

# The Price of Safety at All Costs

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## Abstract

In our desire to protect children and prevent their coming to harm, our social, educational and justice systems have progressively developed policies aimed at keeping children safe at all times. While not questioning the need to educate our children in personal safety skills, we argue that a policy of absolute safety (complete freedom from danger or risk) is neither feasible nor desirable. Specifically, separating a child from a parent on the basis of hearsay evidence of child maltreatment without corroborating evidence could well be creating a situation for a child that is more harmful for him or her than the risks warrant. Education about safety balanced with and tempered by education about exploring possibilities and taking calculated risks enhances a child's physical and psychological well-being and development. Children should learn skills to deal with risk, to be able to weigh up a situation, estimate the chance of bad consequences and develop appropriate strategies. Parents and educators need to address the positive values of the various risks that occur in the lives of our children.

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## **The Price of Safety at All Costs**

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Children are our greatest investment, our hope for the future. The best thing we can do for our society is to nurture the well-being and development of our children. Strong and functioning families are the key to raising healthy children who can reach their potential, by providing a place of love and learning. Families connect us with our past, give us our sense of who we are, and hold our hopes for the future. They fulfil our need for identity, intimacy, relatedness and development.<sup>1</sup>

As a society we must ensure that our children are looked after. We want the best for our children, and do not want them hurt or injured. With this in mind, our social, educational and justice systems have progressively developed policies to protect children and prevent them coming to harm. Today we have a wide range of agencies, facilities and resources whose primary function is to keep children safe from harm.

### **Child protection and safety policies**

The Office for the Commissioner for Children advocates that all organisations with children in their care should have the well-being and safety of children as their primary goal.<sup>2</sup> Preventing child abuse is one aspect of ensuring the safety of children, and is the key area of focus for most child safety policies.

The principal consideration of the Children, Young Persons, and their Families Act is the welfare and interests of the child or young person.<sup>3</sup> The Act states that children and young persons must be protected from harm, their rights upheld, and their welfare promoted. The Act specifies that where possible, the primary role in caring for and protecting children lies with the family and only if they are at serious risk of harm should children be removed from their family. The Act defines child abuse as the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of children,<sup>4</sup> and children are in need of care or protection if they are being, or are likely to be, seriously abused in any way.<sup>5</sup>

If there is any suspicion of possible child abuse, it is the New Zealand Family Court philosophy ‘to err on the side of safety’. For example, the Court position has been that even when there is no evidence that a child has been sexually abused but it is not possible to show that an allegation is groundless, then the Court has denied custody or access to a parent on the grounds that it would ‘expose the child to an unacceptable risk of sexual abuse’.<sup>6,7</sup> The Family Court operates on a lower level of proof than the Criminal Courts. When someone is charged with a criminal offence, this must be proved beyond reasonable doubt before a conviction is made (in other words, if sufficient doubt can be shown as to whether that person committed the offence, he or she is presumed innocent). In the Family Court however, the burden of proof relies on the ‘balance of probabilities’, which effectively means someone can be presumed guilty when the court becomes concerned that abuse might have occurred.

### ***Education Programmes***

A number of programmes have been developed in our educational institutions specifically designed to ensure children’s safety. Child protection policies predominantly deal with keeping children safe from

adults (dealing with and preventing child ‘abuse’). For instance, the New Zealand Police programme ‘*Keeping Ourselves Safe*’ comprises five age-determined teaching units for school children – two in primary school, one in intermediate and two in secondary school. While this programme does include personal safety education relating to physical dangers for the very young child, it predominantly focuses on safe practices when interacting with adults and ways to help children disclose abuse.

In spite of some evidence that children are highly suggestible, children are routinely exposed to these programmes from a very young age. There are several programmes designed to protect pre-schoolers from sexual abuse including *Safe before Five* and *Feeling Safe*, created to be compatible with the *Keeping Ourselves Safe* programme operating in New Zealand primary and secondary schools. *Feeling Safe* resource material states “All children deserve to be safe and feel safe always”.<sup>8</sup> Another early childhood resource designed to protect children from abuse (*Keeping Children Safe from Sexual Abuse*) states “Children have a right to feel safe all the time!”.<sup>9</sup> Similarly, material distributed to Secondary School Health educators states “Children have a right to feel safe”.<sup>10</sup>

School policies on sexual and physical abuse are based on the philosophy that all children have the right to have their needs met in a safe environment – “To ensure the safety of the child is paramount”.<sup>11</sup> Safety from adults is being targeted under the guise of generic safety. Yet generic safety is a much broader and essentially is a different issue.

### **‘Absolute safety’ comes at a cost**

No-one wants children to come to harm. One of the roles of parents and other adults involved in the upbringing of children is to teach them ways to keep themselves safe, both from their physical environment (safety around the home, water, roads) – how to identify and avoid hazards (look before you cross the road; do not stick a paper clip into a power socket), and, on rare occasions, from interactions with other people (child abuse).

However, while not questioning the need to educate our children in personal safety skills, we argue that a policy of absolute safety is neither feasible nor desirable. Safety is the freedom from danger or risks.<sup>12</sup> Providing a completely risk-free environment for children is not possible, nor should it be seen as a goal to strive for.

### **Absolute safety is not attainable**

Article 19 of the 1989 United Convention on the Rights of the Child deals with measures to protect children from violence or mistreatment. According to this convention, parents have a right to ongoing contact with a child unless there is clear evidence that such contact will cause the child harm; also children have right to a relationship with both parents unless there is clear evidence of harm to them.<sup>13</sup> Denying this contact should only occur where there is proof of actual harm not just ‘risk’ of harm.

The New Zealand Family Court goes far beyond this when it denies parents access to their children on the grounds that there is a risk a parent may have maltreated a child, or may do so in the future. Unless a risk can be completely dismissed, the court must take it into account.<sup>13</sup> In a 1994 judgement Thomas J stated that the Court must be “completely satisfied” before dismissing an abuse allegation.<sup>14</sup>

Erring on the side of ‘safety’ may prevent a child from ever being ill-treated by his or her parent. However, it does not include other possible harm to the child that might derive from that decision, and in particular, the potential adverse sequelae from losing a parent whom the child loves and who is hugely important in the child’s life.

When couples separate, children are much less likely to come to harm if they can maintain ongoing relationships with both parents.<sup>15</sup> Children are at the greatest risk of all forms of child abuse when they are raised by solo mothers, without input from their fathers.<sup>16,17,18</sup> Yet, a common scenario in the courts involves children losing access to their fathers. Children from single family homes (which are predominantly solo-mother households) are also much more likely to develop a wide range of social and health problems than children from two parent homes. This includes conduct disorders, juvenile offending and substance abuse,<sup>19,20</sup> criminal offending,<sup>21</sup> and adolescent attempted suicide.<sup>22</sup>

It is encouraging that some key professionals in the field are now recognising the potential harm to children when access to a parent is denied. In the past, psychiatrist Dr Karen Zelas has recommended that even when no abuse by a father has been substantiated, it is not in the best interest of children to have access to him when they and/or their mother still believed that abuse has occurred.<sup>23,24</sup> Recently however, she stated that “the psychological effects of family disruption, removal of a parent, splitting of families through taking sides for and against a complainant, the loss of an abusing but nevertheless loved parent, and placement in foster care, have significant psychological risks also”.<sup>25</sup> She continues “In some instances the psychological effects of the above may be greater than the potential psychological effects of suffering the type of abuse alleged. Interventions which maybe damaging to a child’s mental health are therefore not to be undertaken lightly.” She also refers to the added risk of abuse occurring from the mother’s subsequent boy-friends or within foster homes.

It can hence be seen that to ‘err of the side of safety’ by preventing a child’s contact with a parent who is suspected of child abuse has a number of inherent alternative possible harms to a child which generally are not considered. Such a policy therefore does not ensure ‘absolute safety’.

Furthermore, policies aimed at children always feeling safe and being safe are unrealistic. No matter how much parents and other caregivers want to protect children, to keep them safe, they also need to take into account the ‘benign indifference of the universe’. Bad things will and do happen that are totally beyond their control.

Even if a child is raised in a protective environment like a hot-house flower (not allowed to ride bikes, climb trees, play sport, visit the homes of friends, for example), absolute safety cannot be guaranteed, and the child might still suffer an accident or the consequence of an ‘Act of God’ such as an unforeseen environmental disaster.

### **Absolute safety is not desirable**

Because having some bad experiences is part of the human condition, we need to teach our children skills to cope with unpreventable adverse events. This does not imply that we should seek such experiences out, but it is necessary that education about safety is balanced with and tempered by education about

exploring possibilities and taking calculated risks. Parenting is about gradual lessening of controls. Children, by dint of exposure to life experiences, are hardened to adversity. As little ones, they learn that they have to share their toys and attention from parents and do not always get their own way. Later they take into account the personalities of their teachers and still later society's rules and regulations. Civilisation depends upon mutually accepted laws. Fully functioning adults have learned that life is full of vicissitudes by exposure to appropriate dangers, problems and different solutions.

The drive for absolute safety is due to adult fear. It is an imposing of these fears on children. Children need to learn the consequences of their actions. Childhood is discovery through practice and experience, and learning opportunities often occur when mistakes are made. Indeed, there is an adage "there are no mistakes, only lessons", or as Edward Phelps put it "The man who makes no mistakes does not usually make anything".<sup>26</sup>

There is a relationship between taking risks and experiencing stress. Hans Selye, the 'father of stress', compares stress to food - we need some to live, but too much can be damaging. The complete absence of stress (like 'absolute safety') is death.<sup>27</sup> Our aim is not to avoid stress but to recognise our responses to it and manage our lives to cope with it. Our risk-taking should be calculated, not foolhardy. The skills of problem-solving and decision-making involve identifying the problem, ascertaining the possible choices of response, and basing our decisions on an estimation of the relative good and bad consequences of each possible action.

As parents, we want our children to be robust and hardy, to be capable of endurance. We want them to be resilient – to have the ability to recover when they experience adverse situations. We want them to have a variety of problem solving skills. We hope they will develop into adults with a strong sense of physical competence, confident and able to think for themselves. We want them to make good decisions and take responsibility for their own actions; to be able to work well with others, and to establish and maintain mature and satisfying interpersonal relationships.

These qualities are not fostered when keeping a child safe from all potential harm is promoted to the exclusion of supporting risk-taking in a controlled environment. Such a policy can lead to individuals who excessively avoid harm or who feel bitter, betrayed and victimised when adverse events do befall them.

Risk-taking has been shown to be positively related to creative ability and to self-confidence.<sup>28</sup> The specific importance of fostering risk-taking behaviours has been recognised in treatment programmes for emotionally disturbed and for mildly handicapped children.<sup>29,30</sup> This is further exemplified by outdoor pursuit programmes such as Project K and Outward Bound which offer children and young people the physical challenge and adventure of a 'wilderness experience' aimed at improving their sense of self worth and purpose.<sup>31</sup> Such programmes do not attempt to have 'absolute safety'.

It is vital therefore that children learn skills to deal with risk, to be able to weigh up a situation, estimate the chance of bad consequences and develop appropriate strategies. Parents and educators should address the positive value of risk in children's lives and how they can be supported and challenged to take risks that are worth their while.<sup>32</sup>

## Conclusion

An educational philosophy that keeping children safe is paramount, without addressing the importance of learning about risk-taking, is seriously deficient in preparing children for their future life in the real world. Parents and teachers should teach children how to become responsible for the risks they face and gain a sense of security that makes certain risks worth taking.<sup>33</sup>

Separating a child from a loved parent on the basis of hearsay evidence of what might possibly (not probably) happen or have happened without corroborating evidence is foolish, and could well be harming the child needlessly. Where possible, estimations about future outcomes should be evidence-based, that is, past experience often predicts what will happen in the future.

There is no absolute knowledge, and the concept of 'absolute safety' is fatally flawed. Irreducible uncertainty leads to unavoidable error and results in inevitable injustice.<sup>34</sup> Life cannot always be 'fair'. Paradoxically, the current culture of safety does not prepare children to live in a world where all actions may carry a degree of risk and where uncertainty and incomplete knowledge means that consequences cannot be predicted with one hundred percent surety.

Although we can estimate the likelihood of our exposure to mischance, we cannot read the future. The unpredictable can and will happen. In our desire to keep children from harm, we need to be realistic about the possible dangers they face and the implications of policies designed to protect them. It is neither feasible nor desirable to provide a completely risk-free environment for our children.

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