

# Residence and contact conditions.

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# Report 1

## Residence and contact conditions

Home Compulsory Supervision Orders -  
effectiveness of decision making and outcomes



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## Summary

This is the first 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).

Home CSOs are the most common type of CSO made by Children's Hearings, accounting for 45% of all CSOs in 2018, which is 4,270 children and young people<sup>1</sup>. There is very little information on if and how home CSOs are being used to specify who a child or young person should live with and/or regulate their contact with individuals who are risk to them. We aimed to answer two questions:

- To what extent are home CSOs being used to restrict contact with a parent or other person(s) who presents a risk to the child?
- To what extent are home CSOs being used to secure residence with fathers?

The research went wider than these aims including the use of contact conditions for children looked after away from home, other conditions in CSOs, and length of CSOs.

The research was in two parts:

First: Analysis of Hearings decisions and CSOs for 343 children and young people's when CSO first made, after a year, and after two years – for three groups of young people with home CSOs (i.e. 1. young people with offence grounds, 2. young people with education non-attendance grounds, 3. young people with grounds not related to offending or non-attendance) and two groups of children under 3 years old (i.e. 1. with home CSO; 2. with CSO away from home).

Second: The perspectives of social workers, Children's Panel Members and Children's Reporters. This involved 14 focus groups with a total of 78 participants.

## Contact

Home CSOs are being used regulate children and young people's contact with those who are a risk to them - 45% of children under 3 years and 36% of young people with grounds not related to school non-attendance or offending. In most cases this was to ensure that there was no contact or only supervised contact with one of their parents. In the focus groups, home CSOs were described as a '*safety net*' when the main risk to the child came from the non-resident parent. Social workers, in particular, queried if home CSOs are being used in this way because of the lack of a legal alternative to control contact.

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<sup>1</sup> Scottish Children's Reporter Administration (2018). Statistical Analysis 2017/18. Available from: <https://www.scra.gov.uk/wp-content/uploads/2018/07/Full-Statistical-Analysis-2017-18.pdf>

## **Residence**

Home CSOs are being used to secure children and young people's residence. Almost a quarter of young people and 30% of young children had residence conditions in their home CSOs. For young people, this was most commonly with their fathers, and for children under 3 years with their mothers.

## **Length of home CSOs**

The consensus of the focus groups was that home CSOs should not be long-term measures - if there has been no progress after a year then alternatives should be considered. This was the case for most of the children and young in this research – 66% of young children, 91% young people with education non-attendance grounds, 74% of those with offence grounds and 65% of young people with grounds not related to non-attendance or offending – CSOs were terminated within two years. When home CSOs were terminated this was usually because of the parents' and/or young person's progress and engagement with services. But it also means that a significant minority of children and young people remained on CSOs for longer than two years. This is perhaps an area where practice and Hearings decision making should be reviewed.

## **Conclusion**

The use of home CSOs to regulate contact and secure children's and young people's residence is an area which has been overlooked in research, policy and guidance. There have previously been questions raised about the effectiveness of home CSOs but this was not in the context of home CSOs as legal measures to protect children and young people from those who are a risk to them.

Home CSOs have an integral place as part of a tiered approach to child protection, providing legal safeguards to regulate contact and secure residence to maintain children and young people at home or in supporting their rehabilitation from being in care. As such home CSOs can be seen to support the 'minimal intervention' principle of the Children's Hearings System, and the 'proportionality' principle and right to family life enshrined within the European Convention of Human Rights. It may be time to re-consider how home CSOs are viewed within policy and guidance - that they can provide a statutory means to protect children and young people with the least interference in their family life. The concept of a child being looked after at home is unique within the UK to Scotland and, on the basis of these findings, it could be seen as a strength of the Hearings System.

## **Introduction**

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

Home CSOs are the most common type of CSO made by Children's Hearings and accounted for 45% of all CSOs in place in 2018, which is 4,270 children and young people (SCRA, 2018).

### *Residence*

There are two decisions that can be made by Children's Hearings that result in a child or young person being placed on a home CSO:

1. A Hearing makes a CSO with a requirement that specifies where the child must live. This can include specifying that a child must reside with one of their parents.
2. The CSO has no measure specifying residence, and therefore the child or young person is most likely to be living at home with one or both of their parents.

For ease of reference both of the above will be referred to as home CSOs.

### *Contact*

Every Hearing that makes, varies and continues a CSO must consider whether to include conditions regulating contact between the child and a specified person or class of person. Hearings must also consider contact conditions in home CSOs.

### *Other specified conditions*

A Hearing in making, varying and continuing a CSO may also impose any condition that it considers likely will bring positive change for the child.

### **Research aims**

There is no information on the extent that residence conditions are included when home CSOs are made and why Hearings make these decisions.

Likewise there is no information on the extent to which contact conditions are included in home CSOs and why. It is also not known whether there is a difference in the use of contact conditions when CSOs contain a residence condition that the child lives away from home and home CSOs. Information on Hearings wide ranging powers to impose any condition as part of a CSO is also very limited.

This research therefore aimed to answer two questions:

- To what extent are home CSOs being used to restrict contact with a parent or associate who presents a risk to the child?

- To what extent are home CSOs being used to secure residence with fathers?

The research went wider than these original aims and also explored the use of contact conditions for children with CSOs with residence away from home, the use of other specified conditions in CSOs, and the length of home CSOs.

## Methods<sup>2</sup>

### *Children and young people*

Information was extracted from the case files held by the Scottish Children’s Reporter Administration (SCRA) on 343 children and young people split to five groups<sup>3</sup> (Table 1):

1. Education – accepted/established grounds are non-attendance at school<sup>4</sup>, first CSO was at home and was made between 1 April 2013 and 31 March 2014.
2. Offending – accepted/established grounds are has committed an offence<sup>5</sup>, first CSO was at home and made between 1 April 2013 and 31 March 2014.
3. Control: education and offending – accepted/established grounds are not related to offence or school non-attendance and first CSO was at home and was made between 1 January and 31 March 2014. For ease of reference this group is referred to as control: young people.
4. Children under 3 years when CSO first made, first CSO was at home and was made between 1 April 2013 and 31 March 2014.
5. Control: children under 3 years when CSO first made, first CSO was away from home and was made between 1 April 2013 and 31 March 2014.

**Table 1. Demographics of sample and control groups<sup>6</sup>**

Group	Number of children				
	Total number of children	Gender		Mean age when CSO first made (years)	With recorded disability*
Male		Female			
<b>Education: young people</b>	90	42 (47%)	48 (53%)	13	14 (16%)
<b>Offending: young people</b>	51	44 (86%)	7 (14%)	14	8 (16%)
<b>Control: young people</b>	31	12 (39%)	19 (61%)	13	6 (19%)
<b>Under 3s</b>	84	51 (61%)	33 (39%)	1	8 (10%)
<b>Control: under 3s</b>	87	49 (56%)	38 (44%)	1	0
<b>Total</b>	<b>343</b>	<b>198 (58%)</b>	<b>145 (42%)</b>		<b>36 (10%)</b>

\*Of the 36 children with identified disabilities, the most common types were: social, emotional and behavioural difficulties (10 children), specific learning difficulties (9 children) and other chronic illness/disability (8 children).

<sup>2</sup> Ethical approval for the study was granted by SCRA’s Research Ethics Committee on 19<sup>th</sup> July 2017.

<sup>3</sup> Data were collected between August 2017 and March 2018 from SCRA’s Case Management System.

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

<sup>5</sup> Section 67(2)(o) Children’s Hearings (Scotland) Act 2011 ‘the child has committed an offence’

<sup>6</sup> The majority of children (289, 84%) were ‘white:English/Welsh/Scottish/Northern Irish/British; 8 (2%) were of mixed ethnicity and 6 (2%) were ‘White: other white’. No information on ethnicity was available for 33 children (10%).

Compulsory Supervision Orders and Hearings decisions were examined at three time points:

- When CSO first made
- After a year (i.e. at their Hearing closest to 31<sup>st</sup> March 2015 that made a substantive decision)
- After two years (i.e. Hearing closest to 31<sup>st</sup> March 2016 that made a substantive decision)

### ***Case studies***

Case studies are used in this report to show Hearings reasons for making contact, residence and other conditions, and are taken from the 343 cases above. The case studies give the relevant extracts from the reasons recorded in the Hearings Records of Proceedings and the conditions of the CSOs. Some details have been changed to ensure anonymity; decisions and conditions are not changed.

### ***Practitioners views<sup>7</sup>***

Fourteen focus groups were carried out between September and December 2017 with social workers, Children's Panel Members and Children's Reporters in: Dumfries & Galloway; Dundee; Fife; Moray; and North Lanarkshire. There were 78 participants (20 male; 58 female) – 32 social workers, 26 Panel Members and 20 Reporters. Focus groups were sector specific. Notes were taken during the focus groups and were analysed thematically.

## **Findings**

### **Contact conditions**

#### ***Cases***

The use of contact conditions reflected the reasons why the child or young person required compulsory measures of supervision. The groups where the grounds of referral related to the child being from risk from others (usually their parent(s)) were more likely to have conditions in their CSOs regulating contact than those where the grounds were about the young person's own behaviour.

There were contact conditions for 45% of children under 3 years with home CSOs and 87% with CSOs away from home. All of these children had grounds related to them being at risk from others.

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<sup>7</sup> For more on the focus groups, please refer to Report 4: Professional trust and relationships in Children's Hearings



For children under 3 years first on home CSOs - for 14 of the 38 (37%) with contact conditions these were that the child was to have no contact with a specified individual - nine children were to have no contact with their fathers and five were to have no contact with named persons who were not family members. 58% were to have supervised contact - for 14 this was their fathers and for eight it was their mothers.

**Case study 1. Child aged one year when home CSO made**

Hearing's reasons - Evidence is needed that there is no contact with [father]. He has taken no responsibility for his offences therefore there should be no contact with [child] until a full assessment of any potential risk is carried out. It is believed that he is or may still be a substantial risk to children. [Mother] feels that as she has no contact with [father] then she should be left alone but we were concerned as to her reasons for not wanting social work involvement.

Contact condition - The child shall have no contact with his father before an assessment is done into the level of risk he poses.

**Case study 2. Child aged 18 months when home CSO made**

Hearing's reasons - There has been a long history of lack of care and too much upheaval in her young life. .... It's early days and the CSO will be a safety net. The contact was set at minimum of 1.5 hours per week supervised because Mum has not been consistent in keeping appointments, she has a history of mixing with unsuitable people.

Contact condition - Child shall have contact with her mother at least once every week, and for a minimum of 1.5 hours on every occasion. Said contact shall be supervised by an individual employed by the social work department or be approved by the social work department.

In comparison, there were conditions of no contact for 20 of the 77 (26%) children under 3 years with contact conditions who had first CSOs away from home - 13 were to have no contact with their fathers, five were to have no contact with their mothers and two were to have no contact with both of their parents. Almost all (96%) were to have supervised contact - for 35 it was both parents, for 33 it was their mothers, and for six it was other family members.

Control: young people group – 36% had contact conditions in their home CSOs, with the majority (68%) having grounds related to them being at risk from others. In contrast, 1% of young people in the education and offending groups home CSOs had contact conditions - all of these had grounds to do with their own behaviour.

**Case study 3. Young person aged 13 years when home CSO made**

Hearing's reasons - He is a vulnerable young man and those involved in his care have deep concerns about his general well-being and overall safety. Compulsory measures of care are therefore required to support his upbringing and provide access to the right supports. At the moment [young person] is doing mostly OK staying with his dad, with lots of additional support being provided by his grandparents. ... His mum presents a risk to his safety and well-being given her own hazardous lifestyle and therefore any contact with her should be supervised at this time.

Contact condition - Any contact [young person] has with his mother, is to be supervised.

### **Practitioners views**

Panel Members and social workers told us that home CSOs can be useful in controlling contact with an individual(s) who is a risk to the child. In other words, being a 'safety net' when removal of the child from their home would be too extreme. In these cases (particularly those concerning domestic violence and/or addictions), it is the child's contact with an individual (e.g. a parent, parent's partner, other family member) that is the main risk rather than other circumstances at home. Social workers did question the appropriateness of home CSOs being used in this way, especially when they are used to restrict contact over the long term. A general concern was that home CSOs are sometimes being misused as a measure to control contact because of the absence of other means to do this, and it would be preferable if there were an alternate legal route.

### **Other specified conditions**

#### **Cases**

Hearings made extensive use of their powers to make other conditions when CSOs were first made. This was for:

- 23% of the 84 children under 3 years with home CSOs.
- 49% of the 87 control: children under 3 years with CSOs away from home.
- 34% of the 90 young people in the education group.
- 71% of the 51 young people in the offending group.
- 32% of the 31 young people in the control: young people group.

There were differences between the groups. Young people in the offending group were most likely to have requirements for early reviews of their CSOs (47%) and conditions to engage with a specified service (17%). Whereas young people in the education group were more likely to have conditions that they attend school (29%). A fifth (21%) of children under 3 years with CSOs made away from home had Non Disclosure Orders and 23% conditions that they receive any required medical treatment.

#### **Case study 4. Young person aged 13 years when home CSO made**

Hearing's reasons - [Young person's] attendance is now 45%. .... statutory intervention is required in order that he can be provided with the supports required to get him back to school, within a legal framework. He spoke to the panel on his own, and stated that he is being bullied by a pupil on the school bus. Arrangements are to be put in place for [young person] to be transported to school by alternative means until this issue is resolved. [Young person] knows he must go to school on a regular basis and engage with all agencies, and this was reinforced with the conditions placed on his CSO. An early review was asked for so that [young person] can prove that he can go to school, cooperate with the supports in place and for the next panel to decide if the care plan is working for him.

Other specified condition - [Young person] shall attend school on all days that it is open.

#### **Case study 5. Young person aged 14 years when home CSO made**

Hearing's reasons – [Young person] and his family agreed with all the grounds which were serious. Lately [young person] has settled within the house and outwith. He has met a girl who is a good influence on him. He recognises that he has issues with his anger. He does not appear to have any remorse for what he has done and the effect on his victims.

Other specified condition – [Young person] shall engage with the Youth Action Team and attend the education package put in place for him

#### **Practitioners views**

Panel Members explained that a CSO places legal requirements on the child or young person to comply with its conditions and on the local authority to implement them. This gives the Hearing the ability to monitor implementation of a CSO, and they discussed using early reviews of CSOs to do this. Social workers raised concerns about misinterpretation of local authority accountability by Hearings, where implementation of the CSO is seen to fall to social work when sometimes this is not appropriate (e.g. where the main issues relate to education or health).

*“Sometimes conditions can include things like ‘must attend school’, how do we enforce that?” (social worker)*

#### **Residence conditions when CSOs made**

##### **Cases**

For 30% of the 84 children under 3 years with home CSOs, there were conditions specifying who they were to live with. For these 25 children this was most commonly their mother (40%), followed by grandparents (24%), father (20%), both parents or other relatives (both 4%). By definition, all the 87 children under 3 years with CSOs made away from home had residence conditions; for most (68%) this was with foster carers with the remainder being in kinship care.

#### **Case study 6. Child aged 20 months when CSO made**

Hearing's decision - 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 three months, but she would benefit from ongoing support. It was evident ... 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 [father] would be detrimental to all family members.

Residence condition – [Child] shall live with her mother at [address]

Almost a quarter of young people had residence conditions in their home CSOs - this was 14% of the education, 20% of the offending and 29% of the control: young people groups. For almost half of them, their CSOs specified that they were to reside with their fathers (47%); followed by mothers or home/both parents (both 19%) and other relatives (16%).

### **Case study 7. Young person aged 13 years when home CSO made**

Hearing's reasons - A CSO is considered necessary because there is still potential for support measures set up on a voluntary basis to fail due to the fact that mum is still working on her recovery and is as yet unable to provide consistent, safe and wholly predictable care. Dad and his partner are providing [young person] with appropriate parenting and nurture, ensuring she is well looked after, is attending and doing well at school and managing to support her contact with her siblings and mother. It is important that this contact is supervised by social work or someone approved by them to ensure that mum is sober and able to provide the children with positive and meaningful contact.

Residence condition – [Young person] shall reside with her father.

There were nine children and young people who had home CSOs that specified that they were to reside with a relative. These were either their closest living relatives and/or those who had parental rights secured through a court Order.

#### ***Practitioners views***

The consensus from the focus groups was that home CSOs are useful for securing a child's place of residence, particularly where there is conflict between parents or domestic violence. Social workers explained that a home CSO can provide legal security to the resident parent and child - for example, where one parent is considered a risk to a child, a home CSO specifying residence with the other parent may help control this risk.

#### **Changes in residence conditions and termination of CSOs**

##### ***Cases***

The residence conditions in the children and young people's CSOs were examined after a year (i.e. at their Hearing closest to 31<sup>st</sup> March 2015 that made a substantive decision) and after two years (i.e. Hearing closest to 31<sup>st</sup> March 2016) after they were made. The numbers of children and young people still with CSOs after one and two years were also analysed (Figure 1).

##### ***Young children***

For the majority of children under 3 years with first CSOs at home (47, 66%) this was a relatively short-term measure with their CSOs being terminated by Hearings within two years. Just over a half of the control group (47, 54%) had CSOs terminated within two years with 26 (55%) of them being terminated by the courts when Adoption or Permanence Orders were made.

The main reasons why Hearings terminated home CSOs were because of parents engagement with services and their improved care of their child - this was 77% of the 47 terminated CSOs. For eight children (17%), the main reason was because there was no longer a need to regulate contact. There were three children (6%) whose CSOs were no longer necessary as Residence Orders with relatives had been made by the courts.

Fifteen of the 87 children (17%) had home CSOs for more than two years. There was a fairly even balance between the reasons why Hearings were continuing home CSOs for this time:

to provide support and services to the family; to help secure parents engagement with services; or to regulate contact.

**Case study 8. Home CSO terminated within one year, child aged two years**

Hearing's reasons - [Parents] have made excellent progress in the last year and they have followed up on all guidance and advice given. .... Social work advised that in every unannounced visit the house provides a clean and safe environment and the children present well on all occasions. There was a glowing report from the family centre .... the children have regular attendance and are always on time and interact well with the other children and teachers. [Father] has obtained full time employment. [Mother] .... has a great network of support from [extended] family. Mum, dad and social work all agreed that it would be appropriate to terminate the CSO and mum and dad agreed that if there are any further problems in the future they would not hesitate to contact social work.

**Case study 9. CSO varied from foster carers to prospective adopters, child aged 22 months. CSO later terminated by Sheriff court when Adoption Order made.**

Hearing's reasons - Mother has cancelled many contacts and [child] has not benefitted from contact with his mother. [Child] reacts badly at prospect of contact. From all the panel heard about [child's] need for a permanent long-term place placement, from what they heard of mother's failure to engage in any meaningful way with the services which she has been offered, from there being no suitable alternative family placements, it was agreed to recommend [child] for permanence  
Conditions - **contact between [child] and mother shall be by letterbox.**

*Young people*

*Education* - Almost all (91%) of the 90 young people's CSOs were terminated within two years. Only five young people remained on home CSOs and three were accommodated at this point. The main reason why Hearings terminated young people's CSOs were because of their engagement with services and the progress they'd made (67% of 82 terminated CSOs) or that they would engage on a voluntary basis (23% of terminated CSOs). The remainder were terminated due to the young person's refusal to engage with supports.

**Case study 10. Home CSO terminated after one year, young person aged 15 years**

Hearing's decision - The original grounds for bringing [young person] to the Hearings System related to poor/non-attendance at school. [Young person] has been attending Extended Outreach and is progressing exceptionally well with 100% attendance. He is now showing confidence in his abilities and has clear goals around what he is looking to achieve in life. He is hoping that his studies will lead to college. All services feel that he is now motivated and optimistic about the future and everyone agreed with the termination decision. There are no concerns about his safety or welfare. ... Stability and progress has been achieved and merits the views and decision made today.

*Offending* - 74% of the 51 young people in this group had their CSOs terminated within two years, the remaining 13 either remained on CSOs at home (six) or were accommodated (seven). For over a half, the CSOs were terminated because of the young people's progress (58% of 38 terminated CSOs); 26% were terminated due to the young person's refusal to engage with supports; and 24% because voluntary supports were in place.

**Case study 11. Home CSO terminated after one year, young person aged 13 years**

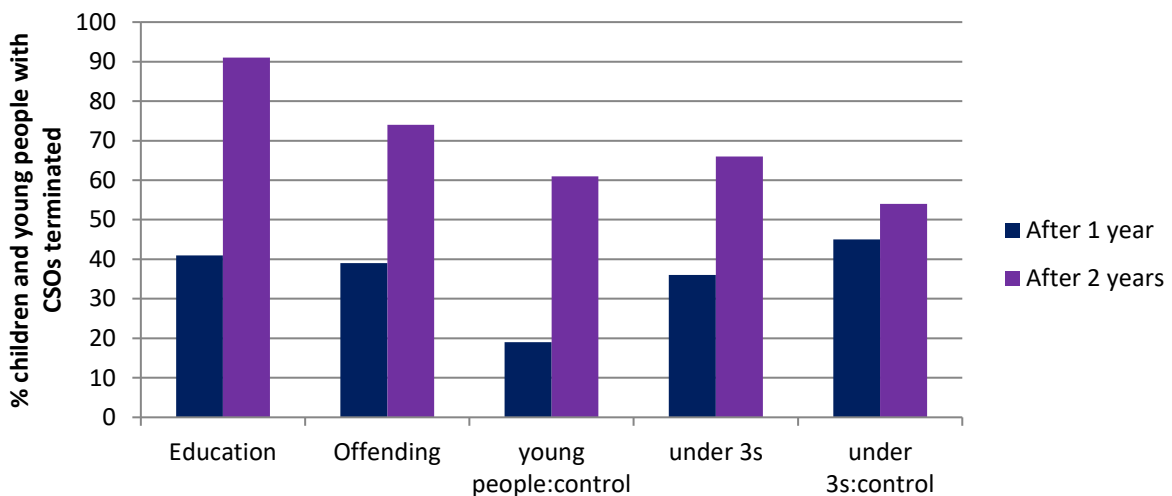
Hearing's decision - Original offence grounds were serious however [young person] completed work with the Youth Justice Team which he engaged with well and there have been no further repeats of community concerns. His parents assured us that there was no issues with [young person] at home. Social work said they had no concerns about [young person] therefore gave us no reason not to apply the no order principle. [Young person] is still vulnerable but is receiving appropriate support at school and making progress within his limitations

*Control* - 65% of the 31 young people in the control group had their CSOs terminated within two years. A further nine remained on CSOs at home and another nine were accommodated. CSOs were terminated because of the young person and/or their family's engagement with services (56%) or that they would have support on a voluntary basis (44%).

**Case study 12. Home CSO continued without variation, young person aged 13 years**

Hearing's reasons – [Young person] still requires CSO as his life has very little structure. School attendance is of major concern. Once there he has anger management issues. His speech difficulties add to his frustration and prevent him getting the most from his education. His mum seems to be unaware how important it is to engage in school to enable him to develop and get most from it.

**Figure 1. Children and young people with CSOs terminated after one year and two years (%)**



**Practitioners views**

There was agreement in the focus groups that home CSOs should not be long-term measures and that sometimes children and young people remain on home CSOs for too long: *'[home CSOs should not] go on for years'*

Some social workers and Panel Members suggested that if a home CSO has been in place for any longer than a year, and adequate progress had not been made, then alternatives should be considered such as the CSO varied to the child being accommodated.

*“I just worry that the home CSO can be self-perpetuating...because if you are coming back to another hearing saying ‘yeah everything is fine and supports are there’ then I think the question we need to ask is how we move forward with this. We have to have a goal, and the goal is to end supervision of any kind...” (Panel Member)*

*“...home CSOs are good but if they are getting to a point where they are not working then you need to start thinking about alternatives” (Panel Member)*

Practitioners explained that whilst many families will work with services voluntarily, not all will and this was not just about parents willingness to engage but their capacity to do so. Some parents were said to engage at a tokenistic or superficial level, whilst others may want to but are unable to or can only do sporadically (e.g. due to mental ill-health and/or addiction). For children in these circumstances, often a home CSO can be the only way for social workers to get access to the home to do assessments: *[it] ‘gets you through the door’.*

*“Parental engagement and availability is key. Often our parenting assessments can show that parents can do what is required of them, but they just can’t sustain the behaviours necessary” (social worker)*

*“[It] enforces engagement where there’s unlikely to be consistent engagement on a voluntary basis that’s likely to produce positive outcomes for the child” (Reporter)*

*“A compulsory order can enforce social work intervention that can allow work to be done with the young person and the family, to put in appropriate boundaries and the like...” (Panel Member)*

Panel Members and social workers said that a home CSO gives them the means to escalate the level of intervention when a child’s situation was not improving. In other words, a home CSO can be seen as a short-term intervention to effect positive change and if not successful it can be varied for the child to be accommodated. In these circumstances, a home CSO lets social work request an early review of the CSO without recourse to emergency measures:

*“You can call a Hearing at any time if things escalate without having to go to the CPO which can be hugely traumatic and is really high tariff on the list of interventions available” (social worker)*

### **Purpose of home CSOs**

Practitioners agreed that the main purpose of a home CSO was to provide protection for a child when voluntary intervention has not succeeded and them being accommodated would

be too extreme. Home CSOs are therefore a *'first tier'* in statutory intervention, providing a *'stepping stone'* for services to effect change rather than removing a child from their home:

*"...a home CSO gives social work a statutory right to enter the home and the family realise that working with them might not be as bad as they think" (Reporter)*

*"You know, our focus is on the child so, bottom line is we shouldn't be leaning towards the financial side of it...It's easy to say 'yeah that child needs to be out of that home' but if there is really nowhere to put them what is the point in going down that line? You are far better to see what supports can be put in at home, or at least try that..." (Panel Member)*

Focus groups also discussed how home CSOs are a *'safety net'* in two ways: supporting a child to remain with their family; or in managing rehabilitation of a child to their parents care. On the latter, social workers spoke about home CSOs being useful in providing protection to the child when rehabilitation was being assessed.

It was also discussed how home CSOs can contribute to the minimal intervention principle by providing the legal basis for services to intervene with the minimum impact on a child's life. This also supports the child's right to family life.

*"This is the child's family and if circumstances at home can be made safer and more nurturing for that child then home is the best place for them to be" (Reporter)*

*"If the option for a home CSO wasn't there, you'd be looking at removal [of the child] in every case requiring statutory measures. That is very extreme – too extreme. We owe it to the child to do everything we can to keep them with their birth parents" (Reporter)*

Whilst practitioners acknowledged that home CSOs do not work in all cases, they did agree that without them the Hearings System would not always be acting in the best interests of children. They saw home CSOs as a form of risk management and an essential tier in the child protection process.

*"[it] would be potentially very dangerous not to have the option of a home CSO" (Reporter)*

*"...it's a good tool to keep a child safe and prevent further distress and damage..." (Panel Member)*



Overall, the focus groups concluded that home CSOs can help keep children and young people safe, secure their place of residence, regulate contact, provide local authority accountability and be a first step towards better outcomes.

## Discussion

We sought to answer two questions:

- To what extent are home CSOs being used to restrict contact with a parent or other person(s) who presents a risk to the child?
- To what extent are home CSOs being used to secure residence with fathers?

### *Contact*

Home CSOs are being used regulate children and young people's contact with those who present a risk to them. This was 45% of children under 3 years with home CSOs and 36% of young people with home CSO and grounds not related to school non-attendance and offending. In most cases this was to ensure that there was no contact or only supervised contact with one of their parents – with the home CSO being used as a 'safety net'. This risk in such circumstances is most commonly emotional harm to the child or young person (Porter, 2017). Despite the perceived advantages of home CSOs in regulating contact, social workers in particular raised the appropriateness of home CSOs being for this and queried if this was because of the lack of a legal alternative.

### *Residence*

Home CSOs are being used to secure children and young people's residence. Almost a quarter of young people and 30% of young children had residence conditions in their home CSOs. For young people, this was most commonly with their fathers, and for children under 3 years with their mothers.

### *Length of home CSOs*

The consensus of the focus groups was that home CSOs should not be long-term measures. This was occurred in most of the cases in this research – 66% of young children, 91% young people with education non-attendance grounds, 74% of those with offence grounds and 65% of young people with grounds not related to non-attendance or offending – CSOs were terminated within two years. In the majority of cases, home CSOs were terminated because of the parents' and/or young person's progress and engagement with services. However, this also means that a significant minority of children and young people remained on CSOs for longer than two years, and this is in line with previous findings (Henderson et al, 2014). It is not the intention of policy (Scottish Government, 2015), or indeed the views of the

practitioners in this research, that home CSOs should be in place in the longer term. This is perhaps an area where practice and Hearings decision making should be reviewed.

## **Conclusion**

The use of home CSOs to regulate contact and secure children's and young people's residence is an area which has been overlooked in research, policy and guidance. There have previously been questions raised about the effectiveness of home CSOs (Gadda & Fitzpatrick, 2012; Scottish Government 2015, Barnardo's Scotland, 2015, Lerpiniere et al, 2015) but these commentators did not consider CSOs as legal measures to protect children and young people from those who are a risk to them.

This research has shown that home CSOs have an integral place as part of a tiered approach to child protection, providing legal safeguards to regulate contact and secure residence to maintain children and young people at home or in supporting their rehabilitation from being in care. As such home CSOs can be seen to support the 'minimal intervention' principle of the Hearings System, and the 'proportionality' principle and right to family life enshrined within the European Convention of Human Rights. It may be time to re-consider how home CSOs are viewed within policy and guidance; and that this should be more to the position that they provide a legal means to protect children and young people with the least interference in their family life. The concept of a child being looked after at home is unique within the UK to Scotland and, on the basis of these findings, it could be regarded as a strength of the Hearings System.

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## **Home Compulsory Supervision Orders - effectiveness of decision making and outcomes**

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