An Evidence Review on Social Services Workforce Decision-Making Processes

Kenya

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SOS CHILDREN'S VILLAGES

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An Evidence Review on Social Workforce Decision-Making Processes

This report was commissioned by SOS Children's Villages International as part of a four-country study on the decision-making process for placing children in alternative care.

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1. Background

We believe gatekeeping and the decision to place a child in alternative care are significantly influenced by two factors: the circumstances the child is living in, and the ability, training, understanding, knowledge, and experience of those with responsibility to make safeguarding decisions. The latter is highly dependent on the child protection system in which social service providers work, and their personal attributes, training, understanding, knowledge, and skills.

International guidance relating to decision making and 'gatekeeping'[1] is outlined in a number of international documents including the UN Guidelines for the Alternative Care[2] and accompanying Handbook[3]. This guidance includes the undertaking of rigorous multi-sectoral and participatory assessments upon which careful and well-considered decisions can be taken by well trained professionals. These decisions should always be in the best interest of the child. Prevention of separation of a child from their parents must be considered as the first option whenever possible with placement in care as an action of last resort.

Child protection social workers and other decision-makers have to make difficult decisions in complex and emotional situations. This may be influenced by such factors as limited knowledge and training, capacity, time constraints, and lack of resources with which to undertake responsibilities.[4] Furthermore, the strength and efficacy of the national child protection system they work in, and the statutory and other guidance they receive, will have an impact. Decision making, although ideally objective, may also be subjective with personal social and cultural beliefs becoming influencing factors. Authors have also noted gaps in terms of social work practices that have been inadequately adapted to the local cultural context as well as lack of available services that could be utilised to help mitigate the challenging circumstances families are facing. In addition, there are concerns regarding training and education of the social workforce.[5] These constraints can come at a high cost, and errors in judgement may have a lasting negative impact on children's lives when they are removed unnecessarily from parents and placed in alternative care. While academics and practitioners alike have identified some of the challenges in relation to decision-making, we believe much of this research has mainly taken place in high-income contexts thus leaving a gap in our knowledge of decision making practices in low and middle income countries.[6]

SOS Children's Villages has initiated a research series that focuses on the drivers of child-parent separation, the situation of children affected by it, and gaps in the responses in relation to this issue in different regions of the world. Knowledge about the situation of children placed in alternative care is of crucial importance to social service providers like SOS Children's Villages. Such evidence will inform a range of responses that can be tailored to the accurately identified and specific needs of children and their families in different contexts. Evidence will not only bring an understanding of the

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[1] For further explanation of the term 'gatekeeping' please see: Csaky & Gale 2015
[2] United Nations General Assembly 2009
[3] Cantwell et al. 2012
[4] Whittaker 2018
[5] Twikirize & Spitzer 2019
[6] Munro 1999; Przeperski & Taylor 2020 'Turney et al 2012

environment and context children and families are living, but also the efficacy of decision making by professional stakeholders holding responsibility for child protection alternative care. The current research series is focussed both the socio-economic environment in which children are at risk of losing parental care as well as the child protection system and decision-making processes that are being applied.

In order to address some of the gaps in knowledge as identified above, a short study of decision-making in relation to placement of children in alternative care has now been undertaken in four countries, El Salvador, Denmark, Kenya and Lebanon. Below are the findings from Kenya. These findings will contribute to a consolidated report that will provide the combined evidence from all four countries.

2. The research questions

The aim of our research was to investigate the following research questions:

- What does the literature say about the efficacy, including the subjectivity and objectivity, of decision-making undertaken by the social services workforce working within the national child protection system, and in particular, decisions to remove a child from parental care and place them in alternative care?
- What are the factors that influence social services workforce decision-making?
- What are the main findings and recommendations?

3. Research Methodology

Desk Review

A systematic desk review of literature related to the efficacy, objectivity, and subjectivity of decision-making by the social workforce has been undertaken in Kenya. The review briefly considers the functioning of the national child protection system, including legislation, policy, and statutory guidance, as well as the quality of social work education and it impacts on decision-making.

Using the search terms provided for this study, a total of 317 articles were mined from Google Scholar, PubMed, Emerald, and JStor. In addition, 12 grey literature articles including policy reports and manuals were added. A screening process was conducted to select relevant articles and publications. After the initial selection, a total of 33 articles were selected while the 296 were excluded due to reasons such as irrelevance, very old, repeat articles, or published out of Kenya. Further screening was done to check articles that could be accessed as full articles and relevant to the study. During the screening, 18 more papers were excluded and only 15 were included for review and generation of relevant data. The selected articles reveal that although many laws are in existent, very minimal scholarly publications are done with regard to decision-making on child family separation in Kenya.

Semi-structured interviews

A series of 10 semi-structured interviews have been conducted with members of the social services workforce, Chiefs, judiciary and other decision makers in relation to child protection and alternative care placements.

Purposive sampling

A purposive sampling approach has been applied to the selection of professionals identified as being key decision makers in terms of placement of children in alternative care in Kenya. Purposive sampling is a methodology widely used in qualitative research and will be utilised as it allows for intentional selection of knowledgeable participants that will generate theory and understanding of a specific social process and context.[7] Interviewees were selected based on the researcher's knowledge of key professional stakeholders in Kenya.

Impartiality and lack of bias

It is important that throughout the research process, participation of a cross-section of stakeholders was upheld so that a representative and impartial understanding of issues under consideration can be gathered. To this end, all stages of the research including the methodology of data collection, analysis and reporting, was designed in a manner that demonstrates lack of bias and will ensure that the views of all stakeholders has been taken into account and reported.

Reliability and rigour

Careful attention has been given to reliability and rigor throughout the process of generating, recording, analysing and presenting data. This incorporated careful research design and implementation including consideration of: use of varied and standardised methods for collating data, careful consideration of respondent selection; careful transcription; and awareness of respondent bias. In addition, all steps of the research process have been explained in an open and transparent manner.

Ethics

All elements of the research process have been designed and conducted in a manner guided by professional standards and ethical principles. All efforts have been made to ensure participation in the research does not lead to harm, stigma, re-victimisation or discrimination. All researchers have upheld the principles of impartiality and guard against bias and distortion in reporting views and opinions of participants.

Informed consent

Informed consent has been sought from all research participants. All participants were informed of the context and purpose of the research, as well as issues related to confidentiality and use of information they provide. It was made clear to all participants that their participation in the research is voluntary and they could withdraw from the process. Participants have the opportunity to correct, change and retract their input up until final reports are published. To this end, Information Sheets and Consent Forms were provided.

Confidentiality and data protection

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[77] Arber 2006; Ritchie et al. 2006; Robson 2002

Research participants have been guaranteed anonymity and any write up of research findings will not contain names or identifying features. All raw data has been transferred to the Lead Researcher and stored in password protected confidential files. Data will be securely disposed of in accordance with GDPR.

4. The Research Framework

Our research framework was developed in a manner that allowed exploration of decision making in the context of children's placement in alternative care. The framework was based on a child rights approach and international standards for the protection and alternative care of children.

We believe the decision to place a child in alternative care is particularly influenced by two factors: the circumstances they are living in, and the decision making of those with responsibility for child safeguarding judgements. In this respect, our research framework particularly focussed on the factors influencing such decision making. Most especially we considered decision making within the context of the national child protection system.

A well-functioning child protection system requires a coordinated and holistic approach to investing in, developing, and sustaining, all the necessary components as illustrated in Figure 1. This includes a suitable normative framework and programmes built on rigorous data collection and analysis, as well as suitable structures for the delivery of services that protect children and help mitigate the multi-sectoral factors placing children at risk. It requires a well-resourced and skilled work force, and coordinated, inter-sectoral partnership working between the State, families, communities, NGOs, and the private sector, in order to build a protective environment for children.

*Figure 1. Components of a national child protection system*
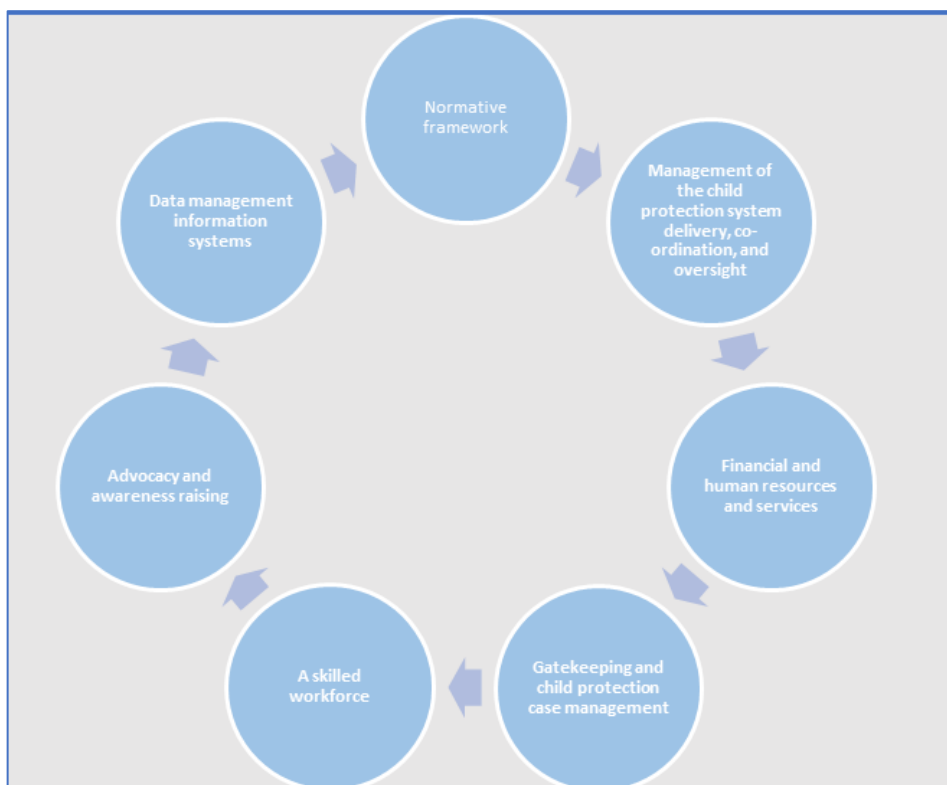
5. Research Findings – Kenya

5.1. Desk Review: A brief outline of the national child protection system in Kenya and how this impacts decision-making.

Family-child separation is a complex issue with significant implications for the well-being of children and families. In Kenya, various stakeholders are involved in decision-making processes related to family-child separation. Some of the key stakeholders are government agencies, non-governmental organizations (NGOs), community leaders, civil society organizations (CSOs), religious institutions and international organizations. This literature review aims to examine existing research and literature on decision-making in Kenya concerning family-child separation by stakeholders capturing some of the challenges experienced and the bottlenecks towards implementation of the laid down policies.

Child protection and safeguarding initiatives in Kenya date back to 2002 and have been followed by several other initiatives to ensure children enjoy their rights and are protected. Efforts were made by the National Council for Children's Services (NCCS) leading to the development of a Framework for National Child Protection System as shown in Figure 2. The framework seeks to promote linkages between different actors and provide coordinated interventions and responses using the statutory mechanism[8]. Although this framework and many other policies exist to safeguard children, challenges of enforcement are real with regard to policy, legal context, structures, functions and capacities, among others.[9]

*Figure 2.Framework for National Child Protection System in Kenya*

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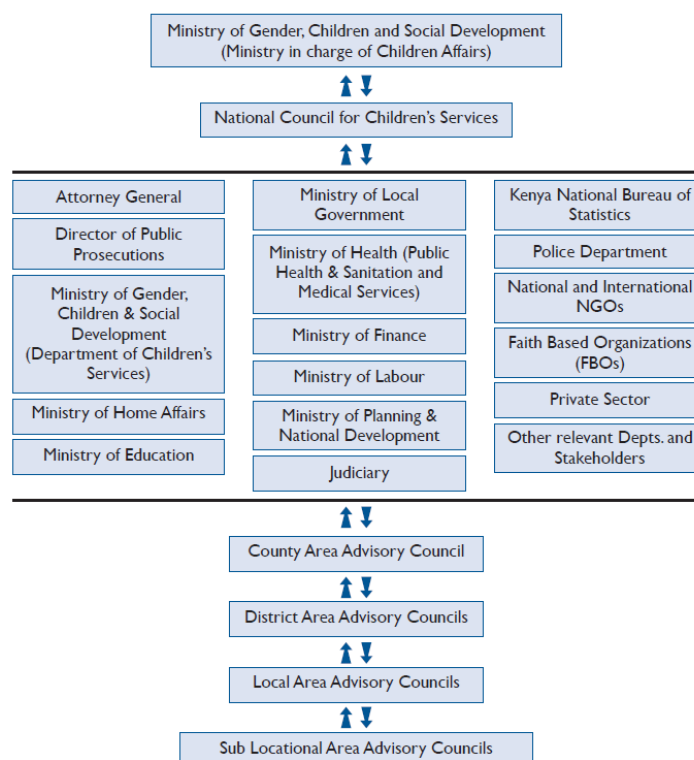
[8] National Council for Children's Services 2011
[9] National Council for Children's Services 2011

Apart from the framework for protection of children, Kenya has developed a framework for response to child protection issues as shown in Figure 3. It is however notable that with all cases that are reported, the decision makers assess whether the case has to do with a child in need of protection, or a child in contact/conflict with the law. For those in contact/conflict with the law, the legal systems are immediately put in place and in most cases the child is separated from the family by being placed in a correctional facility such as the rehabilitation school, the remand home, or borstal institution. However, for children in need of protection are either placed in an institution of care or taken into foster care.

Figure 3. Steps for Case Management
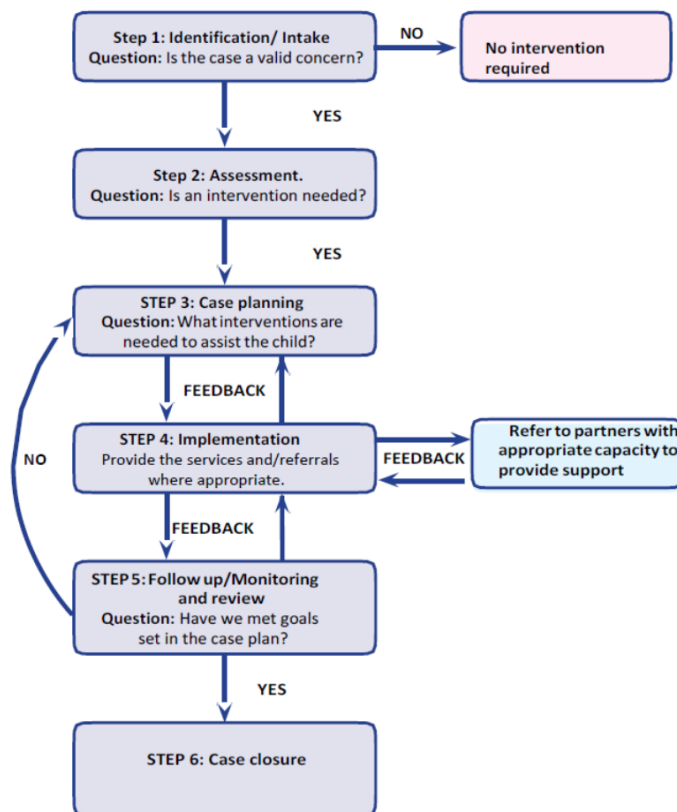
The legal framework and policies governing family-child separation provide essential guidance for decision-making in Kenya. The Kenya's Children Act (2001) (now revised 2022) and Alternative Care Framework (2014) emphasize the best interests of the child and prioritize family reunification efforts.[10] However, it is worth noting that Kenya has developed several policies to be used in the protection and safeguarding of children, and at times they are a challenge for implementors. The government agencies play a major role in the decision-making process to ensure that children are safeguarded. Specifically, the Department of Children's Services under the Ministry of Labour and Social Protection is mandated with monitoring the day-to-day activities of children right from the grassroots.

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[10] Nyong'o, 2016

A study by Malinda and Muraguri acknowledged the importance of social workers in policy implementation, however noted that in Kenya social workers' participation in the implementation of policy is very minimal.[11] This implies gaps in involvement of key stakeholders in decision making processes which could affect the overall wellbeing of children under their care. Whereas social workers are involved in the daily in the caregiving processes with children, their lack of participation in policy-making.

In the decision-making process, one of the challenges likely to be experienced is bias. which leads to irrational decisions. It has been revealed that the judicial decision-making in Kenya is marked by bias and tribalism.[12] Through an examination of over 10,000 cases in 39 High Court Stations from 2003-2017, a significant evidence of co-ethnic bas judicial decision-making in Kenya was noted. It was also established that judges expressed more trust sentiment in judgments for co-ethnic than non-co-ethnic defendants as a result displaying in-group favouritism. Although most of the cases explored were not concerned with decision-making regarding parent-child separation, it seems evident from this study that bias on ethnic grounds is present in the Kenyan courts. This implies that not all decisions made to separate children from parents are rightful. As such it means that there could be several children who have been removed from their parents and probably institutionalized unfairly.

Training is a critical aspect that enables individuals to effectively dispense their duties. The absence of a well-trained professional can lead to ineffective workforce that performs dismally. Social workers are charged with making decisions on appropriate interventions for children, which requires appropriate training values that will enable them dispense their duties effectively.[13] However, the authors note that this has not been the case since various inappropriate child protection decisions have been made in Kenya in the past. Some of the inappropriate decisions include separating children from families, locking up children with adults in the same cell, and being quick to institutionalize children rather than tracing their families.

In the process of supporting children and ensuring that they are kept within their families, various challenges are experienced. Some of these challenges impede the processes of supporting children and ensuring that they are safe at home. Some of these challenges include limited resources, inadequate infrastructure, cultural norms, and lack of coordination among stakeholders.[14] The issue of limited resources is a major challenge that affects the dispensation of work for all decision makers.

Efforts need to be made by the Kenyan government to ensure that social work service is adequately financed and resourced. Further, culture is good but can be pervasive if not adequately monitored. Negative cultural practices affect the protection of children. In Kenya, one of the most harmful practices if Female Genital Mutilation (FGM) and early marriage, which leads to some children being rescued from their families and placed in rescue centres. On a larger scale, coordination and collaboration among different actors is key, however, lack of this affects effective provision of services. In order to remedy some of these challenges, it is necessary to strengthen inter-agency

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[11] Malinda and Muraguri, 2022
[12] Choi, Harris and Shen-Bayh, 2022; Shen-Bayh and Choi, 2022
[13] Patrick, Ndolo and Mavole, 2020
[14] Oloo and Ondimu, 2017

collaboration, invest in training and capacity building, conduct research, and promote community engagement.[15] This will aid in providing safe spaces and safe environment for children.

5.2.   Analysis of Interviews

In the interviews, several themes emerged regarding the process of making decisions to place a child in alternative care.

Reasons for alternative care

Various reasons were provided that lead to child-family separation. Some of them included orphanhood, child abuse, and extreme poverty. For example, an interviewee mentioned that reasons for taking a child to alternative care are *"… children who are abandoned, children who are found unaccompanied and the parents cannot be traced.",* she further added that.

> *"children who have suffered abuse or have been rescued from situations of abuse and their immediate next of kin cannot be traced. Sometimes the only kin who can be traced is the perpetrator of abuse and maybe there might be a need for separation of the child from the perpetrator. And all these situations and also other situations might necessitate a child to be considered for alternative forms of family care."*

It was further noted by a children officer that,

> *"There are instances where, for example, you find a child being abused in a certain way… What that says basically is if any person has a reason to believe that the life of that particular child is in danger, they can't rest with the children, awaiting those other procedures"*).

This idea was further supported by a respondent who noted that cases of child violation could lead to removal of the child from home to alternative care.

On the other hand, one of the magistrates noted that separation happens when a child needs care and protection or has committed an offense. This was evidenced in the following responses.

> *"The first one is needing care and protection… It has just been found that this child needs care and protection and is brought to the court to decide where should this child be. That applies mainly to children who are lost, children who are on the street, and those who are abandoned."*

The interviewee further added "*Those are children who are accused of having committed an offence. So, they come in as accused persons. Of course, we don't call them accused persons. But they come in that, quote and quote, as an offender.*"

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[15] Nyang'au, 2019

A social worker indicated that,

> *"you may find that the child maybe lost the two parents and staying in a foster family and like the foster family are not very keen on protecting the child like there are issues of abuse"*

She further added that *"you find that is the child is in a family where both parents are drunkards and maybe this child could be like a girl and there is a possibility of child abuse in that family."*

Based on these responses, various reasons provided imply that abuse, violation of rights, orphanhood, abandonment/neglect, and risky family environments are reasons for separating a child from the family.

Process for alternative care placement

Respondents were asked to state how they make decisions to place a child in alternative care. Based on the responses, it was evident that children officers are central in the final placement of a child in alternative care. As reported by a social worker, it was reported that several people are involved and home assessment is taken into consideration. One interviewee said, *"you cannot do it at the office level, you need to make a home visit. Additionally, you get another form from the children's office. The children's office also needs to do a visit to the home."* Further, a children's officer reported,

> *"You have to do an analysis of the home environment where this child is coming from. You have to also look at the capacity of that home, the dangers, the opportunities which are in that home, you have to look at the personalities and the capabilities of those who are around that child"*

A Children Officer indicated that,

> *"our role is basically to address the court, the best interest of the child. If the child really needs to be in alternative care. the children officer will have to advise the court based on the necessary principles …. whether to place a child in an institution or an alternative family care. We rely on the guidelines that are issued, that we follow… We rely on our policies and all that. They guide you on what you are doing."*

Process of gathering information

To make a decision, on whether a child should be separated from the family, relevant information is collected to help make a decision. The process of gathering information involves several actors and considerations. Based on the responses, a social inquiry is done both at the family and community levels. According to one interviewee,

> *"… we do a social inquiry whereby we go to the community, we look at maybe the neighbours of that child. We look at the family. If there is a family that is available, we look at the, maybe, the local administration, like the chief's office, or those who are*

near the child. The teachers, we interview them, we listen to their side concerning the decision that we make."

Another respondent indicated that,

"apart from interviews, of course, we talk to the children, mostly reported cases. And once those cases are reported, we do investigations, our own investigations through social inquiries. So we go to the home. If the child is from a home setting, we will go to the home. If the child is from the streets, you will depend most of the time on their stories."

A social worker reported that *"we normally go ourselves and we make the home visit and we make the assessment and then notify the children's office."* These responses imply that various stakeholders are involved in providing information to enable the decision-making process on child-family separation. Thus, it is hoped that when due diligence is taken the right decisions are made.

In response to the type of information collected, it was reported that,

"I would need so much information… but this includes the bio data of the child. Like what is the child's name, what age, what sex, where do they come from, including now the sub-county, county, and even their villages and where they come from. Even the level of education, the school that they were last, they attended last. The attended class. Then there is also the information that is very necessary. Now this is all about the family background. The name of the father, the name of the mother."

A magistrate also noted that, *"We use information from the stakeholders in the justice system who bring the children to us to ask who is this child, who is their parent, if they have one, where do they live."* She further added that *"we always ask for a comprehensive report because the court wouldn't know and it cannot investigate. So, the officers, the police officers, children officers, and other actors, even chiefs, nyumba Kumi."*[16]

Assessment Tools

To assess a case, appropriate tools are required to enable the right judgment on the matter. When the question regarding the availability of tools used in assessing information and deciding on whether a child should be separated from the family, most of the respondents indicated that they used a case record sheet to document information and assess the child's situation. This was evidenced by several responses such as "We have a tool that is used to do the information, and that is called a case record sheet. And in this case record sheet, we usually have the information of where the child is coming from, like who was reporting, was it reported by the neighbour, the caregiver, or the police, because it depends on who is the reporting."

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[16] Nyumba Kumi is a community policing initiative in Kenya that was introduced after the Westgate terror attack in 2013. It seeks to anchor community policing at the household level and is borrowed from the Tanzanian Ujamaa Policy (Maigua, 2019)

It was further expounded that the case record sheet is not the only tool used as reported by one interviewee who noted that,

> "… Now for home visits, for example, we have an assessment tool that is in the Children's Act 2001 that is the one you do now. This record sheet is for the collection of information…. There is an assessment form in the Children's Act 2022. And we use that assessment to get further information now from the community where you go to the interview you interview even the neighbors for you to give more information on exactly what has been happening. That form now is open to all those other areas"

This respondent further noted that,

> "we don't use one specific form because in issues of case management, we move from one step to another to another and every step has a form. So there's a form for information collection, there's a form for assessment, there's a form for case implementation".

This idea of several tools was reiterated by an interviewee who said,

> "In each and every step there is a tool… When you're thinking about assessment of the child, there's a child assessment form. When you think about assessing the family, there's family assessment form. When you think about placement, there's placement form…"

According to one interviewee, the case record sheet and the children's officer's report are the authority documents that are used to decide whether a child should be separated from the family. From these responses, it seems evident that there are several tools for assessment. However, these responses also imply variations from the respondents regarding the tool(s) used for assessment. It seems that different officers use different tools and this raises concern about the standardization of the process.

Information analysis

Analysis of any information is critical since it helps arrive at a certain conclusion that informs the steps that should be taken. Most of the respondents indicated that case conference with colleagues is used to analyse data received about a child. Based on the views of the members, a conclusion is derived and a decision is made. In this study an interviewee said,

> "I go to the field and collect this data or this information. You come back and now you can discuss it like sort of a case conference with your colleagues. Then after discussing now, You know, you like, you get your own perspective based on what you have gathered. So you also hear from others, your colleagues."

According to another interviewee,

> *"You also have to take into account what the community feels, what the parents or guardians or relatives of these children state. You will have to give your own independent assessment. You will have to get other players. So, it's not necessarily at the sole discretion of a Children's Officer, but it is informed by the whole body of knowledge that you will get."*

A magistrate respondent implied that the Children's Act has a clear process for analysing the issue and finding a solution. The main focus in her view was the need to ensure the best interest of the child. She reported that *"there is a very elaborate process which is in the Children Act. A lot of cases had, let me say, according to the law. But for a child, there are a few safeguards which we use so that we make it fit for children and that we make sure the best interests are met."* On the other hand, a social worker indicated that the final authority for analysis lies with the organization. One interviewee mentioned, *"I will receive all these documents, and the decision will be made by the key people in the organization. So you call for a meeting for the department heads and we will analyse according to our target group of children."* Based on these responses, it was evident that there is no one formula for analysing the cases, however, a majority indicated that consulting with a team or supervisors is the approach used to find a solution. It seems standardization of the process is key so that all stakeholders know how to analyse cases.

Emergency alternative care placement

An emerging theme in the study was the concept of emergency alternative care. It was noted that some children get separated from their families very quickly due to their prevailing circumstances. These are mainly cases of abuse and violation that predispose children to harm. An interviewee said,

> *"Like instances whereby a child is maybe being abused and they require rescue. That is where you find a chief taking a child from their family and taking them maybe to a children's home or to a rescue centre or even placing the child with another family because of issues of abuse."*

Further, a social worker noted that *"when it comes to the safety of the children, there are instances where we would even find a child exposed to abuse. So, in that particular case, we rush to rescue the child and the paperwork will follow later"*. These responses imply that there are children who have been separated from their families before the due process of decision-making is done. However, it is clear that these are only cases where the child is undergoing abuse and thus needs a haven for their wellbeing. It was not evident from this study, how long it takes for such children to undergo the proper decision-making process. Although a social worker indicated that the paperwork for such cases may commence the following day, it was not clear how long it takes and also whether all such cases commenced immediately.

Making the right decisions

When asked if all decisions that were being taken were the right ones, overwhelmingly the answer was not always. With regard the decision of magistrates,

> *"They don't always make good decisions all the time."*

> *"Most of the decisions are good, but some are made in error."*

> *"So I can't say the best decisions are made always concerning placing of children in alternative care."*

This was the same response in relation to the decisions of Children Officers,

> *"Not always, not always."*

> *"No. Okay. My no is very fast. Not all the time."*

Training

Training is critical in the mastery of skills and the effectiveness of job performance. This study sought to find out the training experience of decision-makers and how they use that knowledge during their decision-making process. Mixed feelings about the training were generated. Whereas some of the respondents, felt the training was adequate, the majority held the opinion that the training was inadequate and a lot of learning happened during the on-the-job training and mentorship. One interviewee reported that,

> *"The training people get in college depends on what specific field you want. So, most of the time, even when they're coming to work with children, sometimes it's not about what they were trained to do in college that helps them to deal with children. Most of the time, the in-job training is what assists."*

This idea was supported by one interviewee who noted that,

> *"despite the training sometimes what assists so much in making those decisions in the placement of children is really experience and here, you know, it's really not just the number of years, but the kind of exposure one has received."*

This thought was partially contrasted by another interviewee. Although he still supported on-the-job training. He noted that,

> *"The training you receive in school is very crucial because that's what helps you analyse and recommend what this child needs based on your training, especially for the social sciences, for those ones who have studied social work or sociology, that training is very crucial. There's also on-the-job training because you have to know how your department operates."*

This idea was further complimented by another respondent who said "*I would say the training was enough. But of course, there is still a lot more that you learn on the job. But I think the training that we got from college, personally, I think it was sufficient.*" On the other hand, a magistrate respondent noted,

"I believe training is best when it's experienced. So, my training- I would say my training as a lawyer did not expose me to that suitability to make that decision as well as experience has. So I would say to answer you, I would say the longer the legal officer or the children officer has worked while interacting with children, the better off trained they are"

From these responses, it is evident that some of the officers tasked with the responsibility of making decisions on children's matters appreciated the training they got in school. However, a majority thought that experience is the best and prepares them adequately for the job. It is therefore notable that some of the officers are hired without the relevant Knowledge for the position to seek to undertake. In addition, it seems that there is no specific school that provides the appropriate course to help officers make decisions on the placement of children in alternative care. Tailor-made courses during one's employment seem to be more helpful and relevant.

Culture and belief system

Culture is a way of life and is deeply embedded in people's day-to-day activities. We sought to find out how culture affects the decision-making process and whether it introduces any biases in the decisions made. Varied responses were received but it was evident that culture affects the decisions made regarding placement of children in alternative care. For example, an interviewee said,

"We also consider religion. If for example, a child's origin is in let's say, a Muslim culture. And we have to decide where to place them. We consider where we are taking them. We are not uprooting them and disorienting them and throwing him in a sense of confusion."

The same respondent added,

"... if a child comes from a place where they only speak vernacular, and they do not understand the language of the area where we propose to take them, but it's also a consideration so that they're able to continue with life and be able to communicate we may need to bridge before the transition"

This seems to be positive consideration of culture to enable the child to settle and cope well. However an interviewee said outright that,

"the issue about culture does interfere with this decision making. You may find that there are cultures where the mother cannot be allowed maybe to stay with the child when they are not together with their husband or their biological father. And that child is left under care of a man and you can imagine a man being left with only two months old kid and that man has to take that child to a mother or a stepmother or somebody else."

In addition, an interviewee pointed out the issue of religion affecting decisions being made. He said that *"right now I have got five children whom I admitted mid this year and all of them, the religion really played a big role."* It is evident from these responses that culture and religion play a major role in the placement of children. Some of the considerations are positive, however, it is clear some of these options could introduce bias in the decision-making process.

Timelines for decision-making

It was important to determine the turnaround time taken to make a decision regarding a child being separated from the family. Mixed responses were provided ranging from one minute to one year. However, majority of the respondents mentioned 14 to 21 days. On interviewee indicated, *"That's around one to two months*." However, another expounded and clarified the idea stating that,

> *"… it depends with the age, it depends with the circumstances. If for example you are talking about an abandoned three-month-old baby who cannot talk. And you have found this child, you cannot trace anybody. The turnaround time will be around… minimum it should take around 72 hours from the time of the initial report to the time the child is taken to the CCI."*

Someone else said, *"Let me say a turnaround of a minute to a week, depending on the case",* and it was further indicated that,

> *"In some cases, it takes it rarely takes one day. But the decision was we have to make a decision. Asap especially where the child has no place to go. The decision must be made as a matter of urgency to place them in safe custody, we call it safe custody awaiting the determination of the matter. That would be a homeowner in the meantime. But ordinarily, within two weeks, 14 to 21 days, at most 21 days a report will have come by this time the child is in safe custody, somewhere safe for them"*

These responses imply that there is no standardized turnaround time for making a decision. However, there seemed to be an agreement with the idea of a minimum of 72 hours. This was in line with the requirements of the Children's Act 2022.

Factors affecting integrity (biases)

A key concern in this study was the issue of biases that affect integrity in the decision-making process. It emerged from the responses that the decision-making process is sometimes influenced by biases. In interviewee pointed out that,

> *"we have seen malicious cases where a neighbor decides to take a child, removes from their own family with no case but they have beef as neighbors, maybe as relatives, and they rescue those children and take them to the police station, like abandoned children who need rescue, but the truth of the matter is that they were not supposed to be rescued."*

Apart from incidences of neighbours making wrong allegations against some, it was also determined that the environment one works in can lead to bias. For example, someone said,

> "there are laid down procedures that may not be determined by how you feel, but it doesn't rule out that sometimes…, who you are determines how you decide the next way forward. Your circumstances also the environment in which you work with may determine how you decide the next step forward."

A magistrate further noted that,

> "someone's natural biases and orientation. Their subconscious, in our nation, where children are left with the Father, if that father were to handle the case, of the children either as the children's officer or a magistrate, then there would be a chance that they might be biased towards that side. They shouldn't be but you know, we are natural human beings with natural inclinations, and biases".

On the other hand, a social worker pointed out that an individual's religion and cultural beliefs affect the way they make decisions. He noted that,

> "We have a lot of discrimination coming into on the basis of how we have been brought up, our religious beliefs, our cultural beliefs, all those things coming together and having moulded a person to be who they are today, of course, they will affect how you make decisions"

These responses were an outright indication that the decision-making process was marred with biases that eventually affect the child or the family negatively. This implies, that this process needs to be scrutinized to ensure that it is free of error or bias.

Challenges

Several challenges were highlighted that affect the decision-making process including too many caseloads, lack of capacity, lack of sufficient alternative care facilities, lack of transport services, and trafficking among other issues. One interviewee said,

> "so many cases being reported of children being abused in the community that you need to rescue and you have no like capacity to do it. So what can be actually, what it can bring is a lack of placing the child in that alternative family or that alternative care"

She further added "So sometimes you may just sit on your desk and call. So you call the chief, you call maybe who else, and then you just do your report without much of investigation. Yeah. Then that one you may end up maybe placing a child who does not need to be placed or maybe not placing a child who require placement." Being overwhelmed is another bias as noted by someone who said,

> "sometimes as human beings, you sometimes get overwhelmed situations, then some of our decisions sometimes are also subjective. And just to make this comment,

that if we always make those decisions from our hearts, because of our feelings, then automatically most of the time they are not sustainable."

On the challenge of facilities, it was indicated that,

"sometimes we might want to place a child … But we don't have, we surely don't have facilities. Sometimes you want to take a child from Pokot and you don't have a vehicle to do that and the government will not just allow you to have their people transport that child for place of safety."

According to interviewees high staff turnover is a challenge as indicated in this statement *"the high staff turnover that sometimes you'd find staff are giving notices, like they could give three at a go, then in such cases, you have no staff to take care of the children. So that could affect the decision of whether to admit the child or not."* The same respondent further indicated that trafficking could be an issue as highlighted in this statement,

"…child being trafficked or this child being put up for sale or rather the circumstances surrounding maybe an infant. In this case, I'm talking of infants. And then all of a sudden you would hear no, the court has decided that this child is given to this particular family and there is no, there is no further case investigation. In such cases, I always think that the decisions were arrived at hurriedly and all the parties were not rightly involved."

These responses imply that the decision-makers face a myriad of challenges that affect their quality decisions, but also at times compromise their actions. This calls for the need to investigate such matters to ensure that capacity and resources are sufficient to allow for fairness and justice.

6. Recommendations

1. There is a need to sensitize gatekeepers and communities on the importance of keeping children in families so that separations do not happen severally. This should include sensitization on "no violence" against children, but also creating safe environments for children at home and in the community.

2. There were divided opinions on the adequacy and relevance of training. There is a need to standardize training so that all officers involved in making decisions regarding child-family separation have the same knowledge and information. Tailor-made courses on child safeguarding and protection may be necessary for all these officers.

3. Results indicated that some children are separated from families due to abuse and neglect. There is a need to invest more in terms of child protection. Governments and organizations should budget and fund child protection initiatives that enable parents and communities to enhance the protection of children. Grassroots training and advocacy would empower children and their families to create safe environments.

4. There is a need for training on child protection issues for practitioners. All the stakeholders in decision-making need to be trained in child protection and safeguarding. It would also be essential to mainstream child protection and safeguarding into the university curriculum for social sciences so that more people are knowledgeable in this field and when posted to work with children, they would be in a better position to promote the best interests of the child.

5. In Kenya, there is the revised Children's Act, 2022. There is need to operationalize this document so that it serves its purpose. Government officials, non-governmental organizations, and other stakeholders need to be involved in training that enables them to understand this document and thereafter implement it accordingly.

6. Lack of community participation affects decision-making and outcomes of children. There is a need for community empowerment so that members of the community understand the need to create safe environments for children in families and communities. This will reduce the high levels of child-family separations.

7. A standardized tool for assessing cases is necessary and all stakeholders should use the same tool so that there is uniformity across the board.

8. Case analysis seemed diverse by different stakeholders. There is a need to standardize the case analysis process and ensure it is followed by all decision-makers. This will reduce bias in the decision-making process.

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