGCs are premised on bringing people together in the reduction of professional dominance in decision-making. Porteus's findings are that social workers are potentially less likely to challenge legal perspectives. Further, Pithouse (1998) argues that social workers construct reports and documents for a range of external occupational groups. These documents are then available for scrutiny. He argues that these documents help to protect children, while protecting workers from a range of external and internal scrutinised practices. The case was put forward, via the document, to assist the social worker in their goal of child safety (Pithouse & Atkinson, 1988).<sup>128</sup> The ways in which evidence was evaluated in the Family Court had influenced the way the social workers I interviewed prepared documents for presentation.

I believe that regular, sort of [court] review processes are useful when it comes to assessing risk. (Social Worker 47)

According to McLaughlin (2003), it is the particular context within which work is organised that influences the way people present and thus perform professionalism. She argues that professional knowledge is disciplinary because it can be used to represent a "naturally isolated and self-contained referent object in the world" (Fournier, cited in McLaughlin, 2003, p. 265). Therefore, the use of risk ontologically serves to re-present the accepted risks as assessed by social workers and discussion around this remains unproblematised because the focus moves to risk resolution or risk management. The social processes through which risk becomes constructed have received little attention in the social sciences (McLaughlin, 2003). Artefacts are tools and properties in the social production of risk. These are the focus of the next section.

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<sup>128</sup> Pithouse et al. (1998) argue that anxiety is an increasing feature of doing child protection work and that this is a more recent development. Following up on an earlier study, the authors argue that an increase in documentation has been matched by an increased scrutiny into the practices of child protection.

## **Risk Assessment Artefacts: Assessments and reports**

In this section of the chapter, I discuss the range of documents and reports social workers collected and used as part of their assessment work. These documents were central to the legitimacy of social work assessment decisions. Importantly, these documents and reports were less likely to be interrogated by social workers, but used strategically in the ordering and management of risk.

### **1. The notification - initial risk documents**

Hospital social workers emerged in this study as a small group of professionals from the wider child welfare system who used risk discourses to instigate service provision by CYFS. Information that said a child was 'at risk' was a powerful discourse that required a response from CYFS social workers. However, local knowledge about the notifier, in this case the hospital social worker, was drawn on in determining the particular response (Buckley, 2000a). Using child protection agencies to manage 'risk' on behalf of another statutory or community agency has been termed passing the 'poison ball' (Scott & O'Neil, 1996). Responsibility is shifted from one agency to another and risk serves a performative function because it is implied in the notification through *exaggerated concerns* as reported by hospital social workers:

[I]t's always the social workers at the hospital feeding the notification through. ... I talked to the [hospital] social worker, and I just thought this social worker was probably barking up the wrong tree, but she kept putting through faxes and notifications, which I kept having to deal with. And just her knowing that we were involved seemed to satisfy her, in a way. (Social Worker 2)

I have difficulties with the social workers in the hospitals, they can be a pain in the butt because they want action, like, now, and they come across, and they can exaggerate on the concerns, but when we go into the family, to the homes, different again. No problems with [the family]. (Social Worker 26)

In contrast, this social worker gave more weight to a notification made by a paediatrician:

The notification came from a paediatrician, so there's immediate, you know, if a paediatrician's telling you they believe it's non-accidental injury ... you immediately go out. (Social Worker 61)

I have already argued in Chapter Six that a recorded history assists social workers in making claims of a child being ‘at risk’. The history held within the police computer files further assists in the construction of risk, and is also used to justify intervention decisions. The social workers in this study uncritically accepted the information they received from the police as being first-hand data. This was powerful in assisting them to make decisions, such as removing children from home.

[T]he police had started to charge the woman with assault on her children with a weapon, and so they had taken statements from [witnesses], so it came in as notification, [with] witnessed statements around the abuse situation attached to it. So that meant that we had a lot of first-hand data about [how] this woman had functioned on that occasion, so that made it quite straightforward ... We actually had the witness statements, in terms of that incident, we actually didn't have to do a lot of investigation. But my investigative phone calls backed that picture up. (Social Worker 15)

In this illustration, the social worker had witness statements provided by the police. These statements assisted the social worker’s investigation as he described these as being ‘first-hand data’.

## 2. Social worker as ‘strategist’ ~ collecting documents

Writing from an Irish context, Buckley (2003) argues that there is a ‘myth of inter-agency co-operation’ between the child protection service and the wider network of social services. Like New Zealand, Ireland has produced guidelines for service coordination that aim to more broadly enhance a systemic perspective toward child and family welfare. However, she argues that less attention has been paid to how the various knowledge and values operate within child protection meetings, potentially resulting in responsibility shifting between social services and child protection agencies.

I think with mental health, when I do my section 66<sup>129</sup> [Official Information Request], I always say, “Do you have any concerns?” [To] get other people's opinion on the concerns, [like] if they've ever had an inkling, ever had, or right now. ... If [they] ever thought that Mum was not mentally stable enough to have the child ... if she goes up or down really fast, [her] history, and back to when her first child was born, her behaviour then. (Social Worker 22).

In asking for ‘concerns’ the focus remained on the deficits and limitations of parenting, and information provided can then be used to justify the assessment plan of the social worker.

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<sup>129</sup> The CYP&F Act (1989): s(66) official information requests to other government departments.

But in this particular case, we contacted Plunket, we contacted the school ... and requested information about their general behaviour and appearance, whether the school had any concerns. (Social Worker 21)

The New Zealand Police is a statutory partner in the work of child protection. The 1989 legislation empowers the New Zealand Police with the right to intervene in protecting children (CYP&F Act, 1989, s39; s42; and s48)<sup>130</sup>. Social workers at CYFS liaise with the New Zealand police, which is a key information agency for social workers at CYFS. Criminal records and domestic violence call-out records are held centrally on a police data base. Police and CYFS have drawn up protocols that enable social workers to access this information to assist in their investigation work. This was done routinely by the social workers in this study<sup>131</sup>.

To me, [checking is] the most important part. That's why that takes the longest for me to make [a decision], whether to take a child out. I go through the police, whether they have any counselling, the parents, the next-door neighbour, if I have to, other family members, you know, iwi. I don't want to make that mistake. (Social Worker 23)

Psychological discourses are influential, and this is evident in this next comment from one of the social workers interviewed. This social worker was encouraged to focus on the psychological aspects of her client's world and less on the contextual and surrounding sociological issues:

[The psychological reports] were helpful for me, because it gave me an understanding of where he was at, where the boy was at. Not what was going on around him, the family dynamics, I didn't want to know that. I wanted to know where he was at, what was going on for him ... you know, it really gave me, it made me sure in myself, that I had to concentrate solely on him. (Social Worker 63)

### **3. Social worker as 'strategist' - using documents**

Documents, assessments and reports provided to social workers were then circulated within the wider system of child protection to achieve the desired

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<sup>130</sup> s39 – Place of safety warrant  
s42 – Search for children/young person and uplift  
s48 – Unaccompanied children/young person under 17

<sup>131</sup> The way information was retrieved by social workers varied throughout the country. Most offices used a standardised form that was faxed to the local police. The form requested information about criminal records and police call-outs to homes in the cases of domestic violence. In other offices, information was relayed by telephone.

outcome. In so doing, social workers were strategists in their collection and dissemination of these documents:

So my [court] affidavit might have only been two pages, and then there were about 15-20 pages of attachments that are spelling out what the risks are to her: what had happened, how it was believed to have happened, and the unlikely, almost impossibility that the [story] could be accurate. ... So all of those things were part of an attachment, so that made it quite clear. Like, how could we ignore that? And the decision-making process - when you've got this huge body of information that was - whilst they weren't saying this is categorically what happened - they were as certain as they could be. (Social Worker 42)

[A] social work assessment isn't given as much weight as a psychologist assessment in CYF proceedings, [and] with Guardianship Act proceedings. (Social Worker 51)

The collection and use of others professionals' reports, then, assist in building the credibility of the social worker's assessment or recommendation to the court.

According to de Montigny (1995), social workers construct their practice through professional discourses, and, in so doing, they legitimise their work. The use of documentation to achieve the response wanted potentially glosses over any use of power in the day-to-day practices of child protection. Reports, affidavits, and other documents render the 'smells of practice' (Ferguson, 2004) less visible, while allowing social workers to present themselves as neutral professionals in practices of child removal (de Montigny, 1995). Case records, documents, and reports are, however, increasingly central to the organisation of child protection practice (Pithouse & Atkinson, 1988).

For a small number of social workers, the reports needed to show that sufficient change had occurred and the attestation of safety could then be placed on file. Decisions to then return children home were legitimised through the use of these documents. Not having the established benchmark of safety, provided through a document or report, was used to legitimise a child remaining out of home for this next social worker:

I was clear that if all of the assessments and [reports about completed parenting] courses came back and said we cannot tell you anything, we can't talk to you about risk, we haven't been able to ascertain whether Mum and Dad would be a risk, then I was clear that the baby wouldn't return home. (Social Worker 7)

[In risk assessment work], you're ticking your boxes on what's safe, what's not safe, is this child okay, and somebody lies to you and gives you false information. It's a bit like a computer virus - it mucks everything up, and if you go deeper into the investigation, [you] end up with two stories, and then you work out which one do I believe. One's from a professional, or one's from somebody you can trust, and the other person is somebody you just don't know, then you weigh them up differently, I suppose. (Social Worker 12)

Risk discourses are powerful and used strategically in the gaining of court orders, removal of children, and, as in this next case, the securing of a placement. One social worker requested information from the police to add to her court application. Risk was drawn on to secure her application, and this was supported through her use of the police information:

[T]o support my application, I've had a letter written by the police stating these things and those other concerns, and it's quite a strong sort of letter as well. I had to do that just to get him five days in [an] emergency placement. I got them to write something, that he's at risk to himself and to others in [the] community. ... I thought it was, like, sounded pretty, well, I didn't really have to beef it up, well, I mean, the facts spoke for themselves. Clearly the police, we got the psych assessment, so it was supported as well, it wasn't just 'look this kid's at risk', it was some of the stuff that he's told me as well. ... Oh, yeah, you do kind of emphasise the worst aspects, I suppose. (Social Worker 66)

Validation of risk assessment work occurred through the various assessments the social workers I interviewed requested and received. These assessments were frequently presented in Family Court hearings to support the assessment made by the CYFS social worker.

The Court had said we want this [assessment] report in seven days, and I wrote back to the Court saying that I could provide a report for them but I couldn't provide it in seven days. If they wanted a thorough assessment, then I needed to have time to be able to interview all parties, contact everybody, to get reports in, to get all the information that I required to provide in the report. I couldn't do it in seven days because I had to actually wait for doctors, schools, I wanted to hear from Plunket. Not only was it like talking to them, I wanted back-up with reports that I could send through to the Court and say I spoke to this person, and this is what they said, please refer to the report attached. I spoke to this person, and this is what the doctor said, please refer to his report. I spoke to this Plunket nurse who said that she had known the family this long, please refer to the concerns that she had. And in order to provide that, you have to give those professionals at least three days, anyway. (Social Worker 34)

In addition, external reports about families were used by CYFS social workers in their negotiation of casework that included keeping cases open, backing up their assessments for families, and legitimising decisions.

The [child protection] file was left open, I left the file open for the rest of that year, and then talked to [the mother] about having a psychological assessment, a parenting psychological assessment, which she finally agreed to, well, she agreed to do [it]. And I said "That's the way of me coming to a resolution about this case, that there are no risks to your children". That's one way that I can close the case, and know that, that someone [else] had said things are fine. (Social Worker 20)

Well, it's like getting an expert opinion, you know ... social workers do make terrible decisions, do you know what I mean? And I think having a parental assessment done [by a psychologist], on Mum and Dad, re-affirms what the social worker thinks, but it's just to have that back-up. (Social Worker 55)

[The children are] in placement, with a caregiver. And what we're doing now, we're waiting for a psychological assessment on the children before [the social workers] can decide

whether or not it's safe to send the children back to Dad. [The children] don't understand why they can't go home. ... Well, if nothing comes back from, if [the] psychological assessment says [the parent is] okay, [the children will] have to go back. (Social Worker 32)

Making decisions about children at risk was easier when social workers had validating assessments from people who work outside of CYFS.

I think it's an important part to try and get, sort of, as accurate a picture as you can, and to do with the mental health, or psychological disturbances, or whatever, that the adults have, to be able to assess the risk. If you have [reports], it's easier to assess and make decisions about the risk, [than] if you don't have it. It becomes much more difficult, it's almost as if you're trying to predict what future behaviours there might be with regards to the adults, and the more information you can get, the more easier it is, that we think we can make a better prediction. (Social Worker 48)

Social workers were encouraged to consider the future harm potential in their assessment work. *Breaking the Cycle: An interagency guide to child abuse* (CYPFS, 1997, p.7) states: "When the Service [CYFS] receives notification of a care and protection concern, it is investigated and assessed to establish **risk and need**" (emphasis in original). When external assessment assists in clarity around this decision-making, it is less problematic. The next social worker described her caution in returning a child to family care from foster care, because the psychiatrist could not provide a more certain prognosis:

[I]n one particular case, there was a psychiatrist who was saying that a particular mother with mental health issues should, basically, should have her children returned to her care, because her mental health illness only occurs when she is anxious about where her children are, but when she's got her children, she's fine. But we disputed that, and so there was some differing of opinions, and so we basically just maintained, kept the children. But it was at that time, well, basically, even though our assessments are based on their diagnoses, we didn't agree with it ... like, he provided us with a diagnosis but couldn't give us a prognosis about, like, okay, so alright, she's got this, like, what sort of medication does she need to take, how long, and, you know, what time period are we looking at ... that's what we wanted. But they wouldn't provide that ... so that's an example of where I think we've had difficulties trying to do our work in keeping the children safe, and working with another agency. (Social Worker 69)

Risk discourses were actively drawn on by this next social worker to achieve the same goal: maintain a child out of family care because mental health staff were unable to give a guarantee of safety:

Communication between agencies [is important] ... you know, how we bring all the whanau in, and mental health come in [too], as part of that meeting, with the whanau, and [us] being really straight with the family. ... We have no choice but to remove the children from Mum's care, because every time she gets sick, the kids are at risk. But mental health say, "Well, that's not fair, when they're taking their medication they're good parents." And I says, "Yeah, but [what] we always do is [say] that there's nothing there to say, okay, she's not taking medication now, now she's down and the kids are at risk. ... What happens when she does get unwell, and the kids are at risk, and we don't know until something happens?" (Social Worker 37)



Risk discourses are powerfully used to make the argument that it is unsafe to return the child home. The unknown behaviours and actions of a parent represent risk to the social worker and, when argued in this way, discourses of risk provide legitimacy in justifying the status quo. However, there was no evidence from this interview that risks associated with the child being out of parental care were considered. Another social worker commented that the work was safety driven: “Remove first, then do your investigation, then once you've removed the child, actually getting them back into the home, you take the highest tariff, and then, when you've actually convinced the Court - it can be quite time-consuming and a long process to get them back home” (Social Worker 45).

According to Drew (1996) decisions to remove children from their home and family should only occur after an assessment process has reached a conclusion that this is necessary. This is the case where immediate intervention is necessary, and in those more ambiguous and uncertain situations. In all cases, the classification of an ‘at risk’ state is a pivotal decision point for care and protection work.

### **Wider Influences**

The request for official information by many of the social workers was a common practice in building knowledge about a particular family or child. The way questions were framed, however, guided the particular responses. In cases where the social workers believed the Family Court would be involved at some level, they sought the necessary evidence from a range of sources, including psychologists, doctors, community workers, and teachers. Gaining ‘the right evidence’ was important for this next worker in legitimising her practice:

But there’s always that tension there about gaining the evidence and the right evidence, and sometimes, social workers, I think, tend to feel that they get left out a little bit, in that process with The Court. ... The specialists are the ones who carry a lot more weight, and that’s how we tend to feel ... psychologists and doctors and specialists, you know, of that ilk, you feel a lot more weight is placed on what they say, than what social workers say. (Social Worker 48)

Legal remedies to ensure child wellbeing featured in many of the cases discussed for this research. Not surprisingly, the safety of the child was paramount for the social

workers I interviewed. The paramountcy principle (s6, CYP&F Act, 1989)<sup>132</sup> is enshrined in New Zealand's child protection legislation and was introduced to assist in decision-making when there is conflict between the rights of parents and children (see Chapter Three). In such cases, the rights of the child are paramount (CYFS Act, 1989). The Family Court is the arena where the resolution of these conflicts is determined.

Assessment work occurs within a practice environment largely shaped by socio-legal discourses. However, within this environment, social workers' assessments are also shaped by the requirements of the Family Court. Social workers are active strategists in presenting documentation that will achieve particular outcomes in this legal arena. They also have keen perceptions of which documents are given greatest weight by those making decisions. This is illustrated by the following reflections from this study:

Psychologists, especially a court-appointed psychologist, has a lot of weight, much more weight than a social worker, which is probably one of the issues for me. ... And I put all of the information in a really full affidavit before the Court, but I'm afraid – it's one of the issues that I do have, that social workers' professionalism seems to, sort of, if there's a scale of, sort of, who's considered to be a better decision maker, social workers are, sort of, down here, and psychologists are up here, even though a psychological intervention might be quite brief. (Social Worker 47)

Writing from the Australian context, Sheehan (2003) argues that the court requires a higher burden of proof, and a reliance on more concrete evidence has thus developed. Social workers, she argues, are preparing and presenting documentation in ways that achieve the requirements of the court while gaining the necessary orders to effect safety, via legal means, for children. Further, Doolan (2004) argues that social workers in Aotearoa/New Zealand may avoid making decisions in their assessment work and leave this to the Family Court. He argues that the legislation and policies of CYFS provide the necessary framework to ensure child protection work is carried out effectively. Solutions can and should be sought outside the Family Court that depend on social workers' analyses of information gathering (Doolan, 2004). The stakes in child protection work are high, and so leaving decision-making to the Family Court is a practice option:

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<sup>132</sup> This principle is to assist decision resolution in situations where the rights of the parents are in conflict with the rights of a child. In such cases, the paramountcy principle means that the child's rights are upheld in cases where conflict occurs (see Chapter Two).

Statutory social workers need to be confident in their role and responsibilities within the context of the Family Court, and in the specialist nature of the CYP&F Act, which may offer a more suitable response to child protection need. (Doolan, 2004, p. 115)

Sheehan (2001) reports that magistrates within the Victorian Children's Court found social workers' reports and case presentations lacking. She recommends that social workers learn more about the operations of the court system and that magistrates need to consider the dual focus for social work in care and protection: child safety while building relationships with their families.

There are regional differences in the processes of Family Courts for social workers in this study. In one part of the country, social workers reported that they had been advised not to use s139 temporary care agreements with families. Rather, the Family Court had issued definitions to social workers on what constitutes abuse to a child. The intervention decisions were made within this court-influenced context:

[W]e have quite a clear position from the judge in our Family Court here around what's the reasonable use of physical discipline of children, she's basically come out and said, no use of weapons, no use of a closed hand or kicking, no hitting the body leaving bruising or marks, or no hitting the head in any shape or form. I think that was the main sort of criteria she had, so basically, she left it open for an open hand on the bottom or the back of the legs or whatever. ... We don't use 139s very much at all here, at all hardly. We've been given a clear directive that they are only to be used, they're not to be used coercively with parents 'sign it or else', that there must be an intention that the child is going to be returned home within those 28 days, that if you've got a suspicion of abuse, then you must take a place of safety warrant. (Social Worker 45)

So because it's quite a big case, there's lots of history, and a lot of it's around emotional and neglect issues, [it's] quite hard to present to courts if you were going to do that, so it's just gathering information.

*Int: So to go to court, what do you need?*

Evidence, yeah - emotional and neglect are quite hard to present if you haven't had psychological reports done, or [similar] assessments done. (Social Worker 52)

Social workers interviewed, indicated that their reports and affidavits were seldom challenged by the Family Court when they sought immediate safety warrants and declarations that a child was in need of care and protection.<sup>133</sup> They were more likely to be challenged in defended hearings, when social workers found themselves providing evidence about assessments of risk to children. Generally, social workers reported that they were unlikely to be challenged by others about the reports and assessments they present to court:

And there have been Family Group Conferences, and case conferences, and court hearings that I have been able to justify not [returning children to parents], and nobody has said,

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<sup>133</sup> Reviewing existing orders is a regular part of the court function in cases where children are in out-of-home care (CYP&F Act, 1989).

“You’re wrong”. There have been no direct challenges, the main challenge has come from me. (Social Worker 18)

A small number of social workers used the court as a ‘decision-sharer’ in cases when they are unable to reach an assessment:

I think you get to X point where you have a belief, you know how you are meant to, okay, I’ll go with the fact that I have a belief, and I’ll bring an affidavit to court, and I’ll see what happens. You have a belief, but you don’t have a certainty, necessarily. And maybe you could have a certainty if you had more time. (Social Worker 15)

One of the social workers discussed his reliance on court processes and reports of other professionals, in order to arrive at a decision about a child. He had received a notification that the father of the child was using drugs, and the grandfather, who had been caring for the child, was seen entering the child’s room at night. The social worker was unable to reach an assessment because the father had left the city with the child. As the worker explained, he thought the Court’s reliance on evidence meant that a psychological report was required in the determining of decisions about the child:

I can see it’s not going to come to a social worker’s decision, it’s going to come to a Court decision. ... Well, given that the court is the person that had asked for the psychologist report to be completed, it’s going to be dependent on that psychologist’s report, I think, as to whether or not Dad is guilty. (Social Worker 25)

This illustrates social workers’ perceptions of the power of the Family Court and the importance of evidence from other health professionals. Social workers are aware that they need particular evidence to gain the orders and outcomes they seek through the Court process. This knowledge shapes the way evidence and documents are prepared and then presented in the Court. Social workers attempt to use the court strategically, while also, at times, considering that information they have acquired through interaction with families is likely to have little effect on decisions.

[T]here doesn’t seem to be a lot of faith in [CYFS social] workers’ decision-making abilities [in the Family Court]. I mean, I’m quite keen on evidence-based stuff, as well, in terms of risk assessment and early evidence and why you’re making decisions, but some of it’s also about intuition, as well. That if you do the job long enough, you develop a sixth sense, really, about whether they are able to make the changes and whether they are able to keep their children safe or not, and that’s not always reflected in the [CYFS computer] notes or the recordings. I mean, you can do it as much as you can, but sometimes you just get a feeling that, yes, I think this family can do well, let’s take a lower-level intervention, then we can always move up if the risks increase, rather than going, well, yes, we can remove these kids but, well, we’ve got the evidence, probably, to remove them, because the Court’s quite, sort of, very much a safety-first approach here, without really doing a lot of that family work. (Social Worker 45).

Family work which is directed at resolving the issues that place children at risk is not a priority for the Family Court. Social workers' sense that the complex sources of information that make them more or less confident about the safety of children in particular families can not be presented effectively within the socio-legal framework of the court.

Interviews with the participants in this study suggest that social workers are likely to present their assessment information in ways that meet the requirements of the court. In this way, practice is constituted by mechanisms associated with the legal determination of risk (Kearns, 1998). The implications of using legal remedies soon after a notification, and the conflict this has with 'strengths-based practice', was highlighted by one of the participants in this study:

[In] going to court quite quickly, there's no opportunity to, sort of, sit back and say, well, yes, there are some risks there, but let's look at how we can manage them, let's look at what strengths there are in this family which we can really grab hold of, and what are the deficits, what can we help build up, and how can we do that? There's really quite a focus on deficits, and safety, pulling children out to ensure their safety. But long-term that doesn't necessarily, [it isn't] in the child's best interest, because once you pull children out of families, it's getting them back that's infinitely more difficult. (Social Worker 45)

Risk assessment practice in cases of emotional abuse and neglect is less likely to be based on tangible evidence, in the way broken bones and injuries can be seen first-hand, and more focussed on the potential outcomes for children. Psychological reports and external risk assessments are used by social workers to support their applications to the court for particular orders for care and protection in these cases.

A small number of social workers in this study described using risk assessments in their court documents in order to get the desired legal outcome. Social workers use formal risk assessments in their reports to the Family Court because these seem to be evidence that is required by the court. These workers were typical of this group:

And so [the Court has] changed our work, and so it's had an impact on risk assessment now, because now, we're more focussed on finding the evidence, it's more evidence-based now. I heard somebody say it's also deficit-based and it's got some good things about it. [T]he only good thing about deficit-based assessment is that it will stand up in Court because, basically, you've found the evidence to prove that there is this deficit there, and it justifies why we did our intervention. (Social Worker 69)

But to prove a declaration, you need a little bit more than [a belief]. You need evidence of what has happened, something evidential that will allow you to come to the conclusion that if the child isn't removed, then it is more than likely they will be further traumatised, you know, abused. And when you get into court, and what you have is tested, you know, if the parents agree, then it doesn't become such a problem. But if it is to be tested, then you'll end up, at times, things are a bit thin as to what you've got. ... Well, we have to, because we're

continually coming up against the court system that relies on evidence, and, you know, it's quite appropriate, because we have to defend what we do in court, and you have to have the evidence to show that the children are at risk. And so you've got the legal system, on the one hand, wanting all this evidence, and, if we want a warrant, or we make a declaration, we have to have a certain amount of provable facts before you can actually get what you want, to remove children. (Social Worker 48)

Some workers found that court orders provided them with additional power to assess the care and protection issues while ensuring the child was protected from any risks at home. This social worker did not mention any risks associated with the decision to remove the child from home. The worker described the process of court application as easier than completing a social work assessment:

[The] easiest part is applying for [a] declaration of the child to leave home, because that way, you can cut through everything, and just have that child sitting there, and you know that that child's safe in your custody, and then you can [do the assessment]. This is terrible - it's easier to make a declaration to keep that child safe than to go through the whole investigation process, because it's much longer to go through that way. No, if you identify abuse, serious abuse, then it's easier to go straight for a declaration.

*Int: Ever had a declaration rejected or knocked back?*

Never.

*Int: They're always just rubber-stamped?*

Yeah, and I think that we've got so good at reporting inefficiencies in these families that, you know, we've become really active making these declarations to the court. (Social Worker 54)

Social workers reported that bringing a legal case before the Court, where the reasons for the abuse could be presented to decision makers, was more effective in removing the child from the home in order to ensure safety.

## Decision Legitimacy

Those [cases that] have been the most difficult, I believe, [are that way] because they're beyond our capacity to assess. Our decisions, our assessments are based on diagnoses provided by another agency. (Social Worker 69)

The social workers in this study demonstrated a clear sense of the need for child protection to be cross-disciplinary, drawing on the skills of different professions. Inter-disciplinary practice requires of the worker clear role clarity and this, Reder et al. (2003) argue, is central to the development of collegial discussion and collaboration and thus knowledge building about families and children. This is particularly important for an agency where staff retention has been an issue (Brown, 2000), as more experienced workers are able to draw on experiential learning about the welfare system, to assist them in advocacy for families and children (Hanley, 2004).

Achieving inter-disciplinary practice then remains problematic, with social workers more likely to regard these external assessments and reports as necessary in supporting, not challenging, their assessment work:

Having an independent point of view [that] supported our position from CYFS was probably really helpful. (Social Worker 45)

[T]he risk factor for us, this time, has been maintained because the feedback we're getting [from outside agencies] ... that helps. Because these agencies have been involved and continue to be involved, and [they have] stated, "This is what we've seen, this is the background", [and] part of that is the police information as well. [The police reported that there is] definitely a high risk with Dad, definitely a high risk. (Social Worker 3)

The requested reports and documents received by social workers had a significant impact on their intervention decisions. One social worker was very explicit when, as noted above, she remarked, "Our decisions, our assessments are based on diagnoses provided by another agency" (Social Worker 69).<sup>134</sup> The following illustration from one of the social workers highlights the impact of assessment reports about a family whose file she was intending to close. The reports significantly changed her assessment and associated decisions. During the preparation of her court papers, a psychological assessment was conducted which recommended that the child be removed from their family. The CYFS social worker revised her risk assessment based on the psychological report and reassessed the child as needing to be removed. A further psychiatric report arrived that recommended the child not be removed. The social worker re-revised her assessment and the child was not removed from home:

I mean, it was minimal, I saw [my CYFS social work with this family] as minimal intervention. But because I had this report from [CYFS] Specialist Services that had all these recommendations that the children be uplifted, I mean it was sort of, like, and I thought, well, they're the professionals, that's their job. And I thought, that sort of made me, sort of worry even more that these kids were at risk. ... I was hearing from the family [that] there are positive changes happening, but I guess with Specialist Services, they want evidence and that, sort of [influenced me], they want to see the evidence. ... I got that report from Specialist Services, that it was such a big report and there were so many recommendations, and there were so many concerns around mental health stuff, you know, there was no way I couldn't uplift them. And they base, a lot of their work is based on [recorded] history, and they want to see evidence. ... Once I got that psychological report back, I told them that, that I'm not [closing the case], that I'm changing the orders, [that I am now] applying for a support order just to ensure that we can monitor the kids, and I [now] think [the] Mum will complete whatever she has to do. (Social Worker 39)

This example demonstrates the influence that psychological and parenting reports have on some social workers' decisions. What is less than clear is how she utilised her own social work assessment in decision-making. The worker advised the

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<sup>134</sup> Discussing the incorporation of a mental health assessment into a child protection assessment.

mother that she is not pursuing a removal and the mother complies with “whatever she has to do”. While not retreating from making tough decisions, the judgements of social workers are an important and welcomed aspect of Aotearoa/New Zealand’s child protection system.

Murphy and McDonald (2004) argue that social workers regard psychological reports as offering a more legitimate assessment in the eyes of the Family Court. Social workers use these reports to legitimise their own assessments of risk. At the same time, the priority given to psychological reports by social workers and the Court undermines the professional judgement of social workers.

Social workers in this study frequently reported on the importance of evidence from police and other relevant professionals in reaching decisions about actions directed at child safety:

I knew that we had the evidence from the police, and that felt really right, that that was the right thing to do to keep that child safe. ... [W]e had removed the children ... and [we] had had previous information in here, and they had forensic evidence through the police, so that's when we had to take place of safety warrant and then uplift the children, and one child had been abused and the other one hadn't. ... [T]he police had done their business, they had done a medical examination of that child because it was a reported incident ... it was helpful that the police had gone through the proper procedure. It was disappointing that the [previous] social workers hadn't been able to locate the children and the family before that point, when we got the forensic evidence, because then we had to take action, straight away. I'm just trying to think what's helpful, the whole process was empowering for the children, and for me, and for anybody involved **because the risk was evident and the child needed protection.** (Social Worker 67)

[A]fter getting the psychological assessment done in the process, I kind of feel like, hopefully, because I've got this clear direction [now], with any luck, hopefully, this kid will be placed somewhere, you know in the next couple of months. (Social Worker 66)

So the decision was made to remove them. Well, I didn't make that decision on my own, although I felt like I was on my own quite a lot of the time. ... So it was really good having those other professionals. ... Myself, the Counsel for Child, my supervisor, our practice consultant [were involved]. The psychotherapists were guiding us, because we knew - my supervisor also knew - that something wasn't right in the placement; she was the previous social worker. We couldn't put our hands on anything, and so this assessment [from the psychotherapist] was really good. (Social Worker 41)

Documents and reports from others are vital for social workers as they make decisions and argue for forms of action, both in their interactions with families and in the Family Court. In the first illustration given above, the forensic evidence was included in a report sent by police to the CYFS social worker, and this provided a more objective certainty and justification for the decision to remove the child. This social worker highlighted the importance of medical evidence of abuse as the basis



for action. Social workers presented themselves as working with medical and psychological reports and police evidence to reach assessments about risks to children and the need for specific actions. Earlier in the thesis (see Chapter Seven), I argued that families and children were presented with this information and encouraged to accept social work assessments. Weight was given to psychological, medical and police reports by social workers as they presented this information, in their assessment work, to both families and the Family Court.

In this process, CYFS is the statutory agency responsible for action to protect children, but interviews with social workers suggest that they and the Family Court give greater weight to the assessments of other professionals. The legitimacy afforded by having the external assessment work allowed this next social worker to have their assessment validated prior to a FGC:

[Mother and baby have had] three months in [a residential unit and] it's watching [the mother's] progress through the eyes of other professionals and seeing her failings.

*Int: Do they identify the risks?*

Yes, they have, they've fully identified them. Some of them are physical things, some of them bonding and attachment issues, but no, it's all documented, and heavily. So it's taken some time to actually gather the information and do the assessment, but it's been good, because it's also not been a knee-jerk reaction. I think by the time we get to the second reconvened Family Group Conference, and I know the decision is that we won't be putting the child back with the mother and father. ... By the time that decision's made, I think the parents will have some [understanding of this]. I don't think it will be as much of a shock. (Social Worker 17)

[I]t's much easier to work from a basis where you have something that is definite, a professional is able to make some clinical diagnosis on [the case]. It just makes the decision-making process so much easier. ... I think it's an important part to try and get, sort of, as accurate a picture as you can, and to do with the mental health or psychological disturbances or whatever, that the adults have, to be able to assess the risk. (Social Worker 48)

Assessments and reports by external experts or professionals were predominantly perceived as being useful for the social workers in this study. These social workers collected the reports and assessments they needed and, as the social worker (Social Worker 17) above indicated, these were used in a FGC to support her decision to keep a child out of family care. If this decision were to be contested by families, these documents could be used in the Family Court to support a declaration that a child was in need of care and protection.

Earlier in the thesis, I argued that the processes of monitoring produce risk objects that require auditing. The use of external assessments maintains and, at times, interrupts this risk subjectivity. Yet, the collection of information about families, the

storage of this, and future uses of it, mean that families are always just one step away from acquiring risk subjectivities:

[T]here's this risk of the ongoing ... [like] if Mum gets mad, or gets low, or loses it, what are we going to do about it? The assessment I make at that point, the intervention or type of intervention that I put in place is a Family Agreement, and a family or whanau agreement basis is where it's an informal resolution whereby we do it on agreement. They agree, she agrees, the mother, to go for counselling. I, as the department, will agree to monitoring a plan, we make a plan that she'll go and attend a counselling session with the culturally appropriate service provider. ... That will give plenty of time for them to complete this, and then we sit down at the end of that three months and review the work that's been done. [And if] it's satisfactory, [that] she attended regularly, committed to it in attending, then talking to the service providers, the counsellors present a written report for me for the follow-up, and at the review it was no further action for the department, so it's kind of straightforward. (Social Worker 43)

I wanted a clearer picture, so I rang the psychologist and told them to send me the last report through and that's quite good. (Social Worker 4)

Increasingly, social workers have been publicly held to account in the event of a death or tragic outcome for a child they are working with. Yet, invariably, children rest within a network of state and local agencies, their family and whanau, and a wider community, who are increasingly encouraged to share the responsibility for child welfare within Aotearoa/New Zealand (Brown, 2000). The international literature has drawn attention to the need for practice developments in the systems of child protection practice following the death or injury of children known to the statutory authorities (Buckley, 1999; Parton, 1991), and, as I argued in Chapter Three, this has produced an increased interest in risk assessment practices and had a significant impact on social workers. They are increasingly attentive to protocols and policies because there is greater scrutiny of their work. Social workers who work with children at risk are increasingly finding themselves 'at risk' from professional and public condemnation in the event of a tragic outcome for a child or family on their case-load. Risks to themselves as professionals as well as risks to children shape intervention decisions made by CYFS social workers. At the same time, their perceptions of risks to children and the actions necessary to increase their safety depend on the assessments by other professionals of risks, and occur in a context of surveillance and assessment of CYFS by other agencies:

I think the outside agencies [produce] underlying pressure - [my] knowing that they're expecting [me] to do something ... obviously the risk was great enough for us to place her temporarily, so it was such a risk that we can't just back out and do nothing. But it was more knowing that there's pressure there, from outside agencies, [saying], "Are you going to do something?" (Social Worker 20)

## Conclusion

The wider networks of child welfare and social services have an influence on the assessment and intervention work conducted by social workers at Child, Youth and Family Services who participated in this research. This was particularly evident when psychological and psychiatric reports were requested and reviewed. While not all social workers were influenced to the same degree, there was substantial evidence in this study to argue that social workers inside CYFS made strategic use of the reports and documents by other professionals to support and legitimate their decisions. Risk assessments by others are used in court and case discussions to achieve the desired goal of child safety. The social work assessment is presented and when this is backed up by other professionals, or the RES, the risk assessment becomes increasingly legitimated. However, less critical attention is given to how assessments are constructed and what, if any, factors assisted in determining that the child was at risk, and that the particular intervention steps were necessary.

While calls for a more participatory and collaborative child welfare system have been made internationally (Ayre, 1998; Berg & Kelly, 2000; Gambrell & Shlonsky, 2001; Houston & Griffiths, 2000; Munro, 1999a), little discussion within the literature has considered how risk and risk assessment work may contribute to, or problematise, such a closer working relationship within the wider child welfare system.<sup>135</sup> Importantly, families remain outside the negotiation and presentation of reports and assessment that are essentially about them. Yet these reports are powerful actors within networks of child protection. They offer legitimacy in decision-making and validation in removal decisions. They are also strategically used to keep children out of their home. The assessments and involvement of professionals external to CYFS assist in the knowledge building about particular families and children. However, there was little challenge from the CYFS social workers in this study to the assessment practices of these external 'expert' professionals. Moreover, according to many of those interviewed, these external assessments were often used as 'objective' evidence by CYFS social workers, within a practice environment that is fraught with ambiguity and uncertainty. This has implications for the potential silencing of power conflicts between and across these various and multiple professional groups. Black-boxing exists in risk assessment

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<sup>135</sup> See Chapter Nine for a discussion on New Zealand's selection of a consensus-based risk assessment tool (RES). The debate on benefits and limitations of risk assessment models is currently favouring the use of the tools in assessment work (Berry & Cash, 2002), however, this is a complex international debate, involving multiple risk assessment types.

practice between different occupational groups because little challenge is made to how such assessment reports are constructed by diverse professional groups and used to justify and legitimise assessment decisions by CYFS social workers. The tool CYFS uses in risk estimation (RES) assists in this professionalised legitimacy, and is the subject of the next chapter, Chapter Nine.

### Technologies of Risk Assessment: The Risk Estimation System (RES)

Technology has played an increasingly important role in child welfare practice over the past two decades (Pearman, 1995; Ryan, Wiles, Cash, & Siebert, 2005). This is particularly noticeable when considering the various risk assessment tools and systems adopted by child protection services internationally and in Aotearoa/New Zealand. Increasingly, as Kearns (1998) argues, importance is placed on risk assessment tools to ensure child safety. Yet, surprisingly, these tools and associated technologies of risk assessment, that is, the objects and artefacts used daily within work-places and organisations, remain relatively unexplored within the social sciences (Heath, Luff, & Knoblauch, 2004).<sup>136</sup> This is particularly the case in the fields of child welfare work, most notably in the area of risk assessment (Ryan et al., 2005).<sup>137</sup>

The concern therefore is to examine the practices and procedures, the socially organized competencies, in and through which give objects and artefacts their occasioned and determinate sense. (Heath et al., 2004, p. 342)

I aim to contribute to this knowledge base by exploring and discussing what social workers said about their use of tools and technologies in their risk assessment practices.<sup>138</sup> In this chapter, I discuss the Risk Estimation System (RES), the tool adopted by the child protection service in Aotearoa/New Zealand to aid professional social work decision-making (Smith, 1995) and to support practice, guide consistency, and enhance professionalism within the wider child protection system

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<sup>136</sup> Heath et al. (2004, p. 355) argue that attention to the ways in which tools and technologies are used and understood within work-places can add to knowledge of social organisational aspects of interaction. They argue that this is particularly useful in the study of work-place interaction given the fragmentary and shifting environments of contemporary work. According to Heath et al. (2004, pp. 337-338) “workplace studies” have included tools and technologies in the analyses of day-to-day work practices, while they remain relatively unknown within organisational analysis.

<sup>137</sup> Ryan et al. (2005) recommend further research into how professionals utilise risk assessment tools in their determination of risk due to the gap in the risk assessment knowledge area.

<sup>138</sup> By technologies, I am referring to the use of the computer programmed risk assessment tool.

(Doolan, 2002; Smith, 1995, 1998).<sup>139</sup> The relationship between the tools of risk assessment work and the social workers who operate them is the core subject discussed in this chapter.<sup>140</sup>

Social workers are strategic in their use of the RES. While the RES was designed and introduced to enhance professional engagement in assessment practices, this has only been partially achieved.<sup>141</sup> Initially designed to enhance professional judgements and decision-making, the majority of social workers who participated in this research used the RES as a tool for legitimising their assessment work. While the stakes are always high in child protection work, I argue that this potentially restricts a more critical engagement with discursive risk constructions.<sup>142</sup>

### **Risk Moves Centre Stage in Aotearoa/New Zealand**

It follows, therefore, that it is of critical importance in ensuring children's safety that the methodology and process of risk assessment is carried out correctly. (Kearns, 1998)

I argued in Chapter Two that in New Zealand, risk discourses emerged in child protection in response to calls by both workers and communities for a safer, more consistent social work practice (Smith, 1995). At a time when over 30 different risk assessment models were in use, Smith (1995) argued for a practice framework of analysis that was consistent across the field and able to be discussed during worker supervision (Doolan, 2002).<sup>143</sup> The rhetoric of risk is also located within the legal discourses in which child welfare remains embedded. According to Griffiths (2004, pp. 41-45), risk estimation is now central to Family Court decision-making when

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<sup>139</sup> A RES is to be completed when abuse or neglect is substantiated, a review of a placement is being done, or when there is a need to assess potential risk (CYFS, 2000).

<sup>140</sup> In following what social workers had to say about their use and experiences with the RES, I adopted an Actor Network approach to this chapter (Latour, 1999a, 1999b). I probed for further details when the social worker discussed the RES during interviews. When the RES was not mentioned by the social worker, I asked them if this tool had been used as part of their assessment work.

<sup>141</sup> When used to frame assessment inquiries, the RES is being used to inform and spark assessment thinking and questioning.

<sup>142</sup> I am referring to the ways in which social workers can "challenge the legitimacy and counter the development of oppressive institutions and practices" (Alvesson & Willmot, cited in Briskman, Pease, & Allan, 2003, p.2).

<sup>143</sup> One of the significant goals of the working party which designed the RES was to have a risk assessment system consistent with the supervision process (Doolan, 2002). However, only one social worker in this research noted discussing their RES work in supervision. The department's submission to the Brown Report (2000) stated that individuality is an issue in risk estimation. Doolan (2002) argues that supervision is a concomitant process, with risk estimation to counter this. However, I have found that the RES serves more to assist the ordering of risk into an objective, tangible form. This may suggest that social workers order and present their risk assessments to supervisors.

allegations of abuse are placed before the court. She argues that the legal threshold of ‘likely to be abused’ means a real possibility that harm may occur for children. Future ‘risk of harm’ is determined, she argues, through legal threshold testing.<sup>144</sup>

The introduction of a formalised risk assessment system followed a decade of increased public awareness of child abuse in this country (Smith, 1995) and internationally (Reder et al., 1993), and with the implementation of an electronic social work information system (Pearman, 1995).<sup>145</sup> The first child death review in New Zealand occurred in 1988,<sup>146</sup> and this document drew public attention to the work of professional social workers in assessing and managing child abuse. The CYP&F Act (1989) emerged in a context of increasing calls for child welfare practice to effect greater change (Smith, 1998b) and increased public accountability by CYFS as a state-funded agency.<sup>147</sup>

The development of the Risk Estimation System (RES) began in 1994 with the establishment of a project team to develop a “professional response to the emerging crisis in child protection” (Smith 1998a, p. 36).<sup>148</sup> Through analysis of practice, the team found that approaches to child protection practice were inconsistent across the country.

In their practice review during 1994, the Risk Management Team (Smith, 1998a) found:<sup>149</sup>

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<sup>144</sup> I argued in Chapter Three, that social workers were relatively absent within the social work and sociological risk literature I reviewed for this study. Griffiths (2004), writing for the CYFS practice journal, *Social Work Now*, argues that a legal threshold constitutes risk. While she takes a legal focus to build knowledgeability for social work practice, she neglects to discuss the role social workers have in risk constitution. My thesis makes a contribution to this area by its focus on how social workers constitute risk and use this in the legitimising of practice decisions.

<sup>145</sup> Pearson (1995) argues that in the late 1980s and early 1990s, the then Department of Social Welfare implemented several computer-based systems for statistical data collection and client file information to enhance efficiency.

<sup>146</sup> Pilalis, J.; Mamea, T.; & Opai, S. (1989) *Dangerous Situations: Independent Inquiry on the Death of a Child* Department of Social Welfare: Wellington, NZ

<sup>147</sup> See Smith (1998a) for his overview of the contextual influences shaping child protection practice in New Zealand 1980-1995.

<sup>148</sup> This occurred at a time when increased attention was given to risk management across most government departments (Angle 2005). Further, the tool provided a ‘scientific’ approach to assessment that potentially replaced the reliance on workers’ gut feeling (Angle, 2005).

<sup>149</sup> The situation within the US was similar to that in New Zealand. Of the 42 US states operating risk assessment tools in 1996, various models operated within counties of the same state. No systematic knowledge about what and where each of the various models operating had been compiled. The ‘rush’ toward risk assessment implementation was then followed by research into the effectiveness of risk assessment tools and their model development (Lyons, Doueck, & Wodarski, 1996).

- 30 different risk assessment approaches or models in operation across New Zealand
- Lack of clarity in the role of a statutory social worker
- Breakdown in communications between social workers, offices, and across agencies
- Inadequate recording of casework
- A focus on single incidents of child abuse over an analysis of multiple incidents
- An inadequate knowledge base for social workers in child protection
- An unstable organisational context
- Little analysis in information gathering
- A failure to protect children.

Craig Smith (1998, p. 36), project leader of the team, argues:

We were a group of practitioners inspired by a dream and a vision of safe practice and protected children. We believed that a careful and rational approach to the problems and issues identified in our discovery phase would revolutionise child protection practice in New Zealand.

Assessing risk is a “matter of judgement not fact” (Smith, 1998a, p. 8). Importantly, in this argument, the social worker remains central to the assessment and management of risk within child welfare work.<sup>150</sup>

The Risk Estimation System (RES), introduced in 1996, is a consensus-based model.<sup>151</sup> The RES used in Aotearoa/New Zealand is an adaptation of the Manitoba Model, modified to incorporate the specific cultural factors for New Zealand (CYFS, 2000; Smith, 1995). Twenty-two risk scales are included in the analysis. Parental attitudes, family or whanau history, thinking, behaviour, as well as social factors, can be incorporated into the assessment (CYFS, 2000). Cultural guidelines are incorporated into the risk assessment framework and, as with other sections of the

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<sup>150</sup> Various risk assessment technologies are aimed at reducing worker bias through the structuring and identification of risk (Doueck et al., 1993). New Zealand’s model (RES) positions the social worker as central in their judgement and decision-making: RES is a tool aimed at assisting and guiding, not directing.

<sup>151</sup> In Chapter Three, I discussed the consensus and actuarial models of risk assessment tools.



tool, composite scores are established following a narrative recording by the social worker in each section.<sup>152</sup>

The RES was introduced to assist in the determination of practice decisions that emerge from assessment contexts, and social workers remain central actors within the new networks of risk assessment practices:

The Manitoba Risk Estimation System cannot, in itself, determine a decision concerning risk: this decision is the responsibility of the worker. It can, however, greatly improve the thoroughness of the process and the quality of the information gathering and analysis that provide the basis for these decisions. (CYFS, 2000, p. 21)

Further, and importantly:

This decision-making system should be used only within the context of a competent supervisory system. It is a framework for analysis, not an expert system. (CYFS, 2000, p. 1)

The model has two main features: First, risk is treated as a compound concept of vulnerability of the child, likelihood of reoccurring abuse or neglect, and the probability of future harm. Second, the model attends to the behaviour of adults, their cognitions, beliefs, attitudes, and responsibilities with regard to child abuse and neglect. Smith (1998, p. 38) argues that “the intent is to strengthen the professional role of the social worker by providing a framework for structured assessment and decision-making”. Like the detective, social workers are encouraged to use the tool to inquire, to investigate through information gathering from a wide range of sources, and then interrogate this data. However, according to Rose (2002), risk assessment systems introduced new regimes of governance around social work practices.

Despite the shift in current regulatory regimes toward market-based mechanisms, risk assessment thus takes its place within the new modes that are emerging for the regulation of professional judgement. Here professional practice is governed through enmeshing professionals in a bureaucratic nexus of reports, forms, monitoring, evaluation, and audit, under the shadow of the law, thus governing them according to logics that are not their own, in the interests of community protection. (Rose, 2002, p. 222)

According to Ryan et al. (2005, p. 222), risk assessment knowledge within the field of child welfare is not a well developed area. Given the wide variety of risk

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<sup>152</sup> According to Lyons et al. (1996), the research on risk assessment tools, to date, has neglected cultural information as to their sensitivity in this area. English (1999) notes that despite the shortcomings in the risk assessment area, decisions about risk are made daily. Further, she argues that the child protection worker must be able to explicate their reasoning for particular decisions. Risk assessment tools provide the basis for such explication (English, 1999).

assessment tools aimed at assisting accuracy in risk assessment found within the child welfare literature, this seems surprising. There is a paucity of research and empirical validation on risk assessment technologies within the child welfare field, and, they argue, new knowledge about the use and application of risk assessment technologies is needed. It is needed because, importantly, children and families are at the receiving end of the available tools of risk assessment work (Ryan et al., 2005). Further, alternative or foster care has been overlooked as a possible risk factor in the development of risk assessment tools (Arad & Wozner, 2001).

Little critical attention has been paid to the RES in the social work literature. Strathern (1995, p. 5), however, argues that the RES “has the potential to be used mechanistically by inexperienced workers”, and, like Smith (1995), argues for supervision to enhance the workers potential in using it. Strathern also argues that insufficient data was being collected by social workers in their assessment work because they had limited understandings of the signs of abuse and the concept of ‘risk’, risk indicators, and needs. The quality of information collected is, she notes, “directly related to the quality of decision-making” (Strathern, 1995, p. 5).<sup>153</sup>

### **RES: A tool of inquiry**

According to Doolan (2002), the Aotearoa/New Zealand Risk Estimation System (RES) helped shape the organisational culture within which risk assessment practice is embedded through the use of the tool to assist in investigation and assessment questioning.<sup>154</sup> I argue in this section of the chapter, that Doolan’s goal has only partially been realised. In this study, a small number of social workers described the RES as assisting them to shape the types of assessment questions they needed in their work. The following social workers were typical of this group:

I mean, I don't go out there with [the RES] and think I'm going to do that, but I know there's stuff I need to know out of it, so if you're getting all that information from your families and wider people, about all the factors that are in the RES, if you can get information out of them all, you've got heaps of information to actually assess the risk stuff. (Social Worker 52)

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<sup>153</sup> Strathern’s (1995) article is polemical and she does not state how she has reached her substantive conclusions. Writing from a CYFS practitioner’s perspective may explain the conclusions presented.

<sup>154</sup> According to Doolan (2002), not mandating the RES would allow social workers to be reflexive in their use of the tool. Introduced as a practice ‘tool’ and not a practice ‘rule’, it was hoped it would aid professional development and foster a positive attitude toward risk assessment work (Doolan, 2002).

I've been trying, and it's become practice for me, to use the various risk estimation headings [in assessment work]. Like the way I bring it to parents is [to ask them],<sup>155</sup> "What do your mates think about your parenting when you talk to your friends about how your kids are getting on?" (Social Worker 18)

The RES, [pause] I think what tends to happen with the use of RES, is that we actually have gone through the process when we are actually working with a piece of work. ... I think we automatically do, we are continually assessing the risk for the child - from the perpetrator - like access, reoccurrence, history. Those are the sorts of questions that we ask all the time, continually, when we are doing our investigation, our assessment [work]. (Social Worker 3)

For this small group of social workers, the RES provides questioning areas to explore with families. Questions and discussion areas cover the various sections contained within the RES. As Doolan (2002) argues, the RES, used in this way, provides a framework for assessment practices that prompt social workers to inquire in areas necessary for this work. This prompting has a two-fold benefit. First, social workers can use the RES section headings to prompt them to consider further assessment areas they may need to cover. Second, and importantly, the RES, used in this way, may highlight gaps in the initial assessment, as the workers may not have gathered sufficient information to complete it (Doolan, 2002).

A small number of social workers were explicit about how the RES assisted them in their assessment practices:

I tend to use [the RES] usually [in] my investigation, like, when I first go out for an interview, a home visit and an interview, basically, my interview is based on what I need to know to do a reasonable sort of RES. (Social Worker 61)

[The RES] identified that it wasn't so much that [the caregiver] wasn't protective of the child, it was more of who she associated with after school, and things like that, and the school was part of that process. (Social Worker 29)

One worker described how she involved the family in understanding how she had reached her assessment decision:

Because, sometimes when you're talking to parents, if they're old school, or they come from another generation, they'll question you on your decision and you might say to them, "Do you mind, I want to show you something that helps me in weighing up the probability." And I'll quickly go to [the RES section], if it's drugs or alcohol, and then I'll say, "If you don't mind, I'll read it to you", and they're really listening. (Social Worker 55)

In another case, a social worker drew on the RES to provide additional assessment knowledge and back-up for her. This shifted attention from the social worker to the

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<sup>155</sup> Reference Group Values (RES Manual, CYFS, 2000)

RES. The information contained in the tool supported the social worker's assessment and served a justificatory purpose:

[F]or me, the RES, I mean, I was just with a family today, out with another social worker, and I was talking about that, you know, the [RES] that we have: "The children will not be returned to you because it takes two years for any addiction". So generally I use that for saying, "You need to be clean for two years before I look at returning children, two years". ... Well, it is, it's two years before any adult [that] is an addict of any substance, before they're actually clean. That's what they're saying in the [RES], give us two years before we should return these children to adults. (Social Worker 43)

Further, the RES assisted a small number of social workers to maintain a professionalised status. They argued that using this technology aids in presenting objective assessments and this, therefore, assists in the moderating of any personal influences that may infiltrate the work. Guarding against subjective assessment outcomes leaves risk assessment work less likely to be opened, scrutinised, and criticised. The RES tool provides an objective risk assessment, and, as this next social worker argued, this is consistent with other 'professional' disciplines, such as psychology:

[The RES] provides a sort of professional, you know, psychologists are using assessment tools, they are using risk assessment, they are using behaviour check lists ... because it's a field that can be highly subjective, it brings a more objective, as much as it can be, focus into the work. (Social Worker 59)

Van Loon (2002) argues that the rhetoric of 'at risk' serves as a black-box. This represents social worker's understanding about risk. The black-box enrolls other actors, such as family members and colleagues, into a generalised understanding of the risk issues, and these are defined by social workers.<sup>156</sup>

Central to Latour's account of 'science in action' is the way in which particular statements become 'matter of fact'. He refers to the process by which this takes place as 'enrolment' – the gathering and connecting of various sorts of resources: financial, symbolic, human, technological, spatial and so on. Via this extension into a network, the particular yet irreducible force that is thus far merely potential becomes 'matter of fact', it is very difficult to challenge its existence. Used rhetorically, the expression 'as a matter of fact' functions to a priori fence off and divert dissent from what is being claimed. It is a mode of stabilization. The matter of fact becomes an irreducibility, a black box. (Van Loon, 2002, p. 49)

Black-boxing serves to order uncertainty because it provides a mode of stabilisation through the use of 'matter of fact' statements (Van Loon, 2002). The making certain

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<sup>156</sup> In Chapter Seven, I argued that risk assessments are presented to families and whanau. Black-boxing assists in understanding how this occurs and, as I argue in Chapter Ten, how this can inform a more reflexive child protection system.

via locating/identifying/classifying of something uncertain, occurred through the use of RES technology. Social Worker 1 noted that the RES “reaffirmed my [assessment], it brought together perhaps everything I was thinking”. The information is managed with the reaffirmation of what the social worker was already considering. The ‘matter-of-fact’ statements about risk thus become black-boxes (Van Loon, 2002).

[The RES] helped, it did help form an assessment because **you're looking at the risk** and, no it did help. (Social Worker 29)

I think if I just see all the tools [like the RES] as being a part of the puzzle, so when you're looking to formulate the big picture, each has a role to play in sort of determining or assessing what the risks are. (Social Worker 5)

[I]f you're looking at your different definitions of abuse, you can go into your information and, sort of, if it's been between how many times in the last 6 months, and if it's happened so many times within [that period] - and the level of [abuse] ... [the RES] gives you a good framework for placing your risk on some scale. (Social Worker 61)

Social workers are not forgetting to question this use of risk; rather, risk discourses serve a useful purpose in packaging up the uncertainty and ambiguity inherent with risk assessment work. This has implications for how social workers can contribute to the assessment work both internally at CYFS and through the discussions they have with colleagues across the child welfare system. I argue in Chapter Ten that social workers are in a prime position to challenge the way risk has become so ‘matter of fact’ and, through a more critical engagement with it, utilise risk discourses to build assessments with families and colleagues.

Risk discourses are drawn on in the ordering of uncertainty, and, when used in this way, decisions can follow from the establishment or non-establishment of risk. However, Hilgartner (1992, p. 52) argues, risk treated as a dependent variable in this way leads to a limited analysis of the situation under investigation because risk is rendered into a ‘risk object’. These ‘risk objects’ then become mobilised, as actors, to be used within the work of child protection.

The RES was actually no trouble to fill out because of the history of maltreatment, or the history that we had, and **that's really how you get the neglect cases**, the emotional abuse in the [environment] and you look for that, over a period of time. (Social Worker 61)

[W]hen [the RES] first came out, we really didn't use it a lot, and that's just to be honest. We never used it a lot. But I do believe now that doing RES, yes, it is actually helpful because it means, it kind of gives you direction, like when it's high [risk or] low, and where the whole thing is at, once you start putting your assessment through [it], where you believe everything is at, **[RES] gives you quite a good outcome**. (Social Worker 37)

So as we were doing our assessment, I guess, we kind of, when you're out, kind of, meeting with the family, I mean, we're, kind of, going through the RES process, when we're asking these questions and talking about their tendency, you know, history of violence and tendencies, attitudes to discipline and stuff. So we were doing that, and gathering that information, so we'd done it in our heads, you know, so when we actually had to sit down and [complete the RES in the computer], it was quite reassuring, I guess, to think, yeah, in a sense that our assessment was leading us to form this view and that these were the risks. (Social Worker 42)

The RES assisted social workers to maintain risk assessment work as a black-box. Moreover, through the use and application of the risk estimation tool, the social workers who participated in this study produced a risk estimation that was equal to, or greater than, their initial risk assessment. None of the social workers interviewed for this study said that the RES assessment was inconsistent with their initial assessment work. Treated ontologically, as static and objective, intervention decisions are then organised around these risk objects (Hilgartner, 1992).

In this section of the chapter, I have shown that a small number of social workers employed the RES as a tool of inquiry to frame particular assessment questions and areas of exploration needed in the undertaking of child protection assessment work. Further, I have shown that while the RES offers questioning and exploratory areas for social workers to pursue during investigation and assessment work, the social workers in this study tended to regard risk as something tangible that was able to be located and managed. Through using the RES as a tool of inquiry, a risk object is constructed (Hilgartner, 1992).

The next section of the chapter discusses those workers who regarded the RES predominately as a bureaucratic requirement.

## RES: A *pro forma* practice tool

Of the social workers interviewed for this project, a small number described the RES as a tool to be used for *pro forma* purposes. Used in this way, the RES becomes a tool to satisfy bureaucratic requirements; something social workers complete prior to completing an assessment.<sup>157</sup> There was diversity within this small group of social workers with all indicating that they were aware of CYFS' internal policy on when to complete an RES:

I think an RES was done at the point of her moving from [one caregiver] to the CYF caregiver, and that was simply because it was required. (Social Worker 47)

[S]ometimes the RES ... have become, rather than an assessment process, just another screen you have to fill out when you've already decided that that's what's going to happen. (Social Worker 35)

But that is part of completing and closing the case - those tools are applied. (Social Worker 27)

Social workers were strategic in when and with whom they carried out the RES. Finding the time to do the assessment was an issue raised by a number of social workers. Social Worker 27 noted: “[The RES] is helpful, but one of the problems with the tool for most of us is not having the time to actually do it”. However, as the tool is largely used at the end of the assessment process, any priority to complete the tool is low. Social workers in this study exercised discretion in terms of when they completed it:

What tends to happen, though, with the RES [that] is the tool, because it's quite involved, and because you had to involve another worker to actually, ideally, work with it, it doesn't, it's not a priority, it gets left until everything else is sorted out, really. (Social Worker 3)

Unfortunately, work-load, I think, impacts on whether we use [the RES] or not, and if we do, how thoroughly we go into all the aspects that impact on the RES. (Social Worker 47)

A small number of social workers who decided not to complete an RES also exercised discretion.

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<sup>157</sup> The requirement of CYRAS is that the RES is to be completed whenever abuse and/or neglect has been substantiated; abuse and/or neglect has not been substantiated, but there is a need to assess the elements of risk; and whenever decisions are to be made that require a reassessment of risk. A RES exception policy exists which requires social workers to consult with their supervisors (CYFS, 2000, p. 85).

The next social worker commented that the RES was an additional process unnecessary in this particular case:<sup>158</sup>

But the medical people came back, [they] did all the relevant paper work and [I] didn't need to do an RES, because I would have just found what possibly everybody else knows, anyway. (Social Worker 62)

While finding the time to complete the tool was an issue for a few workers, this was balanced with the knowledge that a completed RES offered the social worker validation in their assessment work.

During 2002, the RES was reported to be the lowest performing key performance indicator in the quality assurance program of CYFS (M. Leith, personal communication, May, 2002). In attempting to explain this low use of the RES, I have shown that very few participants in this study regarded the RES as a bureaucratic requirement, rather it was something to be resisted because it is an enforced policy or rule. One explanation may be that the RES is regarded more as a tool to confirm and validate risk assessment work. Concomitant with this process is treating risk as a legitimating discourse in decision-making, and this is discussed in the next section.

### RES: A tool of legitimacy

*Int: So in terms of [doing a] file review and thinking about risks for the children, what does that tell you?*

High risk. Like if we do our RES on it, all the children are very vulnerable, even the older children. I would class them as highly vulnerable, and then he locks them in rooms at night and stuff, you know, he's done those sort of things, he's isolated the family. All the RES's have come up really, really high.

*Int: And has a RES been done on this case?*

Probably not in the system, but in our head. (Social Worker 52)

Legitimation is the process of explaining *and* justifying (Berger & Luckmann, 1991).<sup>159</sup> Social workers explain and justify assessment work because assessments

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<sup>158</sup> In the last chapter, I argued that the assessments provided by external 'experts' were strategically collected by CYFS social workers. This has implications for understanding discretionary decisions made by social workers, as this social worker indicates, in actually undertaking the RES as a practice exercise to inform their own assessment work.

<sup>159</sup> See David Beetham's (1991) *The Legitimation of Power*. Beetham is critical of Weber's (1956) theory of legitimation as he regards Weber's work in this area as too narrow in focus. For Weber, the 'belief in legitimation' is all that is required in the maintenance of legitimacy. Beetham rejects this and argues that the key in understanding legitimacy lies in the recognition that it is a multi-dimensional



are under increasing scrutiny in child protection practice. For the workers in this study, the RES was used, at times, to legitimate assessment decisions.

One of the social workers interviewed spoke of how she used the RES to secure particular court orders in one case, and, in so doing, we can note that the use of the RES was justificatory. The RES, in this case, provided authority in assessment and a credible base from which to seek court orders that had already been determined as being necessary. The RES provided additional justification for the obtaining of court orders for these workers:

[The RES is] really helpful if I need to do an affidavit, or if I need to [get court orders] ... like, if I have a child that's been beaten up, or [there's] immediate abuse that I can see, the RES is real helpful. (Social Worker 54)

The RES, in that case, was really good, and I actually did that with [my] supervisor and practice manager because, again, it was a really feisty, complex case, and there was about four lawyers involved, and I wanted to be really clear about, because I used the RES in my affidavit and in my evidence to get particular orders at the time. Because I felt that Mum's minimisation of the injuries, and wanting us not there, and hiding information from us, and it was just a diabolical one. I felt that she was, not a risk to the children as in she would harm them, but she was not acknowledging the seriousness of the injuries and the impact, you know, on the baby. (Social Worker 7)

The confirmation gained from completing the RES provided certainty to the assessing social worker. The assessed position is already clear for the worker, and the RES confirms this:

[L]ike I said before, some of [the assessments] are straightforward. You get sexual abuse and you don't have an adequate protector, so [the risk assessment is] around vulnerability and severity. I mean, the RES is just superb in terms of just estimating things that are quite straightforward, like physical or sexual abuse. (Social Worker 61)

All it did was confirm what I originally knew, actually. It didn't highlight anything more to me and even how I'd done the RES earlier, it still wouldn't have highlighted anything, and I don't feel it still really guided me with intervention. (Social Worker 2)

Social workers drew on the language of the RES to validate their assessment decisions. While several workers used the RES to validate an assessment they had already reached, others used the summary sheet produced from a completed RES to

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construct (1991, p. 15). In this, he argues that there are three contributing conditions necessary to maintain legitimacy of power:

1. It conforms to established rules (validity through legislation)
2. The rules can be justified by reference to shared beliefs held by dominant and subdominant groups
3. There is evidence of consent by the subordinate to the particular power relation.

show families and thus 'back up' their assessment. This assisted them to enrol families into accepting the social workers assessment, as argued in Chapter Seven.

The decision-making processes of social workers in statutory practice are complex, multiple, and accountable. Having assessment decisions *backed-up* was important for a number of social workers in my research. As two workers noted:

[O]nce upon a time, social workers gave advice, now we give suggestions because others out there are saying the advice we've given hasn't been very great, and you get families saying that, you know, "What would you know, you've had no children", you know, like they're challenging you, so at least [the RES] is something that backs you up. (Social Worker 55)

The [risk assessment] formalises things, [and] also gives you something to back up whatever assessment that you've come to. Because, sometimes, there are times when you're not quite sure about the assessment or [what] the outcome will mean ... and so doing the [risk assessment] tells, just reassures that. (Social Worker 27)

Using a completed RES to assist in legitimising the claim that a child was at risk was done by a number of social workers. This worker was typical:

I suppose, if you're talking about RES and do we draw on it, I suppose we draw on it, as in it's something to help us in hindsight, actually ascertain the risk. (Social Worker 3)

Used in this way, the RES becomes a tool and process used to secure legitimacy, and risk becomes the rhetoric for decision justification:

The RES is a tangible piece of evidence that says there is the risk, it's not just in your head, and that, yes, you know it's an accountable thing. (Social Worker 2)

In this interview extract, the risk determined by the model is *there*, somewhere to be located and discussed between workers. There is no questioning by this social worker as to how risk is established or defined: risk is understood to have been discovered or located.

I argued in Chapter Eight, that the wider welfare system also used the risk language. Some court appointed counsel for children, judges, and lawyers are asking social workers if they have completed an RES. In one area of the country, this has become routine, with the social workers noting that they are not asked about how this was done, or issues emerging, simply: Have they completed the RES? The risk assessment becomes part of the legitimisation of decision-making with social workers using RES in the court processes to add credibility to their decisions:

[Y]ou know, it's like a science, the tools of risk assessment and things like that, that are helpful in the way we use them [as an] analytical tool, and also in the way we use them as a justification tool in the sense of returning kids home for care, and the Court likes to hear that, that they've undergone a risk assessment. It's a way [in] which we validate our decisions. That's important because, I think, there is that element that, and danger, in the sense that while the responsibility lies with the social worker to make the decision, the social worker also has to recognise the accountability structure is there to make the decision safe. (Social Worker 16)

I find it quite useful, and being new, I think, because it does help you get a little bit more focussed, you can get really bogged down with a whole lot of issues, and it's quite good to get focussed on specific. But at the same time, I wouldn't just look at that and go, okay so it's high [risk], and just go completely on that, because I've, sort of, found that [the RES] can only confirm what you, sort of, already thought, as well. It's quite good to have that extra confirmation [to] make your assessment. (Social Worker 9)

Like I say ... [the RES is] helpful when you look back in hindsight, [and] say, okay, I suppose it confirms what you've already kind of decided ... where you're going with [the case]. (Social Worker 3)

The RES produces a report that provides a summary of the three compound risk areas assessed: vulnerability, severity, and likelihood. Social workers used these reports in their court affidavits, family group conference reports and meetings with families, supervisors and colleagues from the wider welfare system. These reports legitimised intervention decisions; yet missing, as far as this research can determine, is talk *between* social workers and those that they enrol, about how the RES actually constructs the 'risk objects' under investigation.

The RES, therefore, is a tool of legitimation for the social workers who use it to validate, justify, *and* explain assessment decisions. The social workers produce a report from a completed RES that gives a weighting to risk. While the three summary areas are not designed to be aggregated, social workers are aggregating these areas to objectify risk, so that they can make a presentation of it to colleagues and families.<sup>160</sup>

The management of personal values is mitigated, as this social worker illustrated, through the use of the RES, as social workers gained a categorised and then validated risk level:

I was all for the RES when it first started to be talked about and when it was introduced, in terms of just looking at the level of consistency and, I think, protection. Because [you are] highly able to just base things on personal values. ... There was one [risk assessment tool] before which was hardly ever used, and it was using aspects of the RES, but it wasn't, sort of,

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<sup>160</sup> In Chapter Seven, I argued that social workers present risk to families and whanau and this discussion adds to knowledge about why this is occurring.

categorised. [The RES] has been standardised, [the result is] considered high risk or whatever. (Social Worker 59)

The use of the RES to legitimise assessment decisions limits the use of the tool. Very few social workers described using the tool with families. Further, there is no evidence in this study of workers assessing a lower level of risk after applying the RES. This suggests that the RES, when used, assists social workers objectify risk and this is then presented to families, Family Courts, colleagues and supervisors. Officially, the RES is to be used when decisions are to be made where a reassessment of risk is needed (CYFS, 2000, p. 85). This finding, that the level of risk is maintained or assessed to be higher after applying the tool, has implications for social work supervision and training, and I discuss this in Chapter Ten.

### **Supporting Decisions: Legitimate practice**

I have argued in this thesis that risk is an elusive and ‘slippery’ construct, treated ontologically by the social workers who participated in this research to assist them manage the uncertainty associated with risk assessment work. Social workers are, therefore, active in rendering risk more manageable through a range of technical and social practices.

In cases where social workers were unsure if a child was likely to be further harmed, risk was used as a defining construct that justified and legitimised the associated practice decisions. This can be used, as the next social worker indicated, to coach the court system to accept their assessment:

I think the RES is a good system, it is a helpful tool, and [it], sort of, tends to coach the court system and the judges alongside lines, providing affidavits, applications, [and] actually, providing the court with the findings and the outcome of the RES. (Social Worker 59)

Used as a tool of legitimation, the focus was more likely to be one of validating assessments already reached. As I argued in Chapter Seven, assessment positions can be reached prior to meeting with the family. In these cases the participation of families is less likely in the justification of risk assessments and associated decisions.

Some workers found comfort in using the tool in this way. One worker described how she used her findings from the RES in a FGC, to ensure a focus remained on the identified issues of risk for the child, and not on her, as the assessing social worker.

According to Parton (1996, p. 98), risk is not a thing or a set of realities, but a way of thinking about social work practices. It is this way of thinking that I see as an invitation to social workers to actively engage in what constitutes and is, therefore, constructed as risk. The normative expectations held in society are that CYFS social workers will ensure that children are protected from harm and abuse or violence. Thus, the legitimacy of intervention into the lives of families and whanau, where children are assessed to be at risk, is accepted because wider societal beliefs and values around child safety are consistent (Beetham, 1991), in this case, with the practices of child protection.

Assessing risk is a core function of the work in child protection today (Kemshall, 2002). The first step in managing risk is its identification and this is now embedded within contemporary child welfare discourses. Practice decisions become justifiable and legitimised when risk is constructed as something tangible, which can, therefore, be potentially managed. Estimating risks is at the heart of child protection practice and the tools and technologies used for this work allow the practices of risk assessment to be rendered accountable. The tools and technologies used within work-places are not constituted through talk, rather, according to Heath et al. (2004, p. 353), they “inform the very ways in which participants produce and recognize social action and activities – the collaborative accomplishment of workplace activities emerging in and through the material environment”. For the majority of social workers in this study, the RES provided a tool for ordering the uncertainties associated with assessment work:

Look, I think social workers have just got to get back to the basics, and that's just starting good risk estimation. From the moment you get a case given to you, you pick it up and you start reading it, and you should start picking out straight away what are the risk indicators here, whoops, alcohol misuse, right, Dad's in prison - violence, okay, domestic violence - okay, just get back to basics, start examining, looking at what you've actually got in your hand. And it's not judgement stuff, you're not talking about saying to someone, "You're a bad person." I mean, every family, your family, my family, there's bound to be a few of these risk indicators somewhere in our closets, you know. It doesn't make someone good or bad, it's just, this is it, this is the reality, this is what we've got to deal with. It's identifying it for what it is, seeing it for what it is, and then putting something in place. (Social Worker 17)

[I]n this case, [the RES] was a helpful tool, and it just, sort of, reaffirmed my, it brought together, perhaps, everything I was thinking, and as a practice tool it just brings all those things together. I mean, I know the purpose of it is, it is meant to inform your decision-making. Well I found that it, I guess it assisted with that, too; so it was helpful. (Social Worker 1)

Used in this way, the tool enabled these workers to be assured of their risk assessments. As Hilgartner (1992) argues, this builds and constructs risk objects. The tool provides a language of justification, and risk becomes the rhetoric used in decision legitimacy:

I haven't used [the] RES [on this case] but, actually, I might do that before I go back to [the Care and Protection Resource] panel, and here I go again, with - this is justification for my assessment. And that's what I keep doing. ... It's to satisfy the professionals, not to satisfy me in the decision that I've made, nor to make that kid any safer, as far as I'm concerned. It's for me as a professional to satisfy my peers, and how I made the decision I made, and until I satisfy them, it's never going to go away. (Social Worker 8)

According to Parton (1998), analysis in child protection assessment work requires social workers to look across the multiple frames of a child's life, and, in so doing, differing stories, accounts, and assessments provided by the many people who know the child will be considered. He argues that this is the skill and expertise in social work necessary in making sense of child protection practice, which at times remains an uncertain art. He argues for the re-emergence of ambiguity and uncertainty as constructs not to be replaced or 'fixed,' rather, as areas of practice where social workers have historically been regarded as more skilled (Parton, 1998). Introduced to assist social workers frame assessment practices, this goal, however, has only been partially reached.

The development of risk assessment tools has occurred throughout most Western child protection systems over the past decade, and a large body of literature has emerged from the US and UK on the various models in place (for example, Gambrell & Shlonsky, 2000; Holland, 2000) (see Chapter Three). However, scant attention has been paid to how social workers operationalise such assessment systems, and, indeed, what sets of meanings are drawn on in identifying and constructing risk *in* practice. In this study, the RES was being used by a small number of workers to inform their investigation work, while for others the RES was used to justify and legitimise case decisions. However, in all of these cases, the RES was applied following a predetermination that a child was 'at risk'. This has significant implications for the capacity of social workers to engage in critical debates over what constitutes risk, and, since risk and its management are central aspects of the social work role, one can expect that this impact will be reflected in outcomes for children and their families.<sup>161</sup> Further, this may explain why some social workers

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<sup>161</sup> See Chapter Ten for a discussion on the practice implications that have been developed from this thesis research. I argue there that the use of the RES in a mode of inquiry potentially invites

were not using the RES as a tool for their assessment practices. If social workers regard the RES as a tool that validates their assessment work, then they may see this is a duplicatory step.

Social workers' completion of the RES was also a professionalisation strategy (Abbott, 1988). In the case of social workers who use the tool as a justification and explanation for intervention decisions, the tool becomes a tool of professional legitimacy. For others, who use the tool to frame investigation inquiries, decisions are also legitimated. The report produced from a completed RES provides the social worker and the family, supervisor, and lawyer with a legitimate assessment of risk.<sup>162</sup> Little, if any, discussion occurs with other professionals about how or in what ways this risk is constructed.<sup>163</sup> Given the responses of the social workers who participated in this study, the RES can be theorised as a network of practices used to justify and legitimise child protection practice decisions. These decisions include the removal of children and the returning of children to their families (see Chapter Seven). When social workers believed they were acting legitimately, this required less critical reflection into their assessment practices. The organisational context also shapes the way tools such as the RES are utilised (Egelund, 1996), because workers are achieving organisational requirements together with social work imperatives of assessment work.

In summary, for the social workers who participated in this study, the RES:

- Confirmed assessment decisions already made
- Validated decision-making in cases where children were removed from home or returned home
- Reassured the social worker that their assessment was right
- Provided an objective assessment of risk to be used in court documents, evidence, and removal justifications
- Legitimised the intervention decisions of social workers.

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participation with whanau and family. However, as an assessment of risk is usually completed prior to meeting with whanau and family (see Chapter Five), this raises questions about how social workers currently use the tools of risk assessment in their assessment interviews.

<sup>162</sup> According to Abbott (1988), a major shift in legitimation within professionals saw efficiency replace character in the determining of legitimacy.

<sup>163</sup> See Chapter Eight for a discussion of the strategic use of assessments and reports in maintaining risk classifications.

## Conclusion

I have argued in this chapter that the RES was developed as a practice tool aimed at contributing to consistency in social work practices, following a decade of increased social and political interest in child welfare (Reder et al., 1993; Smith, 1998a, 1998b). Risk moved centre stage in child welfare in an attempt to measure possible harm to children. It still acts as a definer for service provision (Parton, 1998).

This study suggests that the RES was being used primarily as an artefact that legitimated the social workers' practice and decision-making. While used as a tool of inquiry, a tool for *pro forma* practices, and a tool of legitimation, less critical attention was given by workers to the process of risk classification. Risk was seen to exist as a concrete entity to be located by social workers, and their assessment was validated through their use of the RES. There was little attention to risk as socially constituted in a particular context by specific actors.

I have argued in this chapter that social workers may regard the RES as a duplication of a process they have already completed. This finding may contribute to an understanding of why the RES was the lowest performance measurement (KPI) in 2002 (M. Leith, personal communication, May, 2002). Few social workers who participated in this research regarded the RES as a bureaucratic requirement that they were mandated to complete. Rather, the majority of social workers regarded the RES as a resource for validating decisions and a tool for legitimising assessment work. Using the RES to backup an assessment already reached, assisted workers' claims for legitimacy and diminished any critical reflection on the process of risk construction.

In the next chapter, Chapter Ten, I discuss the implications that have emerged from this research. In particular, I continue to argue that if risk is treated as an objective reality that social workers can quantify and locate, they are less likely to inquire into the ways they contribute to risk constructions. I argue that attention to ambiguity and uncertainty in child protection can assist in building robust assessments about children and families, and contribute to an organisational culture that encourages critical attention to and reflexive exploration of the complexity of risk evaluation.



### Recommendations for Social Work Practice: Maximising Reflexivity around Risk

Much more needs to be known about the ongoing development of self-identity, professional consciousness and how social workers and other professionals are actually experiencing child protection and welfare work and adapting to ... the 'riskiness of risk'. (Ferguson 1997, p. 231)

Despite the burgeoning literature about risk across the social sciences generally (Beck, 1992; Ericson & Haggerty, 2002; Lupton, 1999a; Petersen & Lupton, 1996), and social work more recently (Kemshall, 2002; Kemshall et al., 1997; Parton, 1996), limited attention has been paid to the ways in which social workers construct and work with risk. This thesis explores this field through a focus on Aotearoa/New Zealand child protection practice. Through the practices of assessment and consultation, information gathering, and analysis, social workers in the field of child protection build understandings about children and families. Social workers actively construct knowledge as they engage in assessments of children referred to them as potentially 'at risk'. Their work is always informed by explicit or implicit theories about risk and protection.

In this chapter, I summarise my response to Ferguson's (1997, p. 231) call for more research into social workers' responses to 'the riskiness of risk'. Following Giddens (1994b), Ferguson is arguing that risk needs to be confronted *as* a social construct, and something that social workers are actually building knowledge about. I argued in Chapter One that danger does exist for children and families, yet it is the socially organised category of 'risk' that social workers can take as a point of analysis about their social work practice. It is risky not to consider the way in which this socially organised category serves to order particular understandings of reality about children and families.

The next section of the chapter is a discussion about the recommendations for social work that are informed by this study. First, I make recommendations for social work supervision to be recognised as an integral part of the assessment process, as it is in supervision that skills in critical thinking about risk assessments and risk can,

more generally, be developed (Karvinen-Niinikoski, 2004). Second, I recommend that training resources be developed that can engage social workers in a theoretical discussion around risk. Third, as the research findings suggest, I recommend a renewal or modification of child protection practice in Aotearoa/New Zealand. Primarily, this involves a re-focussing of risk assessment work and the way this is currently being carried out with families. Following Buckley (2000b), I recommend social work training that focusses on how to enhance the involvement of families.

The results of this research can inform supervisors and social workers about how risk discourses can so easily be used to legitimate decisions. Taking a critical approach to the use of risk when describing families and children would assist workers in their articulation of what they mean by risk, and, importantly, who and what has been involved in the assessment process as they decide whether a child or a family is 'at risk'. As my research shows, social workers are more likely to present their assessments of risk to families, an assessment made on the basis of information gathered and decisions made prior to meeting them, and then attempt to enrol the families into their accounts; families are, therefore, encouraged to *get on board* with social workers' assessments. This is inconsistent with the statutory commitment to a family-centred approach to child protection.

### **Social Workers' Responses: The riskyness of risk**

Centrally, this thesis is arguing for a more critical engagement with risk by social workers and their supervisors, with colleagues external to CYFS, and, *importantly*, with families and children. Social workers can confront risk 'as risk' (Giddens, 1994b), as this provides a point of analysis about their social work practise. Confronting risk requires "forms of discussion that develop risk consciousness, management systems and public discourse in ways that reskill professionals and lay people" (Ferguson, 1997, p 232).

Constructive assessment work (Flowers, Hart, & Marriot, 1999; Jokinen et al., 1999; Parton & O'Byrne, 2000) is increasingly required to guard against the use of risk discourses to support claims of decision legitimacy (Stanley, 2004, forthcoming).<sup>164</sup>

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<sup>164</sup> Dybicz (2004, pp. 202-203) argues that a reference point from which to start dialogue with clients is that social workers and clients need to build understandings together. He argues that this *is* practice wisdom, in that the social workers recognise their 'ignorance' in not applying an 'expert' status in the

Social work has a great deal to gain from better understandings about risk because discourses of risk are drawn on every day by social workers in child protection. This chapter provides information for the child welfare sector about what the 70 CYFS social workers who took part in the research meant when they discussed risk, and how they utilised risk discourses in their child protection practice. In this chapter, I also argue that knowing how risk discourses are being used by social workers enhances our understanding about risk taking in social work practice (Calder, 2002).

The discourses of risk emerged in the child death reviews from the UK during the 1980s (Parton, 1991), and are now centrally tied to notions of resource allocation and managerialism (Kemshall, 2002). Parton (1998) argues that the skill and expertise in social work is in making sense of child protection practice that remains, at times, an uncertain art. He argues for the re-emergence of ambiguity and uncertainty as constructs not to be replaced or 'fixed', but rather as areas of practice where social workers have historically been regarded as more knowledgeable (Parton, 1998). Social workers are both subject to *and* subjects of risk discourses.

Along with a lack of inquiry into the social workers' theoretical understanding or construction of risk, any discussion of their application of risk assessment tools is also missing from much of the social work literature. Further, Morley (2003) argues that risk assessment tools may devote inadequate attention to responsibility discourses. However, the RES focusses on adult responsibility in child abuse and neglect, particularly parental attitudes, behaviours, and views, and beliefs in the worth of children. Being a consensus model, the RES is dependent on sound professional judgement in information gathering, analysis of the situation, and use of the wider system resulting in informed decision-making. Effective application of any risk assessment tool requires ongoing training and evaluation. Clarke (2002), however, found that the training in risk assessments received by care managers was regarded as too time-consuming to complete, and workload issues meant that there were barriers to the effective operation of risk assessment tools.

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assessment process, while also acknowledging that they do have social work knowledge applicable to their field of work. Through recognising and acknowledging their power *and* limitations as being inherent aspects of social work practice, social workers can facilitate the building of assessments *with* families and children: "maintaining a recognition of one's ignorance forces one to stay with the client and not move ahead in the inquiry alone (i.e. "This is what I have concluded needs to be done..."). ... The social worker's knowledge serves to move the process along toward a problem solution, while also combining with a recognition of ignorance to create a dialogue with the client. Hence, the helping process is characterized by practice wisdom" (Dybicz, 2004, p. 203).

Social workers require time and working contexts where attention to uncertainty and ambiguity is a welcomed approach to risk assessment practice. I am arguing that the supervision context and collegial forums provide opportunities to enhance the level of analysis undertaken by social workers in defining risk. Social workers need to be able to discuss differing assessments of risk and the implications of their decisions. It is through a more critical engagement with risk that new understandings of power and of structural and interpersonal inequalities can be considered. The RES was designed to support social workers to engage in risk talk with colleagues, families, and supervisors (Smith, 1995). As this thesis indicates, it is seldom used in this way:

I believe it's very dangerous if people have to defend decisions that they've made. I certainly believe that if you've made a bad assessment, then you should own up to it and learn from that, and you should be able to actually talk to somebody openly about it, and then say, "Well, if I look back, this is the reason why I was stressed, I wasn't getting the right support. Okay, let's have a look at that." But when a person is defensive about a decision they made, or an assessment that they made basically turns to custard or is not the right decision, then there isn't any room for any kind of learning or development or even looking at any of the issues surrounding it, like the support systems, and, like, about the system of how the assessment is made, and the process of, like, where the information should be gathered from and who they should make contact with. There isn't room for that to happen. (Social Worker 69)

A focus on risk and the sets of decisions made in this area of work opens up reflective possibilities. The encouragement for a more critical consideration of what is meant by risk is not a new one. In the early 1990s, Hendry and Lewis (1990, p. 32) argued that risk analyses allowed social workers to consider the inter-relationships of factors surrounding child abuse cases: "Social workers need to be much clearer about what they mean when they talk about risk in social work".<sup>165</sup> My research findings suggest that more attention to this is needed.

Support for the need to critically consider risk within social services is found within recent research. Britner and Mossler (2002), for example, researched the decision-making practices of child welfare professionals together with different occupational groups<sup>166</sup> across the child welfare sector. They found that occupational group membership influenced understandings about risk. This understanding was informed by the particular professional group membership, rather than a focus on clients in terms of age, ethnic identity, and vulnerability, and, indeed, whether the

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<sup>165</sup> *Social Work Review* Volume IV: Number 4 (July 1992)

<sup>166</sup> Such as, court appointed counsel, judges, guardians, and mental health professionals.

child should remain with their family or be placed in alternate care (Britner & Mossler, 2002).

According to the New Zealand Department of Corrections, for every three offenders correctly predicted to re-offend through risk assessments, only one would be falsely categorised (Department of Corrections, 2003). Applying this figure to child protection would mean that for every three children assessed to be at risk and needing alternate care, one would be unnecessarily removed from their home. The use of risk assessment tools in the area of corrections, it is argued, reduces human and subjective error. Moreover, a small number of offenders will be falsely placed in the re-offending 'at risk' category, as an attempt to achieve reduced offending behaviours, and this is regarded as acceptable to both the service and the public. I argue that minimising false negatives can be achieved via a more critical engagement into what is meant by risk and in what ways risk discourses are understood and applied within professional judgment.

There was some support from social workers to render the assessment of risk more user-friendly, and I discussed this in Chapter Eight in relation to the Christchurch Mapping Project (CCC, 2003), which recommended some form of user-friendly risk assessment tool that could be used by multiple agencies. In terms of child protection, perhaps more discussion about what actually is meant when we discuss risk would go some way to mitigate the propensity for diverse understandings of risk, lead to more consistent interventions and better outcomes for children. As one social worker argued:

I think, on the whole, we should all have the same ideas about risk. (Social Worker 61)

In the current practice context, where increasing demands and scrutiny are placed on CYFS social workers to account for their work, risk can be used strategically to serve the needs of social workers in securing the protection of children, rather than providing opportunities for seeing risk as a point of practice analysis (Titterton, 2005). However, as I am arguing, this poses new risks for children, families and social workers as the 'black-box' of risk assessment work is less likely to be opened and critically reflected on. The processes and practices of risk assessment work can be analysed, learned from, and discussed with colleagues, supervisors and *importantly*, families.

The language about risk assessment becomes part of the legitimacy given to decision-making with social workers using the RES in the court processes to give *credibility* to their decisions. This point supports Morley's (2003) argument that there is a potential for risk assessment tools to be used to assist objectification. However, the social workers who participated in this research used the tool for a range of purposes, highlighting their strategic flexibility in identifying risk and ensuring decisions of safety were accepted as legitimate:

The RES was actually no trouble to fill out because of the history of maltreatment or the history that we had, and that's really how you get the neglect cases, the emotional abuse in the thing, and you look for that, over a period of time. (Social Worker 61)

Where children had observable and verifiable injuries, the social workers who participated in the study described the assessment of risk as being straightforward. The majority of cases in child protection are, however, less certain and more ambiguous. These cases, in particular, include emotional abuse and cases of neglect. The assessment of neglect is more likely to involve personal value-based statements. Defining emotional abuse or neglect was described by many social workers as being difficult work:

I suppose, with situations like neglect and emotional abuse, other workers have told me that assessing sets of risk issues, or defining if a child is at risk, or deciding if a child is at risk in those cases, is more complicated than it is for [other cases]. (Social Worker 1)

I must say that I've always found sexual abuse, and certainly the disclosure, it's fairly straightforward; physical abuse is the same. Neglect is probably a bit more, it's about that definition of, you know, being detrimental. [What is] the extreme? Emotional neglect is difficult as well. Because, I mean, with the bruising you've got your bruises and the physical evidence, and with sexual abuse you have a disclosure, so it's the belief issue, you know, who do you believe? (Social Worker 6)

My research shows that the presentation of risk, largely by the CYFS social worker, is verbally and uncritically presented to supervisors, CPRPs, professionals, meetings, and FGCs. Inter-agency work requires more attention to how risk is used and understood. Risk is a socially constructed state, established by social workers drawing on sets of knowledge, education, training, and practice wisdom. Social workers discuss risk in many forums. A deeper engagement in what constitutes risk and how this is defined would enhance analysis and build the critical skills necessary for this area of social work.<sup>167</sup> It is risky not to do this.

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<sup>167</sup> I argued earlier that practice wisdom has been a side-lined aspect of social work practice, and while found in the social work literature (Beddoe, 2001; Connolly, 2001a; Smith, 2001), it has only recently been paid closer attention (Dybicz, 2004).

Within the New Zealand child welfare sector, the task of risk assessment is often left to CYFS social workers. While this is a core function of statutory social work practice, the definitions of risk that operate in other sectors, such as medicine or law enforcement, were not discussed or negotiated with the workers who participated in this study. It is through such an engagement with risk that deeper analytical understandings can emerge and build knowledge of how and in what ways risk is constituted across the child welfare sector. Colleagues within the child welfare sector see CYFS workers as the appropriate people to conduct risk assessments, because they are supposed to operate with a multi-sector disciplinary approach to risk assessment:

No, [everyone else] left [the risk] for us to assess. The paediatrician was quite clear that he would do the initial assessment on the injuries and he would write a report and have that written and typed ... he would decide on the follow-up care that was needed in terms of further assessments. He left the risk estimation, the potential for further risk, up to us; he believed that that was for us to assess. (Social Worker 1)

For this social worker, the paediatric staff and police were not part of the risk assessment process for the child and family. Discussions about 'risk' with supervisors, colleagues, and families would assist social workers to engage critically and reflexively with 'risk'.

To summarise the argument thus far, it is risky not to consider the processes and practices of risk assessment work. Further, social workers can and should be able to confront risk 'as risk', and consider in what ways this socially organised category has emerged and is subsequently applied to particular families, children and situations. To achieve this, social workers require skills, training, and organisational contexts where critical questioning is both welcomed and encouraged (Buckley, 2000b).

### **Recommendations for Social Work Supervision**

Supervision is an area within social work practice where social workers can explore and reflect on issues of ambiguity, and thus consider how and in what ways risk is being used (Smith, 1998a). However, this requires skill on the part of social workers and supervisors. According to Calder (2002), drawing on knowledge about risk opens up risk assessment work that takes seriously the strengths and

possibilities for families. Questions can be asked about risk-reducing behaviours in addition to locating possible strengths that might mitigate risk or harm. Exploring tacit knowledge associated with risk can also occur within the supervision forum, which Karvinen-Niinikoski (2004, pp. 36-37) terms “innovative knowledge production” arguing that the supervision session allows both supervisor and supervisee to critically reflect on experiential and tacit knowledge:

Professional supervision in the changing and contingent context of professional and expert action can be seen as a way of orientation and gaining a deeper understanding of our agency. It is a process of scrutinizing and reconstructing professional orientation. ... Supervision as a forum for reflection allows social workers to reflect their experiences and emotions, and through critical reflection to understand them in the wider context of work and thus to look for alternative methods of reaction, action and agency. (Karvinen-Niinikoski, 2004, p. 38)

Supervision is a process supported by the statutory agency in Aotearoa/New Zealand (CYFS). The social workers who participated in this study regarded supervision highly. While they reported varied experiences within supervision, they saw it as an opportunity to harness risk discourses through discussion and to build knowledge about them, because social workers bring to supervision their practice experiences, their education, training, and a generalised knowledge as to what they regard risk to mean. As discussed earlier, the RES was designed to be compatible with the supervision process, inviting social workers to bring their analyses of identified risks to their supervisor for discussion. Used in this way, the tool provides an opportunity for opening up investigation and analysis, questions and talk about risk (Smith, 1998a). This would also allow supervisors and social workers to consider how the RES and their understandings of risk may be either divergent or more consistent.

While supervision provides a forum and process for such discussions, it also relies on the skills, values, and knowledge of supervisors and those being supervised.

[T]he new direction strength-based assessments are a good move, but it still all depends on how they are all implemented and how they are supervised. Because it would all depend on the very culture of the office, and how [this is] approached by supervisors and by the practice manager, and whether they are pro-active about strength-based assessments. (Social Worker 69)

Writing from the Australian context, Gibbs (2001) found that newly recruited child protection social workers looked for certainty in supervision sessions. She found little evidence of reflective practice being used in supervision to enhance learning. According to Connolly (2004b), child protection staff are increasingly new to the



work and “as a consequence, inexperienced and untrained workers have to confront situations for which they are unprepared – often without adequate support from the agency” (Connolly, 2004b, p. vii). Newly recruited social workers will have different supervision needs.

While I interviewed the practice managers at each of the offices I visited during my fieldwork, I did not interview supervisors. However, through my immersion in the offices, I observed that the practices of social work supervisors directly affected how social workers presented their accounts of risk assessment work during supervision sessions.

[Supervision is] just another kind of sounding-board, to see [if] there was anything that they could add. Basically it's like, you know, what can you add to this, from my presentation of the assessment and the risk? Is there anything that you can actually add to it? Do you think it's okay, or do you think it's not okay, either way? So in discussion, we decided we could leave it till another day. (Social Worker 3)

A small number of social workers who participated in this research illustrated the benefits of critically engaging with risk discourses and decision-making during supervision sessions.

[I went into my supervisor's] office and said, “I've just thought, what about da da da” and I think it allows for thinking. It allows for initiative and creativity. We take risks everyday in our job, every day we walk out and go home and say those children are okay, every time we return them back to there, we take a risk. What I believe is that we have to be really clear as to how and why we've come to that decision, to either leave the children in the home, to remove them or to return them. And I think that if you've got a clear, well thought out process that has been open and transparent and accountable to the people around you... And that's maybe because of who I am, because I am very analytical (Social Worker 7)

[L]ike it's a real strength if I say, “I think I was a bit frozen there, look I haven't done any work on this case, why haven't I done it? What's impacting that I haven't done it?” So we're actually looking at risk factors within our working process as well (Social Worker 50)

The social workers above illustrate how some child protection workers can acknowledge ambiguity and reflect critically on risk within their own practice. Talking about not knowing with supervisors and colleagues is used by these social workers to accept the possibility of uncertain outcomes, while they share some of the burden experienced when working with uncertainty.

Placing ‘risk’ on the supervision agenda does, however, offer dividends for social work practice. The social workers who participated in the research found their experience of articulating and ‘storying’ their experiences of decision-making

around risk largely beneficial. For some, this was the first time they had been asked to articulate the ‘risks’ that they were assessing. Others remarked that the research process was like *an in-depth supervision session*. The following excerpts highlight this point:

[Y]ou don't have that time [at work] to actually talk about your cases out loud. You're just so busy, focussed, actually talking to the computer most of the time. [So] it's good to have somebody ask you questions about what you do and the way you assess things. (Social Worker 27)

You asking me questions probably makes me question myself in what I do. ... This is a similar process to supervision. (Social Worker 12)

[The interview] hasn't been a traumatic experience, and the case didn't raise anything that I became really upset in, and, you know, risk is, I guess ... one of those things that you can never consider enough, that you can never not consider enough. (Social Worker 1).

Again [this interview] just reinforced that I've made the right decision in that case in terms of what I'm doing, but it's like, I [also] got a lot of clarity. So thank you. (Social Worker 8)

The social workers were interested in talking about their risk assessment work, and experienced clarity and insight into their own practice through this engagement with ‘risk’. Training would be welcomed by social workers in this area (Sullivan et al., 2003):

[M]y co-worker on this particular case said, “Go and take that to Tony's research, so you've been strategised around. If it's about decision-making, see what he has to say”. (Social Worker 42)

In contrast, one social worker who participated in the study said that she felt she gained little from the interview experience. She was expecting to be *grilled* about decision-making and this may reflect the way she approached supervision. If social workers are expecting to defend decisions this further restricts the possibilities of more open critical reflection. It appears that the social worker in this case wanted more challenge and less facilitated talk:

(Social Worker laughs) I'm sorry – [the interview has] been neither here nor there, I don't mean to be rude, it hasn't been particularly insightful. I guess as I reflect on it later, I might think about it. I think I was expecting to be really under the grill for the decision-making process, and that's quite hard to articulate why you reach a decision, so, perhaps if you had been a bit more stringent around that, and [asked] why did you decide that, that might have been even more challenging, something like that. (Social Worker 35)

The methodology was designed to be consistent with social workers' practice environments because they are expected to discuss their assessment work in forums, family meetings, and supervision sessions. Importantly, social workers articulate

their case decisions, assessments, and ideas to supervisors, colleagues, CPRPs, families and children. This study lends support for social workers to work in ways that involve listening as well as talking to computers, colleagues, casenotes, notifications, assessment reports, supervisors, *and* families.

## Recommendations for Social Work Training

Writing from the UK context, Titterton (2005) argues that child abuse inquiries have called for increased training in how social workers assess and manage risk. He argues that training the trainers is a sound place to begin, as these are the key people who engage with social workers in agencies as they continue to learn about child protection practice. This echoes Morrison's (1999) arguments for emotionally competent child protection offices where discussions about work are valued as learning opportunities. Titterton (2005) argues that we know little about the competencies needed to work with risk. I argue, however, that before building a set of competencies about what risk work may look like, we need to know more about how social workers construct risk and in what ways they make use of risk discourses in their work. Training can then focus on assisting social workers to build on their assessment skills.

We do an induction [training] programme for six weeks which does go over [the areas of assessment including] neglect and untidy [homes], and what's untidy to you. But then there's no real set [assessment guide], it's not set out in a book, that I know of. I suppose it boils down to your values and belief, and how you determine things. So for me, that's how I, sort of [assess], I work off my own values, only because, how else can you [assess neglect]? (Social Worker 24)

The use of informal and tacit knowledge within social work is termed 'practice wisdom' (Connolly, 2001a). Increasingly, interest is being paid within the social and public services as to how this form of knowledge can be utilised in training and practice settings (Dybicz, 2004; Klein, 1999; Zeira & Rosen, 2000). Importantly, this knowledge can be incorporated into supervision sessions and used to assist social workers to "grasp complexity, uncertainty and the dynamics of ongoing change" (Karvinen-Niinikoski, 2004, p. 39).

Further, social workers can bring discussions about complex or ambiguous assessments to the CPRPs. The findings from this research can also be used in training CPRPs and social work staff to consider how the process of accounting for

an assessment plan can be, at times, a justificatory exercise, and what might be gained from knowledge available from CPRP members that can contribute a more critical reflection and understanding of the issues associated with the case. I argued in Chapter Six, that the social workers who participated in this research regarded the CPRP as a step required in the justification of their assessment plans.

The invitation then is for the knowledge gained through social work study and internal training to be drawn on in supervision. Sullivan et al. (2003) found that workers within the same child protection agency, regardless of length of service, who had attended the same internal training program on assessment work, were consistent in their risk assessment decisions. They argue that high levels of practice consistency can be achieved through in-service training where risk assessment practices are the focus. Calls for social work training are found in the various reviews of social work practice undertaken in cases of tragedy (Brown, 2000; OCC, 2003; Titterton, 2005). However, Titterton (2005) argues that large expectations have been placed on training in a working context where resources have been shifted from training to other areas within social work organisations:

Training has to be seen as part of a process of learning over time. The trainer will often provide the trainee with helpful reference points for the start of the process ... training must be recognised as only one piece of the bigger picture that constitutes good practice in risk work. (Titterton, 2005, p. 105)

Weaving training, supervision, reflective practice, and social work education together, in forums such as supervision sessions, would enable social workers to draw on their constructions of risk and talk about how this potentially informs their risk assessment practice. Supervisors can also draw on training, education, and social and political influences to assist social workers as they constitute themselves as investigators of risk.

This study highlights the need for ongoing training around risk assessment work, after social workers acquire their professional qualifications. This could be carried out internally through CYFS, or externally through schools of social work. Increasing attention can be given to what is meant by 'risk' and in what ways risk discourses may be operating within child protection practice, in supervision, and reviewed through training and social work education and research.

Social workers bring a variety of training and education to their practice; they also bring with them their own understandings about what it means to be 'at risk'. Importantly, as I have argued, risk discourses are both drawn on by social workers and operate as organising discourses. Decisions made in child protection practice often involve intervention by CYFS social workers into the lives of families and whanau. This can include decisions to remove children from their families and whanau and place them in extended family care or state supported foster care. Reflexivity among social workers about the basis for their decisions would contribute to decisions that attend closely to both the risks within family environments and the risks of intervention. As Ferguson (1997, p 232) argued "good training and a knowledge base that promotes critical reflection on the nature of risk consciousness and moral reasoning in the constructions of 'cases' are potentially reskilling for professionals, and client subjects, enabling the difficult balances between parents' and children right's, 'welfare' and 'protection', to be struck in intervention."

### **Recommendations for Child Protection Practice**

While the focus of risk assessment in child protection is on reducing risk, there are also elements of risk taking that need to be considered. Taking risks in practice inevitably involves new risks for both family and social worker (Titterton, 2005). According to Calder (2002), risk is a narrowly defined concept that encourages social workers to focus on potential or actual harm. Baratt (2003) argues that the fear of getting it wrong can explain why some social workers will avoid risk taking. This perpetuates, she argues, ineffective practice that may be operating. However, locating risk reducing factors assists in building safety for families while allowing social workers to take assessment risks.

In order to be confident – and competent- to take 'risky' decisions, which will withstand public and professional scrutiny, it is imperative that such decisions are based on clear analysis and a rationale grounded in theory and research. (Calder, 2002, p. 9)

For example, an admission from parents that their behaviours cause, or potentially cause, harm to a child would reduce risk and allow a social worker's decisions to include risk-reducing factors along with the identification of family strengths that may also represent potential or actual safety. The theorising of risk-reducing

factors, risk factors *and* strengths builds an assessment analysis and provides a decision rationale and accountability for the child, family, agency, and social worker. Decisions can then reflect the analysis that was undertaken, while offering pathways for later review and potential scrutiny:

[W]hen you are in crisis, you work in isolation, often, because everyone is so busy that you don't have energy to formulate good relationships. You're often in shut-down mode, or in survival mode, and survival mode is often worked in isolation. Of course, that's a danger, so you've got to reduce that temptation. I think you reduce it by having senior staff that stay [in positions] to understand what moves their workers, to understand what their personal development roles are; we're not all motivated by money, [and] we don't have a great deal of public job satisfaction ... we [can] identify our successes and our measurement of success. I think we need to develop systems that recognise group strengths, identify special strengths and, I think, this small rural environment doesn't bode well for that, because what tends to happen is that you have a generic sort of approach to social work, so that rather than having long-term care resolution teams, or investigation and assessment teams, you have a social worker doing all of it. And that's often very difficult, because it requires of you to have a broad range of skills, as opposed to a specific, narrower focus. (Social Worker 16)

A focus on the institution of child protection as a system of actors *and* networks (Latour, 1999b), rather than on social workers as individuals, is central to opening up discussions about risk taking and any learning gained from this. Boyne (2003) argued that risk taking is now a central cultural activity enjoyed and exercised by many people. He cites bungy-jumping and sky-diving as examples of contemporary risk taking that is now a mainstream activity advertised and enjoyed. Because of the wide use and application of risk discourses, a more critical reflection in social work's use of it is necessary.

Titterton (2005) argues that decision-making in social work is premised on forms of risk taking. Risk taking is implicit rather than explicit and involves decisions such as leaving children with families where abuse could occur. Risk taking is also connected with decisions to place children in alternate or foster care. Titterton (2005) argues, as I do, that rendering risk and the associated decision-making around this explicit with families facilitates communication between social workers and families. Including families and children into decision-making that concerns them through discussion about what constitutes risk and how risks can then be managed, addressed, and attended to, is something social workers can incorporate into their practice *kete* (knowledge baskets).

Risk taking has been advocated by user groups in the mental health sector (Kemshall, 2002) as a way to ensure that empowerment principles operate and are

not stifled through an over-use of power by workers. Allowing people to take risks in their lives reduces stigma, dependency, and any over-reliance on relationships with workers (Kemshall, 2002).

Encouraging, facilitating, and creating spaces for talking about risk taking or risk aversion will illuminate social work practice conducted with families and children. Tacit and experiential knowledge about risk has a central and important place in the work of child protection practice. Risk taking by social workers, when critically reflected on, has much to offer child protection social work. According to Titterton (2005), communication skills are central to the way in which social workers can render risk work explicit, while articulating what they are doing, what theory informs and supports their work, and, importantly, negotiating and facilitating family involvement. Risk work must involve the very subjects under scrutiny: social workers *and* families.

Throughout this thesis, I have argued that risk is regarded by the social workers I interviewed as a ‘virtual’ object (Van Loon, 2002), used to legitimise practice decisions. Van Loon (2002) argues that the process of accepting ‘everyday’ understandings of risk conceals the socially negotiated constructions of it. If we accept that risk is about what may occur, that is, potential outcomes that may be positive or negative, then how can social workers become more comfortable with actual or potential uncertainty? What contextual factors contribute to the need to order practice and resist practice uncertainties? According to Morrison (1999), the answer is in building emotionally competent child protection organisations. He argues that, in the 1990s, how workers thought and felt about doing the work of child protection became increasingly discouraged; rather, an emphasis was placed on the mechanics of ‘doing’ the work:

Emotional competence is therefore not simply a challenge for individual managers or practitioners, it is also a corporate issue for organizations. Indeed, one might ask whether individuals at any level in the organization can remain emotionally responsive and literate in an agency environment that is emotionally illiterate, blunted, or sometimes more deeply disturbed. (Morrison, 1999, p. 193)

Morrison argues that uncertainty is a feature of child protection work and organisational requirements are often inconsistent with this. The adoption of risk assessment technologies reflects this attempt to provide increased certainty, within an environment where uncertainty and ambiguity operate:

Child protection work is thus being undertaken in an organizational environment which, for many staff, is characterized by rapid and continuous change, occupational insecurity and a preoccupation with survival at both institutional and personal levels. (Morrison, 1999, p. 196)

Reflexively engaging in analysis and discussions about risk will assist supervisors and social workers in being active investigators and knowledge generators. This is particularly important for developing skills and knowledge necessary to undertake child protection assessment work.

Caton (2000) argues for the return of child protection case conferences where professionals can meet and discuss particular child protection cases. She argues that child protection teams emerged in the 1980s “spearheaded by prominent medical and legal child protection leaders” (Caton, 2000, p. 28). These views are echoed in the Brown Report and the investigation into the death of James Whakaruru (Brown, 2000; OCC, 2000). Caton (2000, p. 32), advocating for the re-establishment of these teams, argues that “group members can use their varied perspectives to assess what the information means for child protection and what the risk might be to the child”. While I agree with Caton’s arguments for cross-agency support and involvement and consider that interagency work is crucial to child protection, I think that a more critical look at risk and the discourses of risk operating across the child welfare sector will further enhance inter-agency discussions. As I have argued, supervision, training, and reflective practice provide opportunities for social workers to enhance their critical reflexivity around risk.

## Conclusion

Knowing more about what it is like to work with risk offers much to social work. However, little is currently known about working with and applying discourses of risk. In this chapter, I discussed the recommendations emerging from this thesis research. I discussed how social workers make use of discourses of risk to legitimise their assessment decisions about children and families. This has implications for how family understandings and how *their* conceptualisations of risk can be included in social work assessment. I followed this discussion with two recommendations. First, I recommended that the supervision process should include discussions about risk discourses to assist in building a more reflexive skill base for social workers and supervisors around this issue. To support this



argument, I showed that social workers found the process of reflecting on risk through participation in this research worthwhile and stimulating for them (Stanley, 2005). The second recommendation concerns social work training, as developing a skill set for social workers in how they can conceptualise risk and make use of a discursive construction of it will require training.

In the next chapter, I conclude the thesis with a review of the central argument and a discussion on the aims of the research. Implications for further research are also discussed.



### Conclusion

[In] the team that I work for there's been a number of difficult cases that we've talked about collegially, you know, everyone's had an input. Because we've been fully aware of the impact of people making decisions in difficult cases and then things coming unstuck, and someone is left holding the responsibility as it were, of difficult decisions that have been made. [When] things [have] gone wrong the need [is] to share that responsibility around, rather than leave it with one person (Social Worker 48)

Statutory child protection social work is “risky business”. The stakes are very high for children and families: “It is fraught with anxiety, uncertainty, misleading or incomplete information and secrecy... [and so] social workers need courage to persevere when faced with aggressive, passive or avoidant behaviour from caregivers responsible for children’s welfare” (Doolan, 2004, p. 130). To do this work social workers require a range of skills and knowledge about not only the signs and symptoms of child abuse and neglect, but as I have argued, an engagement with how discourses of risk actually operate.

I began the thesis with an introductory overview and a literature review focussing on child protection systems and risk assessment practices, as it was important to position Aotearoa/New Zealand’s child protection story within a wider and influential international context. Our story of child welfare is, however, particular to this country, and, in Chapter Two, I argued that New Zealand’s child protection policy and legislation contains a tense mix of family support *and* child protection principles. Following other child protection systems, New Zealand introduced a formal risk assessment tool in the mid-1990s, and this was critically discussed in Chapter Three.

The introduction and literature review chapters were then followed by methodological and theoretical chapters. I discussed my position in the research, and argued that a constructionist methodology was chosen because of the fit between my philosophical understandings around how knowledge is developed, and the processes of how social workers report their work to supervisors, colleagues, and families to assist them in building understandings. The 70 social workers I interviewed were employed by Child, Youth and Family Services (CYFS) when the fieldwork was undertaken (2001-02). A number of these social workers have since

left the organisation,<sup>168</sup> or are now in new positions within it. My research produced 185 case narratives through which the 70 social workers described practice experiences that involved assessments and decisions about risk.<sup>169</sup> Importantly, this thesis presents actual experiences as described by social workers in the New Zealand field of child protection.

I then presented four chapters in which I discussed the findings from the analysis of the research data. The main source of data collection was the narratives of the 70 social workers who described their experiences of assessment work during interviews with me. In the first of the four chapters, Chapter Six, I argued that the majority of social workers engaged in assessments of risk in their offices before meeting with and interviewing families and children. In part, this is understandable in that notifications made to CYFS about possible harm to children are sometimes made without the family's knowledge. Further, the decision-making processes of social workers in statutory practice are complex, and increasingly accountable to both public and political bodies (Connolly, 2004b). Yet in all cases, the practices of assessing risk, as described by the social workers who participated in this research, facilitated access into the work of child protection, that can assist in understanding the complex nature of the work and the influences that contribute to the decisions that are made.

This thesis has explored the implications of the ways in which social workers in this study constructed understandings of risk early in their assessment work, and the impacts of investigations premised on objective knowledge about risk. Many social workers considered that risk was there to be discovered and that this was possible through specific assessment practices. This has implications for how reassessment work about risk is carried out. As one worker noted, *risk is there because someone notified*. As Munro (1996, 1999) notes, assessment information can be sought to support a pre-determined understanding. I have argued further that risk serves a powerful legitimising function in child protection assessment work:

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<sup>168</sup> It remains difficult to determine the exact number as I have contacted all social workers from the original fieldwork with the email addresses supplied to me. In addition, I have returned to a number of the research sites and presented findings for discussion. I am aware of some staff movements via secondment, extended leave, and, in some cases, resignations.

<sup>169</sup> This is the substantive number of narratives gained through interviews with the 70 social workers. Additional case narratives were gained through the pilot study and immersion within the offices of CYFS during fieldwork. The 'down-time' (Pérez-y-Pérez, 2003) discussions with social workers, in the office, tearoom, and over lunch, covered a significant number of additional case narratives.

[W]hen you get the notification, and they outline the concerns, [and] when you substantiate that this and that is happening, then that makes the decision: [for example] Yes, they have been living in the house, and that's the risk. ... So the decision was to address the concerns that were visible and also the ones that were, sort of, quite the highest risk type. (Social Worker 35)

While some cases described by the social workers warranted a direct and immediate intervention because of the reported level of danger, discourses of risk were extensively drawn on and applied to support the legitimacy of intervention decisions when risk and its consequences were less obvious. Public responses that involve removing children from situations that are potentially risky are welcomed, since protecting children from harm and danger is seen as the core business of a child protection service. Yet this often serves to mask the actual processes of child protection work. Such discourses of risk can also be used to legitimise scientific certainty. According to Star (1991, p. 32), science has been regarded as “the most naturalized natural phenomena”:

Science as an ideology legitimates many other activities in a meta sense, thus becoming a complex, embedded authority for rationalization, sexism, racism, economic competitiveness, classification and quantification. (Star, 1991, p. 32)

Star argues that knowledge, information, and the various alliances between people and technologies can be black-boxed rather than exposed to scrutiny and critical attention. Opening risk assessment ‘black-boxes’, however, offers social work knowledge about *how* these were made.

I argue that, despite the requirement to use the risk assessment tool, RES, the processes of classification and audit that are increasingly relied on to define risk are implicit in the work being carried out. Rendering these processes explicit can be achieved through a critical and reflexive engagement in how discourses of risk are being constructed and utilised. This will involve social workers being reflective about their work and being able to articulate how they make sense of risk. There are several forums set up to assist this, including meetings with supervisors, attending the CPRPs, and discussions with colleagues and practice managers.

In Chapter Seven, I discussed the lack of consultation with families. There was little evidence from my research that social workers were constructing assessments *with* families. This was particularly apparent when social workers discussed the FGC process. The majority of social workers described having predetermined outcomes that would ensure child safety. The social workers identified risk prior to meeting

with families and whanau and this definition became the benchmark for families to make sustained change. I have argued that an analysis of how families define risk or what meaning they attribute to risk when we are discussing risk is largely missing from the assessment and intervention work of the social workers who participated in this study. This thesis adds knowledge for social work about why this occurs and, importantly, how families are enrolled by social workers to *get on board* with social work assessments. Importantly, social workers are organised by risk discourses in cases when there is immediate need of intervention *and* in those cases when children are less overtly in dangerous situations.

According to Berg (2003), in general, parents' and families' voices are missing from statutory child protection practice and research. Through the collaboration of families and child protection workers, she argues, new definitions of safety can be mutually defined. This is an important area for further research for Aotearoa/New Zealand; it has been a neglected area of social work research to date (Connolly, 2004b). Whanau and family definitions of risk were also missing from most of the accounts of practice offered by the 70 social workers, who were involved in this study.

Furthermore, there was little discussion about any new risks associated with foster care or family separation (Kantor & Little, 2003) by the workers who participated in this research. Further, there was little evidence that social workers considered the risks for families and children in having an association with the statutory child welfare system, in terms of data reported and recorded and the future implications of this, nor any new or emerging risks for children. These include risks associated with alternative or foster care (Ritchie, 2005), and risks associated with gaps in permanency planning for children in state care (Loveday, 2005). This aspect of child protection work, I argue, requires more consideration.

According to Kufeldt et al., (2003), risk assessment tools do provide potential for engaging families in discussions on both private troubles and public issues (Mills, 1970), and this may assist in building constructive assessment work (Parton & O'Byrne, 2000). However, when used in the absence of a relationship with whanau and family, risk assessment tools can reinforce an intrusive style of work that has the potential to alienate families (Kufeldt et al., 2003, p. 424).

In Chapter Eight, I argued that definitions of risk also vary across the different occupational groups within the child welfare sector. The social workers who participated in this study strategically collected and presented reports and assessments that they believed assisted them in their assessment work. These reports provided further legitimacy for their assessment decisions, and became powerful tools to be used in the enrolment process with families.

In Chapter Nine, I argued that the Risk Estimation System (RES) was developed as a practice tool aimed at contributing to consistency between field social work and supervision. The development of risk assessment tools occurred throughout most Western child protection systems and a larger body of literature has emerged from the US and the UK on the various models in place (Cleaver, Wattam, & Lawson, 1998; DePanfillis & Zuravin, 1999; English & Pecora, 1994; Lyons et al., 1996). However, scant attention has been paid to how social workers operationalise such assessment systems, and indeed, what sets of meanings are drawn on in identifying and constructing risk in practice (see Chapter Three).

I have followed (in a Latourian sense) 'risk' as understood and described by 70 social workers employed at CYFS. Their practice narratives, and my research fieldnotes provided rich sources of data. This research, therefore, makes available the worlds of child protection practice through the reflections of those who do this work (Pithouse & Atkinson, 1988). For supervisors, as part of the process of enhancing professional practice, there is an opportunity to facilitate discussions with social workers about what constitutes risk for families, children and, importantly, the social workers themselves.

Knowledge is needed to enhance social work practice with families, social work supervision and training, and risk assessment tool enhancement. This study can provide social workers, management, policy makers and those outside the social work context with an understanding of how this set of workers engaged in practice decisions with respect to discourses of risk. Further, as I argued in Chapter Three, social workers have been relatively absent in the literature with respect to working with risk assessment. Titterton (2005) argues that more knowledge is needed in this area.

Multiple child death reviews have shown that the systemic level of child protection practice has failed to avoid fatalities of children known to both the child welfare and

wider social services, including police and education (Brown, 2000; Mason, 1992). While I am not suggesting that increased debate and discussion on what 'risk' is will avoid tragedies in practice, I am arguing that generating more talk about what constitutes risk, and what this may mean for assessment practices, would enhance outcomes for children and families. Importantly, it would ensure that risk was not used only as a legitimising discourse. According to Turnell (2003), social work can learn more from the hidden accounts of practice carried out by social workers; work carried out not in the office but in the homes of families.

Morley (2003, p. 36) argues that there is a potential for risk assessment tools to "reduce workers discretion by confining their decision-making options" and narrowing the parameters of their work. Concomitant with this is the focus on the social worker as the assessor of risk and the potential risks to them in cases where tragedy has occurred. Further, risk assessment tools have been criticised for maintaining a focus on private troubles while not assisting in analyses of public issues (Kufeldt, Este, McKenzie, & Wharf, 2003). I have argued that social workers attempt to order the ambiguity associated with working with risk, while researchers and policy analysts continue to provide multiple and divergent definitions and frameworks that engage critically with risk.

The thesis project achieved two main aims: First, I have theorised the relationships between risk discourses and social work decision-making processes, to explore how understandings of risk affected assessment decisions. Second, the research explored, through an analysis of the data, how discourses of risk can be strategically drawn on in the legitimising of these assessment decisions.

### **Recommendations for Social Work Research**

The research strategy I used provided rich description about doing the work of child protection in New Zealand. Through the narratives of the social workers who participated in the study, I have been able to highlight the ways in which discourses of risk are drawn on in assessment and decision-making. Discourses of risk have had a significant shaping effect for social work practice here. While providing an air of scientific certainty, they, paradoxically, mask the practices of child protection



work.<sup>170</sup> However, through a more critical and reflexive consideration, discourses of risk offer insights into how the work of child protection is actually carried out:

[W]e used to have, years ago, maybe in the 90s, we actually had a manager who gave us a list of things, these are lists of, you know, if there were so many on this list and kids, children, and young people that made this list, they're likely to be at risk. And then that sort of phased out, where you got people that came to, I think, we talked about, I think it was things like, the words that we used, or the buzz-words that we used were safety issues, then they became 'at risk' issues, and then, I think, the new buzz-word that we were using was 'harm' and what was likely to be harmful. And I think, my best way of trying to focus in on that, is what the [1989] Act that I work with, says about children [and] 'risk' and that [they] needed care and protection. (Social Worker 11)

Risk, then, is a problematic construct within social work because neither the literature nor supervision entails significant challenges to our definitions and understandings of it. If we understand that risk from a mental health paradigm is different from that considered by social work, and statutory social work more particularly, then the sector can benefit from workers being able to articulate understandings of risk as being informed through their occupational group membership. As others have argued (Britner & Mossler, 2002), risk understandings are developed through occupational membership and professional identity, in addition to the tools used to consider how one may approach a particular case.

A research question emerging from this study is how social work supervisors conceptualise and make use of discourses of risk in their practice. The position of supervisor is located between practice manager and social worker. Social workers had access to the practice managers in person or by phone. Practice managers provided supervision and professional case management advice to supervisors, and case management advice to social workers. In Aotearoa/New Zealand, supervision has increasingly been the subject of social work research (Beddoe, 1997; Kane, 2001; O'Donoghue, 2003). Yet in my reading of this literature, there is no attention paid to how discourses of risk operate in or contribute to the organisation of supervisors' roles or their work.

Understanding how supervisors contribute to the constructions of risks in care and protection work would build on this research and contribute knowledge to the field of social work practice.

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<sup>170</sup> Black-boxes are produced, and objective risk states become assumed knowledge. There is a need for reflexivity with decision-making as decisions to remove children from their caregivers produce new risks.

Several questions have emerged from the discussion so far, questions that the wider child welfare sector is invited to consider in terms of further research:

- In what ways can ‘risk’ be drawn on in the practice discussions occurring across the child welfare sector to enhance cross-disciplinary knowledge?
- How do the different occupational groups within Aotearoa/New Zealand define risk?
- How can we engage in this talk across the child welfare system to enhance the practices and evaluation of risk assessment work?
- In what ways are risk estimations being used in the legal and practice forums to give additional credibility and weight to assessment decisions?
- In what way do medical, legal and law enforcement, educational, and social work models differ in constructing and defining risk?

Opening up talk about what constitutes risk and how social workers arrive at their associated decisions raises the potential for a deeper and more critical analysis of risk as used in assessment work. Risk discourses are likely to remain central organising mechanisms in the determination of cases for CYFS action, or those being attended to by non-government organisations. This includes the assessment and management of risk. Family support work and child protection are now, more than ever, likely to utilise risk discourses in this determination.

Risk is a central organising principle for child protection and this research highlights the benefits and possibilities of making discourses of risk more explicit. Critical reflection on decision-making has been identified in the literature as having the potential to assist social workers in a number of key practice areas (Buckley, 2000b; O’Sullivan, 1999). According to O’Sullivan (1999), this includes:

- Using theory to inform decision-making
- Utilising the supervision context to review case decisions, value positions, and to form these decisions
- Introducing new frameworks of practice, and having an understanding of how social workers frame the decision-making process assists in the introduction of new paradigms of practice

- Sharpening an awareness of practice will result in improved service delivery for clients, social workers, and the wider community
- Managing power relationships safely and ethically through a consideration of practice decisions will counter oppressive practices
- Training, staff development and practice enhancement through reflective models of social work.

Similar research could be carried out with other occupational groups within the child welfare sector. These occupational groups include the police, education, family courts and health. How each group constructs and utilises risk discourses with respect to child welfare would build further knowledge about assessment practices, because, as my research has shown, this is an area fraught with competing paradigms and philosophical influences.

## Conclusion

I have argued that child protection assessment work begins prior to the meeting of families. These preliminary assessments are then presented to families, and they are enrolled into the assessment process. Taking a critical approach to social work practice would not require social workers to set aside their preliminary hypotheses formed from notifications, recorded case files, and knowledge about families drawn from other sources. Rather, the skill is to consider how this preliminary assessment can inform assessment meetings with families and children. I also argued that social workers give weight to the external assessment reports they use in assessment work. These are strategically drawn on by social workers and are used to provide increasing certainty to, at times, quite uncertain and ambiguous family situations. These reports, and the RES, can also be used to engage families in sets of talk about risk. For some of the case accounts used in this study, social workers made immediate decisions to exercise statutory protection of children. However, in the majority of cases, discourses of risk were drawn on to assist in ordering the uncertainty of this work. Opening up the black-box of risk assessment work provides an opportunity to ask how social workers are applying discourses of risk. This may be to enrol families, rather than to develop working relationships with families where risks for children can be theorised and worked with. Risk is a central

construct in contemporary child protection work. I have argued in this thesis that social workers draw on and use discourses of risk in their work of assessing children and families. Centrally, I have argued that risk was strategically used as a construct in the assessment work of the 70 social workers who participated in this study.

The opportunity for social work practice is to explore how and in what ways risk discourses are being used. As Turnell (2003) argues, there is much to be gained from mining practice excellence, and to learn from what is working well. This would require a cultural shift within the organisation:

The culture here [at CYFS] does not allow [for] challenges to [be made] to risk assessments. (Social Worker 64)

I don't think [supervision] is actually safe, because a lot of social workers would not necessarily be able to reflect on [practice issues], especially when the same supervisors [are] going to do your performance appraisal, and you're [being] open about, sort of saying, "Okay, I really struggled to cope with that, I find it difficult", or "This is impacting on my work at the moment". It's not a safe forum. (Social Worker 59)

Across this thesis, I have argued that critical attention to risk discourses has the potential to positively affect the assessment practices of child protection. By asking 'who is at risk?' and 'under what circumstances?', further questions can be posed about the strategic ways that risk discourses are being used by social workers, family members, and other occupational groups across the child welfare sector. In this way, social workers and their supervisors can develop skills and understandings about how risk operates in and through the work of child protection. Conceptualising risk as dynamic and able to be applied or used opens up possibilities to build an archaeology about it (Foucault, 1972). Social workers can take this knowledge into case assessments, discussions, supervision, and, importantly the social work undertaken with children and families.

The research shows that the majority of social workers I interviewed, while employed in statutory child protection agencies, regarded risk as an objective reality, something awaiting discovery. I have argued in this thesis that social workers make an assessment of risk prior to engaging with families. They then enrol families to accept their assessment of risk. What families and children understand as 'risk' or 'risky' was regarded as of little importance for the social workers who participated in this research. An ideology of professionalism, therefore, has entered child protection work in New Zealand whereby the views of social workers have

paramountcy over the views of clients (Connolly, 2004b; Doolan, 2004), however, this does not always serve the interests of children and families. This is particularly the case for Family Group Conferencing, particularly for those social workers who have predetermined outcomes planned prior to the involvement of family.

The social workers participating in this research used the risk assessment tool (RES) primarily to legitimise decisions they had made, although it has potential as an investigative tool that can pose questions that need addressing. However, a more critical engagement of what constitutes risk and how this is managed seems central to effective social work practice, because the *processes* of risk assessment and risk management can be critically reflected on and discussed with families. Importantly, family understandings of risk can be included in social work assessments. Strengths-based practices are not in opposition to risk, but the adoption by CYFS, in 2001, of strengths-based practice to replace the rhetoric of risk and the focus on deficits with a strengths model for family assessments limits the potential that a more critical and reflexive engagement with risk potentially offers.

Risk is not solely the domain of professionals; rather, child protection practice is embedded within a much larger organisational and socio-political context in which risk remains a powerful organising principle. Skills in critically thinking about risk assessments, and risk more generally, can be achieved within the existing frameworks of social work education in Aotearoa/New Zealand provided by schools of social work (Brook, 2005),<sup>171</sup> social work supervision, and ongoing, in-service training for social workers who do this work. In the previous chapter, I indicated how this might be achieved and why the research reported in this thesis highlights the need for these skills.

Decision-making in child protection is complex and demanding work. Judgements about risk are made every day. There is, therefore, potential to learn from the risks being taken in child protection practice:

[Y]ou realise when you go back and do an affidavit, and actually put it all down on paper, and chronologically, that you have compromised the safety of the children, sort of. Time and time again, the adult has managed to persuade you that she's going to do better, that's she's going to do something, and it's easy to see in hindsight, but, and really hard to assess at the

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<sup>171</sup> In my social work teaching role with Christchurch Polytechnic Institute of Technology (CPIT), I developed and delivered a Care and Protection course (SWIS600, 2005) that focussed on discourses of risk and the application and use of these within statutory and non-statutory care and protection areas within social work.

time, and this is one with domestic violence involved, and you tend to, sort of, look at, because there's an empathy with a woman that can't leave a situation of domestic violence. You, sort of, don't like to kick her when she's down, and then take the kids away or whatever you have to do. And so on more than one occasion, she's been allowed to say, "Well, I'll do this programme, I'll do that programme". And over a course of two years, we've ended up with 20-odd call-outs by the police, and it's only just got to the point where we just couldn't ignore it any more. (Social Worker 61)

I end this thesis with more voices from the 'front-line'. The social worker quoted below has had five years experience inside CYFS, and believed that thinking about child protection would enhance her social work practice with families. She offered this advice to a new colleague, who had been working at CYFS for four months:

No, [after] four months, they know whether or not they can make it. Well, that's what they've told me, because I get to meet them all, because they come to my team [the risk assessment team], and quite often they come to work and they question you on how do you do it – "I'm really stuck about whether I should be uplifting." And I said, "It's not about yourself making the decision, it's what you're guided under to make". You know, it's not about, and I said, "Your heart's driving you here". I do get quite short. I said, "Your heart can't drive you in this job, because you're the one that [decides when] you leave a dangerous situation, whether or not the children are going to be safe there". And I said, "All I'm getting at the moment is your heart telling you". I said, "Let your head do the thinking". ... And then, sometimes they come to me and go, "Oh, thank you for telling me that". And I said, "Well, someone has to, because your heart can't drive your decision-making in this statutory arena". (Social Worker 55)

The 'smells of practice' (Ferguson, 2004) are re-introduced through the 'telling of the case' (Pithouse & Atkinson, 1988).

Risk discourses are likely to remain central in child protection practice and we are yet to utilise the potential that discursive attention to risk has to offer social work while risk is constructed as something locatable, static, and solvable. There is potential in child protection practice, social work education, and supervision for critical engagement with risk discourses. Analysis is gained through a more critical consideration of what is meant by risk. I agree with Turnell (2003) when he argues that child protection workers are largely doing good work with some of the most complex and difficult families known to social services.

My research shows that child protection workers are also strategists drawing on particular understandings of risk to legitimise the decisions they make about children and families. Social workers need to see the RES less as a tool to locate risk and more as a tool they can use, talk about and engage with, and to listen to alternate ways of framing 'risk'. Understandings of risk are mobile, context dependent, and inherently uncertain. We need to keep researching, asking

questions, and inquiring into what is being done through the work of child protection services. It takes courage by social workers because it can be risky to leave children with their families (Ritchie, 2005). As I argue, there are also risks in removing children from their families, an aspect of child protection work that needs further attention and demands accountability. The decision-making process requires theoretically informed assessment practices, underpinned by time and resources. The work is difficult and increasingly demanding (Kufeldt et al., 2003; Pakura, 2004a), but it needn't be 'risky' to achieve better outcomes for families, whanau, and children. Social workers who work in child protection can bring a more critical attention to how risk discourses shape their work, and how they, in turn, are shaped by them. The place to start is organisationally, through training and supervision, to help shape a culture where critical and reflexive questions about 'risk' are both asked, and encouraged.

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