

厚生労働科学研究費補助金（政策科学総合研究事業(政策科学推進研究事業)）

Ⅱ. 分担研究報告 各国文献調査

1. イングランド

Christophides, Chris

(B. Sc. (Hons), C. Q. S. W., M. A. (Econ),

Child Placement Training and Consultancy Limited)

Abstract

This paper critically reflects on policy developments and debates in England in relation to child protection and safeguarding over the past twenty years. It argues that the period from the early 1990s to late 2008 saw policy change in significant ways. The state developed a much broader focus of concern about what constituted risk to children and what the role of professionals should be in relation to this; increasingly, the emphasis was upon 'safeguarding' rather than 'child protection'. However, the period since late 2008 to date has not only seen the focus shift more centrally to child protection, but there has been a renewed official priority given to social work. These developments have been given an added impetus with the election of the Conservative/Liberal Democrat Coalition government in May 2010. The paper concludes by considering the current state and possible future directions for child protection and safeguarding in England and the role of social work in this.

The purpose of this paper is to critically reflect upon policy developments and debates in England in relation to child protection and safeguarding over the past twenty years. I will argue that the period from the early 1990s until 2008 saw policy change in significant ways. In particular, the state developed a much broader focus of concern about what caused harm to children and what the role of professionals and official agencies should be in relation to this. We witnessed an important change in the relationships between children, families and the state.

Underlying such developments were new and sometimes competing ideas about risk to children and the best ways of addressing these. Such developments were implemented in the context of the introduction of a range of new systems of Information Communication Technology (ICTs) and a heavy reliance was placed upon top-down forms of performance management. Such developments had the impact of marginalising the role of social work in children's services.

However, the period since late 2008 to date, following the tragic death of Baby Peter, has seen policy and practice move in new directions. Not only has 'child protection' been identified as an issue of significant political and policy concern, but there has been a renewed interest and priority given to social work in this. Such developments have been given a significant impetus following the election of the Conservative/Liberal Democrat Coalition government in May 2010 and its establishment of an independent review of child protection, chaired by Professor Eileen Munro, within three weeks of coming into office. The paper will conclude by considering the current state and possible future directions of child protection and safeguarding in England and the role of social work in this.

'Child-centred' services and the disaggregation of the family

Prior to the election of the New Labour government in 1997, the previous twenty-five years had seen enormous changes in the nature and structure of 'family' life in Britain. For example, the number of first marriages more than halved from 390,000 in 1975 to 175,000 in 1997, while remarriages made up two-thirds of the total. The number of divorces more than doubled between 1961 and 1997, when the total was 175,000, only slightly less than the number of first marriages (ONS, 1998). The proportion of children born outside marriage quadrupled and by the end of the 1980s, fewer than 50 per cent of eighteen to twenty-four-year-olds thought it necessary to marry before having children (Kiernan and Estaugh, 1993). Two-thirds of first partnerships in the early 1990s were cohabitations, compared with one-third twenty years earlier, and 22 per cent of children were born into cohabiting unions, compared with 2 per cent twenty years earlier (Ermisch and Francesconi, 1998).

The rate of cohabitation among couples with children reached 13 per cent in 1998, and among those in the lowest third of the income distribution scale, the rate was almost 26 per cent. Among couples with children who were drawing benefits, it was more than two-and-a-half times as high (Marsh et al., 2001). Lone-parent households with dependent children increased from 2 per cent of the total of all households in 1961, to 7 per cent by 1979. The notion of lifelong marriage as the only sanctioned framework for sexual partnerships and parenthood had come to be seen as increasingly outmoded by the end of the twentieth century.

However, the failure of one relationship appeared not to be a deterrent to re-partnering, and another increasingly common feature of 'family' life was that of 'social parenting', in which children were being raised in homes in which one adult, usually the father figure, was not the biological father.

A number of commentators (Beck and Beck-Gernsheim, 2002; Smart and Neale, 1999) argued that these changes had shifted the basis of interpersonal relationships from the nuclei to networks, so that what was increasingly left were 'partnerships'.

In the process, sexuality had been decoupled from marriage and increasingly became something to be discovered, moulded and altered. No longer were marriage and parenthood seen as being tied together, for having a child was increasingly separate from decisions about marriage for growing numbers of people. In addition, and for the first time, fertility rates were often below the threshold for generational replacement and the number of children in the population had been reducing in both absolute and relative terms as people lived longer. Consequently, the value of each child, both emotionally and economically, was much greater than previously.

Thus, by the 1990s, the idea of the 'normal' nuclear family, based on the institution of life-long marriage and premised on the male breadwinner model, seemed outmoded and the changes were being taken into account in the way child welfare policy and practice were being thought about and organised. Rather than the focus of attention being primarily on the 'family', increasingly, children were being seen as important in their own right.

The election of the New Labour government in May 1997 took these developments to a new level. From the beginning, New Labour focused on modernising welfare policy, and placed policies related to children and young people at the heart of its programme. The New Labour government pursued a more 'active' approach to

social entitlements for adults by drawing a tighter link between employment and social provision, and a stricter 'social investment' approach to social spending in general and policies aimed at addressing 'social exclusion' in particular (Powell, 2008). In this context, considerable attention was focused on children as future citizens and maximising their educational and employment potential (Lister, 2006), together with ensuring they did not engage in criminal or anti-social behaviour (James and James, 2004).

In many respects, a major element of the New Labour approach was its decision to accept and work with the grain and direction of social change evident with the 'family' and the growing individualisation of social and community life (Lewis, 2007). Rather than seeing its prime focus as attempting to strengthen marriage and the family, the government prioritised policies concerned with improving the life chances and well-being of children, particularly providing them with secure and stable parental relationships and attachments (Lewis, 2001).

Policy, therefore, subtly but significantly shifted from a focus on the family to one that was concerned directly with childhood vulnerability and well-being and upholding parental responsibility. Childhood was moved to the centre of policy priorities, seen as lying at the fulcrum of attempts to tackle social exclusion and the investment in a positive, creative and wealth-creating future, and many of the challenges posed by the social and economic changes related to globalisation.

While, previously, the family was seen as the central building block of society and the key instrument of government, this now began to change in important ways. Because the family had been both deconstructed and disaggregated, children and parents (both men and women) were seen to inhabit much more separate worlds with somewhat separate interests. However, they were locked together both legally and emotionally.

Therefore, while 'partnering' was seen as essentially a private matter, subject to individual freedom of action and choice, 'parenting' was very much a public concern and therefore a legitimate site for state intervention. These processes of increased individualisation had helped to create the social conditions that had made it possible for children to gain more protection, initially within the family and subsequently in other institutions. The process of individualisation not only disaggregated the family but recognised that children had a right to a life, a biography and autonomy; hence, there was an increased emphasis on the views and rights of children.

In organisational child welfare terms, we see an important shift, under New Labour, away from services that were framed primarily in terms of 'the family' to ones that were explicitly 'child-centred'. Not only was this represented by the change in England from social service departments to departments of children's services (Parton, 2009), but in the way the technologies and administrative systems were themselves organised and articulated (Hall et al., 2010). This was perhaps made most explicit by the Green Paper *Every Child Matters* (Chief Secretary to the Treasury, 2003), which stated that the government's intention was 'to put children at the heart of our policies, and to organise services around their needs' (Chief Secretary to the Treasury, 2003, p. 9).

It was also evident in the Looking After Children (LAC) project (Parker et al., 1991), the Assessment Framework (Department of Health et al., 2000), the Integrated Children's System (Cleaver et al., 2008) and the Common Assessment

Framework (CAF) (CWDC, 2009).

These changes in child welfare policy and practice provide an interesting exemplar of some of the more wide-ranging changes in the relationships between children, parents and the state taking place at the time. Whereas, previously, child welfare policies could be described as a 'sandglass' where services to children were targeted at certain families but siphoned through the parents (primarily mothers), increasingly we can identify the emergence of a three-cornered set of triangular relationships (Figure 1); and this had become more evident under New Labour. The role of parents was to take responsibilities on behalf of their children, and the behaviour of both parents and children was to be continually, in theory, monitored by state agents.

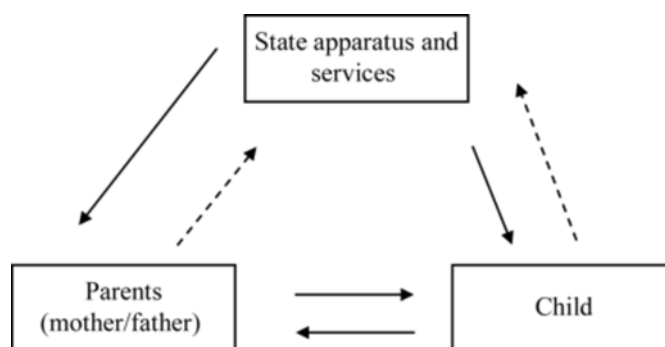


Figure 1 The triangular relationship of state-child-parents (adapted from Parton, 2006)

Changing and competing conceptions of risk in child welfare work in England

The last forty years have also witnessed a considerable growth in concern about child abuse and the failures of professionals to intervene appropriately to protect children. Following the high-profile and very public criticisms of social workers and other health and welfare professionals in cases of child abuse in the 1970s and 1980s (Parton, 1985; Butler and Drakeford, 2005), the long established state child welfare services in England came under increasing pressure and came to be dominated by a narrowly focused, forensically orientated concern with child protection. Similar developments were evident in the other nations in the UK, as well as North America and Australia (Waldfoegel, 1998; Lonne et al., 2009).

By the early 1990s, the child protection and child welfare systems could be characterised in terms of the need to identify 'high risk' cases so that these could be differentiated from the rest. Thereby, children could be protected from abuse while ensuring that family privacy was not undermined and scarce resources could be directed to where, in theory, they were most needed (Parton, 1991; Parton et al., 1997). 'High risk' was conceptualised in terms of 'dangerousness', for it was the small minority of 'dangerous families' (Dale et al., 1986; Parton and Parton, 1989) subject to extreme family dysfunctions and violent personalities who were seen as the primary cause of child abuse and who therefore needed to be identified so that children could be protected.

This was clear in the official government guidance at the time—Working Together Under the Children Act 1989: A Guide to Arrangements for Inter-Agency Cooperation for the Protection of Children from Abuse (Home Office et al., 1991)—where the focus of attention was explicitly stated as 'the protection of children from abuse'. This was reinforced further in the only official guide on the

purpose and content of professional assessments, *Protecting Children: A Guide for Social Workers Undertaking a Comprehensive Assessment* (Department of Health, 1988).

The guide was specifically designed for social workers in cases in which abuse was either substantiated or highly suspected and was concerned with how to carry out a comprehensive assessment for 'long-term planning in child protection' cases. At the time, Pithers commented that:

"The guide addressed the key issue of whether a family is considered safe for a child, or whether it can be made safe, or whether it is so potentially dangerous that alternatives have to be found" (Pithers, 1989, p. 18).

However, during the 1990s, a major debate opened up about how policies and practices in relation to child protection integrated with and were supported by policies and practices concerned with family support and child welfare more generally (Audit Commission, 1994; Department of Health, 1995).

Rather than simply being concerned with a narrow, forensically driven focus on child protection, it was argued there needed to be a 'rebalancing' or 'refocusing' of the work, such that the essential principles of a child welfare approach could dominate (Parton, 1997). Policy and practice should be driven by an emphasis on partnership, participation, prevention and family support. The priority should be on helping parents and children in the community in a supportive way and should keep notions of policing and coercive intervention to a minimum.

This change in thinking was evident in the official guidance published at the end of the decade, *Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children* (Department of Health et al., 1999).

The words 'protection' and 'abuse' had been dropped from the title, which was framed in terms of the general duty placed on local authorities by section 17(1) of the 1989 Children Act 'to safeguard and promote the welfare of children in their area who are in need'.

The guidance underlined the fact that local authority social services had wider responsibilities than simply responding to concerns about 'significant harm' and identifying child abuse and was explicitly located in the much wider agenda for children's services being promulgated by the New Labour government, associated with social exclusion (Frost and Parton, 2009).

The Assessment Framework (Department of Health et al., 2000), published at the same time as the 1999 'Working Together', attempted to move the focus from the assessment of risk of child abuse and 'significant harm' (Department of Health, 2001) to one that was concerned with the broader idea of risk of impairment to a child's overall development in the context of their family and community environment.

We can thus identify an important change in the nature of the risk that policy and practice were expected to respond to. The object of concern was no longer simply children at risk of abuse and 'significant harm'. Effective measures to safeguard children were seen as those that also promoted their welfare, and should not be seen in isolation from the wider range of support and services provided to meet the needs of all children and families. There was a broadening of concerns from 'child protection' to 'safeguarding', or, as I have argued elsewhere (Parton, 2010), from 'dangerousness' to 'risk'.

This is not to say, however, that child protection had disappeared, but that it was located in the wider concerns about 'safeguarding and promoting the

welfare of children' . This was defined for the first time in the 'Working Together' published in 2006, where it was stated that:

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment;
- preventing impairment of children's health or development; and
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care;
 - and undertaking that role so as to enable those children to have optimum life chances and enter adulthood successfully (HM Government, 2006, para. 1.18, original emphasis).

Child protection continued to be specifically concerned with assessment and intervention in situations in which children were 'suffering, or likely to suffer, significant harm' . While the focus of both assessment and intervention had thus broadened between 1991 and 2006, the forensic investigation of possible 'significant harm' continued to inhabit the core of the system and it was local authority children's social workers who had the clear statutory responsibility in this regard.

Risk and Every Child Matters

The 2006 'Working Together' guidance (HM Government, 2006) was published at a time of major change in children's services in England. The government had launched its Every Child Matters: Change for Children (ECM) programme (DfES, 2004a), where the overriding vision was to bring about 'a shift to prevention whilst strengthening protection' (DfES, 2004c, p. 3).

The consultative Green Paper Every Child Matters (Chief Secretary to the Treasury, 2003) had originally been launched as the government's response to a very high-profile child abuse public inquiry into the death of Victoria Climbié (Laming, 2003).

However, the changes were much broader than simply being concerned with overcoming the problems with responding to cases of child abuse. The priority was to intervene at a much earlier stage in children's lives in order to prevent a range of problems both in childhood and in later life, including educational attainment, unemployment, crime and anti-social behaviour. The ambition was to improve the outcomes for all children and to narrow the gap in outcomes between those who do well and those who do not. The outcomes were defined in terms of: being healthy; staying safe; enjoying and achieving; making a positive contribution; and achieving economic well-being. Together, these five outcomes were seen as key to improving 'well-being in childhood and later life' .

It was a very ambitious programme of change and was to include all children, as it was felt that any child, at some point in their life, could be seen as vulnerable to some form of risk and therefore might require help. The idea was to identify problems before they became chronic. Two figures included in the Green Paper (Figures 2 and 3) are particularly helpful in understanding how the reform of children's services was conceptualised.



* These children may or may not be on the child protection register, nor looked after, nor vulnerable.

** These children are included in the children in need figure, and not all children on the child protection register are children looked after.

Figure 2 'Every Child Matters': categorising children



Figure 3 'Every Child Matters': targeted services within a universal context

'Every Child Matters' : targeted services within a universal context

All children in the population are included in the triangle in Figure 2 and categorised according to their level of vulnerability, while in Figure 3 services are organised according to whether they are specialist, targeted or universal. The idea is that problems are identified as quickly as possible to ensure they do not escalate and that services are integrated to ensure that this takes place.

The model informing the changes was very much influenced by a public health approach to prevention and has been characterised as 'the paradigm of risk and protection-focused prevention' (France and Utting, 2005) informed by risk factor analysis (RFA) (France et al., 2010), whereby the knowledge of risk factors derived from prospective longitudinal research is drawn upon to design particular programmes and re-orientate mainstream services. The work of David Farrington in relation to youth crime prevention was particularly influential (Farrington, 1996, 2000, 2007). What was attractive to policy makers was that a range of overlapping personal and environmental 'risk factors' were identified, not only in relation to future criminal behaviour, violence and drug abuse, but also for educational failure, unsafe sexual behaviour and poor mental health (Dryfoos, 1990; Mrazek and Haggerty, 1994; Goldblatt and Lewis, 1998). The Green Paper stated that:

... we have a good idea what factors shape children's life chances. Research tells us that the risk of experiencing negative outcomes is concentrated in children with certain characteristics (Chief Secretary to the Treasury, 2003, p. 17, emphasis added) and that these included: The more risk factors a child had, the more likely it was that they would experience 'negative outcomes' and it was 'poor parenting' that was seen to play the key role. Identifying the risk factors and intervening early provided the major strategy for overcoming the social exclusion of children and avoiding problems in later life.

- low income and parental unemployment;
- homelessness;
- poor parenting;
- postnatal depression amongst mothers;
- low birth weight;
- substance misuse;
- individual characteristics, such as intelligence;
- community factors, such as living in a disadvantaged community.

However, the role of prevention was not only to combat the negatives involved, but to enhance the positive opportunities for child development via maximising protective factors and processes. The approach was informed by the work of Michael Rutter (1990), who conceived of risk and protection as processes rather than fixed states and saw protectors as the basis for opening up opportunities. The timing of interventions was crucial, for, if they were to have the most impact, the 'early years' were key and success depended on recruiting parents—usually mothers—to the role of educators. The notion of protection was thus much wider than simply protection from harm or abuse. In trying to maximise childhood 'strengths' and 'resilience', the idea of risk was itself reframed in far more positive ways (Little et al., 2004; Axford and Little, 2006).

To achieve the outcomes, the ECM changes aimed to integrate health, social

care, education and criminal justice agencies and thereby overcome traditional organisational and professional ‘silos’. Such a development required agencies and professionals to share information so that risks could be identified early and opportunities maximised. To take this forward, a variety of new systems of information, communication and technology (ICT) were to be introduced—including the Common Assessment Framework (CAF), Contact Point and the Integrated Children’s System (ICS).

The Common Assessment Framework (CAF) provides an important insight into the way ‘risk’ to children was rethought in the context of ECM and the way practice was reconfigured as a result. The CAF is an electronic assessment form to be completed by any professional when they consider a child to have ‘additional needs’ that require the involvement of more than one service. It includes a wide-ranging set of data covering most aspects of a child’s health and development, including details about parents and siblings. The CAF is designed to identify those children who might not progress towards the five ECM outcomes without additional services.

The CAF was designed to identify ‘children with additional needs’ and therefore to operate at the level of secondary prevention (or targeted services). The diagram in Figure 4, taken from the CAF Practitioners’ Guide (CWDC, 2009), provides a helpful picture of how the processes and tools designed to integrate children’s services and support early intervention were conceived, particularly in the context of Figures 2 and 3 earlier.

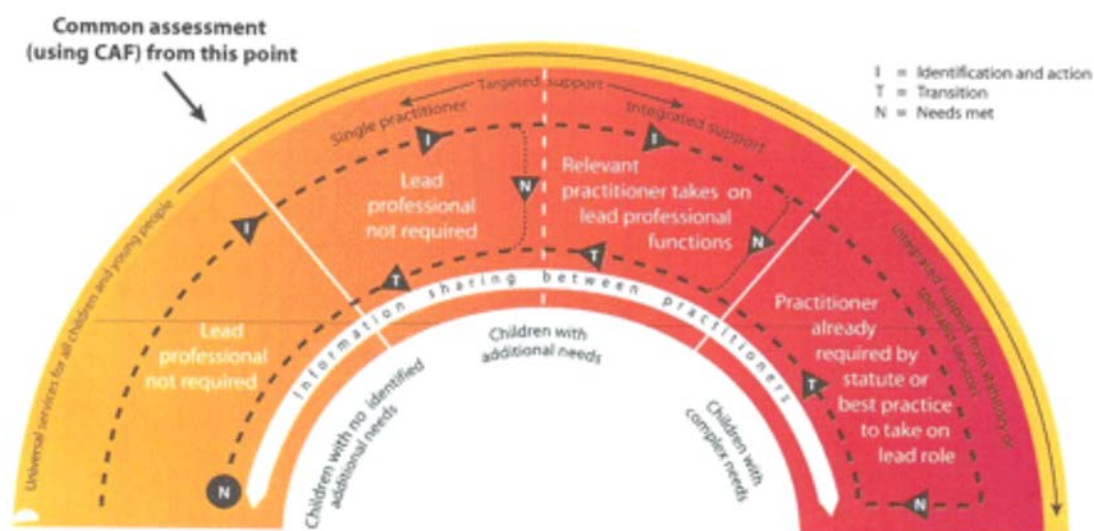


Figure 4 Processes and tools to support children and families

Processes and tools to support children and families

The eCAF clearly demonstrates how the importance of early intervention and the growing use of ICT were seen as central for the transformation of children’s services in England. However, the focus of concern had broadened considerably from those children who might suffer child abuse or ‘significant harm’ to include all children, particularly those who were at risk of poor outcomes and therefore who may not fulfil their potential. In the process, the systems designed

to screen and identify those in need of attention had grown in size and complexity and the challenges and responsibilities placed upon a wide range of agencies and practitioners increased considerably.

Baby Peter and the rediscovery of child protection and social work

While the ECM: Change for Children programme (DfES, 2004a) was presented by the government as its response to the Laming Report (Laming, 2003) into the death of Victoria Climbié, a number of commentators argued that the reforms had the effect of marginalising both child protection (Munro and Calder, 2005; Smith, 2008) and social work (Frost and Parton, 2009; Parton, 2009). This, however, was to change following the events in November 2008.

On 11 November 2008, two men were convicted of causing or allowing the death of seventeen-month-old Baby Peter, including his step-father. The baby's mother had already pleaded guilty to the charge. During the trial, the court heard that Baby Peter was used as a 'punch bag' and that his mother had deceived and manipulated professionals with lies and on one occasion had smeared him with chocolate to hide his bruises. There had been over sixty contacts with the family from a variety of health and social care professionals and he was pronounced dead just forty-eight hours after a hospital doctor failed to identify that he had a broken spine. He was the subject of a child protection plan with Haringey local authority in London—the local authority that had been at the centre of failures to protect Victoria Climbié back in 2000.

The media response was immediate and very critical of the services, particularly the local authority. The largest selling daily tabloid newspaper, The Sun, ran a campaign aimed at getting the professionals involved in the case sacked from their jobs under the banner of 'Beautiful Baby P: Campaign for Justice' (The Sun, 15 November 2008).

Two weeks later, the newspaper delivered a petition to the Prime Minister containing 1.5 million signatures and claiming it was the largest and most successful campaign of its sort ever. In addition, a large number of Facebook groups, comprising over 1.6 million members, were set up in memory of Baby Peter and seeking justice for his killers. This weight of expressed opinion put major pressure on the then government Minister, Ed Balls, to be seen to be acting authoritatively in order to take control of the situation. He responded by: On receipt of the JAR on 1 December 2008, which he described as 'devastating', the Minister announced he was using his powers under the 1996 Education Act to direct Haringey to remove the Director of Children's Services. Later that month, she was sacked by the council without compensation and with immediate effect.

In April 2009, Haringey Council also dismissed four other employees connected to the Baby Peter case—the Deputy Director of Children's Services, the Head of Children in Need and Safeguarding Services, the Team manager, and the Social Worker.

In addition, the paediatrician who examined Baby Peter two days before his death but missed the most serious injuries was suspended from the medical register; and the family doctor who saw Baby Peter at least fifteen times and was the first to raise the alarm about the baby's abuse was also suspended from the medical register.

- ordering the Office for Standards in Education, Children's Services and Skills (Ofsted), the Healthcare Commission and the Police inspectorate to

- carry out an urgent Joint Area Review (JAR) of safeguarding in Haringey;
- ordering the preparation of a new and independent Serious Case Review following the publication of the original one on 12 November and which he deemed to be inadequate and insufficiently critical;
 - appointing Lord Laming to carry out an urgent review of child protection in England to report in three months;
 - establishing a Social Work Task Force to identify any barriers that social workers faced in doing their jobs effectively and to make recommendations for improvements and the long-term reform of social work and to report in the autumn of 2009.

Very quickly reports surfaced that it was becoming very difficult to recruit and retain staff nationally to work in children's social care, particularly social workers, and that morale was at an all-time low (LGA, 2009). The case was clearly having wide-scale reverberations. A number of influential commentators, including the House of Commons' Children, Schools and Families Parliamentary Committee (House of Commons, 2009), began to argue that the threshold for admitting children into state care was too high.

Not only should Baby Peter have been admitted to care some months before his death, but his situation was not seen as unusual. Similarly, the Children and Family Court Advisory and Support Service (CAFCASS, 2009) produced figures which demonstrated that: there were nearly 50 per cent more care applications to court in the second half of 2008-09 compared with the first half of the year; demand for care cases was 39 per cent higher in March 2009 compared with March 2008; and the demand for care continued to remain at an unprecedentedly high level for the first two quarters of 2009-10, with June 2009 having the highest demand for care ever recorded for a single month.

The death of Baby Peter and the intense and rancorous social and media reaction clearly engendered a sense of very high anxiety amongst government officials and children's services managers and practitioners (Garrett, 2009). It was also notable that the report produced by Lord Laming in March 2009 was entitled *The Protection of Children in England* (Laming Report, 2009) and that both this and the government's response (HM Government, 2009) were framed in terms of 'child protection'. Whereas, previously, policy and practice had been framed in terms of 'safeguarding and promoting the welfare of the child', it now seemed that concerns about child protection had, again, moved centre stage.

At the same time as rediscovering child protection, central government also seemed to rediscover the importance of professional social work. It is, perhaps, a particular irony that the area in which social work that had been so heavily criticised for over thirty years, child protection, was the area of practice in which it continued to be seen as having the key role to play and the failures in the Baby Peter case seemed to reinforce this even further. The work of the Social Work Task Force, which reported in late 2009 (Social Work Task Force, 2009), was clearly central in this regard, and the government made it clear that a major contribution to the improvement in child protection practice was crucially dependent on the rejuvenation of a well trained, respected social work profession (HM Government, 2010a).

Developments in the wake of the tragic death of Baby Peter had the effect of reinforcing the importance of child protection at the centre of safeguarding

policy and practice and reinforcing the central role that social work played in this. For, while the period since the mid 1990s, particularly since the introduction of the ECM reforms, had emphasised a much broader and more positive approach to risk, the narrow forensic approach to child protection, which was so dominant in the early 1990s, had clearly been (re)confirmed as lying at the heart of current and future attempts to 'safeguard children' (HM Government, 2010b).

It seemed that government was determined to ensure that while there should be a continued emphasis upon early intervention, this should not deflect from ensuring that children were protected from significant harm. Child protection was very much seen to lie—in terms of Figures 2 and 3 reproduced earlier—at the sharp end, or apex, of any attempts to 'safeguard and promote children's welfare'. In many respects, the post-Baby Peter changes could be seen to consolidate one of the central aims of the ECM changes of wanting to bring about 'a shift to prevention whilst strengthening protection' (DfES, 2004c, p. 3).

It is notable that social work was to operate almost exclusively at this sharp end of child protection. Whilst there had been a considerable expansion in preventive and early intervention services from the mid 1990s, no longer were these seen as being in the province of mainstream social work (Frost and Parton, 2009; Parton, 2009).

This had been made explicit in *Every Child Matters: Change for Children in Social Care* (DfES, 2004b), published at the same time as *Every Child Matters: Change for Children* (DfES, 2004a):

Social workers and social care workers need to be at the heart of the *Every Child Matters Change for Children* programme. You play a central role in trying to improve outcomes for the most vulnerable through your work with children in need including those in need of protection, children who are looked after and disabled children (DfES, 2004b, p. 2).

It was social workers who were given the key and overriding responsibility for operating the child protection system and this had changed very little from the situation in the early 1990s.

Following the tragic death of Baby Peter, social workers became more concerned than ever with forensically investigating, assessing and managing cases of child abuse in a context that was even more high-profile and procedurally driven than ever before. For example, the revised *Working Together*, published in March 2010 (HM Government, 2010b), produced primarily in response to recommendations in the Laming Report on *The Protection of Children in England*, increased in length from 231 pages up to 390 pages compared to the 2006 version (HM Government, 2006).

Thus, while the final eighteen months of the New Labour government witnessed something of a revaluing of social work and a renewed recognition of the complexities involved, the actual focus and organisation of the work became even more prescribed and framed by its statutory and procedurally defined roles and responsibilities.

The period after November 2008 was also notable for an increased sense of anxiety and defensiveness in the way children's social care was operating and clear evidence that it were having to cope with a large increase in referrals together with a growth in the number of children subject to a child protection plan, an increase in the numbers of children taken into care and a growth in Section 47 Enquiries (Association of Directors of Children's Services, 2010).

Increasingly, it seems that early intervention was being interpreted as the need to formally intervene earlier, with the increased possibility that children would be placed on a child protection plan, placed on a statutory order or taken into care (Hannon et al., 2010).

The Child Protection System in England, 2010 – 2015

There are roughly 11 million children and young people under the age of 18 in England. The Child Protection System (CPS) in England places a legal responsibility on all those working with children and young people to ensure they are safe and able to thrive. The central government's Department for Education (DfE) is responsible for child protection in England; it sets out legislation and statutory guidance on how the child protection system should work. Local governments in 152 local authorities in England are the key statutory agencies responsible for planning and provision of child protection services in England.

Background

The CPS in England goes back several centuries to when churches and charities would provide for abandoned children. Poor Laws in the 17th Century were the first to put in place basic state protection for children. In the 19th Century, the first Barnardo's (children's) homes were created and new legislation made school compulsory for children to age 12; later that century maltreatment and cruelty against children become a crime. In the middle of the 20th Century local authorities became responsible for the protection of children. Landmark legislation giving children rights to be protected from abuse and exploitation was enacted in the Children Act of 1989, still the cornerstone of Child Protection legislation today. The Act introduced a duty for local authorities to safeguard and promote the welfare of children within their area who are in need and as such, it provides the framework for child protection planning and practice. Subsequent Child Protection inquiries, court proceedings and legislation amending the Children Act 1989 have brought in new rights and entitlements for children and young people which together form the CPS in England.

Legislation and framework protecting children from harm

The Children Act 1989 requires local authorities (LA) to promote the upbringing of children by their own families if it is safe to do so. If there are concerns about the safety or well-being of a child or young person, LA should be alerted, through a referral (any individual or professional - for example, teacher, police, or support work can make a referral). This may trigger an investigation, usually undertaken by qualified social workers, to assess the needs of the child and their family to determine whether services should be provided. The Children Act 1989 lays out what these services should include.

Using a procedure presented in, "Working together to safeguard children – A guide to inter-agency working to safeguard and promote the welfare of children" (March 2015), a case involving the development of a child protection plan after referral will be discussed below.

Referral

Once the child's case referral has been accepted by local authority children's social care, the lead professional role falls to a social worker.

They should make a decision about the type of response that is required within one working day. This includes determining whether:

- The child requires immediate protection and urgent action is required (Immediate Protection);
- the child is in need, and should be assessed under section 17 of the Child Act 1989 (Assessment);
- there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm, and whether enquires must be made and the child will be assessed under section 47 of the Child Act 1989;
- any services are required by the child and family and what type of services; and,
- if further specialist assessments are required in order to help the LA authority to decide what further action to take.

Assessment

When the social workers decide that assessment is required (under section 17 or section 47 of the Children Act, 1989), the assessment will be led by a social worker. When they decide the children don't need any support from the LA children's social care, they may still take action to obtain necessary support. For example, a referral for help to the child and family, or a referral for an early help assessment.

If the LA decides that the child requires support, they also decide if the child has actual significant harm or is likely to be harmed significantly. When the child has no actual significant harm or is not likely to be harmed significantly, the social worker will discuss next steps including review/decision points with child, family and colleagues. After that, an assessment will continue and services will be provided if the child requires them. Then, the social worker, family and other professionals will work to have an agreement on the Children in Need (CIN) plan or Child Protection (CP) plan. They will review the plans and outcomes for children, and when appropriate they will refer them to non-statutory services. Or while they continue the assessment, they may find suspicion of significant harm for the child. In this case, the team will have a strategy discussion.

When the child has been harmed significantly, they will take an action for the immediate protection of the child.

Immediate Protection

When the decision has been made by local authority social workers, the police or NSPCC (National Society for the Prevention of Cruelty and Children) that the life of a child is at risk or the child is likely to be seriously and harmed in the immediate future, they will take an emergency action to safeguard the child. Meanwhile, they will seek legal advice and the outcome will be recorded. As appropriate there will be an immediate strategy discussion between the LA children's social care, police, health and other agencies. This strategy discussion that includes the NSPCC (where involved), makes decisions about: 1) how to take immediate safeguard action, and 2) information giving, especially to parents.

When there is no emergency action required, they will have an agreement plan with the family and other professionals that will ensure the child's future

safety and welfare. The discussions of this plan will be recorded and acted on. Or, the other option is that the child will remain as a “child in need” , then they will have an assessment.

Strategy Discussion

When the team needs to take an appropriate emergency action, they will have a strategy discussion and initiate a section 47 enquiry. (A section 47 enquiry is carried out by using the principle and parameters of a good assessment, which is set out in “Working together.”) Then, the social worker and other professionals will do an assessment. Assessment will follow local protocol based on the needs of the child within 45 working days of the point of referral. If the concerns are substantiated and a child likely to suffer significant harm, a social work manager convenes the initial child protection conference within 15 working days of the strategy discussion at which section 47 enquiries were initiated. An initial child protection conference will be held with family members (and the child where appropriate), supporters, advocates, and the professionals most involved with the child and family. They will make decisions about the child’ s future safety, health and development. Then, when the conference finds that the child is likely to suffer significant harm, the child will be the subject of a child protection plan and an outline of this plan will be prepared. A core group is established in this case.

When the strategy discussion finds that the police should investigate a possible crime, the social worker leads an assessment under section 47 of the Children Act. The social worker needs to follow the local protocol process on the needs of the child within 45 working days of the point of referral. If the concerns are substantiated but the child will not likely to suffer significant harm, the team will agree on whether child protection conference is necessary. Then, a social worker will complete an assessment. Finally, social worker will agree on a plan for ensuring the child’ s future safety and welfare with the family and other professionals.

Child protection plan

Once a child is subject of a child protection plan, the core group meets within 10 working days of initial child protection conference. Or, the registered social worker completes a multi-agency assessment. Then the child protection plan is developed by lead social worker with the core group members and implemented. Core group members will provide the necessary interventions for the child and/or family members.

Voluntary agreement

If children in need are considered to be at risk of neglect or abuse, or they have been abandoned, a local authority may provide the child with accommodation away from their parents or usual carers, under Section 20 of the Children Act 1989. Under this section, the local authority usually shares parental responsibility with the child’ s parents and decisions are made jointly. This is called a ‘voluntary agreement’ .

Child in Need

Section 17 of the Children Act provides for children and their families who are deemed to be in need (‘Child in Need’). The key duty of the local authority

as set out in this section is to ‘safeguard and promote the welfare of children in their area who are in need’ . Support and services should be put in place to fulfil this duty. This may take the form of regular visits by a social worker, enrolment in parenting classes, financial resources to make adjustments to the home for a disabled child or other appropriate measures. Between 2014–2015, there were 391,000 children in need in England, a figure which has remained relatively stable over the past five years.

Following an assessment, some children are deemed to be at such high risk of abuse or neglect that local authorities may apply to the courts for a full care or supervision order under Section 31 of the Children Act 1989. This gives the local authority greater responsibilities for the child and generally limits the involvement of the child’s parents.

Children in care

Children provided for under section 20 and section 31 of the Children Act 1989 are commonly referred to as ‘Children in Care’ or ‘Children Looked After’ . Children in care are accommodated by the local authority, provided with access to education, health services and any other resources to meet and safeguard their needs. A small number of children live with their parents but are looked after by the local authority.

As of 31 March 2015, there were 69 540 children in care, representing a slight increase on previous years¹. As in previous years, more boys (55%) than girls (45%) are looked after. The majority are teenagers (40%) and white British (77%). The majority of children in care are looked after on a short term basis.

¹ All references for statistics can be found at:

<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>.

Most children are in care because of neglect or abuse, while a number become looked after because of family breakdown. Few children have completely absent parents in England; those, in the tables below, in need because of absent parenting are for the most part migrant and refugee children who arrived in England without a parent.

Category of (primary) need	Figures as of 31 March 2015
Abuse or neglect	42, 710 (61%)
Child’s disability	2, 250 (3%)
Parents illness or disability	2, 380 (3%)
Family in acute stress	6, 310 (9%)
Family dysfunction	11, 000 (16%)
Socially unacceptable behaviour	1, 130 (2%)
Low income	140 (–)
Absent parenting	3, 630 (5%)

Adoption

The CPS also oversees adoptions in England. Recent government efforts have sought to increase the number of adoptions and speed up processes which surround

adoption (see: Action Plan for Adoption). 3,450 looked-after children were adopted during the year ending 31 March 2012, an increase of 12% since 2011 and the highest figure since 2007. Of these 74% were between one and four years old, with only 2% under a year old and a further 2% between 10 and 15.

Leaving care

Provisions exist to support children who are leaving care, as set out in the Children (Leaving Care) Act 2000, which amends the Children Act 1989. As it stands, children who have been in care for 13 weeks or more after their 14th birthday and who are in care on their 16th birthday are entitled to Leaving Care support until the age of 21 or 25 if they are in full time in education. This includes a Pathway Plan (which sets out their needs and how these are to be met) and the help of a Personal Adviser who provides general support and guidance. In exceptional circumstances it may include accommodation and financial support.

Other children who are not in care or in need but remain the responsibility of the local authority

Since 2004, legislation has mandated that children under the age of 16 who are not living with their parents for more than 28 days must be made known to the local authority. Such arrangements, which might include a child living with a family friend, are known as private fostering arrangements. Local authorities have statutory obligations to these children, key to which is safeguarding their well being and safety.

Other actors in the Child Protection System in England

In England, Local Safeguarding Children's Boards (LSCBs) ensure that the key agencies involved in safeguarding children work together effectively. LSCBs were put on a statutory footing in 2006. Their core membership is set out in the Children Act 2004, and includes local authorities, health bodies, the police and others, including the voluntary and independent sectors. They are required to produce and publish an Annual Report on the effectiveness of safeguarding in the local area.

The Children Act 2004 also introduced the role of Children's Commissioner for England; the role was subsequently strengthened by the Children and Families Act 2014. Responsibilities include the duty to promote and protect the views, interests and rights of all children in England, in particular those who are most vulnerable.

Conclusion

What also became evident by the end of the New Labour government in May 2010 was that there was a growing range of criticisms and concerns being expressed about the way policy and practice in this area had developed during the previous ten years. No longer were these criticisms only focused on the tragic deaths of young children and the failures of professionals to intervene, but that many of the changes introduced may have had the unintended consequence of making the situation worse.

In particular, the introduction of the new electronic ICT systems, such as ContactPoint and the Integrated Children's System (ICS), came in for considerable criticism. Not only did such systems seem to increase the range and depth of state

surveillance of children, young people, parents and professionals (Parton, 2006, 2008b; Anderson et al., 2009) and undermine individual and family privacy (Roche, 2008), but they did not seem to work as intended. In particular, they seemed to have the effect of: deflecting front line practitioners from their core task of working directly with children, young people and parents (Hall et al., 2010); increasing the bureaucratic demands of the work (Parton, 2008a; Broadhurst et al., 2010a, 2010b); and catching practitioners in an 'iron cage of performance management' (Wastell et al., 2010).

In addition, in broadening the focus of what was meant by risk, there had been an elision or conflation (Munro, 2010; Parton, 2010) of concerns about children and young people who might be at risk from a whole variety of threats, including abuse, with other concerns about children and young people who might pose a threat to others, particularly by falling into crime or anti-social behaviour. The agendas around the care and control of children and young people and those who might be either victims or villains had become in danger of being very blurred (Sharland, 2006; James and James, 2008).

In attempting to widen and deepen attempts at early intervention in order to improve the outcomes for all children, while also trying to strengthen the systems of child protection, it seemed that there was a real danger that there would be a growth in attempts at, what Michael Power has called, 'the risk management of everything' (Power, 2004). Rather than overcoming the defensiveness, risk avoidance and blame culture so associated with the child protection system in the 1990s, the danger was that these characteristics were increasingly permeating the whole of the newly integrated and transformed children's services. Such concerns were heightened in the highly anxious context following the death of Baby Peter that seemed to prioritise an approach to practice based on 'strict safety' and a 'logic of precaution'. Increasingly, the language of risk was in danger of being stripped of its association with the calculation of probabilities and was being used in terms of not just preventing future harm, but also avoiding the 'worst case' scenario (Ericson, 2007; Heberton and Seddon, 2009).

The Conservative/Liberal Democrat Coalition government made it clear, after its election victory in May 2010, that it was the reduction in the public finance debt that was its overriding and most urgent political priority and immediately set about reducing public expenditure. It also made it clear that it wished to reduce the role of the state and the top-down demands of the performance management regime of New Labour while trying to improve civil liberties for the individual.

One of its first acts was to announce that Serious Case Review Overview Reports were to be published in full (which had been in the Conservative Party election Manifesto) and to establish an independent 'Review of Child Protection' to be chaired by Professor Eileen Munro to report by April 2011 (Loughton, 2010). In his letter to Eileen Munro announcing the establishment of the Review, Michael Gove, the Secretary of State, said that while the review would be broad in scope, he hoped it would address three central issues: early intervention; trusting front line social workers; and transparency and accountability. He clearly saw the improvement of the child protection system as intimately connected to and dependent upon the support and improvement of front line professional social work, for he said that in order to improve the system of child protection in England:

... my first principal is always to ask what helps professionals make the best

judgement they can to protect a vulnerable child? I firmly believe we need reform to frontline social work practice. I want to strengthen the profession so social workers are in a better position to make well-informed judgments, based on up to date evidence, in the best interests of children, free from unnecessary bureaucracy and regulation (Gove, 2010, p. 1).

Soon after, the government also confirmed that it intended to get rid of ContactPoint (Jeffery, 2010), making it clear it wished to reduce the bureaucracy on practitioners who worked with 'vulnerable children'.

Such developments suggested the new government was going to reinforce the developments evident towards the end of the New Labour administration that gave increased priority to 'child protection' and the importance of supporting the development of professional social work to take the central role in this. In doing so, there seemed to be a number of elements that marked out these developments from what had gone before. First, there seemed to be a clear attempt to move beyond the New Labour top-down performance management culture and the growth of ICT bureaucratic demands. Second, this was to take place in a context of massive public expenditure cuts that were likely to have a huge impact upon children's social care and local government more generally. Third, the new government seemed very comfortable about discussing policy in terms of 'child protection' and the word 'safeguarding' hardly seemed to appear. It was not at all clear, at the point of writing, what the commitment of the new government was to taking forward the Every Child Matters: Change for Children programme (DfES, 2004a).

In many ways, the term 'safeguarding', and the policies and practices it both represented and helped establish, was something that was very much associated with an approach to children and families developed by the New Labour government for England from 1999 to 2008. However, by the time of the general election in May 2010, we were beginning to see the re-emergence of child protection as an important governmental concern.

It seems likely, therefore, that professional social work is going to be given a central role and range of responsibilities in these emerging new arrangements. Of course, this is far from new and, at one level, can be seen to simply confirm what was clearly stated in Every Child Matters: Change for Children in Social Care (DfES, 2004b) quoted earlier. However, in a context of much reduced resources, the high likelihood of increased unemployment and greater social and economic inequalities, the pressures and demands upon social workers are likely to increase considerably.

Whether, and for how long, the newly found trust in social workers will continue will be interesting to see, particularly in the context of the high-profile media child death story that will inevitably emerge at some point. These are challenging times. What we are seeing, however, is the emergence of a rather different context and direction for policy in England where both child protection and the need for professional social work has been placed at the centre of the policy agenda.

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