

Unravelling Risk in Child Protection

by

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Abstract

This thesis looks critically at risk management and its dominance in child welfare policy. The Knightian and Keynesian view of risk compared to uncertainty, is used to show that 'risk' is not the correct term for understanding capitalist economies because they are always unpredictable. This thesis takes this Keynesian view of radical uncertainty into the social policy field to demonstrate that the term 'risk' is even less useful. An analysis of major historical developments and recent changes to child welfare policy in New South Wales sees dangers to children framed as risks capable of measurement and prediction. Rather than accept this notion, this thesis casts dangers to children as unknowable and unpredictable to show that attempts to quantify risk in policy ignore uncertainty. It argues that any model relying on risk is unlikely to strengthen child protection systems as intended. In an effort to conceptualise an alternative framework I consider what it means to *look out for* and *welcome children into the world* and suggest how child welfare policy might adopt models from this standpoint.

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Introduction – Unravelling Risk in Child Protection

Child protection systems appear to be under significant strain. From the early to mid 1990s, public inquiries, official reports and research in US, Australia and England drew attention to significant problems in their child protection systems (Lonne et al 2009: 35). For some time these jurisdictions struggled with how to identify child abuse and neglect. They have sought ways to ensure that only the most extreme cases come under the purview of protective services, mainly in order to avoid intrusive interventions. For this reason, the idea that risk in child protection could be identified, measured and managed has been embraced within policy. However, confidence in systems to provide an appropriate response have been questioned when large numbers of children are brought into the child protection system unnecessarily and subjected to forensic forms of investigation, or conversely cases that should have been responded to were missed.

The inability of government agencies to make the right decisions and provide an appropriate response has meant in some cases tragedies were not averted. In Australia these tragedies have been brought to the public's attention. Intimate details of abuse and neglect are reported in the media making "evil actions public" (Hacking 1991: 253). Community backlash can be extreme; calling on governments to put a stop to such evils (Hacking 1991: 253). Such an outcry against cruelty to children calls on our elected officials to make significant changes. Those in leadership grasp at ways to instigate novel reforms, sometimes through bolstering budgets and restructuring departments. Problems remain and

those with a long history of studying child welfare and child protection see a continual cycle of crises (Mansel et al 2011: 2076).

What I see lacking from the considered and intense energy directed at policy attempts to improve child protection is an understanding of what it means to look out for and welcome children into the world. Instead there is a focus on managing risk by seeking ways to identify, measure and manage such risk. This focus on risk appears to obscure reality; that seeking to ensure the welfare of children does not lend itself well to ideas of control and measurement. In seeking to control and measure the faith lie in systems, rather than what it truly means to value and accept responsibility for the care of children.

To date there has been some attempt to analyse the nature and implications of risk management in child welfare policy. Social work literature, notably the work of Nigel Parton, drew attention to how the profession of social work is increasingly dominated by risk management rather than more therapeutic concerns. David Howe (1991) characterised these changes as the 'bureaucratisation of social work' whereby administrative power has usurped social work autonomy. These studies have certainly drawn attention to risk management in child welfare, particularly that its prevalence is a negative rather than positive development as it appears to minimise the need for social workers to be engaged in activities aiming at more than preventing harm. However, these critiques, in my view, tend not to go far enough in their critique of risk management as one could take from them that there is merely an imbalance between procedural and therapeutic activities.

It is the aim of this thesis to build on earlier work concerning risk and child welfare and demonstrate that risk management is not simply processes and procedures but a theoretical framework that lies at the heart of child welfare policy. I argue that it is a theoretical framework which needs to be done away with if we are to build a stronger welfare system for children. To make this case, I look to the work of Frank Knight and John Maynard Keynes who compare risk and uncertainty to show that risk is not the correct term for understanding capitalist economies, nor is it for welfare, as these areas of life are always unpredictable. Keynes used this distinction to argue that economic life is radically uncertain (cited in Reddy 1996: 229) which I will apply here to my analysis of child welfare policy to argue against the use of risk management.

In Chapter 2, I will provide further background to the Knightian/Keynesian view of risk compared *to* uncertainty and what this distinction means to social policy concerned with the welfare of children. I will consider why this distinction has been lost in the broader literature in the sociology of risk. I also look more closely at the problems already identified in social work literature in its critique of risk management. In Chapter 3 I will look at different ways in which risk has come to dominant social policy in child welfare through a brief historical nineteenth century when the New South Wales government assumed greater care of children by placing children in government run institutions to more recent times where institutions lost favour and medical discoveries drew greater attention to child cruelty. I attempt to illustrate progress through contemporary developments where there has been greater recognition of child cruelty and individualised forms of risk assessment. I will look at how it is that even with such progress, problems have emerged in social policy where childhood

vulnerability (or dangers and threats) is not identified as the problem to be addressed; instead it is measurable “risks” (such as risk of severe impairment or death).

I examine how this risk framework has proved influential in contemporary child welfare policy through a case study of child protection in New South Wales, particularly an analysis of a major policy reform in 2009 entitled *Keep Them Safe: A shared approach to child wellbeing* (“*Keep Them Safe*”). This policy reform claimed to introduce significant changes to the child protection system in the state of New South Wales (DPC 2009). An analysis of *Keep Them Safe* will be positioned within an institutional environment that will be explored in Chapter 3 by considering the main dilemmas faced by policy makers with an overburdened child protection system and how they have attempted to understand this problem. In the analysis of *Keep Them Safe* in Chapter 4, we see how policy changes are a consolidation of earlier deliberations regarding the way the statutory child protection system should function and operate. It aims to show how conceptual problems are created in policy when attempts are made to manage risk. This critique hopes to reveal how attempts to reduce uncertainty might serve other purposes such as reducing expenditures and exposure to negative criticism.

1. The futility of risk to child welfare policy

According to both Knight and Keynes, risks are knowable; they can be identified, defined, measured and subject to estimation of probabilities that are knowable, whereas uncertainty is incalculable because unlike ‘risks’ there are no known chances (cited in Pixley 2014: 204). Knight and Keynes sought to show that ‘risk’ is only applicable when the odds are known such as gambling (rolling a dice, betting on a lottery game or horse race) (cited in Pixley 2014: 56). Keynes used this distinction to argue that economic life is radically uncertain (cited in Reddy 1996: 229). Keynes advocated for economic stability through state planning aimed at full employment, but given daring individuals are likely to take risks despite unknowable chances associated with taking such risk, the worst might happen (e.g. a financial crash); state such planning can only reduce vulnerabilities to unattainable stability (cited in Pixley 2014: 207; Reddy 1996: 229).

In this chapter I show how Knightian and Keynesian view of risk compared *to* uncertainty in capitalist economics can be carried over to child welfare policy to demonstrate that risk is not a useful rationale. I explore the political, social and cultural implications for using risk in social policy and finance, particularly how ignoring uncertainty might serve the interests of some but not the wider population. I also review literature that expresses a discontent with risk in child welfare policy and how this literature raises the issue of uncertainty. In relation to undertaking a policy analysis, I set out why attention needs to be given to how the policy problem is framed which are conducive to a risk approach. I explain

alternative approaches to framing the policy problem that better accounts for uncertainty.

Risk and uncertainty

Proponents of radical uncertainty in economic life reject the idea that the future in economic life can be subject to calculable probability analysis. As argued by Reddy (1996) and Pixley (2014) this is contrary to orthodox economists who accept notions of 'risk' rather than 'uncertainty', despite risk models failing to foresee and guard against a financial crash. As will be argued here, there has been a similar faith in risk management in child welfare to achieve unattainable certainties. In child welfare, factors associated with child abuse and neglect are radically uncertain and it is not possible to establish causation. As it is not possible to know and prevent all dangers, social policy concerned with children has limits and it is important that attempts to manage risk recognise these limitations. As made clear by Keynes, social policy can reduce vulnerability but this is quite different to managing risk that aims at certainty.

The study of risk modeling in areas of life that are uncertain and incalculable show that they seek to create a 'sense' of certainty because certainty is important for a group's political or economic interest (Pixley 2014: 202, 207; Reddy 1996: 223). Risk modelling therefore has political, economic and social implications. Reddy (1996: 223) is of the view that economic notions of 'risk', that the future is subject to probabilistic calculation, has triumphed over 'uncertainty', to legitimate expert bureaucracies. Reddy (1996) claims that risk determinations made by expert bureaucracies require greater democratic input because expert knowledge cannot claim to occupy a special position than that of the broader public in their

ability to make risk determinations. Pixley (2014: 202) examines more pointedly the implications of legitimating a denial of uncertainty rather than democratising determinations of risk. Pixley (2014: 202) believes that models that seek to evade uncertainty may have disturbing consequences in finance by an unintended corruption of the sector, or the seeking of profits by *passing on* dangers to others. In child welfare there is the potential for similar problems whereby models that ignore uncertainty can lead to a misguided understandings of the real problems in child welfare, or serve as a way of reducing expenditures by passing on the responsibility for dangers to households. In light of these arguments, this thesis accepts that risk management by its very nature limits democratic input. In child welfare, given the crisis in child protection systems worldwide, I argue that there is a pressing need for theoretical frameworks that accept, rather than ignore uncertainty, so that decisions that attempt to predict the future are exercised with greater caution.

Both Reddy (1996) and Pixley (2014) argue that the economic, political and social implications of ignoring uncertainty are made apparent by resurrecting the risk/uncertainty distinction established by Knight and Keynes. Pixley (2014: 204) argues that the term risk has been overextended by some sociologists so as to "submerge" uncertainty. Ulrich Beck is one example. In respect of sociological theorising of risk, Beck's (2009: 8) risk society thesis describes "an era of modern society that no longer merely casts off traditional ways of life but rather wrestles with the side effects of successful modernization – with precarious biographies and inscrutable threats that affect everybody and against which nobody can adequately insure." In this sense, Beck uses risk to refer to socially perceived and human created potential dangers, and in today's "risk society" these have

amplified as a result of modernisation. Beck (2007: 13) argues that risk is not measurable and its objective character is derived from cultural perceptions and evaluations. In doing so Beck obscures the distinction between risk and uncertainty, of known and unknown chances. Conceptually risks do have a measurable quality. Socially derived perceptions of threats and dangers might be uncertain and even unknowable or are known threats and dangers that are calculable, and therefore risk. It is not be possible to avoid the unknown vulnerabilities, dangers or profits associated with uncertainty, whereas calculable dangers (risks) are avoidable. This is an issue which Pixley (2014: 206) claims is not accounted for by Beck - as risks are knowable, we may be able to avoid them. The supposed calculability of risk can provide an "illusory comfort" (Pixley 2014: 206).

To theorise risk as permeating all areas of society also minimises that risk has a relationship to capitalism and is positive and negative. In capitalism, risk equates with *gains* or profits and *danger* of loss of money (Pixley 2014: 205). The couplet risk/uncertainty in this accounting looks at the exact same gain/or danger; the difference is that the former calculates on past statistics but uncertainty has no future statistics (Pixley 2012: 205). As is mostly the case in finance, business or politics, vulnerabilities cannot be known for "certain", so caution to the future is better. However, these are all market type calculations. Risk management in child welfare is incorrect because risk does not mean gain or profit; it only purely means dangers. Statistics on dangers recorded in the past can only make correlations and correlations cannot show that this causes that, so in child welfare there is no comparability.

In other areas of social life, social insurance programs *cope with* vulnerabilities by providing compensation in the event of loss (e.g. funeral costs). Such risk strategies accept that accidents or catastrophic changes might occur and make available a pool of funds to compensate for financial loss based on the prevalence and magnitude of loss (Simon and Baker 2002: 3). As Pixley (2014: 205) points out insurance does not, however, try to prevent all dangers, only compensate for certain losses. As dangers to children cannot be monetised, quantifying risk in the way achieved by insurance schemes is unlikely to provide comfort in coping with vulnerability.

As risk is a market type calculation government departments seeking to manage risk in child welfare policy will not be able to benefit all households. It may and often does rightly try to prevent dangers as an aim, and not always successfully, but there are relationships at all levels between parents, schools, labour and markets etc that cannot be calculated in terms of profits/losses (Pixley and Bittman 1997). Therefore, risk is a useless concept when the aim is to prevent dangers. If child welfare policy central concern is with the prevention of dangers, this is better than risk and highlights a complete absence of any positive aims to foster a good life. Excluded from preventing dangers are a multitude of positive ways that children are welcomed into the world.

Other studies of risk in sociology have perhaps made clearer than Beck the capitalist relationship of risk as gains or profits and danger of loss of money. Francois Ewald (1993) in his seminal piece on risk explores how human created ecological risks challenge the idea of risk as in nature. However, this shift in consciousness to human created ecological risks remains within the paradigm of

market relations. Ewald (1993) is interested in the challenge made by the ecological movement to the measurement of risks as monetary gains or losses to account for capitalism externalities of environmental degradation. It is the premise of this thesis however, that given children are generally not cast as risk takers in the market economy, new ways of conceiving of risks in market relations is not the central issue. Rather what is central, is how and why the notions of risk dominate child welfare policy given they are not useful in this context.

Child welfare and risk

In the early 1990s, Wald and Woolverton (1990) drew attention to how risk assessment methodologies were becoming common in child welfare agencies throughout the United States. They believed that risk-assessment instruments were a positive development because they can "improve decision-making, facilitate internal supervision, and lead to more efficient resource allocation" (Wald and Woolverton 1990: 484). However, they were concerned that risk assessment instruments had not been adequately designed or researched to make "highly accurate predictions of risk" (Wald and Woolverton 1990: 485). Wald and Woolverton (1990: 486) argued that "if child protection agencies engage in a substantial amount of research we will learn which factors are the most predictive of future abuse".

In advocating risk assessment for predicting future abuse Wald and Woolverton (1990) blur risk and uncertainty. Research that might elaborate factors that correlate with child abuse, is different to determining factors that are predictive of child abuse as this implies causation (which given radical uncertainty is not possible child welfare). There is some merit in Wald and Woolverton (1990)

belief that increased information might (only might) help predict the likelihood of future harm. Risk assessment is beneficial, they argue, because ascertaining the likelihood of future child maltreatment may allow for fairer decision making because it exposes value judgments. However, it is important to point out that the standard of evidence in our criminal justice system is that convictions are made "beyond *reasonable* doubt" and by a unanimous verdict. These principles do not deny uncertainty whereas risk assessments do if they aim at quantifying risk. Wald and Woolverton (1990) do not raise this as a problem.

In the United Kingdom and Australia, studies have drawn attention to issues with particular risk assessment tools and systems. Broadhurst et al (2009) asked whether tools like the Intake Assessment System (IAS) introduced in the United Kingdom improved the safety for children and the decision making of social workers. They found evidence to the contrary; that they did not allow for comprehensive data collection and distorts assessments (Broadhurst et al 2009). White et al (2008) researched a different tool, the Common Assessment Framework (CAF) in the UK and found such tools have difficulty achieving conformity as they are contingent on worker competencies and institutional contexts. In Australia, Gillingham and Humphreys (2010) found that risk assessment tools were not used in the way intended as workers made their decisions based on their own judgments rather than being guided by assessment tools.

Examining how risk assessment tools are used in practice illuminates the contextual factors that may not be accounted for by designers and in the implementation phase. It might be that such problems could be overcome by

improved designed and more informed implementation. However, it is not clear from these studies whether certainty is assumed by risk assessment tools. A problem of risk in child welfare policy stressed by Macdonald and Macdonald (2010) is the focus on "risk of bads", especially the risk of "extreme bads". They claim, as have others (Howe 1992), that child welfare policy has attempted to predict low frequency extreme events such as child homicides. Macdonald and Macdonald (2010: 1176), in my view, quite rightly point out that "a preoccupation with low-frequency events will inevitably mean a dangerous misallocation of scarce resources" because in child welfare it is difficult (if not impossible) to predict those cases that might result in homicide. As proponents of radical uncertainty in child welfare, Macdonald and Macdonald (2010: 1177) highlight that because causal routes to an extreme bad is various and "the bad comes about by varying concatenations of events, then the logic of prediction becomes very difficult". Furthermore, they point out "social workers rarely have influence over the full range of factors that impact on children's lives" and it is therefore difficult to say whether an intervention will deliver the desired consequences (Macdonald and Macdonald 2010: 1179). They argue that the future is vulnerable to random shocks (Macdonald and Macdonald 2010: 1179). Human error (and the need to allocate blame) is also contestable if human judgment is expected to predict unpredictable outcomes (Macdonald and Macdonald 2010: 1179).

When risk methodologies in child welfare ignore radical uncertainty, as Parton (1998: 5) argues has been the case in the United Kingdom for some time, such policies are unsuccessful in "either meeting the needs of children or responding to child abuse". Melton (2005: 11) contends that contemporary child welfare policy has failed because it is aimed at detecting profound child maltreatment (because

such maltreatment is likely to lead to extremely poor outcomes) but such cases are rare. Melton (2005: 11) argues the less egregious but chronic threats to a child's personal security are not as easily detectable, and the steps that should be taken to protect children are apt to be both uncertain and multi-faceted. Macdonald and Macdonald (2010: 1178;1179) believe neglect to be the major issue in child welfare and is "poorly defined and difficult to quantify". Melton (2005: 12) argues that attempts at risk labelling may lead to unnecessary and intrusive investigations and does not attend to the more immediate and serious issues of safety to children.

Finding ways for the profession of social work to recover lost ground from the risk dominant approach is a concern for both Parton (1997) and Macdonald and Macdonald (2010). They emphasise that it is uncertainty not risk that social workers face. For this reason, they argue that models of practice need to promote ways of working with uncertainty. Rather than minimising unquantifiable risks, Macdonald and Macdonald (2010: 1176) argue that the goal should be to "amelioration of present misery", so that the criteria for intervention could be made more apparent, the costs and benefits more accessible and existent, and the strategies for intervention and evaluation more transparent.

Risk in child welfare policy has a history earlier than that of the introduction of risk assessment tools. The site of analysis of this thesis is social policy rather than social work practice and I therefore look more broadly than the social work profession. A historical background is needed to explore the changing role of the State in child welfare in Australia and the challenges faced by contemporary child welfare policy. The case study of *Keep Them Safe* asks how problems are framed

to make quantifying risk the central issue. This involves analysing policy discourse in key policy texts including policy statements and official reports.

In analysing discourse sophisticated methodological approaches can be used such as critical discourse analysis. My analysis aims to be sophisticated through a straightforward critical analysis of policy which examines the changes proposed and evaluates these changes. Given that uncertainty is ideologically neutral and perceptions cannot change the distinction between risk and uncertainty, an examination of various layers of discourse in other methodological approaches is not necessary (Pixley 2014: 203). Nor is it necessary to analyse competing discourses and truth claims to understand power common to the postmodernist approaches. In particular, Parton (1997) who in studying child welfare links changes in child welfare policy to the decline in sovereign power and universal principles. I view child maltreatment as ideologically neutral as universal human rights principles are well established (Fattore et al 2000). With regards to power, I take a position articulated by Smith and White (1997) that accepts that policy is controlled and implemented by identifiable agents, commonly elites vested with responsibility to decide on particular approaches. I argue that there are ways to frame problems in child welfare policy that ignore uncertainty and question how this is achieved in a case study of *Keep Them Safe*.

Advocating for a different approach to risk – looking out for children and welcoming them into the world.

That social policy should aim to welcome children into the world is a view shared by C. Henry Kempe (1979). Kemp was an American paediatrician who in 1960s was one of the first in medical community to recognise child abuse. During his

life he campaigned for improvements in the identification and recognition of child abuse. Kempe (1979: xi) conceptualised an optimum stage in social policy with regards to child abuse and child welfare. He believed stages move from denial through to dealing with those areas that are taboo, to guaranteeing that a child “is truly wanted, is provided with loving care, decent shelter and food, and first class preventive and curative health care” (Kempe 1979: xi). That final stage of development can also be referred to as welcoming children into the world (Pixley and Bittman 1998). Whether social policies embrace and invest in meaningful initiatives that encompass welcoming children is an important question that will be examined in this thesis.

A model that adopts the view that children are to be ‘looked out for’ and ‘welcomed into the world’ is aspirational for children. It would reflect what Esping-Andersen (2000: 158) views as a social and cultural transformation in welfare politic that perceives of children as citizens and as bearers of social rights that are not dependent on a system (and in a capitalist society is a system of capital accumulation achieved through market operations). Welfare that serves to welcome children into the world in accordance with Esping-Andersen (2000) seeks to decommodify so that children are granted an inviolable right to have their primary needs met and to receive adequate care to universal standards regardless of their position in the market. Welfare arrangements that serve children also create more space for them to be looked out for as any expansionary welfare provisioning is more likely to mean adults (beyond parents) bear greater responsibility. Ultimately governments, in the care and protection of children, carry a greater burden. The social problem to be addressed is considered more

complex and the values shape a different relationship between state and citizens, families and children (Hardiker et al 1991).

To describe how social policies in different countries make compromises in their share of the burden of welfare, Esping-Andersen (2010) formulated welfare typologies. In a residual social welfare regime that characterises the Australian system, the responsibility for child rearing has been said to rest predominantly with parents, with the state intervening only when necessary (Esping-Andersen 2010); Healy and Oltedal 2010: 259). In a residual social welfare regime the forensic focus of child protection on identifying and treating the worst cases of child maltreatment might outweigh a focus on promoting child and family wellbeing (Healy and Oltedal 2010: 259). In contrast, other countries place a strong emphasis on universal social provision, holistic services and strong social protection which Esping-Andersen (2000) describes as the social democratic model common to Scandinavian countries.

Different welfare regimes will also shape institutional and workforce characteristics. Healy and Oltedal (2010) describe Norway's family and child welfare policies as sharing the responsibility for children between parents and the state and the state has a positive duty to contribute to both the costs and care of children (Healy and Oltedal 2010: 259). They found that the different social policy regimes of Norway and Australia establish institutional environments that shape workforce conditions such as the scope of child protection work, characteristics and responsibilities. I will examine how a pattern of residual welfare fits to a risk model of child welfare, using a case study of New South

Wales policy change, and how this restricts efforts to move toward a model of welfare that seeks ways to look out for children and welcome them into the world.

Looking out for children is not straightforward and it is difficult for social workers alone to bear this responsibility. Parton (1998) and Macdonald and Macdonald (2010) have argued that social policy aimed at quantifying risk, does not appreciate the complexities involved in face to face interactions with children across a broad range of professionals. According to Heimer and Staffen (1998: 101) responsibility can be understood along five dimensions involving decision making. These dimensions include balancing personal interests with the interests of children, choosing between long-term or short-term outcomes, trade offs against many values or a single value, maximising beneficial outcomes rather than follow rules or prescribed procedures, and coping with contingencies and uncertainties regarding the costs and benefits that might accrue to them or the child or children (Heimer and Staffen 1998: 101). It is a significant challenge for child welfare policy to encompass these dimensions. That said, it would be concerning if social policy minimises such complexity. For this reason, my analysis of *Keep Them Safe* will consider whether assumptions are made that limit a more sophisticated insight into professional responsibility, bearing in mind modeling professional responsibility in child welfare policy is beyond the scope of this thesis.

Risk as a theoretical framework for child welfare policy is problematic for reasons explored here. This has led to a number of practical problems that social work academics have alluded to whereby policy approaches and practices appear not to be meeting the needs of children. There has been a useful attempt to theorise

uncertainty in social work, advocating for a resurrection of Keynesian notion of radical uncertainty and arguing against the idea that welfare concerns of children are quantifiable. This is promising, however, as child welfare involves more than social work, my analysis concerns how social policy frames risk. I also frame alternatives to social policy to risk using social policy theory and the theory of responsibility rather than social work practice. This tells use what it might mean for social policy to look out for children and welcome them into the world. Social policy approaches can be aspirational for children, bear greater responsibility for their care and appreciate more fully the complexities in caring for children.

2. Historical origins of 'risk' in child welfare policy

This chapter proposes a typology of risk in child welfare policy by providing a brief outline of major historical developments in child welfare policy. These typologies are evident from analysing two historical periods in New South Wales. The first refers to nineteenth century forms of institutional care for children. It outlines briefly how this form of social policy sought to reduce and control risks (in terms of dangers) to economic security and meant the state took greater responsibility for children. The second refers to a shift in the mid twentieth century from institutional forms of risk management to individualised concerns of child death or severe impairment associated with medical discoveries such as the Battered Child Syndrome. This chapter aims to show using Keynes's view of radical uncertainty that such models of risk tend to treat dangers to children as controllable and predictable and thereby fail to account for uncertainty. It seeks to demonstrate the challenge that exists for contemporary forms of child welfare policy in residual welfare regimes of finding ways to give recognition to and better cope with uncertainties and complexities involved in looking out for children and welcoming them into the world.

Rescuing the rising generation

The second half of the nineteenth century was a significant time for politicising children and families. In this period, the impacts of industrialising capitalism and the creation of mass urbanisation and markets for labour became increasingly evident. These developments had unintended, unplanned but enormous results.

One was the urgent need for children to be trained domestically and put to labour at an early age. Where once children had a valued role in peasant and rural societies, in a rapidly growing capitalist economy, children began to be viewed as an expense on families and potentially the state (Bittman and Pixley 1997: 59). Governments came to have a more active role in the lives of children by sending them to school and, for the children of the 'pauper classes', to industrial schools. In doing so, the government 'rescued' indigent children from their social environment and the threat of exploitation in a market for child labour.

In New South Wales this was a period where the State appeared to take greater responsibility for the care of children. As Van Krieken (1991: 64) ascertains from his study of parliamentary and newspaper records, the view at the time was "the urban poor simply did not work hard enough, and were morally resistant to change, so the only hope lay in the rising generation". These views seemed to achieve a consensus regarding the State's role. The consensus was, argues Van Krieken (1991), that because some families were morally corrupt and failing in their responsibilities to children, the State needed to step in to "rescue the rising generation" to prevent future social problems (Van Krieken 1991: 64). An extract from *Empire* on 1 April 1854, a major metropolitan newspaper, illustrates both a desire to establish institutional State sponsored care and a scientific basis for social reform to address the threat that children socialised within bad environments posed to social order. It suggests that children were a potential expense on the State, but if investments were made early to enhance their productive capacities, returns could be realised later as a potential labour source for industry (whether rural or urban).

... it seems to us that if any just principles can be laid down towards reducing public charity to a practical science, it is this, that the earlier life that pauperism is laid hold of, the shorter time at any stage of life it is allowed, until it is yoked into some productive occupation, the greater will be the benefit to the State in saving of expense on one side, and in the gain of industry on the other.

(cited in Van Krieken 1991: 64)

To “rescue the rising generation” the State needed to establish institutions as way to manage the perceived risks children posed to the social hierarchy and economic prosperity. In New South Wales, the *Destitute Children Act* 1866 legislated for the establishment of industrial schools for any children under 16 found ‘wandering’ in cities and reformatories for those convicted of an offence punishable by imprisonment (Van Krieken 1991: 69). Separate schools for girls and boys were established but no reformatory established for boys (Van Krieken 1991: 69). It was by association that children needed to be placed in care. Should they be in the company of people who were deemed of ill repute, they were likely to be a target of the authorities. However, many of the first industrial school also served as penal institutions. This meant institutions “intended for poor, homeless and vagrant boys and girls, to a large extent ... became part of the criminal justice system, operating more as reformatories” and places for punishment (Van Krieken 1991: 69). Police could simply charge a child with vagrancy and get them off the street by placing them in industrial schools.

Problem of risk and institutional care

Institutionalised forms of care obviously did not serve children well. The hopes that social stability and economic growth can be framed in terms of gains and losses proved illogical. These gains or profits would not accrue to children, but

would only sometimes benefit employers (later, and only if children were adequately trained to labour). Even under authoritarian forms that locked children away, this approach to child welfare proved not to go to plan. Children as autonomous beings were likely to rebel against various forms of moral and industrial instruction and/or be psychologically damaged by institutional cruelty and violence.

The failure of institutional care was recognised early on when in 1873-74 the New South Wales Public Charities Royal Commission stated they were not producing “self-reliant individuals who would go on to be hardworking, industrious and morally virtuous citizens, forming cohesive families of their own” (cited in Van Krieken 1991: 72). It saw it as a failure of any large-scale institution that treated inmates “as anonymous parts of a collectivity rather than as separate individuals” and was not conducive to the development of good characters, particular for young girls needing exposure to domestic life (Van Krieken 1991: 72). It was thought that if children could grow up in respectable family environments, they could become respectable individuals who could create good families themselves. The “family principles” arguments were translated into boarding out schemes so that children could be boarded out with respectable working-class families and assisted financially. Although there was some attempt to pioneer such an initiatives, the idea that there existed a “respectable working class” to carry this role was opposed by conservatives, which meant institutions continued as the preferred method of care for children for some time (Van Krieken 1991: 73). As no genuine alternative was offered, institute schools came to serve as nascent juvenile justice systems. This division between penal approaches to youth and

protective responses to children is still a feature of the system and a legacy of the developments outlined here.

Recognition of child abuse and neglect as a major issue in social policy

Cruelty to children did gain some visibility in the late nineteenth century as a result of the activities of child welfare activists in England and the United States. In New South Wales, it led to the enactment of the *Children's Protection Act* 1892. This legislation made neglect and ill-treatment of children an offence carrying a prison sentence of not more than twelve months. Child welfare activists concerned with severe cases of abuse and neglect led the movement and had a key role in the enactment of child protection legislation in England and Australia (Mathews 2008: 206). These developments also granted power to the police and children's department officials to proactively seek out children in need of saving from cruelty (Swain 2014: 7). How concerted officials were in protecting children and recognising child abuse as a problem is unclear. In the United Kingdom, Ferguson (1997: 223) claims that in the late nineteenth and early twentieth centuries, inspectors from charitable societies could enter homes and had great ambitions for protecting vulnerable children. This generated a great deal of publicity. In New South Wales child welfare officials did not support the idea of licensing agents in the voluntary sector, as they felt only their official agents had the tact and skill that such intervention required (Scott and Swain 2002: 27).

Child abuse was also recognised in institutional environments but very little was done to actively prevent it. The poor treatment of children was criticised in inquiries in the early part of the twentieth century with allegations of cruelty to

children in New South Wales's boarding homes and institutions (Van Krieken 1991). However, the general aspects of administration and control of institutions appeared a greater concern with a report in 1915 claiming "unsatisfactory condition ... as to methods of organisation" (Van Krieken 1991: 114). According to legislation at the time, to ill-treat, terrorise, overwork, injure or neglect a child committed to an institution only imposed financial penalties (Swain 2014: 8). Institutions were generally poorly supervised and children rarely protected from abuse. Despite inquiries indicating shortcomings of these arrangements, recommendations were rarely adopted (Van Krieken 1991: 118). Problems of "inadequate training and staff levels, cruel and excessive punishment, and poor organisation" persisted (Van Krieken 1991: 118).

In New South Wales, it is difficult to establish when child welfare policy took greater concern for safeguarding children and supporting families. Swain (2014: 9) argues that the faith in the reformatory powers of institutions was in decline from the 1950s and policies were marked by a gradual move toward de-institutionalisation of child welfare. In contrast, Tomison (2001: 3) argues institutions for the care of children were not abolished until the 1970s when foster-care and small group homes became the preferred option. While there is some suggestion of significant change from the 1950s, a more in-depth analysis is required to understand how more progressive ideas were translated into practice. Lonne et al (2008: 21) suggest that in the post-war period in England, Children's Departments established "a professional state-sponsored child welfare service which saw the family as an object of positive social policy" and helped to create a generic form of social work practice with institutional legitimacy (McDonald et al 2003). However, in Australia it appears social work did not gain this type of

legitimacy or status (McDonald et al 2003: 200). Where in England, an analysis of the role of social work might inform how new ideas were translated into practice, in Australia it is possible that there were a number of occupational groups involved in operationalising changes to social policy in child welfare from the 1950s onwards (McDonald et al 2003: 201). However, Jamrozik (2009: 246) is of the view that voluntary community workers and family relatives provided support to families.

While it is unclear the historical formations of a formalised system of family support in Australia, the introduction of income payments that improved the general economic situation of households can be more clearly studied. Shortly after federation, a strong labour movement gained the opportunity to enshrine in law and industrial relations the concept of a living wage that was adequate to cater for the needs of an average family with an 'average' number of children. A minimum 'living' wage was established through the Harvester Judgment and provided a form of social protection (Castles 1994). With significant hardship caused by the depression there was a much stronger case for the Commonwealth government intervention to alleviate financial risks beyond the control of individuals and to improve employment opportunities. From the 1940s onwards income support measures were gradually introduced such as child endowment payments, widows' pensions, unemployment and sickness benefits, health care, and child support schemes (Fogarty 2008: 58). These developments improved living standards and family care giving capacities, relative to the acute poverty previously experienced, particularly in the 1890s and 1930s depressions.

Battered Child Syndrome

In 1962 an American paediatrician C Henry Kempe with his colleagues published an article “The Battered-Child Syndrome” in *The Journal of the Medical Association*, which gained considerable notoriety. This article catalysed public and policy interest in extreme cases of child abuse. It drew on a nation-wide survey of hospitals in the United States and x-rays of repeated and untreated physical injuries found in young children, usually under the age of three. A major diagnostic feature of the battered-child syndrome, Kempe et al (1962: 24) argued, was “a discrepancy between clinical findings and historical data as supplied by parents”. Kempe et al (1962) provided an important analysis on the role of doctors in recognising and identifying child abuse. They observed that: “Physicians because of their own feelings and their difficulty in playing a role that they find hard to assume, may have great reluctance in believing parents were guilty of abuse. They may also find it difficult to initiate proper investigation so as to assure adequate management of the case.” (Kempe et al 1962: 24). This article clarified professional responsibilities with respect to children and abuse: “Above all, the physician’s duty and responsibility to the child requires a full evaluation of the problem and a guarantee that the expected repetition of trauma will not be permitted to occur” (Kempe et al 1962: 18). Kempe et al (1962: 18) called on physicians to make more thorough inquiries when “a child exhibits evidence of fracture of any bone, subdural hematoma, failure to thrive, soft tissue swelling or skin bruising, in any child who dies suddenly, or where the degree and type of injury is at variance with the history given regarding the occurrence of trauma.”

As a result of these findings, widespread public and media agitation ensued in Australia and the United States so that child abuse became a serious social issue requiring greater involvement by governments (Fogarty 2008: 57). The response in the United States was immediate (Lonne et al 2009: 23). It took only one year for the United State's Children's Bureau to issue a model reporting law whereby certain health and welfare professionals would be required to report cases of actual and suspected child abuse to designated public authorities (Lonne et al 2009: 23). By 1967 all US states had adopted these laws (Lonne et al 2009: 24). Within ten years most states in Australia had introduced similar laws (Matthews 2008).

In addition to introducing reporting legislation or establishing professional duties of care, the circumstances in which the State might intervene and assume the care of a child were defined more clearly. A greater emphasis was placed on evidentiary processes rather than 'based on the exercise of moral authority reinforced by law' (Scott and Swain 2002: 121). Such evidentiary requirements tempered the discretion of authorities to make value based judgements in child protection cases. Professional expertise (particularly medical expert knowledge), I would imagine, had a greater role in establishing the need for the State to assume the care of children. It also demonstrated reduced faith in State intervention and that the outcomes of such acts were highly uncertain. This loss of faith, however, may have been strengthened by greater use of risk science. If medical diagnosis clarifies the risk of loss of a child life, it would establish more confidently the grounds for child removal.

Problem of risk and the medical model

Reporting legislation, greater emphasis on medical evidence and respect for familiar care were major advancements. However, some claim, like Melton (2005: 10) that there were a number of factors that were not appreciated by policymakers. These included assuming that because cases of child battering were relatively rare and enforcing a duty to report harm would not impinge significantly on existing resources (Melton 2005: 10). This did not account for the fact that attending to cases of child abuse and neglect might not be straightforward. Melton (2005: 11) asserts that these assumptions lacked foresight in that promoting a duty to respond to hidden forms of profound child maltreatment, the duty to protect children actually encompassed “less egregious but chronic threats to their personal security” (Melton 2005: 11). Although risks may be evident in these cases as well, “it is also diffuse, and the steps that should be taken to protect children are apt to be both uncertain and multi-faceted” (Melton 2005: 11). Medical discoveries and governments assuming greater responsibility to identify risk of child death or severe maltreatment, inadvertently widened the net of child welfare policy for cases that were uncertain and difficult to manage confidently.

According to Melton (2005) the problem that concerned policy makers was only the tip of the iceberg of what was perhaps a much larger problem. Child protection agencies became inundated with reports regarding the wellbeing of children (Sealand 2003: 65). As not all these reports concerned cases that might require the removal of children, there was difficulty formulating an appropriate response for these ‘grey areas’ (Parton et al 1997: 43). Rather than recognising the problems created by ‘grey areas’, governments demonstrated a continued faith in risk management so that the focus has been on risk rather than uncertainty. Parton

et al (1997: 35) analysed legislation enacted in England from the 1990s that introduced the concept of 'high risk' as the threshold for State involvement. Parton et al (1997) cites this legislation as promoting the idea that a careful assessment of risk could, in theory, mean that identifying actual or potential 'high risk' individuals or families could protect children while avoiding unwarranted interventions (Parton et al 1997: 35). In this notion of 'high risk' is the idea that characteristics or signs point to the potential for such abuse in future (Parton et al 1997: 57). Parton et al (1997: 57) have disputed that factors or signs can be predictive because child abuse is such a complex issue and what constitutes child abuse has broadened considerably. For example, a child who is not yet at the age to go to school is left unsupervised because their sole parent, who lacks support networks, needs to work to earn an income and leaves the child unattended to go to work (risk here is not measurable as it would be in the case of a battered child appearing in a hospital setting). The broader attention to child welfare concerns gained by reporting legislation has meant that many such cases are reported to government departments as community expectations have raised that care workers might be able to put in place support arrangements that might benefit both the child and the parent. However, as Melton (2005) points out, policy makers did not resource the sector with such cases in mind.

Determining what is 'high risk' and 'low risk', in accordance with Knight and Keynes, would always involve uncertainty, so while labelling cases might draw attention to *possible* dangers, it is not possible to achieve certainty. I would also argue that these developments are concerning because while removing a child is the most dramatic step, precautionary approaches that act in response to uncertainty are more crucial, as they endeavour to where possible, provide a care

and ensure someone is always “watching out” for children “providing them with direct social and economic support, and engaging them in a network of reciprocal help” Melton (2002: 579). As Melton (2002: 579) argues drawing attention to dangers by labelling does not deal with more serious and immediate issues of the safety children. This type of response, and the most appropriate response given it is not possible to predict risk, as Melton (2002: 579) argues has not been incorporated into current policies. Instead investigative and punitive ideas have been the focus thereby adopting the idea that ‘high risk’ cases most likely to result in child removal can be identified without much attention to how other cases might be responded to (Melton 2002: 579).

The need to account for radical uncertainty

This chapter has outlined two distinct rationalities of risk with respect to child welfare policy evident historically. One policy position considered the risk that children might pose to social and economic stability if they do not receive proper moral instruction. This position legitimated institutionalised care for children. The other concern arose later of the likelihood of child dying or being severely impaired, grounding risk theory and individualised risk assessment. Both models of social policy that emphasise risk appear to have failed in terms of providing universal forms of care and protection for children. Institutionalised care was done away with primarily because it was cruel, and unfairly targeted working class children and ultimately did not serve society well. Individualised forms of risk assessment meant that cases notified to agencies have not been adequately responded to. If the dominant policy concern is cast not as risk but as dangers and applying Keynes’s view of radical uncertainty, it can be shown that child welfare can only be concerned with the unknown chance of dangers. Parton et al (1997)

agree that to attempt to establish causal links between historical data and child abuse is a fallacy. The following chapter will consider the institutional context of child protection in New South Wales to provide background to the policy analysis of *Keep Them Safe*.

3. Contemporary child welfare policy in New South Wales

In analysing the contemporary discourse of child protection, Parton et al (1997:18) claim that policy concerns during the 1990s in the United Kingdom were not so much with doing something about *child abuse* but doing something *about* child protection. In archival material drawn on in this section relating to child welfare policy in New South Wales from 2000 onwards, it will be shown that it is not dangers to children that is the concern, rather it is policy problems framed in abstract ways such as the need to manage ‘demand’ and establish ‘thresholds of risk’. It will be argued that this approach to social policy in seeking to measure and control future risks, obscures uncertainty and the need to strengthen welfare provisions more broadly and the recognition of vulnerabilities faced by children. It is therefore an approach that, as Parton et al (1997) have observed in other settings, is primarily concerned with institutional and operational aspects rather than the genuine needs of children. It suggests that as more progressive ideals were embraced with modern discoveries of child abuse, social policy has compromised the enactment of such ideals with a focus on organisational efficiencies.

From 2000 onwards the New South Wales Government commenced a major restructure to the child protection system. At the time, 85 community service centres across the state received and investigated reports and there was no centralised intake apparatus (NSW Parliamentary Debates, Legislative Assembly,

27 March 2001: 12631). A new centralised “Helpline” was established, modeled on similar systems operating in South Australia and the US (NSW Parliamentary Debates, Legislative Assembly, 27 March 2001: 12631). The Helpline commenced on 18 December 2000 and not long thereafter faced considerable criticisms for excessive waiting times, and inadequate attention to resourcing and training more generally (NSW Parliamentary Debates, Legislative Assembly, 27 March 2001: 12628).

The changes were mainly structural and tended not to address the key concerns with assessment procedures at intake. The opposition attacked the government on this point. They were concerned that the Helpline acted as a smoke screen to disguise much deeper problems. They went so far as to claim that the Minister was fraudulent in referring to the “Helpline” as a recommendation of the previous Wood Royal Commission into Police Corruption. In retaliation the Minister for Community Services Faye Lo Po’ claimed that the helpline would achieve changes to assessment procedures to “free up the front-line staff to deal with child protection matters and result in greater consistency around the state” (Parliament of New South Wales, Legislative Assembly, 27 March 2001: 12631). The Minister also claimed that after three months, the Helpline was a significant step in obtaining adequate child abuse data to understand the extent of child welfare problems. The Minister stated that information obtained from Helpline data was frightening since it shows “what is happening in families and how children are subjected to the most horrendous lack of care is only now becoming evident” (Parliament of New South Wales, Legislative Assembly, 27 March 2001: 12637). The Minister further stated that:

“The helpline has given us a roadmap to child abuse in the State. We have 60 more DoCS officers and they will be put where we [sic] they are needed. We are becoming aware of child abuse in areas where it has not previously surfaced.”

(Parliament of New South Wales, Legislative Assembly, 27 March 2001: 12638)

The information obtained did not translate into an improved funding model for child protection services. There was a dramatic rise in reports to the Helpline which increased pressures on DoCS. Statistics recorded an increase in 76 per cent from approximately 80,000 in the 2000 calendar year to around 140,000 in 2001 (NSW Parliament, Legislative Committee 2002: 54). This dire state of affairs was made apparent by an expose on the ABC’s Four Corners program, which aired on 15 July 2002. Anecdotal reports of DoCS staff were of seeing the terrible suffering of children but having no capacity to attend to these cases (Putting Children at Risk 2002). Claims were also made on this program that DoCS had tampered with reports while they were under official investigation (Putting Children at Risk 2002).

In 2002 global accountancy firm PricewaterhouseCoopers (PwC) was appointed by the NSW Government to quantify the work loads and determine the required staffing levels needed to address pressures on DoCS. This review understood the problem as a need to manage ‘demand’ – a term which would be synonymous to a banking call centre, rather than social policy concerned with the welfare of children. Although PwC found that available data was insufficient to make determinations regarding how to manage demand, PwC recommended the government invest in improved organisational metrics (PwC 2002: iii). It

recommended work sampling to measure the “time required” and the “time available” to do work (PwC 2002: iii).

The analysis undertaken by PwC set the stage for a more enthusiastic adoption of methodologies applicable to the private sector and the desire to achieve greater efficiencies. As Pixley (2012: 198) points out there is greater trust in numbers from irrational attempts to predict the future, particularly when commissioned from global accountancy firms that are “the oldest measuring core of capitalistic economies”. It is likely that such measures of demand might have given assurance to officials that future uncertainties could be made known and that an analysis of the complex and highly emotive nature of child protection work might be avoided. In the official report containing the findings of work sampling (“the Kibble report”) it claimed the time required to perform work based on work sampling analysis was significantly skewed. Rather than question the narrow focus of such data and therefore its utility for policy making, Kibble suggests that more excessive work times reflect staff experience rather than the complexity of cases (Kibble 2002: 13). The Kibble report stated in its findings that there was a projected need of approximately 1000 additional staff which would need to be recruited in stages. This was a conservative view ascertained from opinions that varied widely from 620 to 2,045 staff required (Kibble 2002: 1). It is not made clear in its report the rationale behind these estimates only that they adopted a “range of techniques” (Kibble 2002: 1).

In my view, demand management from this point started to frame how child welfare policy was formulated. This was reflected in commitments made by officials in a report issued in 2002 by the Standing Committee on Social Issues to

establish ways to accurately measure demand. Overall the Standing Committee expressed its limited confidence in the current child protection system but in attempting to balance resource requirements it adopted the demand management approach contained in the Kibble Report and the continued engagement of PwC to analyse demand (along with processes and procedures). This approach emphasised that new data systems were needed to inform management, planning and budgets as, at the time, they did “not provide an accurate picture of demand for services, of work being done, or of the match between demand and supply. The *time required* to process reports, undertake investigations or assessments, and carry out ongoing casework tasks should be measured” (NSW Parliament, Legislative Committee 2002: 55).

Throughout the Kibble report are terms that define demand management in highly technical ways. These include “demand sampling”, “demand modeling” and “demand modification” (Kibble 2002). Demand modeling referred to modeling that predicts future staffing requirements based on demand sampling (Kibble 2002: 7). While demand modification was referred to as steps to prevent children coming into the child protection system in the first place and preventing re-notification and/or escalation of seriousness (Kibble 2002: 3). The Kibble report distinguished demand modification as a way to manage both current and future demand. It recommended that by investing in both current concerns and early prevention efforts it would prevent “further growth in demand” and thereby contain expenditures (Kibble 2002: 3).

Despite such a narrow analysis, the Standing Committee argued for a significant funding increase. This funding was intended for prevention and early intervention

and expanding the role of non-government services based on the idea that to prevent further growth in demand, staff were needed in variety of different areas. Consequently, the Director-General of DoCS sought funds and support from the government to improve its capacity to deliver on these recommendations (Wood 2008: 9). In 2002 a reform package was announced to progressively increase the DoCS's annual budget from \$64.1 million to \$390 million within five years, with most of the funds to be directed to the non-government sector but managed by DoCS (Wood 2008: 10). Over this five-year period there was a total commitment of \$1.2 billion in additional funds (DoCS 2003).

The 2002 reform package injected funds that were clearly needed to strengthen prevention and early intervention efforts across the child protection sector in New South Wales. This development reflects an environment that in some respects appreciated the urgency to better care for and better protect children. However, the need to understand childhood vulnerability in a sophisticated way that could guide social policy in the long term did not gain traction. Instead rudimentary models suggested by management consultants ask for quantifications of work carried out at a bureaucratic level to make this work time bound and predictable. It could be said that this is an attempt to model risk used in similar way in finance to carve out bits that are certain, measurable and therefore controllable (Pixley 2014). This is not useful and is regressive because dangers to children are radically uncertain (Pixley 2014). It is also wrong to frame work with children in private sector terms such like gains or profits that might be achieved through managing demand as their dependency is unavoidable. Such attempts to model risk and avoid uncertainty will be prone to unexpected shocks that make clear the futility of such models (Pixley 2014: 218).

The assessment and management of risk and the Special Commission of Inquiry into Child Protection Services in NSW

After a period of five years the plans set out in the 2002 package of reforms were due for review to determine progress and what further changes needed to be made. In 2007 two high profile child deaths brought the government under intense criticism. Dean Shillingsworth's body was found by police in a suitcase, floating in a duck pond in Sydney's south-west on 17 October 2007. He was aged two years and seven months. His mother was charged with murder and pleaded guilty. A month later on 3 November 2007, the body of Shellay Ward was found in her home on the NSW central coast. An autopsy later found that her death was due to chronic starvation and neglect (NSW Ombudsman 2009b: 1). Her mother and father were charged in relation to her death. In both cases several reports were made to DoCS concerning their wellbeing. On 6 November 2007, the NSW Ombudsman ("the Ombudsman") in a media release announced he would commence an immediate investigation into their deaths (NSW Ombudsman 2007).

The media response was immediate and very critical of New South Wales's child protection services. News media claimed that safeguards put in place to protect children had failed. Although media reports did not have full information of the circumstances of these deaths, editorial commentary in the national newspaper, *The Australian* referred to comments made by the Ombudsman that there is a "poor track record of child welfare authorities" (*The Australian*, 24 October

2007). The *Sydney Morning Herald* reported on comments by the Ombudsman that he saw instances of many reports made to DoCS with no adequate assessment of risk and that DoCS closed many cases that should not be closed.

The Ombudsman's formal investigations into the death of Dean and Shellay undertaken in 2007/2008 and made public in 2009, raised important questions about the actions of the Department of Community Services (DoCS) and other agencies. In Dean's case the Ombudsman identified that DoCS had received 34 risk of harm reports for the toddler and the siblings and most reports were closed by DoCS (NSW Ombudsman 2009b: 3). In Shellay's case, the Ombudsman determined that DoCS had received information that Shellay was "a seven years old child with significant disabilities who had never attended school, could not talk, was slow to walk, whose parents struggled to manage her behavior, who received no services, whose room was boarded up, who had been living in squalid circumstances and who had not been sighted by any professionals in 2007" (NSW Ombudsman 2009a: 16). In Shellay's case the Ombudsman found that DoCS did not adequately gather and assess information to inform a risk assessment (NSW Ombudsman 2009a: 18). In Dean's case, the Ombudsman considered DoCS's action "revealed a continued failure to adequately respond to reports about the risk of harm to children" (NSW Ombudsman 2007b: 9).

While the Ombudsman clearly pointed out a lack of response, the Ombudsman raised some irreconcilable issues with the existing model of child protection. In my reading of it, it is unclear from its review how obligations to provide for care and protection arose. The Ombudsman states that reports of risk of harm were not responded to but does not clarify what were the risks and what was the required

response. It appears to me that it was necessary for the Ombudsman emphasise the role of risk assessment because it is not the Ombudsman's role to criticise the absence of a general framework of care. The Ombudsman's generally makes recommendations of a procedural nature, rather than for greater provisions for children (Liddell et al 2006: 21).

The absence of adequate care was an issue raised in parliamentary debate immediately after these deaths in November 2007. The Opposition Leader, Mr Barry O'Farrell, asked how it was that with such major funding boosts these children were not provided with adequate care. He asked "why after 12 years, five Ministers, multiple reports and reviews, a five-year \$1.2 billion so-called improvement program, an ever increasing number of children who are dying or injured are notified to the Department of Community Services" (Parliament of New South Wales, Legislative Assembly, 14 November 2007: 4116). The Premier Morris Iemma was in a difficult position. It was difficult for the Premier to establish that expanded budgets for early prevention and intervention had addressed major problems. The Opposition leader referred to these cases in the media as "sanctioned government neglect of children" (Higgins and Salunsinszky 2007). As social exclusion is the main issue, these children had limited exposure to any sort of mainstream or normalised care framework. While previous inquiries refer to early intervention and prevention, it is unclear to me how "early intervention and prevention" was in the service of children like Dean and Shellay.

Given the weight of public opinion, there was considerable pressure on Premier Morris Iemma to be seen acting with authority. He responded by establishing the Special Commission of Inquiry into Child Protection Services in New South

Wales, chaired by Justice James Wood (“the Wood Inquiry”). The Wood Inquiry was asked to consider the system of reporting, management of reports and cases, collation of information, professional capacities, cooperation between agencies and resource requirements generally.

Primarily the Wood Inquiry was concerned with analysing the child protection system and to recommend changes that might reduce “demand” on DoCS. For this reason the Wood Inquiry requested DoCS to determine what proportion of reports received did not reflect ‘real’ child protection concerns. DoCS informed the Wood Inquiry that 25-35 per cent of reports did not reflect ‘real’ child protection concerns (Wood 2008: 184). DoCS described these children as entering and exiting the system quickly (Wood 2008: 184). They are not referred on “because they are assessed at below the current risk of harm threshold” (Wood 2008: 184). DoCS informed the Wood Inquiry that if reporting thresholds were raised, the majority of these cases will be “‘out of scope’ for the child protection system” (Wood 2008: 184). According to DoCS, these children may have needs but such needs did not need to be addressed by DoCS.

In light of the information provided by DoCS, the Wood Inquiry claimed that the problems in child protection were due to the large volume of reports made to DoCS that did “not warrant the exercise of its considerable statutory powers” (Wood 2008: iii). The Wood Inquiry supported the recommendation that thresholds needed to be raised but did not make clear how such thresholds could be established by defining what did and did not constitute risk. Rather this threshold was ambiguous. The threshold was to be changed from “risk of harm” to “risk of *significant* harm”. The intention of this change was to express the

likelihood that a child may need to be taken into care. If it was likely that a child would need to be taken into care, then the case should be reported to DoCS.

Although the report made by the Wood Inquiry was substantial, covering three volumes, I make mention of the Wood Inquiry's intention to reduce demand by raising risk thresholds because they are indicative of a model of child welfare that holds that dangers to children are capable of prediction. Such a notion might have been disputed if there was greater scrutiny of decision-making. Instead the Wood Inquiry viewed DoCS records as reflection of demand which could be reduced by assessing and managing risk and ignored uncertainty. The problems with this approach will be outlined in the following chapter in an examination of *Keep Them Safe's* response to the Wood Inquiry.

This chapter has provided an institutional context of child welfare policy in New South Wales by analysing various inquiries from 2000 onwards. Inquiries prior to the Wood Inquiry in 2007 sought to better understand the function and operations of child protection system, rather than the needs of children. They resolved that by quantifying work units, demand into the future could be managed via projections, serving as a way to manage risks. The Wood Inquiry extended the notion of risk to departmental responsibilities by advocating for a raised risk of harm threshold for mandatory reporting. In all of this there was very little recognition of uncertainty. On the contrary, terms such as demand management and thresholds of risk create frameworks that obscure uncertainty. This is in spite of the shock prompted by the death of Dean Shillingsworth and Shellay Ward and the inability of institutional risk frameworks to prevent these deaths. The following chapter will consider how these problems are responded to by the

NSW's articulation of its policy commitments in 2009 entitled *Keep Them Safe: A Shared Approach to Child Wellbeing*.

4. Response to the Wood Inquiry - *Keep Them Safe*?

In March 2009 the New South Wales Government released its key policy statement in response to the Wood Inquiry. *Keep Them Safe: A Shared Approach to Child Wellbeing* was described in the media as a ‘radical overhaul of the troubled system’ (Horin 2009). The analysis that follows outlines that *Keep Them Safe* has adopted an ambitious agenda for strengthening child welfare policy. There are some areas where advances have been made to adopt a preventative framework to enable early intervention and universal support services. I find, however, that such ambitions are compromised as there is a failure to establish a framework of universal need and therefore target policy measures to target these needs. Of particular concern is the failure to challenge the prevailing view that risk can be quantified and uncertainty ignored. I set out how these comprises are linked to a particular framing of the problem and the consequences of ignoring uncertainty.

Keep Them Safe's stated aim is to ensure “All children in NSW are healthy, happy and safe, and grow up belonging in families and communities where they have opportunities to reach their full potential” (DPC 2009: ii). Targeting all children in New South Wales and aiming to ensure that children reach their full potential is clearly aspirational for children. It position the State's role directly in the lives of children, and indicates a desire to bear considerable responsibility for providing for the care of children and their families.

While aspirational, a discrete social policy that aspires to ensure all children reach their full potential is problematic because it overstates the impact that can be

made across all policy areas in New South Wales and the Commonwealth Government. To ensure that children reach their full potential means investing in universal social provision, holistic services and strong social protection and such investments requires addressing existing shortfalls in many social policy domains, if not all (Colton et al 1995: 726). In the opening statement by the Premier Nathan Rees, he states *Keep Them Safe* is a plan to reform child protection and a new way of caring for children achieved by partnering across government and non-government sectors. It therefore suggest a broader focus than child protection agencies. This is a positive development, however, the extent to which significant changes across departments can be achieved might be limited, particularly at a Commonwealth level. It is important to state these limits so that potential gaps can be made apparent.

For *Keep Them Safe* to aim at making *a contribution* toward enabling all children to reach their full potential is still aspirational. However, the contribution to be made by *Keep Them Safe* are only reflected in half measures and in other domains there is an apparent conflict. *Keep Them Safe* stipulates policy measures across three levels of service provision: universal services, early intervention services and the statutory child protection system (DPC 2009: iv). *Keep Them Safe* claims that New South Wales currently has a universal system in place which includes primary health care and supports for parents and children. It develops an action plan to strengthen these services. The way in which these services are "strengthened", however, is quite narrow. It lists a number of specific programs that are "universally available". These include universal home visiting for parents with a newborn baby, preschool education for four year olds, mental health screening for mothers, parenting education for parents with children aged 3-8 and

statewide Aboriginal Maternal and Infant Health services. These investments are aimed at identifying "problems when they arise and refer those families to targeted early intervention programs to deal with problems before they escalate" (DPC 2009: 7).

With respect to universal service provision *Keep Them Safe* seeks to reduce pressure on secondary and tertiary services by intervening earlier in the life course of a problem. To demonstrate how this can be achieved, *Keep Them Safe* describes these programs that target all parents and children and boosts investments in some areas. Defining programs, however, fails to address a more fundamental question regarding what are universal needs of the population and how might *Keep Them Safe* contribute to meeting these needs? Instead of conceptualising universal need, it frames need in terms of a single-focus program rather than across a comprehensive range of support for children and their families. This means policy measures are narrow and likely to be restrictive as they are goal specific. For example, *Keep Them Safe* commits to mental health screening for mothers. Fathers are not mentioned and nor is the need for holistic mental health support for mothers and fathers across the life course. To achieve its vision of ensuring children reach their full potential, *Keep Them Safe* requires a framework to conceptualise universal need. In addition, it needs to be made clear where there are existing gaps and how these gaps could be reduced.

The confusion between policy measures that are genuinely universal and those that a program based and targeted, is perhaps influenced by the principles of the "public health model" which is widely supported by commentators. A submission by child welfare experts to the Wood Inquiry, strongly advocated for the "public

health model" as a way to reformulate policy and address the perceived crisis in child protection (NSW Commission for Children and Young People 2008). This submission stated that the public health approach is "underpinned by recent advances in knowledge about childhood development, epidemiology and what is called "prevention science" (NSW Commission for Children and Young People 2008: 29). The model aims to be preventative by encompassing whole populations and intervening early in "causal pathways" of a condition and reflected in *Keep Them Safe*, "public health strategies" work across primary, secondary and tertiary prevention (NSW Commission for Children and Young People 2008: 29). It suggests a model that uses the latest evidence on how prevention should be undertaken. The use of risk factors analysis as a theoretical framework, is thought to provide an evidence base for policy. These ideas have gained political support since the early 1990s (France and Utting 2005: 1993).

Keep Them Safe incorporates both risk and protective factors in prevention efforts. Risk factors are those that correlate with incidents of problems (France and Utting 2005: 79). Protective factors are factors associated with good outcomes for children growing up in circumstances where they are, otherwise, heavily exposed to risk (France and Utting 2005: 81). Factors that 'protect' children include "strong social bonds between children, their families, schools and communities, and whether they receive positive rewards and responses from adults who offer them a model of positive behaviour" (France and Utting 2005: 80).

Strategies at the secondary level target risk factors through early intervention and prevention. These programs include mental health issues, membership to a

particular cultural group (programs targeting aboriginal communities), drug and alcohol problems, young first time mothers and lack of school attendance (and poor parental management of school attendance). *Keep Them Safe* invests in strengthening protective factors by emphasising programs and services that help to foster good parenting skills, maternal health, early childhood education, quality childcare, and strong community links via schools. These services are provided by a number of agencies including the NSW Department of Health, Department of Education and non-government organisations.

It is a positive development for *Keep Them Safe* to incorporate in social policy knowledge of factors that might lead to reducing some adverse outcomes for children. By targeting factors that impact positively on the lives of children addresses vulnerability. Radical uncertainty in child welfare can be appreciated by not assuming casual pathways of risk factors. Continued and increased funding in early prevention and intervention services demonstrates this commitment. That said, a question remains whether the reach of these services in *Keep Them Safe* is sufficient to impact positively on the lives of all children. This is one of the main problems of this model. It is possible to target risk factors in a discrete way and which might reduce threats to the livelihood of children. The public health model, while collective in theory, is easily compromised in a residual welfare regime based on minimising responsibility for child rearing. Carving out discrete risk areas and directing services to these areas only and instead of a broad range of service provision, is one way to do this. Furthermore, services while aimed at intervening early, may in practice, due to resourcing issues have capacity only for crisis intervention. This is likely to be a problem given that a stated aim of prevention is to reduce demand on statutory child protection services. Programs

such as positive parenting classes although intended to be universal and strengthen parenting skills for all parents, may be restricted to only parents with chronic problems. This means that programs are less effective because they are addressing problems they were not designed to address.

As the public health model relies on risk theory, it does not provide for an adequate model for collective welfare that can guarantee universal care for children and families and strengthen secondary and tertiary service provision. What is even more troubling is that *Keep Them Safe* takes the view that risk can be identified, managed and controlled at the tertiary level of child protection services. This failure to recognise uncertainty is a major conceptual problem in *Keep Them Safe* and introduces risk management strategies that put children at danger.

Keep Them Safe adopts the findings of the Wood Inquiry that the demand on DoCS could be reduced by better quantifying risk. *Keep Them Safe* states that many of the reports to DoCS “could be equally or better provided by an agency other than the Department of Community Services” by establishing a separate pathway linking to these agencies (DPC 2009: 10). To achieve these aims *Keep Them Safe* raises the threshold in which individuals are required to report to narrow the role of DoCS so that it accepts only those cases that are likely to result in a care order (DPC 2009: 10).

The demand management strategy adopted by *Keep Them Safe* to achieve efficiencies assumes inherently that dangers to children can be managed through reliance on a probabilistic method of quantifying “risk” and uncertainty is not

considered. This strategy ignores that agencies and professionals are not dealing with risk but radical uncertainty. This is made apparent by the Wood Inquiry who demanded NSW Police to change its internal policy requiring the reporting of all cases of domestic violence to DoCS (Wood 2008: 730). Instead of reporting all cases, Wood requested NSW Police to implement a policy that required police officers to make assessments of risk and report only cases that indicate risk of psychological or physical harm (Wood 2008: 730). A one-page risk assessment procedure developed in joint consultation between DoCS and NSW Police was considered sufficient for these purposes (Wood 2008: 731).

A requirement for police officers to perform a risk analysis in domestic violence cases, and in any other area, attempts to create certainty (which is the opposite of Keynes's view of radical uncertainty). The temptation of such a risk analysis is to cover off all "predictable" types of dangers. This is a problem because any item on a risk assessment can only indicate correlations and does not eliminate uncertainty. It is also difficult to quantify the odds or information about unknown chances because uncertainty is not connected to risk. It is not possible to calculate probability of unknowable dangers.

By ignoring uncertainty DoCS has found a way to limit its responsibilities. Prediction has been made to work by limiting democratic input (Pixley 2014: 208). *Keep Them Safe* has not asked how threats and dangers to children could be prevented. The problem to be addressed is from a system perspective by asking how demand can be better managed. Reducing demand may mean DoCS can more effectively use existing resources which is positive, however, it does this by eliminating uncertainty rather than devising a more appropriate way to

deal with problems. In shifting responsibility away from DoCS, children and their families are less likely to receive the help they need. Front line workers, like police, are also now responsible for assessing risk but not dealing with uncertainty. The responsibility for dealing with uncertainty is absent. Although, if a front line worker fails to predict dangers, and the worst happens, they may be deemed culpable because risk analysis is assumed to cover all dangers. *Keep Them Safe* has therefore potentially created an unfair expectation that human judgement can predict the unpredictable.

Conclusion – child welfare as radically uncertain

According to the Knightian/Keynesian view of risks compared *to* uncertainties, risk is not the correct term for understanding capitalist economies because they are always unpredictable (cited in Pixley 2014: 204). I have taken this Keynesian view of radical uncertainty into the social policy field. There the term risk is mostly even less useful than in financial markets, which can suddenly and unpredictably stop, and it is a theory vindicated many times, including the 2007-8 financial crisis (Pixley 2014). In child welfare policy, moreover, the hopes that social stability and economic growth can be framed in terms of gains and losses, and indeed the whole idea of quantifiable and predictable ‘risks’ is even less appropriate. For the institutional approach to child welfare, the gains or ‘profits’ did not accrue to the children, but would only, if at all, benefit employers (later, after children were trained to labour). The institutional approach to child welfare kept backfiring unpredictably, even under the terms of its highly authoritarian forms, such as locking ‘dangerous’ children away in ‘detentions’ that were in effect prisons. The unintended consequences were that the children might rebel, join a union (later), and/or suffer immense cruelty.

One hundred years later the concern of government shifted to preventing and avoiding, where possible, harm to children’s physical and emotional wellbeing. These are far more progressive values, as I show, reflecting that children’s physical and emotional wellbeing are valued in their own right. Cruelty is thus outlawed. In analysing contemporary child welfare policy in New South Wales, we can see that the recognition of harms to children has broadened social policy

considerably. To deal with this dilemma, social policy has looked to risk analysis in an attempt to curb expenditures so that only children at risk required the attention of government services. According to the Knightian/Keynesian criticism of pure 'risk analysis', it is possible to argue that harm to children involves loss (and can be terrible), and the concern in welfare is with dangers not risks, therefore the correct term to use is dangers (as discussed before, e.g. citing Pixley 2014: 204). Preventing dangers is laudable and vital in its own right, but as danger, it does not have the corollary from 'risk analysis' that there are losses and also gains and profits to 'risk' taking. Children cannot be cast as risk-takers in logic since their dependency is unavoidable. Where is there a provision for children to 'gain' – even if dangers have been prevented? And, given Keynes and Knight stressed uncertainty, my point here is that dangers to children cannot always be predicted as so claimed in risk analysis.

One of the key dilemmas in contemporary child welfare policy in Australia and elsewhere is how to formulate an appropriate response to the increasing volume of cases that are reported to centralised child welfare bureaucracies. I have shown that risk management was introduced as an illogical step to manage increasing demands on these bureaucracies. In accordance with Knight and Keynes, trying to determine what is 'high risk' through risk analysis, would always involve uncertainty, so while labeling cases might draw attention to *possible* dangers, it is not possible to achieve certainty.

To demonstrate the persistence of such ideas and locating them within a case study of New South Wales child welfare policy, I examined the inquiries and debates from 2000 onwards that have studied the function and operation of child

welfare in New South Wales. These inquiries tended to focus on what could be done about child protection to alleviate burgeoning demands on the State's statutory child protection system, rather than what could be done to better care for children. Of relevance is that a global accountancy firm, PwC, conducted one assessment for DoCS, which was entirely narrow as suggested herein and introduced the notion of 'demand modeling' to make projections to stabilities growth in demand (another illogical step). I showed that the Wood Inquiry in 2007/2008 supported the notion that cases reported to the Department of Community Services (DoCS) could be managed and controlled, and Wood held that it was possible to predict those cases 'most likely' to involve child removal. Therefore, risk management was argued to be an appropriate way to reduce the possibility that DoCS's limited resources may be used unnecessarily. The government was urged to follow an approach in *Keep Them Safe* that ignored uncertainty, one still heavily in use in analysing financial markets but one which has been proven time and again to fail miserably in that field. It is even less appropriate when the focus is on children's overall welfare.

Keep Them Safe consolidated these notions by raising the threshold that required mandatory reporting and positioned DoCS as an agency of (increasingly) last resort. Although *Keep Them Safe* provided for a model of prevention by integrating service provisions, the fact is that families and communities are, to this day, positioned as possessing the primary obligations for the care of children. There is no guarantee provided in *Keep Them Safe* the prevention programs are resourced so that they are accessible to all who need them. Risk management is introduced, allegedly to better determine when it is necessary to assume the care of children by introducing risk assessment thresholds. However, it is made clear

in this thesis that the intent is not so much to manage risk, but to ignore uncertainty because less definitive cases fall out of scope of agency involvement and possibly responsibility. As established by Knight and Keynes, I showed, uncertainty is not controllable or measurable and hence cannot be subject to risk management processes (Pixley 2014: 205). Risk analysis is only able to highlight correlations of chosen factors that might, just might, indicate a future danger. It might prevent some dangers from occurring. It cannot provide any genuine causal explanation however.

In defining the policy problem as managing risk, or demand for dealing with the problems inherent to an under resourced contemporary child protection systems, does not serve children well. As the institutional analysis of child protection has shown, policy makers have chosen incorrectly frame the problem as how to achieve greater efficiencies and reduce demand on the child protection system administered and controlled by the Department of Community Services. *Keep Them Safe* also sought ways to address the problem of demand by developing a catalogue of prevention services and redirecting reports away from DoCS. These prevention approaches were claimed to be universal but as I have demonstrated are easily residualised rather than universal. I claim that the central problem to be addressed in order to strengthen child welfare policy must be how children are to be better ‘looked out for’ in order to deal with their innate vulnerability and how children are to be ‘welcomed into the world’.

To genuinely commit to looking out for children and welcoming them into the world requires a significant commitment to resourcing welfare provisions and targeting resourcing for children rather than bureaucracies or for specific

programs. A recent review of school funding undertaken at a federal level in Australia proposed a funding model that addresses the educational needs of children. On 15 April 2010 the then Federal Minister for Education, the Hon Julia Gillard MP initiated the Review of Funding for Schooling Final Report (now referred to as “Gonski”). This review sought to develop a funding system that was “transparent, fair, financially sustainable and effective in promoting excellent education outcomes for all Australia students” (Commonwealth of Australia 2011: letter to the Minister for School Education, Early Childhood and Youth). The funding model, made public in 2011, adopted principles of universalism and equality. It devised a funding model for *all* students in *all* school sectors (i.e. private and public). It argued for base level funding to be set at student numbers, and additional funding for addressing the needs of disadvantaged children. This additional funding could involve allocating dedicated teachers for children with learning difficulties (Commonwealth of Australia 2011: xvi). To date the recommendations in Gonski are yet to gain the support of the current Liberal Government, however, the NSW Government has commenced implementing some of Gonski’s recommendations to address educational disadvantage (*Gonski not dead, but needs political commitment* 2015).

Keep Them Safe is in stark contrast to Gonski’s ambitious and progressive proposals to reform funding to primary and high school education across the nation. The New South Wales Government could have chosen to first embark on developing the necessary conceptual tools to achieve a funding model for child welfare, protection and prevention which would be effective in promoting the interests of children. Centred on the lives of children, it would have examined population metrics of all children and dedicated efforts to address what it means

to resource the sector to a sufficient level needed so that children are looked out for, and their needs more fully understood in a diversity of settings and across their life course. Instead *Keep Them Safe* limits the responsibility of the statutory authority with regard to supportive interventions with families. Although the role of supportive interventions is recognised, this is discretionary and is administered via non-government organisations. There is no compulsion on the government to assist families to access services or to ensure that these services are sufficient to respond adequately to vulnerable families.

In asking what it means to look out for children and welcome them into the world, would also require giving extensive consideration to the role of professionals who are tasked with responsibility for children. *Keep Them Safe* conceives of professional responsible as mainly managing and assessing risk. This is not adequate for understanding what it means to work with uncertainty or establish a standard of care. To 'look out for children' rather than manage 'risk' implies a more cautionary approach and carries responsibilities. *Keep Them Safe* has minimised the need for cautionary approaches in its emphasis on risk. It did not question how effectively police officers are able to deal with domestic violence cases which are a major contributor to the volume of child protection notifications received by DoCS. In the interest of reducing reports, NSW Police were encouraged to use risk assessment tools to determine whether cases should be reported to DoCS. This clearly serves the interest of organisations needing to shift responsibility rather than helping victims of domestic violence stay safe.

In 2014 a new domestic violence prevention program was introduced to two police precincts in New South Wales which is key feature of the New South

Wales Domestic Violence Framework. *It Stops Here Safer Pathway* focuses on the needs of victims and for services to work together to create a coordinated, holistic response to victims and their children (NSW Government 2014). Police attending a domestic violence incident assess the level of threat to the victim and their children. A local support service will contact the victim and obtain the necessary supports and explain the process. When victims are at serious threat, their case will be referred to a Safety Action Meeting. These meetings will involve government and non-government service providers who will share the information needed to develop a plan to keep the victim and their children safe. This sharing of information aims to build a clear picture of a victim's circumstances to increase their safety. It articulates more clearly the responsibility carried by different agencies and professionals in keeping domestic violence victims and their children safe. The use of the term "threats to safety" rather than "at risk" is a subtle but important shift as it does not imply measurement but more substantive and complete picture of the situation.

Developing a more sophisticated funding model for child welfare policy and ways to conceptualise responsibility and resource professionals does not however, act as substitute for an ideal welfare model that truly welcomes children into the world. To do so would require a social and cultural transformation to bring forth a model described by Esping-Andersen (2000: 163) that "socialises the costs of family hood" and de-commodifies welfare. As argued by Colton et al (1995: 726), the provision of services that reduce the reliance on the market and uphold citizen rights "is not an aim that can be achieved by a social service department". They are ambitions that would need to be achieved through "a comprehensive national

strategy involving employment, housing, wages, taxation, and social security policies, at the very least” (Colton et al 1995: 726).

Any social policy like *Keep Them Safe* that is concerned mainly with the operations of discrete government departments (i.e. DoCS) involves compromise as no government department alone has the power to resolve issues of entrenched inequalities and social exclusion that undermines children being welcomed into the world. It is possible, however, to be clear on gaps and responding to dangers as opposed to risks makes clear the focus of policy . There is also scope to achieve a greater understanding of the complexities of professional care work and this might at least draw greater attention to serious issues facing children. Risk management reduces this level of engagement as is made clear in this analysis of *Keep Them Safe*. If the blindness created by risk analysis is exposed and new approaches gain greater currency, it will be a way forward. The alternatives proposed herein that seek to conceptualise collective levels of need and what it means to be responsible for children might seem a long way off, however, there is evidence of such approaches proposals like Gonski and *It Stops Here Safer Pathway*.

Greater clarity about the conflict between risk management and commitments to assist children lend support to the claim made by Parton (1998) that risk management does not respond to harm to children or need. I have shown that *Keep Them Safe* ignores uncertainty, and in doing so ignores many of the less definitive circumstances that might cause harm to children and makes responding to their needs discretionary. Adding to Macdonald and Macdonald’s (2010: 1174) claim that there should be a shift from a focus from extreme bads; from my

analysis of *Keep Them Safe* it appears that rather than preventing extreme bads, the policy approach is focused on reducing resourcing pressures by limiting the role of the Department of Community Services to only those cases where it is likely that the government will assume the care of children. The hope is that by freeing up resources, it is less likely such cases will be missed. This adds another layer to the problem of risk analysis whereby it is legitimated as cost saving method.

As a cost saving method, this adds further evidence to Macdonald and Macdonald's (2010) claim that the institutional context of child welfare policy may reinforce the allocation of blame based on what went wrong rather than whether an improved capacity to provide better care for children has been achieved or might be in future. The problem with 'risk analysis' is that there is a temptation to cover all 'predictable' sides of dangers, which are mere correlations, in order to 'blame' those who failed to cover the "checklists" adequately. One example given herein was of the NSW Police, which have been given a brief 'checklist' of 'risks', when police officers' professional training is not to be compared, say, with social workers. They have different areas of expertise, though, even then, discretion is less permitted to police as well, under the new NSW system. What is also a concern is that risk analysis cannot be a substitute to a value base that Heimer and Staffen (1998: 13) argues is necessary when one is to take responsibility for children in a moral sense and Melton's (2002: 579) frustration with labels such 'risk' that distract professionals (and the wider community) from their obligations to that are more supportive and precautionary.

In providing an overview of the institutional context of child welfare policy in New South Wales, there is an absence of a substantive analysis of the core tasks within the child welfare system. For example, work sampling carried out by PwC was a statistical analysis of time taken to perform tasks, not the qualitative dimensions of this work. Also the Wood Inquiry did dispute that data provided by DoCS could only reflect those cases they determined to be below the threshold of risk, but was limited in giving a picture of the needs of children. It did not query what thresholds meant. If it had, it might be made more apparent that these decisions concern uncertainty not risk. It is therefore the premise of this thesis that such tasks need to be framed as uncertain and contingent, rather than based on risk analysis that aims to make projections as to future demand. This would mean that such tasks become part of a broader framework of care. It would necessarily be more expensive, and involve more state agencies if a broader approach were to be taken.

I have argued (as have Parton (1998) Macdonald and Macdonald (2010) with to the United Kingdom), that child welfare policy requires a fundamental shift if children are to be looked out for and welcomed into the world. I have, however, not considered how the field of social work might react, but specific questions that need to be examined by policy makers if they are to make genuine improvements to child welfare policy. Instead of considering what needs to be done about our bureaucracies which favour risk based approaches, social policy needs to address more fundamental questions of how to 'look out for' children and how to 'welcome them into the world'. To address such questions might involve developing a funding model that might use population based metrics rather than demand models (that are nonsensical because they attempt to predict

the future). I have also suggested greater effort toward frameworks of practice and organisational culture that can articulate what it means to take responsibility for children. I propose these alternatives recognising that they are a compromise from much more comprehensive strategies that would involve employment, housing, wages, taxation and social security policies that create stronger social foundations to welcome children into the world.

This research has sought to establish that there is a conflict between risk management and broader responsibilities now carried by governments for the care and protection of children. In resurrecting the Keynesian notion of radical uncertainty there is scope for future research to pursue theoretical innovations that might provide a more nuanced understanding of this conflict. Future research might consider what it is about this conflict in child welfare policy that makes it unique, or at least unusual relative to other areas of social policy. As this thesis has only attempted a limited analysis of shifts in child welfare policy, a more in-depth study about the reformulation of responsibilities of the New South Wales government, to date and in the future, might be warranted. This could be through the more qualitative methods (than 'risk' quantitative methods) to explore how cautionary approaches are utilised (or not). A substantial series of qualitative interviews with the professionals adopting more cautionary approaches could be undertaken. With these questions in mind, this research hopes to open up some fertile areas of research, among the many others in this specific field.

BIBLIOGRAPHY

- Baker T and Simon J (eds) (2002) *Embracing Risk: The Changing Culture of Insurance and Responsibility*, Chicago: The University of Chicago Press.
- Beck U (2009) *World at Risk*. Cambridge: Polity Press.
- Bittman M and Pixley J F (1997) *The double life of the family*. Sydney: Allen & Unwin.
- Box B, and Salusinszky I (2007) 100 kids die despite calls to DOCS line. *The Sydney Morning Herald*, October 2007, p. 8.
- Broadhurst K, Wastell D, White S, Hall C, Peckover K, Thompson A, Pithouse A, and Davey D (2010) Performing 'Initial Assessment': Identifying the Latent Conditions for Error at the Front-Door of Local Authority Children's Services. *British Journal of Social Work* 40(2): 352-370.
- Broadhurst K, Hall C, Wastell D, White S, and Pithouse A (2010) Risk, Instrumentalism and the Humane Project in Social Work: Identifying the Informal Logics of Risk Management in Children's Statutory Services. *British Journal of Social Work* 40(4): 1046-1064.
- Cashmore J, Scott D and Calvert G (2008) Submission to the Special Commission of Inquiry into Child Protection Services in NSW. NSW Commission for Children and Young People, Sydney.
- Castles F (1994) The Wage Earners' Welfare State Revisited: Refurbishing the Established Model of Australian Social Protection, 1983-93. *Australian Journal of Social Issues* 29(2):120-145.
- Children and Young Persons (Care and Protection) Act* 1998, New South Wales Government. Retrieved from:
<http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N>
- Colton M, Drury C and Williams M (1995) Children in Need: Definition, Identification and Support. *British Journal of Social Work* 25(6): 711-28.
- Commonwealth of Australia (2011) *Review of Funding for Schooling Final Report*. Retrieved from: <http://www.appa.asn.au/content/gonski-report/Review-of-Funding-for-Schooling-Final-Report-Dec-2011.pdf>
- Commonwealth of Australia (2013) *Royal Commission into Institutional Responses to Child Abuse*. Retrieved from:
<http://www.childabuseroyalcommission.gov.au/about-us/terms-of-reference>

- Esping-Andresen, Gosta (2000) Three worlds of welfare capitalism. In Pierson C and Castles F G (eds) *The Welfare State: A Reader*. Polity, Cambridge: 154-169.
- Fattore T, Galloway-Smith M, and Turnbull N (2000) Managerialism Meets Human Rights: The Consequences for Children. In Rees S and Wright S (eds) *Human Rights, Corporate Responsibility A Dialogue*. Sydney, Pluto Press: 210-232.
- Ferguson H (1997) Protecting Children in New Times: Child Protection and the Risk Society. *Child and Family Social Work* 2(4): 221–34.
- Fogarty J (2008) Some Aspects of the Early History of Child Protection in Australia. *Family Matters* 78: 53-59.
- France A, Freiberg K, and Homel R (2010) Beyond Risk Factors: Towards a Holistic Prevention Paradigm for Child and Young People. *British Journal of Social Work* 40: 1192–1210.
- Gillingham P, and Humphreys C (2010) Child Protection Practitioners and Decision-Making Tools: Observations and Reflections from the Front Line. *British Journal of Social Work* 40(8): 2598–2616.
- Gonski not dead, but needs political commitment* 2015, television program, 7.30, ABC, 26 June.
- Hacking I, (1991) The Making and Molding of Child Abuse. *Critical Inquiry* 17(2): 253–88.
- Hardiker P, Exton K and Barker M (1991) The Social Policy Contexts of Prevention in Child Care. *British Journal of Social Work*, 21(4): 341–59.
- Healy K, and Olteda S (2010) An Institutional Comparison of Child Protection Systems in Australia and Norway Focused on Workforce Retention. *Journal of Social Policy* 39(2): 255-274.
- Higgins E, and Salusinszky I. (2007) Little sister put in care, but starved Shellay ignored, *The Australian*, 8 November, p. 9.
- Heimer C A, and Staffen L (1998) *For the Sake of the Children: The social organisation of responsibility in the hospital and the home*. Chicago: The University of Chicago Press.
- Horin A (2009) DOCS Diminished in Child Protection Revamp. *The Sydney Morning Herald*, 6 June, p. 10.
- Howe D (1991) Child Abuse and the Bureaucratisation of Social Work. *The Sociological Review* 40(3): 492–508.
- Jamrozik A (2009) *Social Policy in the Post-Welfare State - Australia in a Changing World*, 3rd edition. Sydney: Pearson Education Australia.

- Joint DoCS/Public Service Association Working Party Report*, December 2002, unpublished.
- Kempe C H (1979) Recent Developments in the Field of Child Abuse. *Child Abuse & Neglect* 3(1): ix – xv.
- Kempe C H, Silverman F N, Steele B F, Droegemueller W, and Silver H K (1962) The Battered-Child Syndrome. *Journal of the American Medical Association* 181(1): 17–24.
- Kemshall H (2002) Risk, Social Policy and Welfare. Buckingham, Open University Press.
- Liddell M, Donegan T, Goddard C, and Tucci J (2006) *The State of Child Protection: Australian Child Welfare and Child Protection Developments 2005*. A joint publication of the National Research Centre for Prevention of Child Abuse, Monash University and Australian Childhood Foundation. Retrived from: www.childhood.org.au/~/.//State%20of%20child%20protection.ashx
- Lonne B, Parton N, Thomson J, and Harris M (2009) *Reforming Child Protection*. London: Routledge.
- Lonne B, Harries M, and Lantz S (2012) Workforce Development: A Pathway to Reforming Child Protection Systems in Australia. *British Journal of Social Work* 43(8): 1630-1648.
- Macdonald G, and Macdonald K (2010) Safeguarding: A Case for Intelligent Risk Management. *British Journal of Social Work* 40 (4): 1174–91.
- Mansell J, Ota R, Erasmus R, and Marks K (2011) Reframing Child Protection: A Response to a Constant Crisis of Confidence in Child Protection. *Children and Youth Services Review* 33(11): 2076–86.
- Mathews B (2008) Protecting children from abuse and neglect. In Monahan G, and Young L (eds.) *Children and the Law in Australia*. Sydney: LexisNexis: 204-237.
- McDonald C, Harris J, and Wintersteen R (2003) Contingent on Context? Social Work and the State in Australia, Britain, and the USA. *British Journal of Social Work* 33(2): 191–208.
- Melton G (2002) Chronic Neglect of Family Violence: More than a Decade of Reports to Guide US Policy. *Child Abuse & Neglect* 26(6-7): 569-586.
- Melton G (2005) Mandated Reporting: A Policy without Reason. *Child Abuse and Neglect* 29(1): 9–18.
- NSW Department of Community Services (2003) *A Blueprint for Change*.

- NSW Department of Premier and Cabinet (2009) *Keep Them Safe: A Shared Approach to Child Wellbeing*. Sydney: New South Wales Department of Premier and Cabinet.
- NSW Government (2014) *It Stops Here: Standing together to end domestic and family violence*. Retrieved from: http://www.domesticviolence.nsw.gov.au/__data/assets/file/0019/301555/It_Stops_Here_Safer_Pathway_Fact_Sheet.pdf
- NSW Ombudsman (2007) *Ombudsman announces immediate investigation into child death*. Sydney: NSW Ombudsman, 6 November. Retrieved from: https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0010/5410/media-release-on-child-death-6-nov-2007.pdf
- NSW Ombudsman (2009) *The Death of Dean Shillingsworth: Critical Challenges in the Context of Reforms to the Child Protection System*. Sydney: NSW Ombudsman.
- NSW Ombudsman (2009a) *The Death of Ebony: The Need for an Effective Interagency Response to Children at Risk*. Sydney: NSW Ombudsman.
- NSW Parliament, Legislative Committee (2002) *Care and Support: Final Report on Child Protection Services*, NSW Legislative Council Standing Committee on Social Issues, Sydney, New South Wales Parliament.
- NSW Parliamentary Debates, Legislative Assembly 2001, *Debates*, 27 March: 12628-12640.
- Parton N (1998) Risk, Advanced Liberalism and Child Welfare: The Need to Rediscover Uncertainty and Ambiguity. *British Journal of Social Work* 28 (1): 5–27.
- Parton N (2011) Child Protection and Safeguarding in England: Changing and Competing Conceptions of Risk and their Implications for Social Work. *British Journal of Social Work* 41(5): 854–75.
- Parton N, Thorpe D, and Wattam C (1997) *Child Protection Risk and the Moral Order*. London: Macmillan.
- Pithouse A, Broadhurst K, Hall C, Peckover S, Wastell D., and White S (2012) Trust, Risk and the (mis)management of Contingency and Discretion through New Information Technologies in Children's Services. *Journal of Social Work* 12(2): 158–178.
- Pixley J (2012) *Emotions in Finance: Booms, Busts and Uncertainty*, 2nd edition. Cambridge: Cambridge University Press.
- Pixley J (2014) Uncertainty: the Curate's egg in financial economics. *The British Journal of Sociology* 65(2): 200-224.

- Price Waterhouse Coopers (2002) *Joint Working Party on NSW Department of Community Services, Demand for DoCS Services and Management of the Intake and Casework Process*. Sydney, unpublished.
- Putting Children at Risk* 2002, television program, Four Corners, ABC, 15 July.
- Reddy S (1996) Claims to expert knowledge and the subversion of democracy: The triumph of risk over uncertainty. *Economy and Society* 25 (2): 222–254.
- Scott D, and Swain S (2002) *Confronting Cruelty: Historical Perspective on Child Abuse*. Carlton: Melbourne University Press.
- Smith C and White S (1997) Parton, Howe and postmodernity: A critical comment on mistaken identity. *British Journal of Social Work* 27(2): 275-295.
- Swain S (2014) *History of Child Protection Legislation*. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, New South Wales.
- Tomison A (2002) Preventing Child Abuse: Changes to Family Support in the 21st Century. *Child Abuse Prevention Issues* 17: 1-24.
- Van Krieken R (1991) *Children and the State*. Sydney: Allen & Unwin.
- White S, Hall C, and Peckover C (2009) The Descriptive Tyranny of the Common Assessment Framework: Technologies of Categorization and Professional Practice in Child Welfare. *British Journal of Social Work* 39(7): 1197-1217.
- Wood J (2008a) *Report of the Special Commission of Inquiry into Child Protection Services in NSW, Volume 1*, through the Special Commission of Inquiry into Child Protection Services in NSW.
- Wood J (2008b), *Report of the Special Commission of Inquiry into Child Protection Services in NSW, Volume 3*, through the Special Commission of Inquiry into Child Protection Services in NSW.