Working with denial – are we there yet?

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"*His continued denial of these findings and his wife's support of his denials means that there are no protective adults with capacity to safeguard.*"

"*The children remain at risk of physical harm because the mother is in denial*."

"*The local authority are unable to recommend this option because the risk he poses to the children is being disregarded/minimised by the couple*."

"*A risk that is not accepted can be neither assessed nor safely managed.*"

Hands up who has read that or similar in parenting assessments or social work statements following findings against a parent of non-accidental injury made within care proceedings?

Traditional social work practice has long posited that without acceptance of findings, there can be no mitigation of risk. For parents who for many varied and understandable reasons are unable upon receipt of a judgment against them to suddenly confess all (and let's leave standard of proof debates to another day), that has traditionally left them at an impasse with the local authority and staring down the barrel of a final care plan of permanency for their child outside of their family. Including by way of adoption.

Enter 'denial models' of risk assessment, the most famous of which is surely the Resolutions model. With the risk of vastly oversimplifying it, Resolutions works from an ethos that just because a parent denies causing injury or harm to a child which they have been found (or are suspected) to have perpetrated, that denial does not of itself rule out the possibility of that parent resuming care of their child. Drawing heavily on a network of family and friends, the idea is to construct a rigorous safety plan around the family which, over time and following a successful period of work with the family, can be gradually relaxed. The model reminds those tasked with safeguarding children that whilst traditionally denial has been considered a predictor of recidivism, research in fact shows that there is no direct causal relationship between denial and repeat offending.

There are now many variants. 'The denial model', 'Family Led Safety planning', 'risk assessments adopting Resolutions principles', 'Resolutions inspired assessments' are just some of the descriptions you may see. If you ask those undertaking this work for their success rates, they tend to be universally high. The message is these models work. This article will not delve into the perceived merits of any one model over the other, not least because that debate is best had by those experts undertaking the work, but what I hope can be concluded is that there is a growing challenge to traditional social work models of risk assessment which is becoming much more widespread.

There are limits. In practice these assessments are typically deployed in 'single issue cases' – families that but for an injury had not and would not have come to the attention of children's social care. They need a strong family (or friend) support network who are able to commit to be an integral part of safety planning. Families for whom enduring drug or alcohol misuse is an issue, or those featuring domestic abuse or learning disability, are unlikely to be assessed as suitable. It is perhaps understandable why these assessments are sometimes perceived as the purview only of the 'middle class care parents'.

How is it working in practice? It certainly feels like the shift has taken hold. Practitioners and Judges alike seem more aware of these models, even if they have not had direct experiences of them. Increasingly we see tribunals making reference to 'Resolutions work' or 'denial models' at the conclusion of their fact-finding judgments and making clear their expectation that the same be deployed. The list of names being put forward of experts able to undertake such work seems to be (slowly) growing. Sadly there still seems an element of post-code lottery, and familiarity with the models still seems to vary widely.

There is, occasionally, still outright scepticism from the outset. Those representing parents should be armed with their Part 25 applications and ready for a fight with those to whom the models still represent a novel way of thinking. You should make sure you understand how these assessments work and the methodology behind them. Some of those undertaking them can provide you with information guides alongside their fee quotes. HHJ Baker provides an excellent summary in ***J (A Child) (Resolutions Model)* [2021] EWFC 58** – a successful example of the Resolutions model in practice - which is always useful to have to hand if you find yourself needing to explain at greater length how this works. You need to be clear about timescales and what actually is being proposed. Is it a screening assessment with full assessment to then follow? Is it a risk assessment which, if positive, would recommend an on-going programme of work? The answers to these questions vary and it is easy to fall into a trap of assuming all 'denial models' work the same way. There are funding implications. Prior

authority applications will likely need to be made. It will usually fall to the local authority to fund any programme of work which may follow.

How else might we be able to utilise this way of working with risk? Some now argue that there is nothing to stop these sorts of risk assessments being undertaken prior to a fact-finding hearing and thus where the cause and perpetration of injuries remains undetermined. That would of course have the considerable advantage of avoiding delay and, so will undoubtedly go the argument, potentially the need for a fact-finding hearing at all if the outcome of the risk assessment is that regardless of cause and perpetration the family can be (or can remain) reunited with a safety plan in place. Anecdotally, at least one expert undertaking this work is now doing so at least on occasion in those circumstances. Lieven J's decision in ***Derbyshire County Council v AA and Others* [2022] EWHC 3404 (Fam)** – "*even if I made all the findings it would be unlikely to have any material impact on the ultimate orders for X*" - provided an added impetus for this for a while, at least until the Court of Appeal in ***P and E (Care Proceedings: Whether to Hold Fact-Finding Hearing)* [2024] EWCA Civ 403** put a bit of a dampener on just how far that case was being successfully taken on behalf of parents in some parts of the country.

I am yet to see a Court in practice be persuaded and my only experience of such an application is to see it roundly rejected. 'How can it be fair to the parent who didn't cause the injuries to be asked hypothetical questions and get their head around how their partner might be responsible?'. 'It is difficult to see how a parent could be expected to be candid in those circumstances.' Those are just a flavour of the responses. Rightly or wrongly, for now at least then a step too far for most tribunals.

19 February 2025

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