North and South Lanarkshire
Working with Resistance and Challenging Families

Multi Agency Guidance

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Content

Acknowledgements

Introduction

This guidance is produced by North and South Lanarkshire Child Protection Committees. The guidance is a revised version of the 'Lanarkshire Multi-Agency Guidance for working with non-engaging families' which was published by the two committees in 2012.

The revised guidance takes account of Section 4, Child Protection in specific circumstances of the National Guidance for Child Protection in Scotland (2014, p121-122).

The guidance draws on the West of Scotland Child Protection Consortium Working with Resistance Practitioner Portfolio (2016) which practitioners can access for further information including research, case studies, tools and tips.

This can be accessed online at www.northlanarkshire.gov.uk/CPguidance or www.childprotectionsouthlanarkshire.org.uk

This guidance has been developed within the Getting it Right for Every Child (GIRFEC) framework and as such, will complement existing policy and practice in Children's Services.

1. Purpose

This guidance has been produced to assist and support practitioners and managers working across all agencies within Lanarkshire in dealing with resistant and challenging families, including those who are hostile when a child is subject to child protection concerns or registration.

The guidance will help practitioners and managers identify, record and report resistant behaviours, and how this can impact on the child, young person and their family as well as professionals supporting them.

2. Context

The nature of child protection work can at times result in parents and carers feeling angry, confused and upset and they can react in a challenging way towards professionals who are involved with their family.

Evidence shows that some adults will deliberately evade practitioners interventions aimed at protecting a child. In many cases of child abuse and neglect, this is a clear and deliberate strategy adopted by one or more of the parent / carer (s) of a child or young person.

Agencies should have in place day to day procedures and protocols including practical measures to promote the safety of staff who have direct contact with families. This should include a process for staff to have the opportunity for de-briefing after any incidents.

Standard 2.10 'Protecting Children and Young People: Framework for Standards' (Scottish Executive, 2004) states: "Professionals take action to protect each child even when their parent(s)/carer(s) pose a risk to workers. Agencies ensure there are systems and support mechanisms in place to maximise safety in such situations".

The Bridge Childcare Development Service in their report (1997) into the death of Ricky Neave in 1994 recommended "when a parent is considered to be threatening or hostile any presumption that they are different with their children should be rigorously tested". The report further recommends that in such situations recognition be given by managers to the impact on staff of parental aggression, any fear that is aroused in them and the consequences for decision making and practice. Adequate professional supervision and support must be given in these situations.

Subsequent reports including 'The Victoria Climbie Inquiry', Lord Laming (2003) and 'Inspection into the care and protection of children in Eilean Siar', (2005) also highlight the complexities and the issues of working with resistant or non-engaging families. In 2012, the report for the significant case review (Renfrewshire Child Protection Committee, Declan

Hainey) further highlighted the issues of working with non-engaging families, with a focus on identifying and taking action when a child is 'unseen'.

More recently in relation to Child B (Glasgow Child Protection Committee, 2016) it was concluded that 'while biological mother appeared to engage with services when prompted, in fact there was evidence of non-engagement and of keeping services at a distance. Despite the large number of professionals involved and in contact with the family the communication and information sharing between professionals was inadequate to enable a comprehensive overview and assessment of the family'.

Furthermore the Significant Case Review undertaken in Fife on Child C, by Dr Jacqueline Mok (2017) advised that 'Disguised compliance' a form of non-engagement can manifest as repeated cancellations and re-scheduling of appointments. This should be treated with the same degree of concern as repeated non-attendance'.

3. Principles

Single and multi-agency work in North and South Lanarkshire area serves a diverse population with differing needs and abilities. Practitioners and managers in all services and agencies should adopt an equality focused and anti-discriminatory approach to adults and children.

The well-being and protection of all children, keeping them safe from harm and with the best start in life, is fundamental to our aspiration that children become confident individuals, successful learners, effective contributors and responsible citizens.

In all aspects of work with children and their families, the principle of the UNCRC 1989 which underpins GIRFEC is applied and we seek to work individually and collectively towards improved outcomes for them.

The shared values promoted by GIRFEC including putting the child at the centre, taking a whole child approach, supporting informed choice, working in partnership with families and promoting the well-being of individual children, should be applied by all practitioners and managers who deliver services to children and their families.

Effective communication and information sharing is crucial to the assessment, planning and review processes in child protection.

Where there are concerns for a child, issues of confidentiality must not compromise the safety and protection of children. This includes sharing information in respect of parent / carer(s) of a child who are displaying resistant behaviours including those who are hostile and threatening towards practitioners or managers. It is important that staff record any decision to share or not to share information and their reasons for doing so.

4. Definitions

'Resistance' is an important and complex concept in the context of child protection. It should be identified and understood as it can impact on professionals, influencing their decision making and actions, and can increase existing risk factors associated with a child's care. (Robb, 2014, Scottish Government, 2014, Vincent & Petch 2012)

Within the child protection context 'resistance' is broadly recognised as 'non-engagement' and / or non-compliance from one or both parent / carer(s) (West of Scotland Consortium). The term resistant behaviours is used to describe a range of deliberate behaviour and attitudes, such as:

- Failure to enable necessary contact
- Active non compliance
- Disguised compliance
- Threats of violence or intimidation
- On-line behaviours

Failure to enable necessary contact

Failure to enable contact can include missing or cancelling appointments or refusing to allow access to the child or to the home. It is important to consider any particular changes and / or patterns of engagement and the implications of these.

Active non-compliance

Active non-compliance can involve proactively sabotaging efforts to bring about change and/or actively not complying with actions set out in the child's plan.

Examples of behaviours include cancelling / missing appointments but also other passive resistant activities such as missing meetings and failure to undertake actions in plans or to engage in programmes of work.

Disguised Compliance

Disguised compliance is where the parent / care(s) appears to engage and co-operate agencies without actually carrying out actions or enabling them to be effective. This is the most difficult type of resistant behaviour to recognise. Disguised compliance behaviours could include a sudden increase in school attendance, engaging with some services / professionals for a limited period of time or at a key point in time, 'selective' co-operation, or cleaning a house before a visit from a professional or a formal meeting or presenting excuses for missed appointments or concerns.

Threats of Violence or Intimidation

Threats of violence or other intimidation towards practitioners is where parent / carer(s) display behaviours such as challenging professionals, provoking arguments, extreme avoidance (e.g. not answering the door as opposed to not being in), threatened or actual violence.

Threatening or violent behaviour towards any practitioner can have a significant impact on them, including limiting their capacity to carry out their professional role.

Online Behaviours

Online behaviours can include practitioners being filmed either overtly or covertly whilst carrying out their duties such as home visits and this being uploaded to social media sites for further sharing and comments. Of particular concern has been websites purposely set up to speak out against or publicly condemn practitioners.   This could be described as "cyberbullying".

5. Recognition that there may be a problem

Staff **must** recognise when the family is not engaging so as to avoid collusion or avoidance – early recognition of resistance and failure to achieve progress with plans and agreements for the child is essential. Where non-compliance, disguised compliance or resistance is an issue it is important to appreciate the significance for the child living in the family i.e. it will enhance the parent / carer's power and control and the child may fear reprisals if they to speak to professionals. Agencies must seek to ensure the child's rights are upheld and their voice is heard and taken seriously in decisions that affect them.

Consideration needs to be given to determining which family member(s) is being resistant and why. For example, it may be that one 'partner' is silencing the other and that domestic abuse is a factor or it may be due to lack of insight and understanding.

Understanding the resistant behaviour and what underlies this, is important as this will contribute to the assessment of risk for the child, and ultimately will aid the practitioner in supporting and addressing this resistant behaviour. It maybe a result of a number of influencing factors, including background; experiences; fear; lack of trust; confidence and capabilities.

When considering resistance, practitioners and managers should check that the child protection concerns and necessary actions have been explained clearly, taking account of language, culture and disability, so that the parent / carer(s) fully understand the concerns and the impact on the child.

If there are risk factors associated with the care of children, risk is likely to be increased where any of the parent / carer(s) are displaying resistant behaviours or fail to comply with child

protection services. Any form of resistant behaviour should be taken account of in information collection / sharing and assessment and may point to a need for compulsory or emergency measures.

Practitioner(s) and Manager(s) must assess if all possible strategies have been implemented in efforts to establish partnership working with the parent / carer(s), for example, a change of worker (the adult(s) may find it easier to work with some practitioners than with others).

In what will often be challenging situations, practitioners and managers may need to access additional or specialist advice to inform assessment and planning.

Working with families who are resistant is challenging. Key safeguards and services should be maintained for children who are in such situations and are at risk of significant harm.

If families do not engage or co-operate and this leads to a situation where a child is 'unseen', consideration must be given to the child's well-being and safety to determine what immediate action is required. This will involve consideration of the need to share information with other agencies. Partners must be clear on escalation processes in reaching a resolution in complex situations.

6. Assessment

Gather all information from available sources and analyse this in order to identify any gaps, need and risk. This should include parental information impacting on the child, for example, mental health, addictions, etc. Practitioners should be explicit about factual information and avoid over optimism. Concerns should be discussed with your line manager to determine how to proceed and any other actions that could be considered.

There is risk of 'drift' setting in before resistance is identified and any action taken. If letters are ignored, or appointments not kept, weeks can pass without a practitioner having contact with a child. If parents / carers fail to undertake or support necessary actions, this should be monitored and the impact regularly reviewed and analysed.

Case records should be accurate and up to date including contacts, whether they are successful or not, particularly during periods of higher risk, for example, during school holidays. Single and / or Multi Agency Chronologies must also be accurate and up to date, and can be useful as a tool to identify early indicators of risk and concern, particularly around resistance. Practitioners and Managers need to be clear what action should be taken when contact is not maintained. Where a child is subject to Compulsory Measures of Supervision under Section 83 Children's Hearing (Scotland) Act 2011, the area Children's Reporter administration (local SCRA) should be notified if resistance remains a concern and agencies are unable to gain access resulting in a child or young person not being seen.

The risk assessment should take account of information relating to any and / or all of the resistant behaviours displayed by the parent / carers. Using existing processes such as, single and multi-agency chronologies, core groups and child protection case conferences, this

information should be shared within and across agencies to inform multi-agency assessment, planning and review.

If resistant behaviour is identified as an issue in the early stages of assessment, planning and review, the practitioner(s) undertaking the assessment should discuss with their line manager immediately. A decision will then be made how to share this information within and across agencies including whether a multi-agency meeting is necessary. A decision will be made as to which agency is best placed to chair the meeting and attendees will include representation from agencies and services who know the child and family, including adult services.

Any written multi-agency plan **must** be reviewed regularly e.g. the child and young person's plan should be reviewed at regular multi-agency meetings or child protection conference and use SMART objectives within timescales that identify specific outcomes, with a clearly stated contingency plan.

NSPCC (Scotland) recommends that if you are worried about a child living in such circumstances that you should establish your facts, gather evidence, build a chronology, record the child's perspective and focus on outcomes. This is essential to ensure when a decision to close a case is made, it is safe to do so. It should be noted that a multi-agency discussion is required before this can take place to establish the impact this may have for the child or young person.

7. For consideration at the multi-agency meeting or review

The multi-agency meeting or review will focus on the needs of the child but consider the risk factors associated with the parent / carers. This will include:

- Any information about the parent / carer (s) relevant to the assessment and planning – what factors are known and any pattern to the behaviour
- Is the parent / carer(s) affected by mental illness?
- Does the parent / carer (s) have a condition which may result in a loss of self-control?
- Are there substance issues – alcohol or drugs – which impact on the family?
- Stress levels or risk indicators (domestic abuse etc) and the impact on the child and family.
- Will any professional be perceived as a threat to the parent / carer (s)?
- Are there gender issues for consideration?
- Consideration given to factors which will help to minimise the risk of aggression and hostile behaviour, including being clear about the role of professionals and realistic about what can and cannot be achieved.

- Is the information about resistance / resistant behaviours displayed new and as a result is the child at risk or further risk of significant harm?
- Safety issues and concerns for practitioners and managers across the Multi Agency workforce.

A plan of intervention needs to be developed, the focus of which will be the needs of and risk to the child.

If the issues are child protection, social work will be the lead professional with other agencies and services identifying a named person to work in partnership with social work. All agencies must work collectively to ensure the safety and well-being of the child. Any change in the child's circumstances, including any emergency measures, must be communicated to those who need to know within and across agencies.

The child's plan must be regularly reviewed to inform assessment, planning and intervention.

8. General

Supervision and line management support

Practitioners have a professional responsibility to identify families where the behaviour of the parent / carer (s) is impacting on the safety and well-being of a child and to share this information with their line manager. Managers have a responsibility to exercise clear decision making.

Support for practitioners must include time for regular one to one supervision with their line manager which would provide the opportunity to meet with someone with the skills to foster reflective practice, provide a safe space and help practitioners speak about the impact of resistance. Supervisors and managers must create environments that give permission for staff to acknowledge the impact of their work on them as individuals, in a way that is non-stigmatising and which can help lead to increased support in the workplace.

In the absence of formal supervision systems, advice should be sought from an appropriate manager in the first instance. Peer review is important in developing a proactive culture of learning about processes, assessment and management that supports practitioners who are undertaking complex and challenging child protection work.

Regular and clear single and multi-agency communication

While there is a presumption of openness and partnership working with parents and carers, some situations may require a meeting of professionals who know the child, young person and family, for the purpose of sharing concerns to inform assessment, planning, intervention and review.

Practitioners and managers working within and across agencies in North and South Lanarkshire should apply the principles of clear and effective information sharing as directed by their agency. Practitioners should refer to their agency guidance. In child protection, information can be shared without consent between professionals, agencies and services.

Reconvened core groups and child protection case conferences

When a child is subject to child protection registration and any new information is highlighted with regard to issues of resistance, consideration should be given to bringing forward relevant meetings. This will ensure full multi-agency information sharing and a shared understanding of the impact of the information on assessment, planning and intervention for the child.

The chair of the meeting must consider if there are issues of resistance or resistant behaviour, this will include issues of safety for those attending any meetings.

If a core group identifies any issues which significantly impact on the assessment and plan, the chair of the core group should notify the chair of the child protection case conference within three calendar days of the core group, this will include a request to bring forward the child protection case conference if necessary.

Any new information which necessitates emergency or immediate action to ensure the safety of a child must be actioned without delay and any change to the child's circumstances communicated to those who need to know within and across agencies.

Workforce development

Single and multi-agency workforce development programmes and plans should include relevant training and staff development to ensure practitioners and managers further develop their knowledge and skills in working with families where there are issues of resistance and resistant behaviours.

Practitioners and managers should be aware of single and multi-agency policies, procedures, protocols and guidance in terms of assessment, planning and review including information sharing, recording, chronology and reflective practice.

The child protection committees have a remit to develop, commission and deliver relevant multi-agency child protection training to further develop staff skills, knowledge and understanding of child protection.

References

Executive Summary Significant Case Review Child B (2016) Glasgow Child Protection Committee

Learning Summary from a Significant Case Review on Child C (2017) Fife Child Protection Committee

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