



Vibeke, S., & Turney, D. (2017). The role of professional judgement in social work assessment: a comparison between Norway and England. *European Journal of Social Work*, 20(1), 112-124.
<https://doi.org/10.1080/13691457.2016.1185701>

Peer reviewed version

Link to published version (if available):
[10.1080/13691457.2016.1185701](https://doi.org/10.1080/13691457.2016.1185701)

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The role of professional judgement in social work assessment: a comparison between Norway and England.

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'The role of professional judgement in social work assessment: a comparison between Norway and England'

Abstract:

Good quality assessment has a significant role to play in contributing to better outcomes for children in need of protection, so it is important to understand what supports best practice. This paper focuses on the role of professional judgement in assessment, and compares two very different national approaches. In England, governmental responses to perceived failings in the child protection system have led to a highly proceduralised and bureaucratised system and a corresponding down playing of the role of professional judgement. In Norway, professional discretion and judgement have been seen as key to the assessment process, and governmental response to criticism of child protection practice has been to support their use through provision of increased resources. However, too much emphasis on professional judgement and too little procedure may be as problematic as the reverse (Report of Auditor General of Norway, 2012). So this paper explores the different ways in which professional judgement is understood and addressed in each system and asks what we can learn from them in terms of best assessment practice. Acknowledging child protection as a 'wicked problem', we propose a model of Grounded Professional Judgement based on notions of epistemic responsibility and accountability to support the exercise of professional judgement in situations of uncertainty.

Keywords: Assessment, child protection, Grounded Professional Judgement, England-Norway comparison, epistemic responsibility

Introduction

A common feature of child protection systems in the western world is the process of assessment that takes place after a referral of concern is received. Good quality assessment has a significant role to play in contributing to better outcomes for children in need of support and protection, and therefore it is important to understand what supports best practice in this regard. At its simplest, the process of assessment refers to the gathering of information to provide the basis for decision making, planning and resource allocation (Kirton, 2009), but in practice, the 'doing' of assessment has proved to be less straightforward, and the assessment of a child and their family in terms of risk and need has been identified as one of the most controversial and complex areas in child protection (Holland, 2010: 01). Yet the way of responding to this complexity has been markedly different in England and Norway, particularly in relation to expectations about the use of professional judgement.

In England, a national assessment framework (Department of Health, Department for Education & Employment, 2000) was introduced and there has been heavy reliance on 'top-down forms of performance management [which have] marginalised the role of social work in children's services' (Parton, 2011: 855). Alongside the increased bureaucratisation and proceduralisation of assessment (Munro, 2011; White, Wastell, Broadhurst & Hall, 2010), the room for, and role of, professional judgement in assessment has been reduced. In Norway, there are no substantive guidelines for social workers carrying out assessments, and it is assumed that the process and decision-making are guided by the use of professional judgement. Professional judgement is viewed normatively and the concept is invoked without the need for further clarification of either the reflective process that supports it or its content (Samsonsen & Willumsen, 2014).

A recent government-commissioned review of child protection in England (Munro, 2011) emphasised the need to reduce mechanisms of top-down control, to make space for reasoning and reflectivity. At more or less the same time, a similar report in Norway focusing on child protection decisions and services across the country, highlighted issues raised by a *lack* of agreed or generally accepted process. The Report identified heavy reliance on

professional judgement as a potential problem for public justice in terms of differences in services and decision-making (Report of Auditor General of Norway, 2012).

Professional judgement is clearly important in assessment: social workers are continuously in situations where a decision has to be made based on complex, multifaceted and often contradictory information (Turney, Platt, Selwyn & Farmer, 2012). While assessment frameworks, procedures and tools can help to support good decision-making, they also run the risk of being used in ways that reduce rather than promote effective critical and analytical thinking (Calder, 2004; Turney, 2014). And the ability to think well is essential, when the high level of uncertainty characterising many child protection issues means there is no perfect algorithm to ensure ‘the right answer’ is reached in any given situation. So if the aim is to reach the best possible decision based on the best information available, we need to consider how assessment practice can be framed to allow appropriate use of frameworks and tools alongside the reliable and effective use of professional judgement (as recommended by Munro, 2011), without falling into an over-reliance on individualised decision making with the potential difficulties identified within the Norwegian system.

So in this paper, we explore the role of professional judgement in assessment in these two child protection systems (England – Norway). We consider how the different approaches to professional judgement in assessment have developed, discuss how the concept is understood and applied within each national framework, and ask what we can learn from each in terms of best assessment practice. Acknowledging child protection as an area of uncertainty – a ‘wicked problem’ (Devaney & Spratt, 2009; Rittel & Webber, 1973) - we propose a model of Grounded Professional Judgement based on notions of epistemic accountability and responsibility as a way forward. While this paper discusses systems and practices in two specific contexts, we suggest that dealing with situations of complexity and uncertainty is core to social work practice, so the issues raised here will have relevance to practice in other national settings.

Social work assessment in England and Norway: structures and practices

In this section, we set out the context for our discussion of the role and meaning of professional judgement by looking at the different approaches to social work assessment in England and Norway.

Partly as a result of perceived failures in practice, evidenced by serious cases of abuse and neglect, national procedures for child and family assessment were introduced in England. Between 1970 and 1985, 35 public inquiries were conducted in relation to serious cases of child neglect and abuse by caregivers, where the Child Protection system had failed to reveal and/or prevent maltreatment (Bochel, Bochel, Pages & Sykes, 2009). This led to extensive public debate, and social workers were criticized for not recognizing the symptoms of child abuse, and for putting too much emphasis on cooperating with the adults at the cost of the children.

The UK Department of Health introduced guidance (Department of Health, 1988) for social workers undertaking what were then referred to as 'comprehensive' assessments. This guidance, known as the 'Orange Book', remained in place until the publication of the *Framework for the Assessment of Children in Need and their Families* (DH et al., 2000) which followed the introduction of the Children Act 1989. The new assessment framework (AF) was explicitly 'evidence-based', drawing extensively on research findings (DH et al., 2000; Holland, 2010) and was designed to 'provide a systematic way of analysing, understanding and recording what is happening to children and young people within their families and the wider context in which they live' (DH et al., 2000: 8).

The AF identified three key 'domains' - the child's developmental needs; parenting capacity; and family and environmental factors - to be addressed in any assessment in order to build a holistic understanding of the child's circumstances, and represented these as the three inter-connected arms of a triangle (see Fig. 1 below). As the figure shows, each side of the triangle identifies further specific issues to be investigated. National and local procedures for conducting assessments were introduced, along with an electronic information management and recording system, the Integrated Children's System (ICS). The guidance set strict timescales to be followed (7 days, later increased to 10, for an 'initial' assessment and 35

days for a more substantial ‘core’ assessment), and ICS provided formats for reports and recording at each stage. Whilst intended to move away from the ‘check list’ or rather mechanistic approach to assessment that had been identified in some inspection reports in relation to the use of the Orange Book, the AF introduced a structured case management model that included a range of bureaucratic procedures and prescribed information management and recording systems.

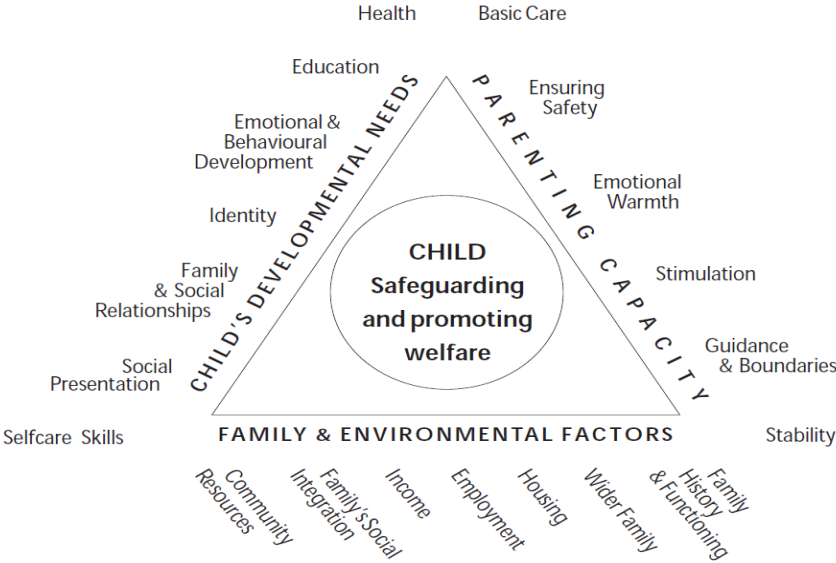


Fig 1: The Assessment Framework, Source: DH et al (2000a: 17).

While the introduction of the AF produced some encouraging results (Cleaver & Walker, 2004), the increased bureaucratisation and proceduralisation that accompanied its implementation also had a range of unintended *negative* consequences (summarised by Parton, 2014: 103) that have taken some time to address – and are still not entirely resolved. In particular, studies have drawn attention to the effects on practice of the introduction of the ICS, alongside a framework of tightly monitored performance indicators, noting that time spent by social workers managing computerised information systems took them away from face-to-face work with children and families; pressurised practitioners resorted to a range of tactics to allow them to meet bureaucratic demands and management targets which in turn introduced greater possibilities for error; and the scope for discretion and the exercise of professional judgement was curtailed (see, for example, Broadhurst et al., 2010; Munro, 2011; White et al., 2010). Furthermore, a fundamental difficulty of the managerial

approach discussed above is that the attempt to reduce discretion and standardise practice fails to take account of the fact that “not all processes can be validly standardised without compromising safety” (Featherstone et al., 2014: 82), a point we return to later in the paper when we consider the nature of social work as a ‘wicked problem’.

Since Munro’s (2011) report highlighting these difficulties in child protection practice – particularly the effects of the dominance of a compliance culture at the expense of one that fosters critical and analytical thinking and the confident and competent use of professional judgement – a number of changes have been introduced in England, in relation to assessment: a revised version of the statutory guidance, *Working Together* (HM Government, 2013) removed the requirement to conduct separate initial and core assessment, and indicated that “local authorities should determine their local assessment processes through a local protocol” (p24). At the same time, it also downgraded the status of the AF, moving it from its central position as statutory guidance to one of a number of items of ‘supplementary guidance’ contained in an Appendix. Parton (2014: 131) identifies a further significant change in the 2013 version, with the introduction of a specific focus on the understanding, assessment and management of *risk*:

“while the concept of risk had been consciously removed from the Assessment Framework from the outset (Seden et al., 20010 and hence from Working Together in 1999 (DH et al., 1999), 2006 (HM Government, 2006b) and 2010 (HM Government, 2010a) in order to ensure the centrality of the concept of ‘need’, it was explicitly introduced into the 2013 document (HM Government, 2013)”.

It is interesting to note that the AF is not specifically mentioned/referenced at all in the latest iteration of *Working Together* (HM Government, 2015) although the underpinning principles (and the familiar ‘Assessment triangle’) have been retained, as has the overall time frame of 45 days for completion of an assessment. Alongside this re-positioning of the AF, a number of authorities have adopted alternative frameworks for assessment and planning; one of the most significant of these is Signs of Safety (Turnell and Edwards, 1999), an approach that sees “risk assessment as the heart of constructive child protection practice” (Government of Western Australia Child Protection Department, 2011: 12).

Norway has a long tradition of child welfare services, since it was the first country in the world to have a public child protection system (Stang-Dahl, 1978). The Norwegian system is less risk-based than the English system, and more centred on children's and families' broad needs for services and interventions (Christiansen, 2011). In Norwegian, the word for the child protection system incorporates both the protection and welfare dimensions that are separate in the English language. The main assessment guidelines are the basic principles of the Child Welfare Act (CWA) 1993, combined with a deadline of three months for completing the assessment. The principles of the CWA are: to work 'in the best interest of the child'; to use the 'least intrusive act' when intervening; and to observe 'the biological principle'. Norway has no other mandatory elements in relation to assessment, apart from the timeframe. However, municipalities have the power to introduce child protection assessment frameworks if they so choose – and increasingly, assessment 'packages' are being purchased and introduced. Broadly, the lack of externally imposed structure is consistent with the idea that professional judgement is the main component in social workers' assessments when there are child protection concerns. An assessment should take place when the child appears to have a 'special need for interventions and support' (Kane, 2006) but the practitioner decides independently when this is the case, and then the best way to investigate the concern. So the amount and kind of information gathered, and the process for gathering it, will depend on the particular situation and the professional judgement made about the situation. Although it is not mandatory to write a final assessment report, it is common to produce some kind of record after an assessment is finished, either in the form of a report or a note in the child's file.

This flexibility and lack of externally specified procedure has resulted in local variations across the country, and this has been noted as a matter of concern in a recent national report by the Auditor General of Norway (2012). The report related to an investigation carried out by the Office of the Auditor General (OAG) into the functioning of municipal child welfare services, particularly the services' ability to meet certain requirements of the Child Welfare Act at a time when there had also been "significant growth in the number of children subject to child welfare measures". The report suggested, *inter alia*, that too much emphasis on professional judgement and too few procedures could be a problem in

Norwegian assessments, with child protection case-management practices and interventions differing significantly both between and within municipalities. It showed for example that a large number of referrals that were not followed up, were evaluated as requiring assessment when they were reviewed by other social workers in other districts (although of course this could happen in more proceduralised systems, too).

Having considered these two assessment models and their impact on practice, we note that while the Munro review implies the need for changes in the UK that would move assessment processes more towards Norwegian norms, the Auditor General's report implies the need for more structure to support a higher level of consistency in response (Samsonsen & Willumsen, 2014).

Professional judgement: comparing two contexts

We have noted that assessments are carried out in accordance with certain underpinning principles, as outlined in both the CA 1989 and the CWA 1992. But these general principles do not offer any guidance as to how they should be interpreted in any given case. So, for example, while the principle that social workers should act 'in the child's best interest' can be clearly stated, it may not always be equally clear what a social worker should actually do in a particular situation, to work in accordance with that principle. This indeterminacy creates room for normative personal evaluations and decisions – ie it introduces an element of individual discretion into the process and calls for the exercise of professional judgement. In using the term 'professional judgement', we follow Taylor's definition:

We define professional judgement to be when a professional considers the evidence about a client or family situation in the light of professional knowledge to reach a conclusion or recommendation.

(Taylor, 2013: 10; see also Taylor, 2012)

Child protection social workers can in many ways be pictured as "street-level bureaucrats" (Lipsky, 1980) handling the practice aspects of social policy. Where the formal powers of the bureaucracy are set by politicians, the informal powers – including the ability to exercise

discretion - are acted out by these “street-level” bureaucrats (Ibid.) The discretionary powers of welfare state professionals can be troublesome in different ways: they can threaten the predictability, legality and equality of responses and this raises some democratic issues concerning public control. Furthermore, professional judgements are difficult to predict and control, and the same case may be judged differently, even by professionals with the equivalent knowledge base and level of experience, based upon different logic and reasoning (Molander, Grimen & Eriksen, 2012). However, discretionary work can also be seen as providing ‘opportunities’ in the way it designates room for autonomy in judgements and decisions (Ibid.).

Conducting an assessment is a complex process of making sense of a large amount of information concerning a child and family (Ibid.) In order to reach a decision about how to respond to identified needs. Good decision-making is critically important in social work, where everyday practice can involve very high-risk situations. Dealing with these situations calls for sense making and processing of information from different sources, to form a professional judgement. The use of professional judgement in social work reflects the need for flexibility and adjustment to individual needs and situations. At the same time though, the use of professional judgement raises the possibility of arbitrariness and/or poor decisions based on personal biases. An international literature review by Stewart and Thompson (2004) regarding human decision making in the child protection system, stressed social workers’ faults and errors in reasoning, corresponding with Tversky and Kahneman’s classic work on errors in reasoning (1974). Even the best professional is a “victim” of human heuristics: thinking in categories, over estimating individual features of cases, remembering new experiences more clearly than older ones, etc (see also Holland, 2010). Taken together, these points perhaps suggest that practice might be better served by reliance on more ‘scientific’ or actuarial approaches.

The role of risk assessment techniques versus clinical judgement is an ongoing discussion and tension in social work. Indeed, the research on human decision making is in favour of more predictive risk assessment models (Munro, 1999; Stewart & Thompson, 2004). However, the lack of ability to “tailor” risk assessment instruments will produce both false negatives and false positives: Some children will not be considered “at risk” even though risk

factors in parenting are revealed, and some children will be harmed despite evaluations suggesting they are at low risk (Gambrill & Shlonsky, 2000). On balance then, while it has limitations, eliminating professional judgement in professions like social work, and in child protection more specifically, is not an option because it is not possible to devise reliable decision making rules to cover such complex situations (Featherstone et al., 2014; Molander, 2013). So rather than trying to find ways to remove or overly circumscribe the use of professional judgement in assessment, our aim is try and shed light on how it can be used to support good decision-making by social workers.

Professional judgement is a concept that features internationally within social work (and other professions). However, both the external social/cultural/economic and the internal organisational contexts in which it is exercised are of considerable importance. In England, tragedies like the deaths from maltreatment of Victoria Climbié in 2000 and Peter Connelly ('Baby P') in 2007 have been extensively debated in the media. The government response to these debates has been to implement major reviews of services (Laming, 2009; Munro, 2011; Social Work Task Force, 2009), which have, in turn, led to social policy reforms with direct impacts on child protection assessment. The Norwegian governmental response to criticism of its child protection service has been very different, with a central White Paper outlining the decision to transfer more resources into the system in the form of staff, interventions and continuing professional development for social workers already employed (NOU 2000:12, p 111), and this way of responding has continued up to the present.

These contrasting responses at government level reflect the different understandings of, or expectations about, the role of professional judgement in assessment. Norway has continued to emphasise the importance of professional judgement as a key to good quality assessment, and has introduced policy to ensure that there is the 'room' for this kind of reflection, reasoning and decision making by enhancing the resources in terms of time and education. Policy in England, on the other hand, has moved in a different direction (Featherstone, White & Wastell, 2012; Parton, 2014). Instead of viewing professional judgement as an important factor in the process, it seems to have been regarded more as a threat to ensuring safety. So, the response has been a downplaying of the role of professional judgement in favour of an increasing amount of bureaucracy and procedure;

the rationale appears to be that that circumscribing the discretionary space available to practitioners will (help to) prevent tragedies.

In England, the media have played an important role in orchestrating the public debates about child protection and the role of social work in the wake of particular high-profile child death cases (see, for example, Jones, 2014; Warner, 2013 and 2014). Typically, the picture painted in the press shows social workers as unable to exercise effective professional judgement. Public reaction in England following the deaths of Victoria Climbié and, later, Peter Connelly was amplified by the media, particularly the tabloid press where the response to the professionals held to be responsible for failure to protect Peter was vitriolic; simply stated, the only possible outcome was: 'heads must roll' (Warner, 2013). Warner comments on the way 'politicians, in conjunction with the press, actively mobilised public anger towards social work through their responses' and further suggests that 'politicians and the press had a shared mutual interest in the co-authorship of "bad" stories about social work' (2014: 1637).

This has not been the case in Norway, where even the tabloid press presents the views of a wide array of claim-makers including, for example, academics, promoting more balanced reporting and discussion (Green, 2008). Thus a comparable case to that of Peter Connelly elicited a very different public response. In 2005, Kristoffer Kihle Gjerstad (aged 8) died at the hands of his stepfather. In terms of public reaction, the only individuals who were directly blamed were the killer (who was convicted of his murder) and Kristoffer's mother (who was convicted for not protecting her son). Kristoffer's grandmother fronted the debate into what could be learned from this case (Gangdal, 2010). In the case of Silje Redergard, who was killed by two 6 year old children, agreement was reached across the media not to write about this case in a sensationalist way, in sharp contrast to the similar case of James Bulger in England at around the same time.

The media responses in England and Norway to these high profile child death cases show the substantial differences between public discourses in England and Norway, especially with regard to cultures of blame and responsibility, which in turn affect the role of and views on professional judgement as a component in child protection assessment. Green (2008)

suggests that different political cultures, and the structures that sustain them, create different incentives to respond to such crimes. In England, where the adversarial system requires that any opportunity is used to exploit perceived weaknesses in political opponents, both majority parties responded loudly and clearly to these high-profile cases. Norway's multi-party system, based more on consensus and compromise, offers fewer incentives to use child fatalities as a means to gain political capital.

A final external factor to mention here is the way the broad economic context in each country has affected public services generally and social work in particular. In England, there has been a sustained period of government spending cuts, with the result that local authority budgets have decreased significantly. These cuts have led to reductions in welfare services, tighter eligibility criteria for access to services, and decreasing levels of resource. Along with this 'squeeze' on local government services, there has been increased pressure on the voluntary sector, where funding streams have also been affected. Norway on the other hand, is still perceived as a wealthy country mainly because of the oil industry, and has not yet experienced the economic difficulties facing many other European countries at this point. Even though there has been a political shift in Norway, to give conservative parties a larger role in the coalition government (in 2013), the country still consider itself to be a social democracy, with ideals of a high level of government intervention and redistribution of resources within the population. A high tax-level combined with well-established public services eg in health care and schooling, has maintained a level of social equality, with low differences in income.

As previously outlined, Norway has a long tradition of child welfare service provision, and since the social democratic political culture is based on solidarity and a high degree of governmental intervention (Gilbert, Parton & Skivenes, 2011), there appears to be common agreement on the need for a good 'resource flow' into the child welfare system. A recent small-scale comparative study highlights the impact of these differences in resource, especially in terms of work-pressures for English and Norwegian social workers doing assessments (Samsonsen & Willumsen, 2014). The English social workers reported higher case-loads, worked longer hours and had access to fewer resources and interventions than their Norwegian counterparts in the study.

Research regarding good professional judgement in social work underlines the importance of organisational culture; the immediate context for practice can have a profound effect on social workers' own confidence in exercising professional judgement based on a combination of academic/research-informed knowledge and practice wisdom/tacit knowledge (Turney et al., 2012). In addition, good quality supervision and support has been identified as a factor in helping social workers arrive at the best possible professional judgement (Laming, 2003). In terms of assessments, we can never be absolutely certain we are 'getting it right'; but sound professional judgement supported by analytical and critical thinking, and the purposive use of assessment tools/measures when appropriate, can help practitioners reach good quality decisions (Brown & Turney, 2014).

Child protection as a 'wicked problem'?

As noted, England and Norway have chosen different strategies to target and respond to child abuse and neglect. The English assessment model focuses on risk prediction, based on research on risk factors, whereas the Norwegian approach in general focuses on families' needs over risk predictions. How can we account for the different directions England and Norway have moved in, to address ostensibly the same problem?

One explanation may lie in the way the 'problem' is defined in the first place. Different ways of understanding child abuse have been identified and responses have been categorised in terms of either a 'child protection' or a 'family service' orientation (Gilbert et al., 2011), and these in turn have typically mapped on to particular political systems (Khoo 2004; Gilbert et al., 2011). England is commonly placed within the 'child protection' and Norway the 'child welfare' systems. Assessments in England emphasise risk predictions to detect and prevent maltreatment, whereas assessments in Norway focus on families' needs for tailored services to prevent further negative developments (Samsonsen & Willumsen, 2014). A focus on risk and short-term outcomes tends to fit with a technical-rational approach to the management of child abuse. A focus on needs and longer-term outcomes, however, moves away from the idea of a technical response and suggests an understanding of child abuse as an altogether more complex issue (Devaney & Spratt, 2009).

These different ways of responding can be understood as reflecting different interpretations of the 'problem' of child abuse. Following Devaney and Spratt (2009), we suggest that Rittel and Webber's (1973) distinction between 'wicked' and 'tame' problems is helpful here. Based on their analysis of planning for social issues, they identified critical differences in complexity in relation to both problem definitions and solutions between the kinds of problems addressed by science and social policy. 'Tame' problems are not necessarily simple, but can be tightly defined and have solutions that are 'findable', if difficult (Southgate, Reynolds & Howley, 2013). 'Wicked' problems, by contrast, are both difficult to define clearly *and* highly resistant to resolution (Australian Government, 2007; Rittel & Weber, 1973). When wicked problems are discussed and targeted, a variety of interpretations and responses may be identified; each version of the problem has an element of truth, but no version captures the whole picture, because the whole picture may not be amenable to 'capture'. When targeted, one solution may give rise to another problem, because of internal conflicting goals and disagreement among stakeholders (Australian Government, 2007). Child abuse may be viewed as a wicked problem in terms of its complexity and its high level of resistance to solution (Devaney & Spratt, 2009).

'Ensuring safety' is an expression used in the context of assessment in England – indeed, it is one of the categories against which parenting capacity is assessed in the AF (DH et al., 2000). Public debates after child deaths seem to rest on the belief that it should have been possible for someone – usually the social worker(s) involved - to have controlled the 'problem' and forestalled the tragic outcome (whose inevitability, with hindsight, is of course clear). With that assumption, the introduction of standardized procedures to control the situation through risk-minimising appears to offer a plausible solution. In Norway, when child abuse is debated, rather than introducing standardised procedures, there has been an increase in resources in terms of staff, interventions and post-qualifying education and training, as an attempt to target the same problem. These different approaches sit at opposite ends of a continuum and arguably reflect different ways of framing 'the problem'. Risk management can be seen as an attempt to respond to child protection as a tame problem, an issue to be controlled and solved ('ensuring safety'), and invites a technical-rational, linear response (procedure). In Norway, on the other hand, where child abuse seems to be framed as a

‘wicked’ problem, the nature of the response changes and does not seek to rely on a search for general ‘solutions’. Norway’s strong emphasis on responding to need seems to reflect a lack of trust in risk management in this context, and recognition that an overly proceduralised response to child protection concerns is unlikely to be effective.

There are potential pitfalls at each end of this continuum: as we have seen, the temptation to treat child protection as amenable to control in ways that are in fact more suitable for tame problems has not been successful. The move towards more proceduralisation in England has not been found to be as effective as hoped (Munro, 2011), and has undermined confidence in and capacity for critical thinking and use of professional judgement. Furthermore, the idea that social workers can categorically ‘ensure safety’ is flawed, and it is therefore problematic that they should be individually held responsible if they fail to do so. At the other end of the continuum, accepting child protection as a wicked problem may lead some practitioners to become paralysed by the level of complexity they face and feel incapable of action; this in turn may result in them trying to mask this difficulty by appealing to the use of professional judgement, and thus effectively shutting down any questioning of their position.

While the pitfalls associated with framing child protection as a wicked problem need to be acknowledged, this conceptualisation puts the notion of professional judgement right at the heart of assessment and decision making. The question that then arises is how can we best ‘manage’ the element of personal discretion that is brought into play through the exercise of professional judgement? More particularly, how can practitioners exercise professional judgement in this field of uncertainty without sliding in to a situation where ‘anything goes’?

A Model of ‘Grounded Professional Judgement’: epistemic accountability and responsibility

As we have noted, if the notion of child protection as a wicked problem is accepted, then the rationale for having proceduralised responses in situations of uncertainty becomes less secure, and the need to develop ways to navigate the discretionary space that opens up becomes more acute. In this context, then, the role of professional judgement takes on a particular significance. But as the Norwegian experience suggests, unfettered or

unchallenged use of professional judgement is potentially as problematic as over-reliance on protocols and procedures. How then can we frame a use of professional judgement that is flexible and sensitive to the particularities of the unique situations practitioners encounter but nonetheless reliable, robust and accountable? Our response is to propose an approach we call 'Grounded Professional Judgement' (GPJ) that is characterised by a commitment to epistemic *accountability* and epistemic *responsibility*. We will briefly discuss these two concepts and then go on to consider what GPJ might look like for everyday practice.

The broad concept of accountability has become identified as one of the core values of democracy (Mulgan, 2003). Accountability in relation to professional judgement is connected to a process where the professionals are made responsible for their decisions and actions, and this is seen to be a method of keeping the public properly informed (ibid.). Accountability in this sense provides a form of 'answerability', illustrating the need for public control with regard to professional judgements (Molander, 2013). There are different ways that a profession can be made accountable. A key distinction is between *structural* and *epistemic* accountability. The primary goal of structural accountability is control: structural measures are designed to restrict and manage the space for discretionary activity/judgement. The main objective of epistemic accountability, however, is 'to improve the conditions for and the quality of reasoning' within such discretionary space (ibid: 215). In child protection, mechanisms for imposing structural accountability include legislation and statutory guidance, the requirements of regulatory agencies, and the proceduralisation of tasks within the organization. Mechanisms for epistemic accountability, on the other hand, include the formal education of social workers – in particular in so far as this promotes good reasoning and reflective skills – and effective support systems, such as supervision, where practitioners' reasoning processes can be explored and challenged.

Introducing the notion of epistemic accountability brings with it a requirement to think about what we know and how we know it – what claims social workers can make about their knowledge base and what grounds it. This includes acknowledging the limits to knowledge and 'owning' their own uncertainties, and 'conceptualising uncertainty as a rigorous, intellectually robust and ethical position, rather than a sign of weakness or equivocation' (Daniel, 2005: 60). It is of course important to recognise that social workers cannot have

perfect knowledge. But not knowing everything is not the same as knowing nothing at all (Mason, 2005); and the fact that there is frequently no one 'right' answer to the situations practitioners encounter need not consign us to a world where 'anything goes'. Professionals will bring expertise and experience to bear on each new situation and there may still be yardsticks for assessing the relative merits of different potential responses, to help practitioners to make the best decisions they can in difficult circumstances. Indeed, social work ethics *requires* practitioners to think critically and reflectively about their own processes of reasoning and the grounds on which they base their professional judgements.

Taking this requirement seriously invites consideration of the role of 'epistemic responsibility'.

'To be epistemically responsible is to display in one's reasoning the virtue (or virtues) epistemic internalists take to be central to warrant or justification, e.g., coherence, having good reasons, fitting the evidence' (Bishop, 2000: 180; see also Code, 1987).

These criteria seem very apposite in the context of social work assessment and to offer useful reference points for considering the quality of decision-making. As we have seen, social work in England has become something of a 'pariah profession' (Green, 2006) with low perceived academic and professional status, and a lack of external credibility. Social workers have in many cases experienced a form of 'testimonial injustice' (Fricker, 2007). By this we mean a situation where 'a speaker receives a deflated degree of credibility from a hearer owing to prejudice on the hearer's part [... It involves] the idea of being wronged in one's capacity as a knower' (Fricker, 2008: 69). So there is work to be done to restore confidence in practitioners' ability to exercise professional judgement. Epistemically responsible assessments, ie those that demonstrably meet the criteria of '*coherence, having good reasons, [and] fitting the evidence*', will affirm the practitioner's 'capacity as a knower' and provide a reliable basis for decision making.

Bringing GPJ into practice

Everyday practice in child protection is riven with challenge, uncertainty and complexity, regardless of service framework and procedures. GPJ tries to address this complexity through epistemically responsible processes of critical thinking and reflection on an individual level. Practitioners should be able, and should expect, to give detailed accounts of

how they have reached a decision; that is, they must demonstrate epistemic responsibility by showing how their analysis meets the criteria of coherence, good reasons, and a sense of 'fit' with the available best evidence. Such accounts will also include an honest appraisal of what is not known, what does not 'fit', and any uncertainties about the validity of the reasoning process - and this will not be possible in a culture of fear, compliance or blame.

Therefore the nature of the organisational context is critical. Lillrank and Liukko (2004: 44) offer a helpful perspective on what is needed: 'Non-routine situations are best managed by indirect means, such as competence, improvement and professional values, visions and missions". These elements go along with an organisational culture focused on support and learning, for example through the provision of adequate reflective but challenging supervision, colleague support, manageable case loads and proper interventions to meet the needs of the families after assessments, together with public trust (Samsonsen & Willumsen, 2014; Munro, 2011), all contributing to a structure of epistemic accountability. While there is no quick fix, measures such as the development of a Professional Capabilities Framework, to act as an over-arching set of standards outlining expectations of social workers across every stage of their careers, and the introduction of an Assessed and Supported Year in Employment for all newly qualified social workers in England, with its clear expectations about the role and importance of reflective supervision, may be pointers towards a more epistemically accountable approach.

Conclusions

In this paper we have discussed social work, and more particularly child protection, assessment in two different countries, England and Norway, in order to reflect on different approaches towards professional judgement in practice. While this comparative approach has allowed us to focus on these two systems in some detail, we propose that consideration of the meaning and role of professional judgement has broader relevance, as the need for social workers to be able to make good decisions in situations of complexity and uncertainty is not confined to these specific national contexts.

The way child protection problems are framed, either as 'tame' or 'wicked', seems to play an important role in how governments approach the role of professional judgement in assessment practice. Defining the professional task as one of 'ensuring safety' assumes a soluble (ie 'tame') problem and may lead to measures aimed at increasing the levels of bureaucratisation and proceduralisation - that is to say, using mechanisms of *structural* accountability to control the room for professional judgement. Alternatively, acknowledging the complexity and uncertainty of practice and seeing child protection as a 'wicked' problem may lead to an approach that addresses the need for professional judgement more directly and looks for mechanisms of *epistemic* accountability to provide appropriate support for its exercise.

However, neither response is problem-free. Where professional judgement is viewed normatively, and seen as in some sense above challenge, then there is no requirement to clarify what kind (or quality) of thinking processes are involved. An absence of structures and procedures may therefore be naïve in terms of epistemic accountability and responsibility, and set up professional judgement as a kind of 'black box': inputs and outputs can be identified, but the internal processes connecting them are not available for scrutiny, understanding, or challenge. On the other hand, constraining the discretionary space within which practitioners can operate has raised its own difficulties, particularly in terms of undermining their confidence and competence in relation to critical and analytical thinking (Munro, 2011).

The response we propose is one that foregrounds what we have called 'Grounded Professional Judgement'. In terms of understanding the implications of this notion, we suggest that it occupies a defensible middle position between those currently reflected in the assessment systems in England and Norway. Retaining the commitment to the use of professional discretion, it nonetheless provides a structure within which judgement can be exercised more rigorously, transparently and in a way that can be called to account. In this way, GPJ provides a counterbalance to the potential idiosyncrasy of decision making in a context where professional judgement is elevated to a point where it is beyond challenge or critique. At the same time, in a system where the space for discretion has been reduced at

the expense of increased procedure and bureaucracy, it provides a framework within which professional judgement can be 'reclaimed' by social workers and built back in to practice.

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