

TITLE: *Assessing for bruises on the soul: Identifying and evidencing childhood emotional abuse*

ABSTRACT

The term 'emotional abuse' is acknowledged by law in the Children Act 1989 and refers to the wider social concept of harm that occurs in the psychosocial domain. Emotional abuse is a contested notion and a form of harm that statutory child protection social workers find difficult to recognise and gather evidence of. Early preventative intervention approaches, which occur outside of the legal system, are the preferred course of action in work with emotional abuse. However, child protection social workers may use their statutory powers and duties to implement interventions when cases are deemed to require attention within legal frameworks.-Professionals routinely fear legal work in cases of emotional abuse, feeling inadequately equipped to engage effectively with the law. This article draws on rich research data, gathered for an Economic and Social Research Council funded doctoral project. The data offers an original perspective on the interaction between social work and law, adding to existing literature on the frictions that exists. Using psychosocial methods, the research explores social worker experiences of identifying and evidencing emotional abuse, with particular attention to the application of 'attachment theory'. The article shines a light on some practice complexities of identifying and evidencing emotional abuse.

Keywords: Emotional Abuse; Child Protection; Attachment Theory; Psychosocial Methods

INTRODUCTION

According to English law, children may be defined as experiencing one or more of four categories of abuse. These categories are designated under the Children Act 1989 (CA 89) to be physical abuse, sexual abuse, emotional abuse and neglect. Prior to this, emotional abuse was not acknowledged by law, the focus being mainly on physical abuse and physical neglect. There has been a gradual recognition of the impact of sexual abuse on children, although it was not until the 2003 Sexual Offences Act that protection of children against sexual abuse was placed at the centre of legislation. Emotional abuse has less of a profile in the public awareness than other forms of abuse, as it is not considered so serious a 'social taboo' (Spinazzola et al. 2014).

Emotional abuse is an under researched area (Barlow and Schrader-MacMillan, 2010) and childhood emotional abuse is a notion that remains contested in academic literature. Knowledge around the longer-term harms of emotional abuse that occurs early in life continues to evolve. Consequently, the emotional harm that may occur between a parent or carer and their child is an area in need of greater professional attention and resources (Trickett, Kim, & Prindle, 2011).

In this article particular attention is paid to the utilization of 'attachment theory', which is regularly employed by social workers to identify the presence of an emotionally healthy relationship. A key consideration of this article is the extent to which law and policy offers clear guidance to child protection social workers in relation to this work, and how social workers might work more skillfully within the parameters of the law to obtain better outcomes for children.

Preventative interventions are the preferred strategy for emotional harm (Barlow & Schrader-McMillan, 2010). Interventions by social workers into emotionally harmful relationship are most effective when carried out in close partnership with a family and the 'professional-client relationship is a pivotal part of the change process' (Barlow with Scott 2010, p. 60).

Thresholds around the level of risk a child is at are a preoccupation for many social workers. It is usually the case that provision of resources are dependent upon a social worker demonstrating that a child's needs meet the local authority's threshold criteria for support (Munro, 2011). Professionals who experience

difficulties in recognising and defining emotional abuse consequently ‘experience uncertainty about proving it legally’ (Glaser, 2002, p. 697). How they address emotional abuse according to the legal caveat of ‘significant harm’ is, therefore, of interest in contextualizing this research.

Psychosocial methods have been used to carry out this research in order to gain an in-depth exploration of social worker’s experiences of assessing and evidencing emotional abuse. These methods, which draw upon psychological and sociological traditions, are outlined in a description of the research approach to data collection. Data from one to one interviews and focus groups with local authority child protection social workers are drawn upon to demonstrate the professional and personal challenges of identifying and providing evidence of emotional abuse of children in a legal context.

This article seeks to shine a light on some of the complexities experienced by social workers when they are required to provide evidence of the emotional abuse of the children they seek to protect, with the aim of improving current processes. The early part of this article draws on the wider PhD literature review about work with emotional abuse in a child protection social work setting. Relevant law and policy that supports social work with emotional abuse is introduced. Some of the challenges associated with defining the term ‘emotional abuse’ will be explored, and the complexities of working within this context are highlighted, with attention paid to decision-making processes.

WHAT IS EMOTIONAL ABUSE?

Emotional abuse is conceptualised at length in English law and policy, in contrast to simpler and less ambiguous definitions for other forms of abuse. Working Together to Safeguard Children 2018 (WT18) is the statutory guidance on inter-agency working to safeguard and promote the welfare of children. Paragraph 1.34 in WT18 defines emotional abuse as:

‘The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child

opportunities to express their views, deliberately silencing them or making fun of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone' (WT15 paragraph 1.34).

This long definition, full of examples, is in contrast to the simpler and less ambiguous WT18 definition for physical abuse (paragraph 1.33);

'Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child' (WT18 paragraph 1.33).

The WT18 policy direction underpins child protection social work practice in England and the definition it gives therefore forms the basis for a working meaning of emotional abuse in this research.

Complications around defining the term 'emotional abuse'

Social workers find it difficult to recognise, name and intervene in cases of emotional abuse (Iwaniec, Larkin, & McSherry, 2007), and the term itself is often contested in the literature, which adds to the difficulty of providing a clear and succinct definition.

Some researchers argue that the term emotional abuse is inaccurate and does not reflect the nuances of harmful relationships we are now aware of; Glaser (Glaser, 2011) prefers to refer to 'emotional neglect' to reflect the omissions as well as the commissions in parental behaviour; whilst O'Hagan (O'Hagan, 1993) refers to 'emotional and psychological' abuse to indicate differences in varying developmental delays caused by early trauma. Many child protection concerns, particularly emotional abuse cases and neglect cases very often have characteristics that overlap (Trickett et al., 2011). The literature social workers may access to help them work with the law may present them with the additional deliberation of how best to present their assessments in a clear and assertive

fashion when there are so many inconsistencies about the concept of emotional abuse to overcome.

Interventions with emotional abuse are arguably more complex than intervening with other kinds of abuse because it is a multifaceted phenomenon and likely to be the result of a combination of harmful parenting behaviours. Social workers often attempt to engage parents to address their problems at the same time as assessing their parenting for improvements. This is a challenging task, which may require a multidisciplinary approach co-ordinated by a social worker. There is still limited research available about parental capacity for change and the timeframes required for change to occur (Brown & Ward, 2014), so gauging the extent of progress is an additional complication. Assessment for effectiveness of interventions with the parents and the improving condition of the child occurs through 'triangulation', whereby more than one method is used to address the emotional abuse of the child. There is a risk that where evidence gathering may take a long time, any potential improvements that might be made for a child may be 'postponed while professionals wait fruitlessly for parents to change' (Brown & Ward, 2014, p. 266).

CURRENT LAW AND POLICY IN RELATION TO EMOTIONAL ABUSE

Local Authorities have a general duty to safeguard and promote the welfare of children within their area who are in need (s.17 CA 89). They must make enquiries when there is reasonable cause to suspect that a child is suffering, or is likely to suffer 'significant harm' (s.47 CA 89). Professionals such as social workers along with family law courts decide whether a child is experiencing abuse and is at risk of further harm.

Guidance from WT18 indicates that according to s. 47 CA 89, intent to cause harm is not required when establishing if harm has been, or is likely to be caused. This is essential in clarifying that even where there is no *intent* to cause harm, parental behaviour may still be detrimental to the wellbeing of the child.

The definition of emotional abuse in official guidance (WT18) locates evidence of emotional abuse in the behaviour or presentation of parents or children with little clarity of where the threshold for intervention should be. Social workers thus have considerable discretion in exercising professional judgment.

Demonstrating 'significant harm'

Judging whether a child is suffering or likely to suffer 'significant harm' has become a crucial task for social workers. They need to decide where the boundary lies in distinguishing when a case for a 'child in need', becomes a 'child at risk' (Ayre, 1998, p. 330).

WT18 offers guidance in assessing significant harm, stating it is comprised of:

'... a compilation of significant events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development' (WT18 paragraph 1.28).

Social workers and courts must look at the facts of each individual case and decide where the thresholds lie (NSPCC 2012). However, defining the threshold of emotional maltreatment has been proved to be difficult and has contributed to the complications of getting the negative consequences of emotional abuse recognised (Rushton & Dance, 2005, p. 415). The Children Act states that evidence of 'significant harm', or the likelihood of it, derived from 'the care given to the child' (s.31(1)), or that which is not given, is the threshold justifying state intervention into family life for the best interests of children. What constitutes 'significant' is not defined by law, although it does say that the court should compare the health and development of the child 'with that which could be reasonably expected of a similar child' (s.31(10)).

However, at some point in most parent-child relationships, some interactions will include behaviours that could be described as emotionally abusive (Glaser & Prior, 1997, p. 323). Local authorities must decide that the harm the child is experiencing is attributable to the care they are receiving, or should have received, but did not (Masson, 2010). Glaser and Prior (1997) say that the threshold of significant harm is reached when the balance between good-enough and unacceptable interaction is skewed so as 'to render the abusive aspects typical of the relationship' (323).

'Chronic' cases are characterised by a lengthy pattern of actions or incidents, none of which alone are sufficient to trigger interventions. When social workers engage closely with families over long periods of time, they can become acclimatised to this entrenched behaviour and start to overlook cumulative concerns. Unacceptably low standards of care can come to be regarded as

normal (Ayre, 1998). In the absence of unambiguous evidence about the nature of harm and how it has been caused, the professional system may be unsure how to proceed. Many such cases are not sufficiently 'high risk' in the scheme of child protection thresholds to do more than trigger continued offers of support and monitoring (Glaser, 2002; Iwaniec, 2003; Smith-Slep et al., 2011). Such cases are prone to slipping below the social worker's 'radar'. They know the case is troubling but believe little more can be done. Becoming preoccupied with more immediate matters, for example obtaining a court order for children for whom abuse is more certain, becomes a priority (Iwaniec et al., 2007; O'Hagan, 1995).

As the term 'significant harm' is so contested, particularly in relation to thresholds of emotional abuse, lengthy delays in bringing interventions may occur. One reason for delays may be social workers who place a heavy concentration on a family being assessed for their weaknesses rather than paying due attention to their strengths (Ayre, 1998, p. 330). Debates about factors of resilience may ensue; the circumstances of emotional abuse may be harmful in one case, but less detrimental in another. How and why children have differing capacities to be affected by harmful interactions cannot always be fully explained (Turnbull, 2010a). Factors such as a generally secure relationship with a caregiver can enable a child to become more resilient to parental maltreatment (Iwaniec, Larkin, & Higgins, 2006).

In the absence of a detailed definition of significant harm it is necessary to draw on 'a very substantial array of factors relevant to assessment' (Ayre, 1998, p. 341) in order to make judgments about whether it is present, and to ensure families are not unnecessarily drawn into child protection proceedings. Deciding what constitutes significant harm in cases of emotional abuse must be considered within the terms of its level of persistence, frequency, enormity and pervasiveness (Brown & Ward, 2013). Other key domains to be identified when conceptualising a framework of emotional abuse are who the abuser is (in cases of child abuse it tends to be the caregiver), the abuser behaviour, the intention of the behaviour, the consequences of the abuse, the child's characteristics and the child's age. When thresholds of harm are disputable and cumulative evidence takes a long time to build, litigious routes to child protection measures in cases of emotional abuse are not well suited to a court setting.

Statutory guidance such as WT18 offer to bridge the interpretive gap between law and practice. However, the best way of providing evidence of the significance

of harm in cases where social workers assess emotional abuse is open to interpretation. Often in situations where a case goes to court, a 'wait and see' approach to evidencing significant harm is required until clarification is produced (Brammer, 2007, p. 12). The vagueness of the term 'significant harm' is particularly problematic in relation to emotional abuse. The variables are such that no two cases are likely to be identical. The resources of time and money available to local authorities are limited, so there is pressure on social workers to make 'consistent and reliable judgments about where to draw lines' (Ayre, 1998, p. 331).

It is useful to provide some historical context for key policy related emotional abuse. 'Emotional abuse' became a category of child maltreatment for inclusion on child protection registers in 1980 (Cawson 2000; Evans 2002; Iwaniec 1997). A refocusing of social work practice emerged from the government document *Child Protection: Messages from Research* (DoH 1995), which concludes that 'long-term difficulties seldom follow from a single abusive event' (53).

The government's introduction of the *Framework for the Assessment of Children in Need and their Families* (DoH 2000) requires social workers to consider the wider environment of children and their families, and places less emphasis upon risk and investigation during their assessments. The need to embrace a more 'holistic approach' (Hawkes, 2005) to family functioning acknowledges that the quality of intra-familial relationships must be explored. The less tangible aspects of abuse that underlie problematic family dynamics should be investigated in order to support effective outcomes. The guidance of this framework sharpens the social work focus on interrogating the causes and effects of dysfunctional intra-familial relationships.

Although it is appropriate to intervene with emotional abuse within the child protection arena, it is not necessarily amenable to current child protection procedures with their 'connotations of immediacy' (Glaser and Prior, 1997, p. 323). In cases of emotional abuse child protection registration is a 'last resort' (Glaser and Prior, 1997) and it is more often addressed without the formalities of registration and legal action. Following Munro's investigation into child protection practice, there is an acknowledgement that these limitations should be more flexibly applied in order to promote a 'stronger awareness of balancing the timelines with the quality of assessment' (Munro, 201, p. 11).

Developments in the law

Laws tend to take far longer to change than the rate at which knowledge about social issues is amassed. There have been many changes to prevalent attitudes about welfare and human rights in recent years. What is known about abuse towards children and the duties of social workers to protect them has developed considerably. There have been numerous laws and policy guidelines made to address harmful behaviour towards children, but there are inevitable inconsistencies amongst them.

Psychological abuse became a criminal offence in May 2015. Changes to the law made in The Serious Crime Act have amended the Children and Young Person's Act 1933 (CYPA) to incorporate injury of a 'psychological nature'. Over the two years that the charity Action for Children campaigned for this change to the law, public debate about the implications of criminalisation of emotional abuse has grown, along with discussion about the implications for law enforcement agencies such as the police, social workers and the courts (Action for Children 2015). Amendments made by The Serious Crime Act included changing the outdated term 'mental derangement' to 'psychological suffering'.

This change in terminology may still be confusing for those engaging with the law as, although it encompasses emotional abuse as described in the Children Act, there is no mention of the term emotional abuse. Although family law is a mechanism to support positive outcomes for children and their families, it is possible to see how discrete laws can appear to be in conflict with one another (Brammer, 2007, p. 12) and lead to confusion.

HOW DO SOCIAL WORKERS ENGAGE WITH THE LAW?

Research into emotional abuse and wider social work practice acknowledges there are difficulties in relation to definitions, legal thresholds and resource constraints (Garbarino, 2011; Glaser, 2002; Trickett et al., 2011; Turnbull, 2010b). Social workers recognise their practice is inherently bound up with lawyers and legal systems (Braye & Preston-Shoot, 2006, p. 19). However, the law is often seen by practitioners as 'alien and hostile territory'. It has been described as 'not social work' by social work students (Braye & Preston-Shoot,

2006, p. 20). While most social work students can answer questions about the law, research with carers (Barnes, 2000) indicated that in practice situations, social workers were unprepared to use their legal skills. Brammer (2007) draws on research by Jones et al (1991) to discuss the unease social workers experience in relation to acting as statutory agents. They become stressed when their work brings them into contact with the law (Brammer, 2007, p. 4). Consequently, knowing how to identify, assess for, and evidence potentially emotionally harmful situations may create feelings of anxiety for social workers during their practice. How social workers use the law and policy available to support their child protection work amidst this incongruity is of particular interest in this article.

Many social work practitioners have a number of fears when working with the law and feel inadequately equipped to engage with it. Whilst it provides social workers with powers and duties, it does not necessarily offer clear direction to demonstrate significant harm of emotional abuse. This is particularly the case in relation to emotional abuse where clarity around definitions is lacking. Ascertaining where the thresholds lie depends on a number of circumstances, including the relative severity of other cases held within a particular locality or even within a particular team. The Children Act 1989/2004 does not set boundaries for practice with emotional abuse, which often results in social workers needing to show substantial discretion on ways to practice within the limits imposed by providing 'significant harm'.

This lack of clear direction in relation to the law can be an advantage to those who are confident in using it. It can also inspire fear in social workers who feel 'up against' other professionals who are better equipped to use it and are representing the interests of the 'opposition' (Brammer 2007, p. 12). The law is at times construed by social workers as something that disrupts relationships with service users, leads to additional pressures and practice dilemmas, 'or as a big stick with which social workers will be beaten when they go to court' (Braye and Preston-Shoot, 2006, p. 20). In addition to this, social workers often feel overwhelmed by expectations in court to provide evidence about abuse. They may believe they are considered as having limited credence and status.

There is a public expectation that legal systems follow the principles of 'natural justice and for justice to be seen to be done' (Brammer 2007, p.13). This measured approach leads to the law at times seeming like a bureaucratic

machine, concerned more with processing forms accurately and following procedure than dealing with the central issues in a case. The child welfare system in England has been described in the literature as responding too slowly and indecisively in responses to evidence of abuse and neglect (Brown and Ward, 2014), meaning that children are left too long in abusive situations. This has consequences not only for their immediate protection needs but also for their long-term outcomes.

Although law and policy underpin decision-making in statutory social work decision-making, the literature indicates official guidance does not 'exist in a vacuum' (Brammer, 2007, p.19). Legal solutions are additionally problematic to achieve owing to the complexity of meeting thresholds of significant harm. They tend to occur in the case of the most severe and persistent cases where harm is more evident, or other forms of abuse are present too. Social workers often feel uncertain of their own abilities to represent the interests of a child experiencing emotional abuse when entering the legal arena.

A social worker's subjective interpretations and associated values may play a significant role in labelling a case as abusive. As mechanisms such as law and policy have limitations in respect of emotional abuse, much decision-making falls on 'professional judgement'. The experience of the individual social worker in relation to work with emotional abuse is regarded to be an important consideration to be addressed in this article.

PRACTISING SOCIAL WORK WITH EMOTIONAL ABUSE

The practical 'hands on' activity of social work with emotional abuse often consists of 'in the moment' interpersonal tasks for social workers. The direct work social workers carry out, how they make sense of complex situations, their interactions with families, children, team members and other practitioners are important elements to be considered when developing a deeper understanding of how work with emotional abuse unfolds.

Social work can be emotionally and relationally complex. All social work interactions are 'conducted through the medium of a relationship' (Ruch, 2005, p. 113) regardless of whether the relationship with a child or family is short or long. The relationship can either be 'the primary means of intervention' for longer term

trusting support or it can be a short term and functional 'means to an end' (Ruch, 2005, p. 113). It is the personal dimension to child protection work, rather than 'bureaucratic' methods, that leads to lowered levels of distress and changes in the quality of intrafamilial relationships (Barlow with Scott 2010). Practitioners must acknowledge that every individual practice encounter is unique. An aptitude for deeply critical thought or 'reflective practice' is therefore an important part of the work. Reflection in a social work context is more than just hindsight; it is 'having a 'feel' for something and doing something about it' (Knott, 2016, p. 14).

Key concepts in recognising acceptable emotional care

In relation to the harmful effects of parenting on children's emotional wellbeing, the social work literature often discusses what constitutes 'good enough' care. It has been suggested that more debate about what constitutes 'acceptable and unacceptable parenting' (Brown and Ward, 2014, p. 266) is required. According to the literature about emotional abuse, ideas about what meets the thresholds of this care are built on the premise that all individuals have a basic need for positive responses from others (Iwaniec, 1996). The literature suggests that secure relationships experienced during childhood equip people with a template for future relationships that are safe and trusting (e.g. Barlow and Schrader-Macmillan, 2010; Iwaniec, 1996). Social workers who enter family homes to assess a child whose wellbeing and developmental outcomes are of concern, will seek out signs of positive emotional and physical development. A social worker may, for example, try to find out if caregivers have made secure and warm relationships with their child, giving the child a 'sense of belonging' (Hart et al., 2007). A child who receives care that encourages feelings of acceptance, safety and predictability is more likely to develop appropriate basic functioning. This gives them the building blocks to create similarly positive relationships throughout their life course.

USE OF 'ATTACHMENT THEORY' TO IDENTIFY EMOTIONAL ABUSE

Attachment theory is commonly used by social workers to understand the worlds of the families they encounter, and the nature of their relationships. The use of attachment theory is a widely taught approach in child protection social work

education. It is referred to as a means of establishing whether a relationship between a parent and a child is flawed or damaged. It has been incorporated by social workers in their practice since Bowlby's (1951) development of it during the Second World War (Pierson, 2011). Ainsworth, along with Bowlby, is regarded as the 'co-founder' of Attachment Theory (Gomez, 1997; Runyan et al., 2005). 'The strange situation' was an experiment she conducted which recorded a baby's reactions to separation. This revealed a baby's 'internal model of relationship' (Gomez 1997, p. 159), which could be related back to the mother's behaviours and responsiveness. From this three main categories of relationship were defined as secure, insecure-avoidant, and insecure-ambivalent to describe the quality of a parent-child relationships. A fourth category was later added and defined as insecure-disorganised (see table 1 below).

Table 1: Attachment Styles. Adapted from Gomez (1997: 160)

Secure	Insecure-avoidant	Insecure-ambivalent	Insecure-disorganised
Upset by separation but demanded and received care from mother on her return.	Not overtly upset when mother left. Ignored her on return, but watched her acutely and unable to play freely.	Panicked by separation and simultaneously clung to her and fought her off on return. Unable to return to own activity.	Confused and chaotic. Bizarre patterns of repetitive movements or frozen paralysis expressing their bewilderment.

The Child Attachment Interview (CAI) was developed in an attempt to 'complement existing attachment measures' (Target, Fonagy, & Shmueli-Goetz, 2003, p. 172), defined by Ainsworth's original strange situation experiment. It is a more complex and in-depth assessment of child-parent relationships. At the time of writing this article, practitioners are able to attend a training course and receive accreditation to assess the quality of parent-child relations as evidence in court. However, the measures used in a CAI are expensive, time consuming, and requires significant training and complex equipment to implement. The measures must be 'used as developed' (Lee, Borelli, & West, 2011, p. 223) in order to make categorisations. Owing to the constraints related to using such a tool, the CAI has

not yet been validated in the context of child protection social work in legal settings.

Attachment-based interventions into family life 'aim to promote secure individuals with autonomous, reflective states of mind' (Howe 2005, p. 258). Such therapeutic work requires a trusting relationship between the professional and family members. The required conditions for this dynamic may conflict with the primary aim of a parent who is hostile to social service interventions and wishes 'to keep childcare authorities out of his or her life' (Howe 2005, p. 98).

This paper seeks deeper insights into the challenges child protection social workers experience in their day-to-day work when seeking to identify and evidence the presence of emotional abuse. It draws on the research data to explore whether the wider availability of an assessment tool such as the CAI may offer social workers more comprehensive assessments of harmful relationships. Through developing greater understanding of social worker experiences of work with emotional abuse in legal contexts, it may be possible to improve practitioner skills and self-efficacy, thereby providing better outcomes for the children they work with.

RESEARCH SAMPLE AND METHODS

This article draws on work carried out for a qualitative doctoral research project. The aim of the research was to explore social workers' subjective responses to work with emotional abuse in order to support future practice. Data were gathered from interviews and focus groups with child protection social workers in England. The fieldwork phase of the research included two focus groups, each with five social workers, and individual interviews with eight social workers, each interviewed twice (two months apart). This article draws on data from four individual interviews and one focus group with social workers to support the discussion of issues child protection social workers experience in relation to working with law, policy and the legal system. Social work is often regarded as a 'women's occupation' (Perry & Cree, 2003, p. 382) and is arguably a 'feminised' profession (Baines, Charlesworth, & Cunningham, 2014). Consequently, research participation reflects this gendered bias, with interviewees being predominantly female.

The research enquires into social workers' construction of evidence of emotional abuse when working with the law. A key component of the research analysis is consideration of social worker 'subjectivity' in this setting. Underpinned by a psychosocial approach, the research looks beneath the surface of participants' responses (Hollway & Jefferson, 2013), to gain in-depth understandings of how, for example, previous practice experiences, educational training and cultural background contribute to decision-making processes during assessment and intervention with cases of emotional abuse. The data was thematically analysed with use of the software programme Nvivo. Close attention was paid to the unacknowledged anxieties social workers may experience whilst working to identify and evidence the experiences of children who are suffering emotional abuse. In using this approach the social workers shared their unconscious thought processes, and the analysis explored the deeper motivations for their everyday decision making (North, 2018).

There is an emphasis in this research on the researcher and participant as 'co-producers of meaning' (Clarke, 2002, p. 120). In using such a methodology, a researcher may, during and after the interview, reflect on their own affective responses, such as unexpected discomfort, or wonder about parts of the participant's narrative that seem incoherent or incomplete. Considering such subjective reflections may be particularly useful in recognising issues such as the unspoken fears of social workers. It can assist in identifying the kinds of responses social workers may give to defend against their uncomfortable feelings. The researcher influences the shape the research takes, therefore, researcher reflections are incorporated in the analysis of the data, with attention paid to my role as a co-producer of the research.

Excerpts of interview and focus group data have been selected from responses to questions by five child protection social workers about their engagement with legal processes in everyday work with emotional abuse. The research data has been selected with the aim of supporting the exploration of three key areas of interest to this article, which are; use of attachment theory; and social worker self-efficacy in relation to providing evidence in court.

'DO YOU USE ATTACHMENT THEORY TO EVIDENCE THE PRESENCE OF EMOTIONAL ABUSE?'

This section focuses on how individual child protection social workers draw upon attachment theory in their process of identifying and evidencing emotional abuse. Their own emotional responses and levels of professional self-efficacy in relation to this are explored in depth. A question posed to all the social workers who were interviewed inquired about their use of attachment theory in the legal domain.

Li, a social worker of fourteen years explained the need for caution when using attachment theory in court. Li warned that this approach may contribute to moving the focus from the child at risk to an altercation between professional about ideas;

....you have to be very careful. If you put in your statement a theory or you link it with a theory, you're very likely to be cross-examined and pinned down to the ground...normally the lawyers ... they would try to find a counter-theory that would suggest exactly the opposite. So you would get into a debate about theories in court, when actually that's not the focus; my focus is to gather information about how the child has developed...

The almost uniform response from the social workers interviewed was that attachment theory is useful for identifying problematic relationships, but should be used with caution in a legal setting.

Although social workers routinely described using it in their identification of harmful parent-child relationships, social workers often felt they lacked the expertise to effectively use the theories they were familiar with to legitimise interventions with emotional abuse in a more formal setting. Forms of physical evidence were deemed to be more appropriate.

...Here's The Bruise They Received On Their Soul That Day

Bryony, as one of the more experienced members of a focus group, having been a social worker for eight years responded to another less experienced social worker's concerns about her perceived naivety in detecting emotional abuse.

*Even when you are experienced though, because I...I've sat in front of judges, when I've tried to, you know ...and they've literally said, "Well where's your evidence?" and I'm like well "**Look** [emphasises 'look'] at these children" [laughs slightly] If I was able to say, "Oh, yes. Here's the bruise they received on their **soul** that day." But judges, laws, the law is set up to want physical evidence of what...and, and I remember*

giving evidence and saying, “well you know, you know those people that have mental-health problems and end up in crime or in violent relationships, well, you know this is what this environment will lead this person to. But because it’s in the future and you can’t always see it there and then, although you can in little, and as a social worker, I guess, I find it difficult because I guess we’re not like a trained psychologist. And although you can see things there, you have to stay within your remit. And I think I get a bit concerned I guess about how we’re not getting psychological reports anymore because I think that could back up quite often our, although they just write what we have written, [draws in breathe and laughs slightly] sometimes they would have the clout to say, “Well, actually this child’s attachment style is like ‘this’ and that’s as a result of ‘this’.”: Whereas although we can say we have concerns about the attachment, I don’t feel we’re qualified enough to say, you know [softly], “They’ve got an attachment issue, you know, they’ve got a dis...organised [almost inaudible and another participant coughs]...attachment or whatever,” because I don’t feel we’re qualified enough. I don’t feel qualified enough to say that. You know? Really difficult to prove. In court especially. I think we have children on child protection plans for a long time where emotional abuse is evident.

In the analysis of this interview excerpt, particular attention was paid to the way in which Bryony used the level of her voice and interjections. These added emphasis to and enriched her account. Despite all of the knowledge and experience Bryony amassed over her eight years as a social worker she felt unable to use it to demonstrate emotional abuse in a legal setting. “*Oh, yes. Here’s the bruise they received on their **soul** that day*” summed up her frustration at being aware that emotional abuse is impacting on a child’s emotional wellbeing, but feeling unable to produce tangible evidence of it as ‘*the law is set up to want physical evidence*’. She went on to describe the predicted outcomes she envisaged for a child living in their current harmful environment, which is based on a combination of experience and theoretical knowledge;

‘well you know, you know those people that have mental-health problems and end up in crime or in violent relationships, well, you know this is what this environment will lead this person to.’

Bryony drew on her intuitive and analytic skills to assess the possible risk to the child’s future according to what Bryony hesitantly refers to as a disorganised attachment style. However, she knew that this assessment of a likely, harmful outcome was not acceptable evidence of significant harm. Evidence of a child experiencing actual harm is understandably favoured over speculations about

potential harm. In addition, Bryony suggested that possible harm may be offset by factors of resilience, or unforeseen positive influences in a child's life. Along with her own perceived lack of expertise, Bryony expressed her sense of inadequacy in being able to help the children she worked with towards achieving improved outcomes.

She spoke softly when she referred to attachment, seemingly to emphasise her shame at not feeling competent to make theoretically informed judgments. This was a response echoed by many interview participants. Social workers often want to be more proficient in their application of attachment theory and in how they describe their utilisation of it in assessments. They also experience frustration at lacking the skills to explain effectively how they have used attachment theory to indicate the potentially harmful outcomes for a child of experiencing emotional abuse.

Fear and lack of self-efficacy

There was a clear sense amongst some of the social workers interviewed that the legal process is an intimidating one. They appeared anxious about the seriousness it conveys: fearful they would be scrutinised and found to be at fault. This fear not only has repercussion for the children and families they work with, but also for the individual social worker's sense of being an authoritative and competent practitioner.

Theresa: Because dad has got a really fierce barrister that they've shot through my Section 7 report, which was well over 30 pages ... and it almost feels like in some ways the court had sort of scrutinising the local authority as well. Like 'what are you doing?' I can understand that to a degree, 'are you really going to do what you say'? So I can understand there needs to be some review process. But, yeah, that one is tricky.

Rather than entering legal processes confidently with the goal of securing better outcomes for children, social workers often described the law with feelings of uncertainty and worries about judgement of their practice. To an English social worker the phrase 'children's judge' normally evokes a set of particular associations including formal dress codes, professional conduct in formal courtroom settings, and the exercising of powers (Cooper, 2000, p. 98). The system is set up to create an environment that is formal and adversarial. This is

in contrast to the experience of social workers in other countries, such as France where the family courts system is regarded as informal, accessible, inquisitorial, welfare based and negotiative (Cooper, 2000: p. 98). During interviews social workers often alluded to the antagonistic and combative nature of attending court and having to be cross-examined by a defence barrister. The research indicates that although the law shapes social work practice and provides social workers with powers and duties, as well as boundaries for practice, there is 'often a huge discretion on ways to practice within those limits' (Brammer, 2007: p. 12). For professionals who are confident in their use of law, it can be an advantage, but it can inspire fear in social workers who feel 'up against' other professionals who seem to be better equipped to use it (Brammer, 2007: p. 12).

Social workers seemed to expect to be undermined and outwitted in court. They described being asked to explain decisions made about families on behalf of the local authority, which may have been made long before they became involved in a case. During her one to one interview Bryony recalled a barrister referring to historical decisions made by the local authority during a client's childhood:

I remember when I was giving evidence, her barrister was sort of asking me questions about the decisions that had been made about her(the clients') childhood and she (the client) was of sort of a similar age to me and he was sort of going "yes, and on this occasion do you think..." you know, and I sort of had to say "well I don't know, I was seven at the time that decision was made so I can't answer that, I can't answer your questions there I'm afraid, sorry".

This was a defended response by Bryony who seemed to feel antagonised and under personal scrutiny from the barrister questioning her about the historical chronology of a case that she did not have knowledge of. Bryony took her opportunity to point out the irrelevance of the question, and rejected the possibility of responsibility on her part. She refused to take the blame for decisions made before she came to work on the case.

Increasingly the law is required to judge the general quality of social work, whether it be in court, in case conferences or by a public inquiry (Parton, 2003; Parton & Martin, 1989). 'Legalism' has developed out of concern about failings of the child protection system. Many inquiries have indicated that social worker 'attitudes, knowledge and use of the law' (Parton and Martin, 1989, p. 35) in response to the risks presented have been inadequate, and many tragedies are preventable. Legal procedures such as the cross examination of a social worker's

judgment perhaps provide a sense of a 'solution' to the problem of poor social work practice. Reasons for criticisms about social workers vary, but the overall impact of scrutiny does seem to 'dent the confidence of social workers' (Parton and Martin 1989, p. 34). Their sense of authority and status remains low (Parton 2004) and they feel poorly equipped to defend their assessments. In the case of children experiencing emotional abuse, this is particularly apparent.

Social workers often indicated a lack of respect for their professional judgement by other colleagues and by the public more widely. A system where professionals are required to work closely together to improve outcomes for children, rather than in an adversarial way is indicated by participants in this research as crucial to their work. A system that values social work expertise (Munro, 2011) may contribute to improving public perceptions of social workers.

Being a co-producer of meaning: researcher reflections

Whilst reflecting on the language Bryony used, I noticed that her passion for representing the needs of the children she worked with was emphasised by her use of emotive language. Upon repeating her sentence '*the bruise they received on their **soul** that day*' at conference presentations of the research data to social work professionals and academics, I have seen nods of acknowledgment and heard it repeated back to me during question and answer sessions. Perhaps it sums up the frustrations social workers feel at not being able to physically demonstrate the psychological suffering they witness.

There is, at times, a contrast between the language and aims of the legal system, and the social work profession. The approach of some social workers, like Bryony, is embodied in phrases used during interviews. Social workers are, perhaps, a group of professionals who have a more intuitive, relationship-based approach to their work, and struggle more with use of law and legal language. Use of language that evokes strong emotions and precursors to sentences such as 'I feel' are tolerated in the legal domain and can be used to demonstrate the bigger picture. They do not, of course, amount to sufficient provision of evidence. Additionally, expressive or florid accounts of family life can be distracting and be criticised for attempting to bias the views of the listener. Strongly narrative accounts also put the attention on the teller of the story, moving the focus away

from the child. This can lead to the minimisation of more significant reasons for protecting the child.

The utilisation of psychosocial methods to carry out this in-depth research has created opportunities for increased awareness of the complexities of working with cases of emotional abuse in the legal domain.

DISCUSSION

This article set out to take a closer look at experiences of child protection social workers in their identification and evidencing of emotional abuse. Data from a doctoral research project was drawn upon to demonstrate the professional and personal challenges of this work. Individual social workers' narratives have been used as a starting point for understanding the kinds of supportive measures they require in order to work more effectively towards reducing the risks of harm to children. Particular focus has been given to a 'disconnect' between social workers' routine use of attachment theory in their identification of emotional abuse. The relative absence of their use of this approach during the process of providing evidence has been considered in relation to poor social worker self-efficacy and a divergence between social work practice and legal processes in pursuing positive outcomes for emotionally abused children.

The research offers an insight into the kinds of day-to-day challenges professionals experience when working with the law. It indicates that social workers often struggle to effectively use the law and policy available to them to demonstrate what significant harm looks like. An uneasy social work relationship with the law exists, which is potentially exacerbated when evidence of emotional abuse is required. Social workers readily use attachment theory to identify the harmful nature of a relationship, but did not feel equipped to use it as evidence of finding emotional abuse when in court. Aspects of the social work role, such as tension in relationships between practitioner and family members adds complexity to carrying out this work.

Levels of experience do not necessarily lead to greater assertiveness in the legal arena. Bryony, an experienced worker, conveyed her frustrations at feeling that her professional judgment was not regarded as valid. The research demonstrates that social workers require greater support in preparing for assertively presenting

evidence in court alongside other professionals. Being able to confidently convey why their observations have led to their assessment of a child as having a particular attachment style and how, for example, this influences potential future outcomes for them, is one such area that requires attention. In having a stronger knowledge of attachment theory and how to articulate their application of it, they may feel better equipped for justifying their professional judgments in relation to demonstrating whether a situation is significantly harmful for a child.

In many child protection cases there is animosity towards social workers, as demonstrated by Theresa's story, which may impact on the willingness and capacity of parent and social worker alike to work towards positive changes in a child's life. This can be anxiety provoking and stressful for all concerned. If a social worker has held a case for a long period of time, they need to maintain commitment, their levels of emotional resilience, develop their knowledge and, where necessary, acknowledge when they are not being effective in meeting their goals. This can be a demanding process. All social workers, regardless of their level of experience and their practice approach, require support in reflecting upon the ways in which their subjectivity may influence their approaches to work with emotional abuse. Being able to explore and make sense of one's own anxieties and associated responses is an important aspect of every day work. Although there is already an expectation that managerial supervision provide such opportunities, it is one that does not necessarily occur, and it may be that in cases of work with emotional abuse additional support is required.

AREAS FOR FUTURE TRAINING, PRACTICE AND RESEARCH

There was a consensus amongst research participants that attachment theory is useful for identifying and understanding relationships, but that bringing it to court in their evidence presented difficulties.

The research suggests that opportunities for child protection social workers working with emotional abuse to develop and formalise their knowledge about attachment theory may assist them in demonstrating how attachment theory is used to work with cases of emotional abuse more effectively. The availability of more comprehensive training in the application of attachment theory may enable social workers to develop skills and knowledge that enhances their intuitive skills. The use of attachment theory in work relating to emotional abuse requires

particular attention from the profession, so that social workers can refer to it in formal contexts with greater confidence.

Standardised training in the assessment of attachment patterns is available (Crittenden and Claussen 2000; Lee et al., 2011). It is a lengthy and complex process, which involves learning to reliably code relationships for attachment patterns, and consequently takes some time to complete. However, it is possible that by having a clear theorisation of the nature a harmful situation, a social worker is better equipped to clearly articulate their concerns.

It is also the case that this training does not eliminate the presence of subjectivity. In its application, aspects of a social worker's subjectivity, such as their own attachment history for example, may influence how they designate a particular attachment style to a child (Crittenden & Claussen, 2000). Social workers must therefore be able to critique the extent to which their work is informed by their own experiences. An awareness of one's own attachment style within the context of an assessment is crucial to effective work with emotional abuse, as is a capacity to reflect on one's own subjective contribution to situations.

Being able to gain an insight into one's own psychological processes can assist social workers in articulating their awareness of intangible aspects of emotional abuse. Understanding one's own inner world, for example, what motivates us, what causes our defences to rise, and how we interact with others, can enhance personal capacity to identify emotional abuse and to communicate these concerns more effectively. It is, therefore, a recommendation of this research that social workers are supported to develop awareness of their own psychological processes. This support may occur through a range of opportunities, including one to one and peer supervisory arrangements which are unrelated to bureaucratic accountability, but that develop engagement in reflective practice.

CONCLUSION

The broader aim of this research is to contribute to in-depth understandings of how law and policy may support social work with emotional abuse more effectively. Research into this area presents opportunities to gain much needed insights into a complex aspect of social work practice. It is often at the point of assessment of emotional abuse that a social worker decides how best to work with a family to prevent further harm. Therefore, the success of picking up on the

presence of emotional abuse and addressing it successfully may depend upon the capacity and expertise of the individual social worker to identify and work closely with the child and family to reduce risks. This article contributes evidence to a growing body of research that indicates practice with emotional abuse must emphasise the importance of ensuring social workers are reflective, well-informed individuals. Further research is required to gain insights into how social workers might be better supported to work more confidently in cases of emotional abuse. This is of particular concern when they are required to demonstrate how they have used attachment theory to identify a source of harm. The ways in which they go about the evidencing of their process of identifying emotional abuse requires attention. This process may be aided by reflective opportunities, in a suitably supportive setting, to explore the complexities of their work. Such approaches may assist social workers to interact more effectively in the legal domain.

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