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Child Welfare - Not A Risk To Play With!

by Joy Jackson



If there ever was a time when child welfare workers were thought of as heroes by the general public, that image is long since past. Many people today believe case workers are "child snatchers" who carry out their nefarious deeds with the blessing of incomprehensible red tape. Today, workers are expected to have sound credentials, always follow the rules, always get approvals from all levels of management, be flexible, effective, efficiently and thoroughly document their decisions while simultaneously being warm, caring, understanding and error-free. Failure at

any step of the process means flirting with a lawsuit.

Even in human services professions, it is important to practice sound risk management techniques. Use of these techniques provides protection both to the agency and its representatives as well as to the child and family population being served. Risks in the human services contact are pervasive, diverse and complicated and can substantially interfere with the ability of the agency to carry on it's day-to-day activities.

All of society benefits from protecting at-risk children from neglect and abuse from single occurrences and from ongoing harm. At the same time, we must take steps to provide adequate protection to the agency, child welfare workers and volunteers. Too much time, effort and resources can be retrospectively deflected from the mission of the agency to protecting it and its representatives from litigation, negative publicity and an unfavourable public opinion.

Child welfare agency, particularly non-profit ones, cannot afford to lose the trust and respect of the community. A poor reputation makes recruiting highly-qualified employees and volunteers, finding community agencies to partner with and raising the funds necessary to carry on valuable, but non-core services much more difficult.

As with most operations, many risks are easily identifiable. There is the potential for injuries to children in care (e.g., injuries to children in unsafe facilities such as children residing at group homes, living in foster homes or in agency-owned facilities such as playgrounds). Physical, emotional or sexual abuse can also occur when a child client visits their natural parents, or while they are at an agency's playground. In those cases, the public looks to the agency to explain how this could occur.

Over the past several years as a member of a Children's Aid board and a practising risk manager, I have seen the negative effect a lawsuit can have on the morale, effectiveness and efficiency of child welfare workers and management. Often, significant funds and time are redirected from agency administration and child protection to legal teams whose job it is to defend workers, foster parents and the board against allegations of negligence and abuse. If the court accepts these allegations as accurate more costs are incurred to compensate the victims.

Even when a case is successfully defended by the agency, it can leave a stigma. Often, those in the community remember the case and the allegations - but not that the end result was 'not guilty'. Among those who do know the outcome of the case, not all accept that the verdict was correct. It is equally important to not only provide high quality child protection services but to be perceived as doing so.

It is costly, cumbersome and time-consuming to recruit, train and upgrade the knowledge and skill level of workers. Skilled, dedicated caring workers are the most valuable asset of any agency. Information technology has increased expectations among the general public who expect information to be shared between jurisdictions so that children at risk do not '>fall through the cracks' when moved by their parents or care-givers. The greater needs of children in care make it more difficult for caring, generous, but unskilled adults to become satisfactory foster parents. Pressure on outside contractors to continually cut costs may exert a toll level of service provide to children in their care.

Liability issues are usually of the greatest concern to child welfare organizations. The reasons includes 1) the anxiety aroused among those involved with the organization, 2) the negative impact it can have on the organization's public image and 3) the unpredictable financial burden it creates. A recent survey of civil suits in Ontario found that 40% of all claims had physical or sexual abuse as the primary complaint. The next most frequent allegation was a distant second - breach of statutory duty at 20%. Breaches of duty include such things as inadequate, wrongful or negligent investigation. Most lawsuits list a number of allegations. Other typical allegations are negligence resulting in injury or death, separation from family members and loss or reputation or employment by employees, volunteers or foster parents due to defamation of character and emotional and mental stress.

Depending upon the jurisdiction your agency operates in, the limitation period on claims for injury as a child may range from very short to extremely long. For example, in some jurisdiction, the limitation period is six years from the date of becoming aware of the cause of the injury. Where adults only are able to trace the cause of their emotional problems back to their childhood experiences through lengthy therapy - that awareness may only become known at an advanced age.