

An Expert Review of Policy that Regulates Practice and Decision Making During Investigation

A Report Prepared by
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For
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Introduction

The policy review considered eight policy sections:

- Section: 2.1 Screening
- Section: 2.2 Assignment to Investigation and Differential Approach
- Section: 2.3 Emergency Custody/Introduction
- Section: 2.4 Non-Emergency Custody Decision Making
- Section: 2.6 Placements
- Section: 2.7 Placement Preferences
- Section: 2.8 Reunification Efforts
- Section: 2.9 Case Planning

Consistent with the scope of the overall evaluation, the policy review focused on the front of CPS intervention (i.e., intake; investigation; safety intervention). The line-by-line review resulted in substantive comments and observations that serve as the basis for summary opinion, conclusions and recommendations contained within this report. The results of the line-by-line review for each policy section are provided separate from this report.

The purposes of the policy review were:

- To evaluate substance and content
- To evaluate guidance and direction
- To evaluate clarity of the intervention approach
- To evaluate form and writing

Findings

Philosophical Framework

Policy should state the beliefs and values of the organization. Policy should consistently reflect organizational beliefs and values appropriately in requirements, rationale and instruction. A philosophical framework gives rise to the mission of the organization and establishes who the organization seeks to serve. The importance of clearly establishing in policy who the organization seeks to serve is crucial. All policy exists in order to fulfill the mission in relation to the desired client population.

While it may be true that a belief and value framework is explained in portions of policy that were not made available for this review, the sections that were reviewed did not contain any reference to belief and values related to mission; the

client system; the objective of intervention; or desired results. Notably, and importantly, who the organization seeks to serve is not established in the policy that was reviewed. Even if a philosophical framework is available in some other policy document, it remains that its value is questionable in relation to providing foundation to these policies. A user of policy benefits from foundation and substance that is immediately accessible.

Conceptual Framework

The conceptual framework an organization uses represents the ideas and thinking that form and drive the approach to intervention. Policy should clearly identify, define and explain concepts. The use of concepts should be evident throughout policy and should always be stated using the same label or term. For instance the term “impending danger” is used to qualify a kind of threat to child safety. Impending danger should be referenced to and applied throughout policy from intake to case closure. Furthermore, no other term should be used in reference to impending danger, such as, for example, risk of severe harm. Conceptual consistency should be clear and understandable throughout policy. For instance, the manner in which policy represents the concept child safety at intake and investigation should be consistent with the application of that concept within policy during ongoing CPS and at case closure.

Policy does not clearly identify a conceptual framework. Concepts are not properly defined and explained. The concepts that do appear in various parts of policy are often referred to using different terminology. The following examples from policy demonstrate problems in the identification and use of concepts:

- Policy states: *At close of investigation the worker will use structured decision making methods to assess protective capacities, needs, and future risk of abuse and neglect, except foster home investigations. The purpose of the assessment is to determine if the case should be closed or opened for ongoing services and to provide information which is used to focus the case plan.* In this example one sees that the policy could be better written if the concepts protective capacities, needs and future risk of abuse and neglect were defined and explained. The policy, by its existence, indicates that these concepts are so important that they serve as the basis for who is served by OCS. Therefore, the concepts should be properly defined and explained.

This example underlines the need for conceptual and intervention integrity which means that care must be taken to avoid mixing ideas and approaches which may not effectively match up, can confuse workers, and may be ineffective.

- Policy states: *Determine which protective capacities which, if strengthened and/or supported, may best address priority needs.*

Notice the mixing of two different concepts: protective capacities and needs. What is not evident in the writing is the connection and relationship strengthened protective capacities have to meeting needs; what priority needs are; and whose needs are being referred to – the caregiver's or the child's.

This is another example of mixing ideas. In addition, the provision is sufficiently vague with respect to the concepts so as to lessen the value as a policy. This kind of policy is also likely to confuse a worker and could even result in an interpretation by the worker which is not meant to occur. Here is a more direct way of addressing the concept in policy “Protective capacities are considered for two reasons: 1) to judge safety, and 2) to consider the need for enhancement as an objective in ongoing CPS.”

Quality of Writing

The quality of the writing in policy is crucial. Policy must be written to assure understanding and encourage continual use. There are cardinal rules or standards that govern policy writing style. These include: clear, concise, simple language, precision, accuracy, consistency, and be up-to-date. It is generally accepted that language consistent with a middle school level is preferable for policy.

The quality of writing throughout the policies reviewed varies from generally acceptable to poor. There are many instances of policy being written in ways that are likely to contribute to confusion or misunderstanding. The need for precision is a general need throughout policy. The lack of precision often appears to occur based on an assumption that the reader will know what is not stated. For a typical example, consider this policy statement that occurs within the content related to sexual abuse investigations: *Each investigation will have the following minimum contact standards.* Even though the statement appears within policy related to sexual abuse, it is not explicitly clear whether this refers to all investigations or only sexual abuse. Furthermore, if this policy refers only to sexual abuse, precision is absent with respect to providing rationale for why requirements for sexual abuse investigations and other kinds of investigation interventions should be remarkably different.

The lack of precision is evidenced in the use of imprecise words or words that are complex and can carry different meanings or no meaning for the person reading the policy. This policy example states: *In some cases, observation will be inconclusive or inappropriate.* The challenge for the person using the policy is to know what “inconclusive or inappropriate” means since neither is qualified. Words like appropriate or conclusive must be qualified in policy. What is conclusive or inconclusive? What is appropriate or inappropriate? Policy should always be clear including additional sentences if need be to clarify and explain. Words and statements should either be self-evident or elaborated upon as

necessary. For instance the policy referred to might read, “*In some cases observation will be inconclusive or inappropriate. An observation is considered to be inconclusive based on the following:...*” and so on.

Precision and clarity demand specificity which often is not present in policy. For instance, policy states: *...the importance of knowing as much as possible*. Such a statement regardless of where it occurs in policy is not very helpful since the reader needs to know exactly what information is required and important to know and what compliance with that standard is. Knowing as much as possible is subject to wide interpretation. Policy is best when it minimizes the need for interpretation.

Occasionally the policy writing style is too informal: *We will investigate their report*. Sometimes policy is written casually enough that wrong meaning creeps in: *OCS will investigate all reports that have been screened in for investigation except those referred to a differential response program, and take necessary action to prevent further harm to the child*. “To prevent further harm” is a presumption that every reported “harm” is accurate which is simply wrong even though it may be that the writer did not intend to make that mistake. Writing that assumes meaning is common in the policy: *The assessment will be used to determine if the case should be closed or opened for ongoing services (see section 2.2.10.2 Case Decision)*. Policy directs and should be clearly defining of what the requirement is. This policy would be better stated by identifying who is responsible – the initial assessment worker – and what must be done. So the statement could read: *The initial assessment worker must use the assessment to justify closing the case following initial assessment or opening the case for ongoing services*. An additional notable issue in this example is the inclination to reference to other sections when this policy would be easier to understand if key information contained elsewhere is also provided for within this policy.

A serious challenge in writing child welfare policy is to write at a level that is easy to read and understand. This is so because complicated language is common in the child welfare field whether its sources are bureaucratic or professional. The level of language and writing for policy that is usually considered most desirable is the sixth grade level (or for sure not beyond the 9th grade level.) This is considered generally consistent with the writing/language level used in newspapers. Level of writing is normally associated with length and complexity of sentences and complexity of words used (i.e., number of syllables.) This review applied a method for evaluating policy text in order to gain insight into readability (i.e., the Fog Index.) The analysis was limited (i.e., numbers of paragraphs), however, indicated that text may be at a higher level of difficulty than desired for ease in readability and understanding. The conclusion one could reach is that perhaps additional effort and review should occur when writing policy to emphasize readability and promote ease in understanding.

Here is a final example of writing problems. Policy concerned with domestic violence provides a number of considerations related to a requirement: *One partner giving all responses and controlling responses to the worker's questions*. This provision placed within the general context of the policy literally reads: *During each investigation in response to reports of child abuse or neglect, the worker will assess the family situation for the presence of domestic violence by observing or inquiring about the presence of the following factors: One partner giving all responses and controlling responses to the worker's questions*. What is being required of workers? How does a worker know from this rule what he is supposed to do exactly?

Organization

Organization of policy is related to writing style. Organization also includes formatting, topical areas, how stated requirements flow, and how intervention is pictured in its linear reality.

The review found that there are organization problems. There is no discernable organized approach that is sustained throughout all policy. The lack of an effective format contributes to disorganization. Other organization problems include the following:

- The policy section entitled *Coordinating the Investigation* is the first substantive provision in requirements concerned with investigation. Arguably, coordinating the investigation is not the first, most important or even logical place to begin policy. This example of beginning with coordination is evidence of poor organization. It indicates a lack of systematic consideration for moving from most important or most compelling requirements to lesser issues or less occurring issues. The order for writing policy in this manner tends to lack logic or some systematic approach. It does not follow a mental, conceptual, or process approach that flows and makes sense to the reader.
- Formatting should provide a way to distinguish requirements and content supporting or explaining important policy issues. Policy states: *If information indicates the child may be in immediate danger...* This is a very important policy issue – a child in immediate danger – yet this provision is lost within general narrative; lost within the page of writing. No headers or labels provide immediate eye catching identification about the critical issue of immediate danger. Also, upon finding this provision, the reader is left with questions. What would immediate danger be? Where would one go to understand what constituted immediate danger and how that assessment might be made? What is the context for the information mentioned in policy? This would be better policy if it was placed within the context of

requirements associated with an initial contact. Order and organization is a problem.

- Occasionally, policy refers the reader by citing other policy. For instance, investigation policy refers simply to “referral criteria” with no delineation of what the criteria are and no citation where the criteria can be found. While some struggle with redundancy and repetition, better policy contains essential information organized and presented within the context it applies whether it is contained elsewhere or not. In addition to providing substantial explanation and rationale, it makes policy more user friendly.
- Frequently, policy statements or content was out of context which is another example of organization problems. In other words a policy issue about one thing is considered while an unrelated policy about something else appears. For instance, consider several examples: a) there is a policy requirement for investigation staff contained in the intake policy section; b) there is an intake policy related to out-of-area reports contained in the investigation policy but not in the intake policy; c) the investigation policy begins with regulations concerned with differential response approach which seems more suited to following whatever the mainstream of the initial intervention requirements are; d) within the context of a non medical related policy, a provision concerned with medical neglect occurs: *In cases of alleged medical neglect of an infant in a medical care facility...;*and e) finally, another provision found in investigation policy states: *The case plan should focus on the priority needs and incorporate the primary protective capacities (see section 2.9 Case Planning).* Contextually it is hard to understand why a provision about case planning exists in the initial assessment/investigation policy.

Better organized policy flows between topics in some logical, orderly and sensible way. When policy is disorganized, hard to follow, hard to understand, contains non-policy content, etc., reluctant users are even less likely to use it.

Directs Practice and Decision Making

The value of policy is directly related to the extent to which it provides absolute, reasonable and understandable direction. Certainly the quality of writing contributes to policy effectively directing practice and decision making. However, correct knowledge and inclusion of acceptable practices associated with required intervention is fundamental to good policy. Policy must present good practice and decision making and guide the reader to understand what those are.

There are problems within policy concerning directions given about practice and decision making. Following are examples:

- Policy states: *The worker will have a minimum of one face-to-face contact with the parent(s).* This kind of policy reinforces or contributes to minimum effort. Good policy requires that parents are interviewed; doesn't mention a minimum face-to-face contact; and contains expectations concerning what information should be obtained and establishing clear expectations that the worker meets with parents as often as necessary to gather the information.
- Some policies are wrong. For instance, with regard to guiding decision making, "low risk" is the concept used for determining who will be referred to differential response. The definition for "low risk" is misleading and not correct. The definition is limited to things that someone apparently believes are defining yet for which there is no substantial basis. There is no question that a report could contain information that indicated danger to a child but also would meet the criteria in policy defining "low risk", which confuses the expectation about who should be referred for the differential response approach and who should not. This kind of confused and wrong policy is very concerning.
- Serious policy issues about practice or decision making in some instances are given limited attention. Policy states: *The worker will have face-to-face contact with the child who is subject of the report, regardless of parental permission or availability.* This single policy issue is very important if not for practice reasons, for parent civil rights reasons. Such a provision should be thoroughly developed in a policy section all its own. To state *regardless of parental permission* without any qualification, explanation or additional expectations and guidance about such a crucial practice is poor policy and contributes to an investigation approach that is more legalistic than family centered.
- Guidance and direction is ineffective when several policy issues are collapsed into one paragraph. Policy states: *OCS will investigate all reports that have been screened in for investigation except those referred to a differential response program, and take necessary action to prevent further harm to the child. All investigations shall be conducted by a worker who is trained to conduct child abuse and neglect investigations. The worker will have face to face contact with the child who is subject of the report, regardless of parental permission or availability. All investigations must be closed within 90 days of assignment.* There are two problems evident in this paragraph. The first problem is the policy suggests a practice reality that is inaccurate. *To prevent further harm* is a presumption that all reported harm actually exists which is not true. The second problem includes collapsing several different policies together; none explained; none elaborated upon.

Other Findings

Policy often contains expectations or requirements without specific guidance (apparent in elaboration and explanation; standards; criteria; or stated rationale) For instance, one policy states: *The worker will assess the immediacy of the need for protection.* This is a policy that exists isolated from explanation or guidance. It could be written to include an explanation of the immediacy of the need for protection; what constitutes immediacy; how one evaluates immediacy; what the perimeters are for need for protection; and what can be used to judge both immediacy and need for protection. An important, complex requirement or expectation should be qualified by explanation, standards or criteria to help the worker fully understand what is being required and how to know the requirement can be met.

Occasionally, policy contains non-policy requirements. The policy states: *The supervisor or manager responsible for supervision of a field office is responsible for stimulating the formation of the local team to include...* This is not a policy but an administrative directive. Policy sets forth requirements for getting work done and regulates work as it is repeated routinely by staff. This is, presumably, a one time only expectation. A policy related to multidisciplinary teams more likely should be about maintenance and protocol.

The use of tables, case examples and flow charts should come under examination as to whether they are more appropriate for procedure than policy.

Policy is out-of-date in relation to the safety approach. Screening, priority response, initial assessment information gathering and decision making are now different but current policy not only does not support current expectations but is confusing and confounding.

Keeping in mind that policy is what is required, it can be noted that occasionally provisions were identified that seemed more like suggestions. Wording should reflect that the expectation of what must be done. Suggestions for practice occur in training or guides but not policy. Use of softer words such as “will” rather than “must” lessen the rigor policy should maintain.

Often policy fails to clearly establish what constitutes compliance with a policy. For instance, an intake policy was not specific about compliance with a face-to-face contact requirement, yet investigation policy did.

Sometimes policies contained unqualified exceptions. For instance, policy states: *If a worker is unable to make face-to-face contact...* What is not explained are the exceptions for being unable to make a face-to-face contact. This policy would be strengthened by a thorough consideration and listing of justifiable reasons for

delaying an investigation.

While not a large problem, sometimes throw-away or useless narrative was observed during the review. For instance one provision states: *It is important to keep in mind the difference between safety and risk when doing the assessment.* This kind of statement is not much use in policy because who knows what it means. Furthermore, explaining the difference of these two complex concepts this way really doesn't have much effect. Additionally, some thought ought to occur concerning what is achieved by having this here since it isn't requiring anyone to do anything.

Recommendations

The recommendations offered here are simple, straightforward and brief:

- Identify a philosophical base from which OCS operates which includes a belief and values system, mission, purpose for intervention and who OCS seeks to serve.
- Design and adopt an official systematic approach to intervention that fully operationalizes the OCS philosophical base and spells out, in detail, the basis for intervention; how intervention is to occur in a systematic scheme; standards for information and practice; a decision-making framework; and roles, responsibilities and relationships of those carrying out intervention. This might be effectively done in a position paper that fully describes or “pictures” the approach to intervention which then could influence the development of policy, and also curriculum design, quality assurance, information management, etc.
- Collect examples of policy from selected states to evaluate content, format, writing level and style, organization, precision, understandability, etc. in order to formulate OCS's approach to policy.
- Write new policy. Consider current policy only for the purpose of identifying any content that fits and contributes to advancing or explaining the OCS intervention approach. Do not revise current policy.
- Employ criteria to be applied when developing and writing new policy. An example of criteria used for evaluating current policy is available in Appendix A. Criteria or ways to judge and measure the quality and value of policy can include writing level and style; formatting; use of terms and concepts and so forth. The idea is to establish rules for writing policy that you continue to consider and apply in order to make sure that what is being written complies with expectations you have for what constitutes acceptable policy.

- If necessary, search out resources, guides, literature and examples that provide guidance, direction and specific help concerned with policy development and writing for OCS policy writers in order to enhance their competency and increase their comfort and confidence in formulating and writing policy.
- Seek consultation and technical assistance for OCS policy writers to assist in policy formulation, organization, formatting, design and writing.
- Establish a method for reviewing policy drafts to assure that they meet criteria and effectively provide direction, regulation and support for the OCS intervention approach.

Appendix A

Policy Review Criteria

The policy review employed the following criteria base to examine the extent to which policy effectively directs, regulates and supports case practice and decision making during investigation.

- Evidence of a philosophical, values framework
- Explanation of the entire approach to achieving the objectives of intervention
- Policy context: Purposes; mission
- Conceptual framework identified and correct
- Decision making framework
- Expectations and guidance concerning CPS – client interaction
- Evidence of specific direction about safety intervention
- Rationale that supports policy
- Evidence of standards
- Logically and well-organized following some pattern and progression
- Consistent use of same order/format
- Clear, concise, simple language
- Rule rather than how-to implement the rule
- Authority sources
- A consistent, logical framework for action
- Current – enduring shelf life
- Generous white space; ease to use; readability
- Structured for use; easy access to rule
- Flexible, modular outline for ease in use and modification
- Liberal use of labels to introduce rule area; rule; supporting information (labels; headings)
- Dynamic as a useful tool; does it instruct and inspire?

