DECISION-MAKING WITHIN A CHILD’S TIMEFRAME: A RESPONSE

Harriet Ward, Research Professor and Director of the Centre for Child and Family Research, Loughborough University

Rebecca Brown, Senior research associate at the Centre for Child and Family Research, Loughborough University

Decision-making within a Child’s Timeframe (R Brown and H Ward, Working Paper 16 (Childhood Wellbeing Research Centre (2012)) is an overview of research evidence, funded by the Department for Education with support from the Family Justice Council in response to the Family Justice Review recommendation for consistent training and development for family justice professionals, including greater emphasis on child development. The overview summarises the recent research evidence, which shows how abuse and neglect can impact on early childhood development and considers how timeframes for responses by local authorities and courts are often inconsistent with those for children. It is not intended as a summary of evidence to be drawn upon in making judicial decisions but as a resource to underpin the judicial training programme. To this end, a second edition was published in 2013 with an additional chapter providing training materials.


The critique of Brown and Ward is linked to others produced by this group, the most heavily publicised being: D Wastell and S White, (2012) 'Blinded by neuroscience: social policy, the family and the infant brain', Families, Relationships and Societies, 1(3): 397–414. These papers, in our opinion, make considerable use of emotive language; however, in this article we assert and focus on two other issues: their major and systematic misrepresentation of the research findings and our account of them and also their selective use of evidence to prove their case that the neuroscience is too weak and too flawed to provide a sufficient basis for policy and practice. Our aim has been to produce a sound evidence base to support practice and we do not believe that these papers identify serious flaws in it.

Given the gravity of the claims made, we feel duty bound to respond, as well as we can, to not always fully explicit assertions about our report. We will first clarify and restate its key messages and then respond to the specific points captured in Lloyd-Jones’ summary. A key point to note at the outset is that the academic governance of Brown and Ward was consistent with that required of such research reports: it was overseen by a steering group, and was then peer-reviewed by three independent academics, all of professorial status and each with expertise in a relevant field (early years, law and neuroscience). Peer …. 
reviewing was not blind – many academic journals have now discontinued this process in order to give reviewers an opportunity to declare an interest, which none did. The report benefitted from their suggestions for change and improvement. Neither the referees nor the steering group criticised our approach, which they regarded as both balanced and consistent with current evidence.

**WHAT BROWN AND WARD (2012) SAYS AND WHAT IT DOES NOT SAY**

The research summarised in Brown and Ward shows that the first 3 years are an important phase in early childhood, that neurobiological development is shaped by the environment both before and after birth and that, because infants are so dependent on their caregivers for survival, a key feature of the environment is the attachment relationship. It also shows how extreme abuse and neglect in these early years may shape the way in which children develop in all areas: physically, emotionally, socially and cognitively. Children who experience extreme abuse and neglect in these years are more likely to fall behind their peers and develop a wide range of problems in later life. In addition, the longer the maltreatment continues the more likely it is to have a negative impact on development and the more difficult will it be to overcome the consequences.

The report does not say that these developments are inevitable or irreversible. It does not say that all children who experience poor parenting or grow up in poverty will develop problems. It does not say that children whose development is compromised by abuse and neglect cannot overcome the consequences. It does not say that parents with problems such as substance misuse, domestic violence and poor mental health cannot change. It certainly does not make the claim that courts should remove children from ‘a home environment where their brains are “shrunken” as a result of abuse and/or neglect’ (D Wastell, S White and A Lorek, ‘The child’s timeframe – a neuroscientific perspective’ (unpublished, 2013), at p 45). What the report does suggest is that if these children are to remain at home, proactive engagement with social workers and other professionals needs to begin early.

**RESPONSES TO SPECIFIC POINTS IN THE LLOYD-JONES SUMMARY**

1. ‘Brown and Ward’s report at no point attempts to produce a balanced argument: whilst it begins with a caveat about the knowledge base, in the body of the report, all contradictory evidence or any hint of controversy within the neuroscientific field is ignored.’(p 1054)

We were not commissioned to undertake a systematic scientific review of the research on early childhood development nor to ascertain the validity of the neurobiological evidence. Both of these areas have been extensively reviewed and presented in a range of scientific reports, most of which are included in the 482 published and peer-reviewed papers that were identified by our search and on which our summary is based.

Furthermore, we were not commissioned to present ‘contradictory’ or ‘controversial’ evidence, rather to produce the best possible account of the accepted consensus currently within the field. Moreover, none of the 482 papers we identified provided any evidence of a controversy within the field; indeed the only controversy in relation to this issue would appear to be one being created by White, Wastell and colleagues. They frequently cite Bruer (The Myth of the First Three Years, The Free Press, 1999) to support their argument, but this publication is not a scientific review of the evidence in relation to brain development and does not provide an overview of research on the consequences for children of abusive parenting.

2. ‘Despite the display of scientific trappings and references to an impressive volume of peer-reviewed papers, the neuroscience review relies heavily on a small number of secondary non peer-reviewed books and reports, some from organisations with an apparent ideological orientation and campaigning mission.’ (p 1054)

We were commissioned to produce a summary of research evidence to be used ....

© Jordan Publishing 2013
in training family justice professionals, most of whom will not have had a formal research background. We did not rely on text books and summary papers to produce this review but we did draw the readers' attention to a selection of such publications that provide an accessible (and readable) way into the sometimes complicated literature. Indeed, at the request of the steering group, we also simplified some of the language of the original draft in order to ensure that it would be readily understood. Elsewhere Wastell and White (2013) claim that Brown and Ward (2012) represents ‘a simplified version of the neuroscience’ (p 10); that is precisely what we were commissioned to do. Wastell and White’s claim that some of the summary papers come from campaigning organisations implies that Brown and Ward (2012) have been biased by an ideological orientation. They focus their critique explicitly on the series of short working papers produced by the Center on the Developing Child, based at Harvard University. They state:

‘The Harvard Center synthesises selective samples of neuroscientific studies; although linked with Harvard University, a cursory visit to the website reveals a campaigning ethos, rather than a centre for objective science. So it is unsurprising that the Center assembles studies and produces reports which serve an a priori agenda. The egregious titles of some of its reports rather give the game away: ‘Building the Brain’s Air Traffic Control System’ provides one lurid example. The key players are ubiquitous figures in the early interventionist project; Shonkoff (its chair) is a veteran campaigner.’ (Wastell, White and Lorek, 2013, pp 51–52).

The Center on the Developing Child was established by academics who are experts in the field of neuroscience. The purpose of the site is to ensure that the findings of a deeply complex science are disseminated clearly and appropriately to practitioners and policymakers. The scientists involved are at the top of their field and their research is published in the most prestigious journals. To describe this site as ‘selective’, ‘campaigning’, ‘a priori’ and ‘lurid’ is a travesty; no doubt Harvard will be dealing appropriately with these allegations.

3. ‘The conflation of statistical significance and predictive validity; statistical significance merely means that an observed result is not a chance finding; it does not imply the level of predictive power for practical application.’ (p 1054)

Ward and Brown (2012) does not conflate statistical significance and predictive validity. Our report summarises evidence taken from meta-analyses and systematic reviews, both of which represent the highest level of evidence, primarily because they involve the use of a rigorous methodology for identifying and synthesising all of the available research findings on a particular topic. Much of the evidence in these reviews is epidemiological in nature and is therefore on the whole observational and thereby correlational. Such correlational evidence does not show causation but it is the best that it is possible to obtain in many areas and forms the basis, for example, of our understanding about the relationship between poverty and poor health. The aim of such evidence is not to predict outcomes but to identify consistent patterns and relationships. Once there is sufficient evidence available from such correlational studies, they are summarised in the type of meta-analyses and systematic reviews on which we drew, which is then used for the purpose of policymaking (see M Marmot, Fair Society, Healthy Lives (The Marmot Review, 2010)).

This is in contrast to the White and Wastell (2012) paper ‘Blinded by neuroscience’ in which the authors have picked just one of the many systematic reviews on the neuroscience (E McCory, S A De Brito, and E Viding, ‘The link between child abuse and psychopathology: a review of neurobiological and genetic research’ (2012) Journal of the Royal Society of Medicine, 105:151–6), extracted those elements that support their case and ignored others, and in so doing have, in our opinion, misrepresented to the reader the overall findings of that review and the wider evidence. Similarly, they quote the Belsky and de Haan (2011) statement to support their claim that the knowledge base is insufficiently established: ‘the study …
of parenting and brain development is not even yet in its infancy; it would be more appropriate to conclude that it is still in the embryonic stage' (p 409–410). They do not quote the next sentence, which reads: 'Nevertheless, as we plan to show, there is emerging evidence that experience shapes the developing brain in humans.' (p 410); nor the following: '[N]ow that so much progress has been made in the first stage of inquiry, it seems appropriate to conclude that research in this area of inquiry has reached “the end of the beginning”.' p 423 (J Belsky and M de Haan, ‘Annual research review: parenting and children's brain development: the end of the beginning' (2011) Journal of Child Psychology and Psychiatry 52 (4): 409–428).

4. ‘The neuroscientific strand of the argument is a resurrection of the ‘myth of the first three years’, the idea that the brain is highly vulnerable to irreversible damage in the early years of life. The science, in fact, says quite the opposite.’ (p 1054)

The neuroscience evidence that has been undertaken over the past two decades has now been systematically summarised in a range of highly rigorous and closely scrutinised, peer-reviewed scientific papers. This evidence shows beyond doubt that severely suboptimal and abusive parenting that takes place during the first 3 years of life has a disproportionately large impact on the infant/toddler brain. Although much of the evidence about this particular period refers to the 'global neglect' experienced by infants in orphanages, this research helps us to understand the extensive evidence about the emotional and behavioural development of very young children in the UK who experience neglect and maltreatment, including for example, the persistent fear response, hyper-arousal, dissociation and disorganised attachments that have been widely identified. As far as we are aware, none of this evidence suggests that the damage that so clearly occurs as a result of abuse during this period is irreversible. It does, however, indicate that the longer the exposure to maltreatment, the harder it is to overcome the consequences. It is not, therefore, acceptable to leave children in environments that we now recognise to have this sort of impact on both their physical (brain) and emotional (attachment) wellbeing in the hope that something can be done to reverse it later in their life. Lloyd-Jones alludes at p 1053 to the Munro review, of which White and Wastell were expert members, as supporting their stance; but the Munro report states:

‘Neuroscience also offers lessons on the importance of the early years. A recent paper by the Royal Society (The Royal Society, 2011) on the implications of neuroscience for education policy, highlights that there are changes in the brain taking place throughout life, but the number decreases with age. The worst and deepest brain damage occurs before birth and in the first 18 months of life when the emotional circuits are forming'. (E Munro, The Munro Review of Child Protection: Final Report – A child-centred system (Department for Education, 2011), at p 71).

5. ‘The core argument, that maltreatment is intrinsically bad and can cause lasting damage, is only weakened by this apparent misrepresentation of neuroscience. Invocation of attachment theory also does not aid the cause – attachment theory is superfluous to the core argument and its reliability and predictive power are questionable.’ (p 1054)

Like the evidence about the impact of abuse on children's brains, attachment research is now a highly developed body of knowledge, much of which has again been summarised in rigorous systematic reviews. These reviews clearly show that the type of ‘disorganised attachment’, which results from abuse during the early years, is strongly associated with later psychopathology (J Green and R Goldwyn, ‘Annotation: attachment disorganisation and psychopathology: new findings in attachment research and their potential implications for developmental psychopathology in childhood', (2002) Journal of Child Psychology and Psychiatry and Allied Disciplines 43 (7): 835–846). This observational evidence is similar to that for a wide range of health outcomes (eg cigarette smoking where we know that not every smoker will develop lung cancer but many will suffer seriously as a result of it) about which we now have very clear policy directives.

© Jordan Publishing 2013
6. ‘The repeated claim that emotional abuse is more serious than either physical or sexual abuse seemed perversive to the professors: where was the evidence for that, indeed for the existence of such abuse as a well-defined category? The authors seemed unconcerned about the elevation of such a category to take precedence over other forms of abuse. Another ‘slippery but potent’ concept was Shonkoff’s tautological notion of “toxic stress”.’ (p 1054)

The extensive evidence concerning the existence and consequences of emotional abuse is summarised by Barlow and Schrader McMillan (Safeguarding Children from Emotional Maltreatment(Jessica Kingsley Publishers, 2010), at pp 20–36). Some researchers consider this to be the most damaging of all forms of maltreatment in early childhood because the perpetrator is almost always the primary caregiver and their behaviour represents a direct negation of the child’s need for safety, love, belonging and self-esteem (see D Ivaniec, ‘An overview of emotional maltreatment and failure to thrive’ (1997) Child Abuse Review, 6: 370–388). We did not claim that it is more serious than other forms of abuse throughout childhood, and we did not recommend that emotional abuse be given precedence over other forms of abuse. And as to Shonkoff’s supposedly tautological notion of ‘toxic stress’, the supporting evidence was published in the highly prestigious Journal of the American Medical Association (JP Shonkoff, WT Boyce, BS McEwen, ‘Neuroscience, molecular biology and the childhood roots of health disparities. Building a new framework for health promotion and disease prevention’, (2009) JAMA 301(21): 2252–2259), which we think speaks for itself.

CONCLUSION

Wastell and White’s papers are not academic analyses of research data. They claim that Ward and Brown (2012) is ‘designed to prop up a moral mission’ (Wastell and White, 2013, p 10): the mission being the current government agenda on adoption and the care system which they apparently view as an attack on the vulnerable and the poor. We too have challenged government policies that focus on adoption and other forms of care without also strengthening support for families and addressing the factors that render abuse and therefore separation more likely (see H Ward, ‘Again the most vulnerable suffer’ and ‘Taking children into care can only be a sticking-plaster solution’ The Guardian, 7 September 2012 and 21 November 2012 respectively: http://www.guardian.co.uk/society/2012/sep/07/again-the-most-vulnerable-suffer; http://www.guardian.co.uk/society/2012/nov/21/taking-children-care-sticking-plaster-solution). Like our critics we are well aware that current neurobiological research could be misrepresented to inform policies that may damage families (for instance by feeding into the political discourse about ‘strivers and skivers’). However, it is not appropriate to attempt to discredit research because it could be misused in this way.

Lloyd-Jones states at p 1055 that:

‘The permanent removal of a child from his birth family is one of the most draconian actions of the state with life-long consequences. Surely we as a society have a responsibility to our most vulnerable children to ensure that such momentous decisions are made in a timely manner on the basis of the best available evidence’.

The decision of the Family Justice Board to commission the training that is underpinned by our rigorous overview of the evidence should enable this to happen. In the meantime it is, in our opinion, incumbent upon White and Wastell to produce a scholarly and evidence-based critique of the neuroscientific and related research, which would involve them systematically reviewing the evidence. They also need to provide an alternative explanation for those questions that the neuroscientific research helps us understand, such as why some children may find it difficult to control anger and frustration and why some who are placed for adoption may fail to develop secure attachments with loving parents. Recent research provides conclusive evidence of the damaging consequences to children’s life chances of delayed decisions in cases where significant harm is an issue (see C Davies and H Ward, Safeguarding Children Across Services (Jessica Kingsley Publishers, 2012)). It should be of concern to us all that ....
the significance of these findings is being undermined by arguments that we think fail to engage with the evidence in this field. The potential consequence is that more cases will go to the Court of Appeal and the timeframe for the resolution of children's cases will be further extended, to the detriment of their wellbeing.

© Jordan Publishing 2013