



Centre for excellence
for looked after children in Scotland

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Home Supervision Requirements

Messages from research

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Introduction

This briefing summarises key findings of research on Home Supervision Requirements (HSRs) in Scotland. It summarises knowledge from existing research and incorporates new evidence from a recently concluded study exploring young people's, parents' and social workers' views and experiences of this type of intervention¹. A Home Supervision Requirement (HSR) is a type of legal supervision order which is unique to the Scottish system of child legislation. Children who are subject to an HSR are 'looked after' by a local authority whilst still living at home with a parent or relevant person¹. A social worker is allocated to the case in order to ensure that the terms of the requirement are being met.

Key Messages from Research

- Children who are subject to an HSR have typically been known to social work services for a number of years before being placed on compulsory supervision. Families experience multiple, chronic problems such as domestic violence, drug and alcohol abuse, mental health problems and financial difficulties¹⁻³.
- The needs of children who are subject to an HSR are similar, if not the same, as those who are 'looked after' away from home^{1,2}.
- Decisions on whether to remove children from home are based on the availability of resources and family support; as well as on an assessment of risks^{1,3}.
- Children who are subject to an HSR experience a great deal of instability - both of placements and people^{1,2}.
- There is some evidence to suggest that children who are subject to an HSR are spending most of their childhoods subject to a Supervision Requirement¹

Policy context

The Children (Scotland) Act 1995, herein referred to as the 1995 Act, provides the framework for child welfare policy in Scotland. The 1995 Act defines 'looked after' children as those who are accommodated by local authorities and/or subject to a Supervision Requirement.

Children may become 'looked after' on a voluntaryⁱⁱ (s.25, 1995 Act) or compulsory (s.52, 1995 Act) basis. Supervision Requirements are issued in order to protect, guide, treat or control a child (s.52 [3], 1995 Act). Section 70 of the 1995 Act covers the disposal of a Supervision Requirement by a Children's Hearing: at home (s. 70 (1)); away from home (s. 70 (3)); or in secure accommodation (s. 70 (10)).

Irrespective of their looked after status, the local authority's duties and power in respect of these two groups of children are the same (s. 17, 1995 Act). The 1995 Act does not specify what services and support are to be made available to these children but more detailed guidance can be found in The Looked After Children (Scotland) Regulations 2009ⁱⁱⁱ ⁴.

HSRs have been in operation since the Social Work (Scotland) Act 1968^{iv} and have been the most commonly used disposal by the Children's Hearings' system since its inception in 1971⁵. Despite their long history and extensive use little is known about HSRs and the children who are subject to this intervention.

Looked After Children

Looked after children are often perceived as a group who both have, and cause, problems⁶. Consequently, ‘looked after’ children have been the subject of considerable policy and research interest.

Research has consistently shown that looked after children experience multiple vulnerabilities and chronic problems. This considerable body of research^{2 3 7-16} has consistently shown that looked after children typically:

- Come disproportionately from disadvantaged backgrounds
- Live in poor housing conditions
- Live in single parent (usually mothers) households with no adults in employment
- Experience trauma, abuse and rejection
- Have poorer educational outcomes
- Are more likely to be unemployed or underemployed later on in life
- Are more likely to experience physical and mental health problems
- Are more likely to misuse alcohol and drugs
- Are less able to maintain relationships
- Are more likely to be young parents and to have their own children taken into care
- Are at substantial risk of social exclusion

Most of these studies focus on the experiences of children who are looked after away from home. To date there has been little research on children who are subject to an HSR. The few studies which have included children who are subject to an HSR did not make a distinction between children who were looked after at home or away from home in their analysis^{17 18} or did not make a distinction between children who were subject to voluntary or compulsory measures of

supervision; or between those living in Scotland and elsewhere in the UK³.

The first study to focus solely and exclusively on children who are subject to an HSR was commissioned by the Scottish Government following the implementation of the 1995 Act. The aim of this study was “To examine the effectiveness of home supervision in promoting beneficial changes in the life of the child”^{2, p.3}.

To that end, Murray et al.² used a multi-method approach which included:

- A postal survey of key informants at a policy level in local authorities
- Secondary analysis of data provided by SCRA referring to 5,683 children on HSRs at 30 June 1999
- Documentary analysis of case files of 189 children on HSR
- Postal questionnaires to reporters, panel chairs, social workers and teachers
- Interviews with 20 families

Some of the key findings of this study were that:

- The families of the children who were subject to an HSR experienced multiple chronic problems such as domestic violence, drug and alcohol abuse, mental health problems, and financial difficulties. The authors note that the families’ disadvantage and poverty were striking.
- When asked about what works well in home supervisions, panel members, social workers and reporters said that regular contact between social worker, child and family was of prime importance, as well as provision of coordinated multi-agency support.
- Families identified the provision of resources and practical help as one of the most helpful aspects of HSRs. The

other was in respect of domestic violence.

- Social workers noted that without HSRs children and parents might not be able to access resources which would contribute to bringing about positive changes.
- The most common complaint from families related to the infrequency of contact. Families also complained about the frequent changes of social workers.
- Stakeholders agreed that more social work time was the single most important factor which would improve HSRs.
- Some local authorities were severely affected by the staff shortages. Lack of resources meant that social workers had to spread services more thinly than was required or desirable.
- There was a disjuncture between policy and practice with key statutory requirements, such as the existence of a care plan, not being met.

In respect of this last point, the authors note that some might assume that the needs of children who are subject to an HSR are less acute than those of other looked after children. They warn, however, that the opposite may be true as children who are subject to an HSR cannot be as closely monitored or enjoy the same level of protection as those who are placed in alternative accommodation.

While Murray et al. identified a range of shortcomings with HSRs in their study they concluded that this type of intervention was often thought to be fairly effective, in particular for children referred on care and protection grounds. HSRs were less frequently thought to be effective for children referred on offence grounds and least often seen as effective for those referred for non-attendance at school. Stakeholders suggest that this may be due

to the late stage at which these referrals tended to reach the social work departments and the lack of suitable alternatives to mainstream school. This led them to question the suitability of HSRs for children referred for non-attendance at school.

The educational outcomes of children who are subject to an HSR have since attracted a lot of attention. Official statistics indicate that children who are subject to an HSR perform less well than all other looked after children at all SCQF levels¹⁹. They are also less likely to obtain qualifications in both English and Maths at SCQF Level 3 or above²⁰.

Young people looked after at home are less likely to attend school and are more likely than children who are in residential or foster care to be excluded from school as a result of their behaviour. This has raised a number of questions about the educational outcomes of children who are subject to an HSR and the effectiveness of home supervision.

Research by Fletcher-Campbell²¹ and Walker-Gleaves²² suggests a link between poor educational achievement and the inadequate approach to care management by social workers, highlighting the need for effective inter-agency working and interest from all professionals in the educational experience of young people looked after at home.

In a recent study McClung^{19 23} explored the key factors influencing educational outcomes of children who are looked after at home and away from home. This research adopted a multi-method approach. Firstly, McClung developed a quantitative dataset from official and administrative records that considered the educational achievements of all care leavers (N=1,407) from two local authorities in Scotland over a period of

five years (2001-2005). This dataset included one-fifth of all looked after children in Scotland aged 15 years or over who were discharged from care within the five year period. Secondly, she carried out in-depth interviews with policy makers (N=6), practitioners, and looked after children (N=30) in order to: (a) review the role of the corporate parent; (b) explore policy makers' and practitioners' views about HSRs; and (c) consider young people's experiences of care and education.

The findings of this research corroborate those of previous studies confirming that in terms of their academic achievement, looked after children perform less well than their peers and that children looked after at home perform less well than other looked after children.

There were three key factors influencing the educational outcomes of looked after children: placement type; the reason for becoming looked after; and the age on becoming looked after. McClung and Gayle¹⁹ note that the latter two factors influenced children's placement type: children referred for non-attendance at school, and who were referred aged 12 or over, were more likely to be placed on an HSR. This is likely to have some influence, therefore, on the educational achievements of children who are subject to an HSR. Like Murray et al., McClung questions the suitability of HSRs for children referred for non-school attendance.

McClung concludes by noting that "the Corporate Parent (local authorities and partner agencies) had not yet successfully prioritised the educational achievement of looked after children in policy and practice"^{23, p.2}.

Young People's Views of HSRs

In a current study Fitzpatrick²⁴ is exploring young people's experiences of being subject to an HSR with a specific focus on their educational experience. He is carrying out in-depth narrative interviews with 23 young people from three local authorities across Scotland. Some of the preliminary findings of this study indicate that:

- Many young people value the structure and support that an HSR provides and feel they had derived benefit from the support.
- Young people looked after at home value informal coaching, mentoring and support mechanisms when subject to an HSR. This includes positive support and the interest of significant adults in their lives, such as siblings, friends, family members, social workers and teachers.
- Continuity and stability, both of family and professional relationships, are important. Young people expressed frustration at a lack of continuity in their lives of professionals who understand their views and needs, necessitating multiple retelling of their stories and views.
- Young people often do not understand the intent behind, or the implications of, an HSR, highlighting a need for advocacy and effective communication and engagement with young people.

We feel these findings suggest that family support is critical to young people's educational progress and that more should be done in order to support young people in their whole family context. They also suggest that greater attention needs to be paid to young people's support needs during transition periods from primary to secondary; failure to meet these needs combined with instability in the family

home is often a catalyst for non-attendance and exclusion from school.

An exploratory study of HSRs

Concerns about the educational outcomes of young people looked after at home, combined with the gap in information about HSRs, led the Scottish Government, in collaboration with the Economic and Social Research Council (ESRC) and the University of Edinburgh, to set up and fund a PhD studentship. The following section will summarise the findings of this recent study¹.

Aims and objectives

The aims of this study were to:

- Find out more about how HSRs work in practice, and the services and resources made available to young people and their families,
- Describe young people's trajectories through the care system and their families' historical involvement with social services, and
- Explore the views and experiences of young people, parents and social workers concerning HSRs and, in doing so, to contribute towards filling a gap in existing information about children who are subject to HSRs, and their families.

Methodology

The focus of the study was on young people, as well as on their parents and social workers. The sample was drawn from one relatively large urban local authority in Scotland, herein referred to as Thistle City. The research used a multi-method approach which included:

- Secondary analysis of data from the Scottish Children's Reporter Administration (SCRA) in relation to 98 young people subject to an HSR in Thistle City for at least 12 consecutive months at the 31st of December 2008.

- Documentary analysis of social workers' case files for 11 young people.
- Semi-structured interviews with 10 young people, nine parents, one relevant person and 10 social workers.

Findings

- Families faced multiple, complex and chronic problems. The 12 families included in the study had been known to social work services for a number of years prior to a supervision requirement being issued.
- Young people are spending considerable lengths of time subject to supervision requirements. Data from SCRA shows that the 98 young people subject to HSRs in Thistle City were looked after at home for an average of four years. Just over a quarter of these 98 young people had also been looked after away from home.
- The 12 young people included in the study had been on an HSR for between 11 months and 10 years; with three being on a continuous HSR for seven years or more.
- The 12 young people included in the study experienced a great deal of instability of placements and people. Evidence from case files and interviews with social workers suggest that their official looked after status (whether at home or away from home) did not always correspond to their living arrangements.
- Evidence from case files and interviews with social workers suggest that decisions on whether to place a young person in alternative accommodation were based on the availability of resources and family support, as well as on an assessment of risks.
- Of the 11 cases where case files were consulted, none had a *formal* care plan. Instead, young people who were

subject to an HSR had *informal* care plans. Informal care plans were found at the end of social background reports and often consisted of four to five recommendations or action points to be pursued. These were loosely set, did not make explicit the deadline by which they should be achieved or how they should be pursued and assessed. As well as being loosely set, the action points often remained the same over the years. No change could, however, be understood as a positive outcome as it indicated that the situation had remained stable rather than deteriorated.

- During the current or most recent HSR all but one young person had an allocated social worker. Five young people had experienced periods (between two and seven months) without an allocated social worker during their time on HSRs^v.
- Social workers' ability to realise the terms of the supervision was restricted by the lack of resources and by young people's and their families' reluctance to engage with agencies.
- Young people's and parents' most often voiced complaint was about the frequent changes of social workers and other professionals. Parents also complained about the infrequency of social work contact and the lack of agreement among professionals. This contributed to young people's and parents' reluctance to engage with professionals.
- Eleven of the 12 young people had access to resources and services in addition to social work intervention. Which services were offered, and when, varied according to what was perceived to be the main concern to be addressed and the resources available at any time. It was often unclear from the information in case files, as well as from the interviews

with stakeholders, what had been the aim in referring young people to these services, and what impact, if any, these services had on young people and/or their parents.

- There was a great deal of ambivalence towards HSRs. On one hand, young people, parents and social workers agreed that the ability to access resources otherwise not available to these families was a positive aspect of the intervention. On the other hand, all thought that there was little that HSRs could achieve.
- All social workers agreed that lack of resources was a key difficulty in the implementation of HSRs. The lack of specialist resources for this particular age group (12-15 years old) was identified as being a particular problem.

These findings indicate that, as noted by Murray et al.², there is a disjuncture between policy and practice. Evidence suggests that this was not because young people subject to an HSR were not considered to be in all respects looked after children but that in a context where resources are limited, difficult choices had to be made.

Social workers' ability to realise the terms of the supervision was also restricted by young people's and parents' reluctance to engage with professionals. It seems, however, that young people and parents were too readily identified as 'difficult' with little or no consideration of the reasons why they may be unwilling to engage with a service.

These findings indicate that the often-made distinction between children who are looked after away from home and children who are subject to an HSR is, at best, unhelpful, and at worse, misleading. The needs of young people who are subject to an HSR *are not less acute* than

those of other looked after children; the two groups do not differ significantly except in the services that they receive. The distinction made between children who are looked after at home and those who are looked after away from home only makes sense in a context where the assessment of risks becomes a central feature of social work with children and families in order to ration services. Whether a case was considered 'high-tariff' or not depended on social workers' caseloads, both in terms of how many other cases they had and how these other cases compared with respect to their difficulty or complexity.

Conclusion

To date, there have been only a few studies focusing on HSRs. Those which do, suggest that the needs of children who are subject to an HSR are similar to, if not the same as, those of other looked after children; however, in a context of limited (and diminishing) resources, services are being rationed. The categorisation of children subject to HSR as 'looked after' has not led to an equal allocation of resources between those looked after at home and those looked after away from home. Nonetheless, the limited resources which are made available through the use of HSRs seem to be often welcomed by families as they provide some support in a context of multiple chronic problems. Families were, however, reluctant to engage with services which they perceived as being unreliable, that is, services that did not engage regularly with the family, where there was high staff turnover and when different professionals appeared to hold different opinions. These findings suggest that the provision of further resource to support high quality provision to these children is likely to be well-received by families and will have a positive impact on children's outcomes.

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Notes

ⁱ The 1995 Act (s. 93 (2) (b) defines a relevant person as (a) any parent enjoying parental responsibilities or parental rights; (b) any person in whom parental responsibilities or rights are vested by, under or by virtue of the Act; and (c) any person who appears to be a person who ordinarily (and other than by reason only of his employment) has charge of, or control over, the child

ⁱⁱ The term voluntary is often used as a short hand for section 25 of the 1995 Act. Section 25 1 (a-c) of the 1995 Sets that local authorities shall provide accommodation for any child residing or being found in their area if (a) no one has parental responsibility for her or him; (b) she or he is lost or abandoned; (c) the person responsible for her or his care is unable, either permanently or temporarily to provide suitable accommodation or care. The views of the child should be taken into consideration before accommodating her or him (s. 25 [5], 1995 Act) and accommodation can be provided for young people up to the age of 21 (s. 25 [3]).

ⁱⁱⁱ The Arrangements to Look After Children (Scotland) Regulations 1996 were, until recently, the main guidance pertinent to looked after children in Scotland. The Looked After Children (Scotland) Regulations (2009) came into force in September 2009, revoking the Arrangements to Looked after Children (Scotland) 1996 and the Fostering of Children (Scotland) Regulations 1996. The key principles with regards to Supervision Requirements continue the same.

^{iv} The Social Work (Scotland) Act of 1968 was the key child care legislation in Scotland up until the introduction of the Children (Scotland) Act of 1995

^v Four of the five young people had been on a continuous HSR for a period of up to four years. One had been on a continuous Supervision Requirement since 2001, being accommodated for 15 months between 2006/07.

About CELCIS

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