

Professional trust and relationships in Children's Hearings.

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Report 4

Professional trust and relationships in Children's Hearings

Home Compulsory Supervision Orders - effectiveness of decision making and outcomes



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Summary

This is one of a series of reports on research on the effectiveness of Compulsory Supervision Orders where the child remains at home with their parents (home CSOs). This report explores the impact of the dynamics in a Children's Hearing between those involved in it.

Effective decision making in child protection is a complex issue, and one with significant implications for achieving good outcomes for children. It is widely accepted that good professional relationships are essential in child protection – where agencies work together, the best decisions and outcomes for the child are realised. Previous studies have found that professional respect and trust can impact on the effectiveness of decision making in Hearings. This research explores this further from the perspectives of those in the Hearing (Children's Panel Members, Children's Reporters, social workers and parents), and from data on Hearings decisions and reasons.

In focus groups, social workers described how they felt that their professionalism was not always respected and their reports not taken fully into account by Panel Members. There was also a more general view amongst practitioners in this research that safeguarders have disproportionate influence on decision making by Hearings. These perceptions were not fully borne out when children's cases were examined. In almost all cases Hearings' decisions agreed with the social work or multi-agency recommendations.

The perception that Hearings do not always focus on or trust social worker' assessments and recommendations in making decisions is of long standing and has been repeatedly found in research. This perception is therefore very real for professionals, especially social workers. This research shows that the level of trust placed on the information (both written and verbal) considered in Hearings decision making is heavily dependent on the professional relationships between practitioners, particularly between social workers and Panel Members. It is also very dependent on the format and quality of reports presented to Hearings.

The findings are not unique to Hearings decisions on home CSOs and, as found in previous studies, illustrate a wider issue in the Hearings System on perceptions of trust and respect between different practitioners and the evidence they provide to support decision making.

Introduction

This is the fourth in a series of research reports on the effectiveness of Compulsory Supervision Orders where the child remains at home with their parent(s) (home CSOs).

Professional trust and respect in Children's Hearings

Effective decision making in child protection is a complex issue, and one with significant implications for achieving good outcomes for children. In Scotland, under Getting it Right for Every Child (GIRFEC), child protection is a whole systems approach with the Children's Hearings System at its centre (Scottish Government, 2015). A strength of this approach, and of the Hearings System, is that they are multi-disciplinary with a range of practitioners involved in decision making.

It has been previously found that, whilst the focus of those involved in Hearings is on the evidence to support compulsory measures, professional respect and trust can impact on the effectiveness of decision making (Kurlus et al, 2015; 2016; Gadda et al, 2015; Hill et al, 2017).

Although it was not one of the original aims of this research to investigate the dynamics between participants in Hearings, it became apparent in focus group discussions with practitioners that this was an issue that was of importance to them. The Research Advisory Group recommended that the research be extended to explore this with the aim of better understanding its impact on Hearings' decision making¹. The research did this through examining decisions made (and the evidence on which they are based) together with the views of social workers, Children's Panel Members, Children's Reporters and parents on their experiences of Hearings.

Methods

Children's case file data

Data on Hearings' decision making for 86 children and young people were collected from individual case files held by the Scottish Children's Reporter Administration (SCRA). These cases were randomly selected from the wider research sample of 343 children and young people.

These 86 children and young people had first been placed on a home CSO and this was made between 1 April 2013 and 31 March 2014²:

¹ Please refer to Report 5: Decision making in Children's Hearings for more on how Hearings reached decisions on the children and young people in this research [LINK]

² For more on the research sample, please refer to: Report 1. Residence and contact conditions [LINK]

- 39 children aged three years or under – young children group;
- 24 young people with accepted/established offence grounds³ - offending group; and
- 23 young people with accepted/established non-attendance at school grounds⁴ - school non-attendance group.

For each of the 86 children or young people, data on the social work or multi-agency recommendation and the Hearing’s decision and reasons were collected when the home CSO was made and at a Hearing held approximately one year later. For 59 children and young people whose CSOs were continued for longer, this information was also collected at a Hearing held approximately two years after the CSO was made. A total of 231 Hearings decisions and the associated recommendations were therefore examined.

Data on decision making were analysed using SPSS⁵ to find the extent of agreement between social work or multi-agency recommendations and Hearings decisions. Differences between recommendations and Hearings decisions were explored further by thematic analysis.

Case studies

Case studies are used in this report to show how Hearings considered social work recommendations in their reasons for decisions on compulsory measures of supervision, and are taken from the 86 cases above. Some details have been changed to ensure anonymity, but the recommendations and decisions on measures to be made have not.

Focus groups

The views of practitioners were obtained through 14 focus groups involving 78 participants - Reporters, Panel Members and social workers in: Dundee; Fife; Moray; North Lanarkshire; and Dumfries & Galloway (Table 1). Focus groups were sector specific.

Table 1. Focus group participants by gender and role

Role	Male	Female	Total
Social worker	7	25	32
Panel Member	9	17	26
Reporter*	4	16	20
Total	20	58	78

* One Reporter was interviewed

Focus groups were semi-structured and took place in either SCRA (Panel Members and Reporters) or local authority premises (social workers). Two researchers conducted each

³ Section 67(2)(j) Children’s Hearings (Scotland) Act 2011 ‘the child has committed an offence’

⁴ Section 67(2)(o) Children’s Hearings (Scotland) Act 2011 ‘the child has failed without reasonable excuse to attend regularly at school’

⁵ SPSS - Statistical Package for Social Scientists

focus group: one facilitator and one note taker. Notes were taken throughout discussions and some quotes recorded verbatim. Following transcription of the notes, three researchers independently reviewed the transcripts to identify the key themes which formed the basis of the thematic analysis.

Interviews with parents

Semi-structured interviews were carried out with 10 parents (nine mothers and one father) who had a child on a home CSO, all in their own homes. All but one were digitally recorded and transcribed verbatim. The one that was not was at the request of the interviewee, and instead notes were taken by the researcher. Transcripts were analysed thematically.

Ethics⁶

All focus group participants and interviewees gave their informed consent prior to them being involved in the research. For interviews with parents, their worker provided them with information about the research and, if they were interested, obtained their permission for their contact details to be passed to the researcher. Those interviewed were given a £20 gift voucher to thank them for taking part.

No identifying information was recorded on focus group participants and interviewees, without their consent. Transcripts were held in secure systems to which only the researchers had access. Transcripts and consent forms were destroyed on completion of the research.

The researchers are all PVG Scheme members in respect of regulated work with children⁷, and have all been trained on data protection law.

Ethical approval for the study was granted by SCRA's Research Ethics Committee on 19th July 2017.

Findings

Recommendations and Hearings' decisions

Most focus group participants agreed on the importance of social work reports – with a consensus that Hearings do place weight on their recommendations, particularly multi-agency ones. Panel Members emphasised how important social work reports and recommendations are for them in coming to decisions in Hearings. This was supported by the findings from the case file analysis (Table 2).

⁶ For more on recruitment of interviewees and research ethics, please refer to Report 6: The views and experiences of young people and parents [link]

⁷ Section 52 of the Protection of Vulnerable Groups (Scotland) Act 2007

Table 2. Agreement between Hearings’ decisions and social work or multi-agency recommendations

Children’s Hearings’ decisions	No. Hearings	%
Agreed with social work/multi-agency recommendation	192	89.7
Disagreed with social work/multi-agency recommendation	20	9.3
Disagreed with social work/multi-agency recommendation and agreed with Safeguarder recommendation	1	0.5
Disagreed with social work/multi-agency recommendation and agreed with education recommendation	1	0.5
Total*	214	100

* In addition, for 17 of the 231 Hearings (7%) there was no social work/multi-agency recommendation.

Of the 214 social work or multi-agency recommendations - the majority (90%) of Hearings agreed with them and around 10% disagreed (Table 2). It should be noted that there were 17 Hearings where there was no recorded recommendations and these are not included above.

Of the three groups of children and young people - there were no statistically significant differences between them in the extent of agreement between Hearings decisions and social work or multi-agency recommendations.

In addition, no identifiable relationship was found between whether a safeguarder and/or a legal representative attended the Hearing and agreement (or not) between the recommendation and decision. In the 22 cases where the Hearing’s decision disagreed with the social work or multi-agency recommendation, there was no legal representative present and only two had safeguarder involvement (in both cases Hearings agreed with the safeguarders recommendations).

This high level of congruence had also been observed by the parents interviewed – that most times Hearings agreed with social work. Parents also said that Panel Member do try to elicit the views of everyone in the Hearing:

“...they listen to everybody at the table’s views, but then, as I said, at the end of it...they agree with the social workers....most of the time” (mother)

“...if [the social worker] comes along to the Panel then he says his part, and then they [Panel Members] go round the table and ask me, [my child], like school members and things like that, so...everybody’s views are heard” (mother)

Case studies

1. Young children group – Hearing agrees with social work recommendation

Recommendation - ... [child] is to be made subject to compulsory measures of supervision, consideration to be given to a condition of residence out with the family home. [Mother] has consistently been dishonest, evasive and challenging towards professionals, and continues to ignore professional advice and guidance. [Mother] has not shown professionals any ability in understanding the concerns that have been raised. [Child] is displaying her feelings and emotions through her behaviour, and is showing signs of distress.

Hearing's reasons - Child needs compulsory measures for her ongoing care, wellbeing and nurturing. Although mum is presently working with support services there has been a history where this has not always been the case. Mum stated that she has not been drinking for the past 3 months, but she would benefit from ongoing support. It was evident to the panel that mum was still weary of professionals in her life and for this reason the panel did not think she would work with them on a voluntary basis. The panel agreed that the reappearance in the family home of [mother's partner] would be detrimental to child.

2. Young children group – Hearing disagrees with social work recommendation

Recommendation - ... this Compulsory Measure of Supervision is not needed at this time, however continuing to monitor through working with the Local Authority on a voluntary basis is recommended.

Hearing's reasons – [Child] attended with her mother and appeared very happy and well presented. [Child] needs the care and protection that a CSO will provide, as historically there have been domestic violence with different partners and [mother] has been at several different addresses since her birth. Dad asked about the possibility of contact, but he will be in custody until the end of March. There will be 4 month review to coincide with dad's release from prison and to discuss contact.

3. School non-attendance group – Hearing agrees with social work recommendation

Recommendation - Currently, there are significant concerns in relation to his non-school attendance, neglect and Mum's non engagement and I feel that compulsory measures of supervision need to be considered. It is my opinion that [young person] requires support from social work, education and [named service] and I feel that statutory measures of supervision are required in order to ensure this. It is hoped that this will provide the support [young person] needs in order to thrive in his personal development and education.

Hearing's reasons - A CSO is necessary to ensure that [young person] receives the relevant support to help him go to school on time every day and to achieve his full potential. There is a care plan which social work and mum and dad have agreed to work together to help and ensure [young person] is fully supported. The care plan will help improve living conditions at home and Mum needs to engage fully with social work to make this happen.

4. School non-attendance group – Hearing disagrees with social work recommendation

Recommendation - ... [young person] would benefit from ongoing work to address his anger and improve self-confidence and his identity. The writer respectfully recommends that [young person] and [mother] engage with Social Work Services on a voluntary basis.

Hearing's reasons - After a lengthy discussion regarding [young person's] non-attendance at school, the panel agreed on Compulsory Measures of Supervision with an early review in January for the following reasons: There are underlying issues which only became apparent during the Hearing and indicate [young person] may be outwith parental control, including mixing with older peers, staying out late at night and generally pushing the boundaries of acceptable behaviour. The panel requested an early review to ensure [young person] engages with Social Work and returns to school following the summer break. The panel also requested that should [young person] fail to engage or attend school, an alternative plan is put in place for his education. It was explained that Residential School may be an option should [young person] not attend as required.

5. Offending group - Hearing agrees with social work recommendation

Recommendation - ... [young person] be made subject to compulsory measures of care to ensure current levels of support and compliance remain in place for him.

Hearing's reasons - Vulnerable young person in need of CSO. He has problems managing his anger and with aspects of school and home life and the established grounds are of a serious assault. Work with social work, youth justice and [named service] is needed to both support young person and reduce the risk he presents to himself and others. All present were in agreement that he should continue to stay with his grandparents as boundaries are in place and they are able to meet his needs.

6. Offending group - Hearing disagrees with social work recommendation

Recommendation - No compulsory measures be implemented at this time and that child and parents be given an opportunity to continue to co-operate with workers on a voluntary basis, under terms of no order principle, as the care plan and the work with child will continue unchanged.

Hearing's reasons - Although [young person] was working on a voluntary basis with agencies it was early days and the established grounds were serious and recent. Youth justice assessed child as medium to high risk of re-offending and he still needs a lot of help to make the right decisions. School said there was a lot of support in place but they were unsure how long this could be sustained.

Reports for Hearings

Differences of opinion emerged in the focus groups on whether there is a hierarchy of importance in the types of reports considered by Hearings. Social workers felt that Panel Members give greater deference to reports from safeguarders and education than to those from social work. A number of reasons for this were discussed in the focus groups:

Type of case

Reporters and Panel Members described how the relative importance of reports can be linked to the accepted or established grounds of referral. For example: if a case relates to

non-attendance at school then education reports have greater weight; if health is the main concern, information from health sources will be of value.

Perceived value of safeguarder reports

Panel Members agreed that they do place weight on safeguarder reports as they consider them to be 'objective'. Both Reporters and social workers suggested that Panel Members see safeguarder reports as the 'Holy Grail', sometimes at the expense of evidence from other sources (such as social work). Panel Members stressed that safeguarder reports are no more important than those from social work - they regard them as part of a bigger picture of evidence, including the discussion in the Hearing itself. Some Panel Members discussed the benefit of 'independent' safeguarder reports in cases where parent(s) are in conflict with social work – they find that such reports can aid discussion as the parent(s) may be less sceptical of the safeguarder than the social worker.

Panel Members described safeguarder reports as tending to be clear, concise and factual. This may help explain why they place such importance on them:

“Safeguarder reports tend to be very focussed on the actual situation at that point in time, which is what we need” (Panel Member)

Panel Members also said that a safeguarder has more time to speak to those involved in the case and to write their report:

“They [Safeguarders] have had more time. You have everyone’s views in one report...it’s not like one sentence of two about how everybody feels, because they have taken the time to go and speak to them and go to the school...” (Panel Member)

The value and trust that Panel Members place on safeguarders reports has been found previously (Gadda et al, 2015; McDiarmid et al, 2017). It is clear that Panel Members appreciate the succinctly and accessibility of safeguarders reports, and place weight on their recommendations.

Quality of reports

Reporters and Panel Members stressed that although they do place importance on social work reports this can be affected by their quality; sometimes they can lack structure, focus and clarity. Panel Members said that they can find it difficult to decipher social work reports if they are very long and contain a lot of historical information about the family. They prefer current, concise and factual information - this reduces the time to read and interpret reports and provides the clear evidence they to make decisions. Reporters felt that Panel Members should feel more empowered to challenge social workers about the quality of reports and Care Plans; something they said does not often happen.

Professional relationships

The consensus in the focus groups was that effective decision making on home CSOs happens when all services involved work well together – they communicate, they trust that each is doing their job and they respect each other’s roles and responsibilities. If this does not happen, problems can occur which can have a negative impact on the child and their family. For example, some Reporters and social workers felt that Panel Members should give greater consideration to the social worker as they are often the professional who spends the most time with the child and family. But some Panel Members raised issues about lack of social worker continuity – resulting in them having less trust in the social worker’s evidence as they may not know how long they have been working with the child and how much direct contact they have had with them. That said, Panel Members emphasised that they do listen to all the professionals in the Hearing:

“We have to listen to the professionals...because we only see the children and families for a very short time” (Panel Member)

There was a strength of feeling amongst social workers (and some Reporters) that Panel Members can undervalue social workers views as they appear to see them as ‘less professional’ than teachers, medical professionals and Safeguarders. The latter can appear to be given ‘reverential status’:

“Don’t know why they [Panel Members] think we would present a skewed view. We present a professional view, but it’s as if it’s not believed or given weight. This is particularly problematic in emotional abuse/neglect cases where there is often no ‘physical’ signs. These cases rely on social work observations” (social worker)

This perceived lack of professional trust and respect is not one way - some Panel Members felt that social workers do not value them as they are seen as ‘just lay people’.

“We are only lay people, but our opinions matter and our close questioning of reports and recommendations is important” (Panel Member)

These findings show that lack of professional trust and respect is not just felt by one group of practitioners in the Hearings System but is a wider issue.

Discussion

Perceptions and reality

In focus groups, social workers described their frustrations in how they felt that their professionalism was not always respected and their reports not taken fully into account by

Panel Members. There was also a more general view amongst practitioners in this study that safeguarders have disproportionate influence on decision making by Hearings. Some of this disconnect was attributed to perceptions in the quality and objectivity of evidence provided to Hearings by different types of professionals. These perceptions were not fully borne out when children's cases were examined. In almost all cases Hearings' decisions agreed with the social work or multi-agency recommendations. This finding builds on those found in previous research that in most cases Hearings decisions reflect social work recommendations (Porter, 2018; Henderson, 2017; Henderson et al, 2015; Henderson & Hanson, 2012). The perspective that Hearings do not always focus on or trust social worker assessments and recommendations in making decisions is of long standing and has been repeatedly found in research (Henderson et al, 2015; Kurlus et al, 2016; Gadda et al, 2015; Hill et al, 2017). This perception is therefore very real for professionals, especially social workers. As Hill and colleagues (2017) noted: *'These perspectives have consequences. When the expertise of social workers is doubted, then additional time may be taken up on obtaining further inputs'*; and they went on to conclude: *'we would suggest that a lack of mutual understanding and trust among decision-makers and professionals is likely to be detrimental to wider confidence in any system.'*

Decision making

This research shows that the level of trust of information (both written and verbal) is heavily dependent on the professional relationships between practitioners, particularly between social workers and Panel Members. It is also dependent on the format and quality of reports presented to Hearings.

It has been highlighted before that collaborative working enables quality assessment and service response in child protection (Turney et al, 2011; Platt & Turney, 2014; Kurlus et al, 2014), and the most effective decision making and intervention comes from strong networks and relationships between practitioners (Leighton, ND; Donnelly, 2018). From this study and previous research on the Hearings System and child protection decision making, it is clear that good professional relationships are essential – where agencies work together, the best decisions and outcomes for the child are realised. That practitioners do not always find that this is their experience of Hearings is of concern. As a potential solution, it was suggested by the social workers and Panel Members in this study, and also in previous research (Kurlus et al, 2014; 2016; Hill et al, 2017), that there should be multi-agency training and more opportunities to network and communicate⁸. This should build bridges, promote mutual understanding and respect and lead to improved professional relationships and decision making.

⁸ This work has begun in some areas through the Children's Hearings Improvement Partnership - <https://www.chip-partnership.co.uk/wp-content/uploads/2016/07/CHIP-Vision-and-Values-July-2016.pdf>

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Home Compulsory Supervision Orders - effectiveness of decision making and outcomes

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