



An Appraisal of the Growing Incidences of Abuse of Children and Young Persons In Residential Homes: The What, The Why, And The How

Hussayn U Idris (Ph.D) Grace Dafiel & Jacob M Gajere

Corresponding Author: Hussayn U Idris (Ph.D)

ABSTRACT The paper reflects upon abuse of young children living in children's homes. Beginning with a recognition of 'individual abuse' it explores, first all, the reasons why children and young people are abused, including, (1) the status of children and young people in care; (2) the application of approved treatment methods; (3) the failure of managerial, organizational and inspection systems; and (4) the institutional critique and the popularity of preventive policies. Second by identifying common themes arising from these accounts, it is suggested the need to rethink the way abuse has been conceptualized over the years. Individual direct abuse, sanctioned abuse, organized systematic abuse and system outcome abuse are discussed. Finally the paper reviews recent changes in law, policy and practice, including the children's act 2004, designed to prevent abuses. It is argued that challenges still remain in addressing structural inequalities, improving protection, balancing needs and rights, extending protection to different groups and in having a preventive vision for children's homes

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I. INTRODUCTION

Recent reports chronicle the years of abuse of children in homes from the mid-1960s till now, although contemporary historical research, derived from the accounts of adults and other participants who were in care of children earlier suggested a longer history of emotional, physical and sexual abuse (Rafferty & O'Sullivan 1999). There has been no central government collection of information or systematic research, investigative journalism by Dobson reported that police estimates in the UK investigated the 'historic abuse' of children in care during the 1990s, 2000 former residents made abuse allegations, 2000 homes were investigated and 50 care workers were imprisoned, charged or arrested. Twelve of the hundred young people who were abused in children's homes in Clewyd, North Wales have since committed suicide (Dobson, 1996, 1998; Wolmer, 2000).

A review of the research evidence for the Kent report in Scotland highlighted the lack of comprehensive data on the extent and forms of abuse in residential care due to definitional confusion, under reporting, unrepresentative sampling, dysfunctional institutions and absence of any central mechanism for recording investigations (Kendrick, 1997) this situation is further complicated by alleged police tactics, including travelling for information and promises of large sums of monies for victims, and although there have been a few examples of poor detective work, there has to date been no legal challenges to the facts of the findings of the main abuse inquiries (Roberts, 2004). More significantly, as Colton has noted, remarkably, little serious attention has been paid to the possible factors associated to the abuse of children and young people in residential institutions (Colton, 2002, p 34).

Why Are Children and Young People Abused in Care?

It is important to recognize the motivation and responsibility of the abusers in targeting and exploiting vulnerable children and young people for their own purposes. This is consistent with identified themes in major inquiries, as well as literature found in different studies (Kirkwood, 1993; Utting, 1997, and House of Commons, 2000). However, what is seen as individual abuse is more complex and needs to be in a wider context. It is now apparent that many children were not able to tell those acting in *loco parentis* that they were being abused. The system that was created to care and protect some of the most vulnerable children and young people in our society, those who themselves were and are abused, neglected and experienced many difficulties in their own families and let down, as Kirkwood & Utting puts it in the Winterhouse Report many young people

were not able to turn to anyone they could trust, who would listen to them, who would believe them and who would help them (Kirkwood 1993, Utting, 1997; House of Commons, 2000).

Why is this so, because we are not talking about dangerous youths in Borstal institutions (UNICEF, 2004), or the pre-industrial society with its poor house of the 1940s which was less visible at that time (Pearson, 1984). This was a period which saw a new era of professional social work and the growing influence of the new welfare thinking particularly upon child care law policy and practice (Frost & Stain, 1999). It was also a period which witnessed the creation and expansion of social welfare services worldwide. These young people were betrayed against the first round of what was portrayed as progressive, managerial and professional changes (Parton, 1999).

II. STATUS OF CHILDHOOD AND CHILDREN IN CARE

Society's attitude towards children as a group was at best ambiguous in terms of listening, believing, and in effectively and sensitively communicating with them (Hill, et al. 2004). Societal responses to teenagers was frequently polarized either reducing them to be the passivity of children and victims or elevating to the culpability of adults and valiance (Franklin, 1986, 1995). As Hill et al (2004) comments, 'the refusal to accept that children and young people are competent witnesses to their own lives has confined them to a state of impotency at the mercy of adults, some of whom as history teaches us, cannot be relied upon' (p 84).

These were not 'just any children' but children in care. These were children and young people who, in the main, came from very poor families and neighborhoods (Bebbington & Miles 1989), who had experienced neglect, physical or sexual abuse-although the later was rarely recognized by the new professional social workers of the day, other professions, or more generally by society (Parton 1991). Many had difficulties within their families, which often manifested itself in problems such as not going to schools, running away from homes, or getting into trouble and some where children with physical disabilities or children with emotional and behavioral difficulties whose families were unable to care for them (Berridge 1985; Morris 1998).

Some of these children were looked after in different kinds of homes, either by near and distant relatives such as grandparents, cousins, and in-laws to those in institutional care such as small and large children homes, assessment centers, approved schools, community homes with schools, boarding schools and residential schools, central and local government authorities, voluntary and private organizations, private agencies and religious bodies were in one way or the other responsible for the welfare of these children and young person's (Berridge 1985).

A complexity of feelings surround their removal to care, they were often confused, frightened, angry and their self-esteem was low (Page & Clarke 1977). As the Kirkwood and Waterhouse reports documents. It was this emotional vulnerability that was so cruelly exploited by those who physically and sexually exploited by destroying most often trust and creating fear including in the case of the many sexually abused young men shame and homophobia (Kirkwood 1993; House of Commons 2000).

From the voices of children came to be gleaned facts showing that most of these young men felt stigmatized and powerless during the years of abuse (Page & Clarke 1977). Military modeled regimes in the larger isolated homes with practices such as institutional clothes stores, welfare case school meals, and the bulk buying of everything from sugar to sanitary protection reinforced a dependency left unchallenged by the increasing confusion regarding the role of residential child care within the order of preventive and diversionary child welfare and child care services (Cliff & Berridge 1991). Also societal attitude still saw and expect that children in care should be 'orphans' and 'criminals' which most times reinforced the low self-esteem of children in care (Page & Clark 1977; Stain 1983).

There is a tendency as shown in the Leicestershire inquiry report that even when students speak up they were not believed but instead referred to as trouble makers telling 'Tall stories' for which they were often severely punished to deter others further telling lies or as fantasizing, the latter interpreted by the new psychodynamic social work thinking as 'symptomatic' of deeper emotional problems such as inner libido conflict (Kirkwood 1993).

III. SOCIAL WORK PRACTICE AND APPROVED TREATMENT METHODS

Social work practice influenced by psychoanalytic theory and behavioral psychology, contributed in their own way to the abuse of children in care in the early years of practice (Stain 1993). The use of regression therapy in some of Leicestershire's children's home and the so-called Pindown system of control in selected Staffordshire became, in effect, sanctioned abuse although both represented a crude violation of psychodynamic and behavior therapy.

As forms of treatment they were no hidden or secret practices, practices existed or should exist openly and be open to investigation and assessment. The detailed Pindown programs including their underlying principles and their relationship to other preventive and rehabilitative work can be related to the way the Borstal institutions in Nigeria are operated viz;

- Persistent isolation
- Removal of ordinary clothing
- Enforced wearing of shorts and other approved clothing
- Loss of all privileges
- Obtaining permission to go to toilets
- No visits, writing or reading materials except those approved

The management of these institutions explained complaints as misunderstanding of their therapeutic methods or symptoms of disturbed behavior by young children. It is perhaps not too difficult to understand such sanctioning without detailed scrutiny, although not popular today Beck's version of regression therapy, rooted in psychoanalytic theory, and the Pindown regime derived from a behaviorist perspective, seemed at that time to offer solution to what was seen as an intractable problem: the care, and more pertinently, the control of some of the most difficult young people in the care system. The entire society was so eager to find a solution to the problem that no one was ready to look closely or critically at what was going on with the children once they were in custody (Stain 1993).

IV. THE FAILURE OF MANAGERIAL, ORGANIZATIONAL AND INSPECTION SYSTEMS

These children and young people were failed by entire system supposedly responsible for their care and protection, especially, when the system was established to be 'in the interest of the clients' (Patton 1999).

The inability of social workers to perform supervisory roles in the form of visiting children once they were removed to institutions had always been a problem all over the world and as observed by Milham et al (1986), social workers from the field were not likely to know the condition of the children as they had little contact once children and young persons were removed from homes, or their families. Campbell (1996), likened this to an abdication of managerial responsibility, senior management either did not know or were not prepared to sanction whatever was happening. Davies (1998); Taylor (2000) surmised that evidence exist to opine that on occasions where complaints were made by residential workers, punishment was meted out to those who blew the whistle.

There exist substantial difficulties in responding or attempting to respond to complaints or abuse especially when opposition comes from the highest level of authority at either the local or state level. The Director of social service explains the effort he made to instigate criminal proceedings in respect of sacked residential staff of Witherwack care house and how his effort was thwarted by all manner of officials and finally the chief executive refused to support the investigation (Colton 2002).

There is also the need for the official safety net which is the government to have capacity to comprehend the nature and scale of the abuse if not they will unintentionally collude with the adult institutional perspective-not making any serious effort to listen to or attend to the small voice from below. This much was shown by Cawson's (1997) research which showed the infrequency of "rota" visit could only provide a superficial picture. This meant that officials were only superficially aware of the happenings and therefore, couldn't provide any important corrective challenge or offer much needed leadership and guidance. The failure to recognize early warning signs in the situation pointed out above can only be legendary, this much was concluded by (Mcvaigh 1982; Hughes 1985).

Organized or Systematic Abuse

The debate continues as to whether there were organized pedophile networks targeting children's homes during these years. What is evident for police investigation is that pedophiles in senior position worked together, employed other pedophiles, sheared in the abuse of the same children and young people where they worked-and also other children who were not in care-and reached influential position in the child care system (Hayman 1997). There were also evidence of children and young people being abused by adults from outside of their homes (Davies 1998; House of commons 2000). Against the background we need to recognize organized systematic abuse-the abuse over time of children and young people by different members of staff working within the same home, or other adults from outside the home.

System Abuse or System Outcome Abuse

The failure of management and practice is also a common theme identified in the inquiry report (Utting 1997; House of commons 2000). As outlined in this account this has included (1) management not knowing what was going on in children's homes and inadequate line management, (2) peer violence research suggests that young people are more likely to be at risk from other young people than from adults (Barter et al. 2004); (3) unsatisfactory placements policies and processes; (4) inadequate recruitment and national policies; (5) little or no external advices; and (6) low level of trained staff (Warner 1992; Berridge and Brodie 1998; Barter et al 2004). In addition, many of the homes, although by no means all, were large, isolated and very inward looking. These failures are generally referred to as system abuse, which, drawing upon the work of Gil, Bibby and

Williams of Moysten, can be described as the failure of law, policies and procedures to protect children and young people (Gill 1982; Bibby 1996; Williams of Moysten). Such failures also raise wider issues about the value and worth of looked after children and young people, the status of those who looked after them and the resourcing the child care system.

There is also a substantial body of research, powerfully amplified by the voices of young people themselves, which shows substitute care generally fails to compensate them, so by the time they leave care their chances are very poor indeed: social isolation, unemployment, poverty and homelessness features significantly in many of their lives. The social and economic cost of these young people on the society is enormous (Birehal et al 1995; Stein 2004). Children's homes could also be judged on their outcomes: the quality of care they provide and how they compensate young people to overcome the problems they had before entering care. This would suggest redefining system abuse as system outcome abuse, to go beyond a failure to protect. By this new definition, system outcome abuse could be defined as the failure of law, policies, practices and procedures to protect, compensate and promote the maximum outcomes for looked-after children and young people.

Will changes in law policies and practice make abuse a thing of the past

Since 1997 the modernization of children's services has been central to their social inclusion in the UK, more specifically, the government, in its response to researchers have accepted the majority of recommendations for safe guarding children living away from home, this has led to a raft of initiatives designed to improve children and young people's right to protection, participation and provision.

V. PROTECTION

The commission for social care inspection for England was created to provide better protection through the inspection process, and the children's act 2004 has introduced a more integrated inspection framework led by the office for standards in education.

The sexual offences act 2003, introduced in May 2004 extends checks for conviction to a wider range of sexual offences in respect of staff caring for/or supervising children. In addition, their provisions in the children's act 2004 and the accompanying paper, every child matters: next steps, for a children's commissioner for England a director of children's services to lead children's trusts and local safe guarding children's boards with statutory powers, measures aimed at strengthening the political, organizational and managerial arrangements for safe guarding children.

Another part of government's strategy to improve protection has been the setting-up of 'general social care council' and its counter parts by the care standards act 2000. Its gradual implementation process between October 2001 and April 2005 includes responsibility for codes of conduct and practice for social care workers and employees, social work education and registration of social care professionals.

Participation

Against a background of increased user influence and involvement in public services, the children's right agenda, including the adoption of the United Nations convention on the rights child, and 'new paradigms within social science that have increased our understanding the child as a competent social actor' (Sinclair 2004, p 107), young people's participation in policy decision-making has become a central platform of government policy. It is a requirement of all departments to have children and young people in their decision-making (Children and young people's unit 2001).

More specifically, the children's commissioner's role will include 'the need to ensure children and young people's voices are heard and they are involved in the design and delivery of service' (Department of Education and Skills 2004 p8). The government also provides financial support for a National voice, the young people in care organization, as well as initiative to improve participation as part of governments quality responsibility to ensure quality (Department Health 1999).

Provision

In addition to the provisions detailed above, the adoption and children act 2002 (April 2004) gives young people the statutory right to independent advocacy when making a complain about local authority services and the children (Leaving care) Act 2000 introduced in October 2001 strengthens the law in respect of care leavers.

There have also been changes in existing provision. The number of young people living in local authority children's homes has been greatly reduced, and most homes are now smaller, locally based and more integrated within social services managerial systems of accountability including specialist teams and inspection units. In comparison with the past young people spend less time in children's homes-it can be short interlude, for many young people less than 6 months, rather than a long care career (Sinclair & Gift 1998; department of health 1998).

These changes in protection, participation and provision should go to a long extent in providing safe guard from the severity and scale of abuse. However there exist other reasons to be cautious.

VI. STRUCTURE: GENDER AND GENERATION

In recognition of the structural context of abuse, particularly the way inequalities in generation and gender relation pervade residential care through the abuse of children by, predominantly, male adults, suggests there are no simple solutions to overcoming abuse in children's homes. To some extent, such abuses, like abuse within families, would reflect the historical balance of changing relations between men and women and adults and children. This provides the context for the different forms of abuse detailed above.

It is too early to conclude if the changes outlined above will contribute to a significant change in this balance. However, a major opportunity to afford children and young people equal legal protection as adults from violence within families was lost by the failure to legislate in the children's act 2004 for the end of 'reasonable chastisement'. This legitimating at best contributes to ambiguity and at worst to violence against children and young people wherever they may be living.

A new study has shown that no significant improvement in bringing perpetrators of child sexual abuse to justice, thus undermining all efforts to prevent unsuitable people working with children. The same study highlights a delay in improving arrangements of child's witnesses, the lack of accessible information for children on recognizing abusive behavior and inadequate treatment for abused children (Stuart & Bannings 2004).

Protection: meeting developmental needs: independent investigation

Young people's right to protection through improved regulation, registration and inspection seemed incontestable in the context of the revelation of abuse detailed in reports, although there is a need for these changes to trickle down, as they have for changes to the inspection structure in as many years. In addition, the introduction of a single regulatory and inspection body responsible for national minimum standards, as well as public and the reporting of target achievements will have to be well resourced. Improving protection will mean developing expertise in the inspection of private and independent providers of children's homes.

The absence of registered private homes in the local areas will mean that not all children are protected or that were those homes exist then inspection and monitoring is absent. These increased protective measures will need to be geared to the primary purpose of substitute care-to compensate and assist young people developmentally, and, for some to prepare them for adulthood. As Wolmar (2000 p18) has commented on the Waterhouse' report creating completely sterile children's homes, in which the residents face little risk of abuse but in which it is impossible for them to thrive, would be as much of a failure as the past laissez-faire policies. This led Smith (1997) to wonder if formalized residential care meet young people's emotional needs?.

In many European countries the appointment of a children's commissioner is seen as a governments commitment to protect children, however the provisions contained within the children's act 2004 seriously compromises the independence of the role. The commissioner will be able to investigate certain cases if directed to by the department of education and skills and can only report to parliament through the secretary.

Participation: balancing needs and rights

As regards right to participation it has been argued that a contributory factor of the abuses meted out to children has been the diminishing of children and young people in general, and the impact of labeling, stigmatization and institutionalization on looked after young people in particular. Against this background major of shift in law, policies and practice that embraces children's participatory rights seemed very positive.

However, achieving effective participation remains an ongoing challenge, requiring a clear conceptualization of participation recognizing the different levels of power, the different forms of consultation, the different groups of young people, the distinction of decision relating to individual and groups and between private and public domain. Further complexities include interpreting what children and young people are saying, the status of their views within the wider policy process, and the impact of their views-the outcome of their participation.

A research review of recent initiative reveals that there is a long way to go in respect of most of these areas (Hill et al 2004; Sinclair 2004). The challenge for the next decade would be how to move beyond-one of/or isolated consultation to a position where children's participation is firmly embedded within organizational cultures and structures for decision making- to offer genuine participation to children that is not an add-on but an integral part of the way adults and organizations relate to children' (Sinclair 2004 p116).

As suggested above for young people living in children's homes, many who are recognized as having mental health problems, their participation has to be linked to meeting the emotional and health needs (Melzer et al 200). But this is often a failure to balance needs and rights that practice is polarized between a crude and narrow pathologizing which reduces young people to receptacles of professionally defined needs-exemplified by

the use of regression therapy or a shallow legalism which rejects all needs in favor of rights-as exemplified by the non-intervention by staff who allow children to suffer all/or different manner of punishment instituted by residential homes even when their personal principles abhor such treatment, or in allowing vulnerable children to leave children's homes knowing fully well that the fall in same circumstances that abuses their humanity.

Provision: institutional regimes-improving quality

So changes have been noticed in children's homes over the years, with regards to disabled children, young people with emotional problems and those with behavioral difficulties living in large residential schools, those in hospitals, young offenders in institutions and those in prisons are still at risk of varying forms of abuse. Research has shown that disabled children are more likely to be abused than non-disabled children and both practical advice and guidance on how to protect them is inadequate (Utting 1997; Kendrick 1997; Stuart & Baines 2004). Also, due to lack of notification, the safeguards in the children's act 1989 are not applied to young people in health institutions (Stuart & Baines 2004).

In the United Kingdom, government rejected Utting's (1997) recommendation to remove children from prisons-in fact numbers of children in prisons are increasing worldwide –exacerbating serious concerns about welfare and safeguards (Stuart & Baines 2004). All these groups are potentially at risk of institutional regimes – through segregation and the reduction of “moral proximity” (Bauman 1999 p 69)-and thus abuse including so called treatment programs that may deny them their basic humanity.

Also, preventing system outcome is a major challenge. Research has also shown that, large variations between good and very poor children's homes which cannot be explained by differences in young people who live there. Poor homes are badly managed, unstable, lack agreed goals and are characterized by a delinquent culture in which young people are often bullied and sexually harassed by other young people (Sinclair & Gibbs 1998; Barter et al 2004). Young residents are also likely to run away and get into trouble, through involvement in crime, or prostitution or becoming a victim.

Sinclair & Gibbs (1998) observed that many of these young people are miserable to the point that over 40% have contemplated suicide, though as the researchers opined; the background of their family life experiences plays a significant part in the suicidal contemplations. For some of these young person's having to change schools constantly, move from homes intermittently and change neighborhoods has meant that the lose friends, family frequently and are therefore detached-from family, care, schools and friends and so lonely.

Preventing system outcome abuse will be helped by government target setting agenda as well as a significant improvement in investment in human resources- well managed and qualified staff (Frost 1999). In the context of recent research evidence, there should be a more comprehensive approach to the prevention of peer abuse in children's homes (Barter et al 2004). A national strategy combined with monitoring, effective management, intervention and support for victims may reduce levels of peer abuse (Hicks et al 2003; Barter et al 2004).

Children's Trust's: a coherent vision of prevention

Conclusively, will children and young people in children's homes be more protected by the proposed adoption and domestication of child's right act? The envisaged legal and organizational arrangement reflect a strong emphasis on prevention through having a societal based inter agency links with all the structure empowered to care for children. This is a clear vision in 'every child matters' or what is envisioned in primary and secondary prevention. Though, there are some roles for foster care there is little recognition of the possible contribution for children's homes, envisioning a possible reduction on the role of institutional care and a strong expectation of the continued reliance on family and community based care. If the abuse noticed in children's homes are to be avoided and we expect them to play a role in tertiary care prevention and provision, by helping young people overcome past difficulties and to contribute as useful citizens, then a more coherent vision of primary, secondary and tertiary care will and should be recognized.

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