



Key practices for social workers

Independent social work service

Lesley Ann Cull

In the 1980's it was recognised that there was a need for an independent social work service to look into the interests of children involved in care and related proceedings. In 1984 the Guardian Ad Litem service was set up to meet this need. Vivienne Salisbury is the panel manager for the Bucks and Milton Keynes Guardian Ad Litem and Reporting Officer Panel. She begins by describing the role of the guardian.

Vivienne Salisbury

The guardian has to take into account the child's wishes and feelings, having regard to the child's age and understanding, and ensure that those wishes and feelings are made known to the court. Where it's appropriate, where the child is a party to those proceedings, the guardian will ensure that there is a solicitor appointed to ensure that the child's voice is represented in court and to give legal advice to guardian and to child. And in carrying out the task panel members act as independent professionals who provide a non-partisan view to the court. So the Guardian Ad Litem acts as a safe guard when critical and difficult decisions are being made about children's lives.

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What key skills are important when working with families?

Vivienne Salisbury

I think that the skills that the Guardians Ad Litem use are those precise skills that they have learnt usually in their past experiences as social workers in child protection situations or in mental welfare situations, so that they will be learning how to respond to people, how to encourage people to be able to respond to them in a way that is less conflictual. They will be learning how to read the signals that people have given out to them about how they are feeling and how they are likely to respond. They will certainly have tried to get some background and some history so that they are not walking cold into the situation. They will want to be careful about the setting in which they are seeing people and I think that within talking about the setting, the general communication skills that social workers have in terms of being able to write to people, put in writing in simple language, in language that's accessible to people, who they are, what they are doing and what their role is very important. And in being able to understand that not all people will be able to read what is given to them, either because their emotions are so heightened or because they haven't got literary skills, and being able to use other skills to be communicate with people at that stage.

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I asked Viv to describe the key features of the guardians report.

Vivienne Salisbury

By the time the guardian is able to start, they will have a full investigation behind them, they will have the full assessments that social workers themselves will have made, that social workers may have commissioned others to have made, the assessments made by health, education or other areas. So the Guardian Ad Litem will be starting from a background of having done a substantial piece of work. The guardian will need to be very very clear about what their investigations have been and how they have therefore come to their conclusions. The guardian will want to have made sure that the child if you like come alive, lives in the report, so that the court has a clear idea of who this child is, what does this particular child need, what's this particular child wants, and how to balance the needs of the child and the welfare of the child with the wishes of the child. The Guardian Ad Litem would then very fully want to look at the options that are available to a court and to assess those options in the light

of what is in the best interests of the child before making their recommendations for what action the Guardian Ad Litem believes the court might wish to make for the child.

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Finally I asked Viv what advice she would give to social workers who are preparing to appear at court.

Vivienne Salisbury

I hope that social workers will always seek the help of their legal section that can really give them a great deal of support all the way through any proceedings in which a child is involved and the local authorities involved. Hopefully the local authority solicitors will have discussed with the social worker their report and the social worker will have made sure that their report is appropriate, that it's not just a list of dates, that it gives truly facts, and that it makes clear the opinions of the social worker and the plans that the social services department will have. If they have a good report, good plans and good decision making all in place, then that will make their life infinitely easier in court. Secondly the social worker, and I would hope their team manager or somebody to support them, will make sure that they really know the whole of the case, that they have properly looked into all matters before bringing them, the case to court, that they have taken on board all that has happened during the course of the proceedings and that they know everything that is likely to come forward within court. There will always be matters that catch us a little bit on the hop, but if they know why they have made the decisions they have made, why the assessments they have made have come to the conclusions they have, why the plans they have formulated are those particular plans, then they will be much better prepared to go into court. So a lot of background work needs to be done before reaching court, and it's always worthwhile having rehearsed those circumstances with your superior or with your legal advisor before you reach court, so that you feel confident in answering questions that are going to be put to you. Once in the hot seat, if you like, or the stand, one of the major things that you must remember as you are giving evidence is that you are giving evidence to the judge and the magistrates who may not understand all that you are saying, they may not understand or appreciate jargon, so you need to be able to speak in language that is readily acceptable to everybody and you need to be prepared to state what you think is right and appropriate for the child. You need to be able to give yourself time to answer the questions that are put to you. You need to ensure that you are not flurried into giving answers that are not entirely what you think are correct. It is always appropriate to be able to say, 'Could you repeat that question?' if you don't think you've heard it properly, or 'I am sorry I don't quite understand the question', if you don't. You are not making a fool of yourself; you are properly learning what it is that is wanted and required of you to answer. If you really feel that the question that is being asked of you isn't appropriate or that you cannot understand it, then tell the magistrates or the judge so. And they will help and support by trying to clarify that question for you as well. I think this may be particularly difficult for people when they are concerned with people that have not worked before in the child care arena, that are treating the matters as if it's a criminal court, in an adversarial fashion. And it can also be particularly difficult when you are working with barristers who are well versed in the ways of the court and you may feel very new, rough, raw and ready. The butterflies I don't think ever go away for anybody in the witness stand, and even solicitors who perhaps for the first times in their lives on occasions have been asked to go into the witness stand, will tell you that they have a very different perspective on matters, and that they have been frightened. So don't be worried if you are apprehensive, that is part of what is necessary for the adrenaline to flow and for you to be able to say what is necessary and what is correct at the time. Good preparation, take your time, you are not forbidden to look at notes if it's necessary, if you really cannot remember precisely what happened on a particular day, you may ask the court if they would allow you to look at your notes. It's better not to have to do so, but you may need to do so and you should not be frightened to do so. Speak clearly, give your evidence clearly and if you feel it's appropriate it may well be best to actually look at the judge and the magistrates as you are giving your answers so that you can see how they are reacting and whether or not they are finding difficulty in understanding what you are saying. You can often get, just as you will have learned as a social worker, quite an idea of whether or not what you are saying is making sense from the reactions of those around you. On the other hand please don't be frightened if you don't see a clear response from people in court. People are all aware that they are there to act in a proper professional manner and they will

not be there to clap and cheer you on, they will be there to hear the evidence put properly and so the fact that people are not necessarily registering towards you agreement or non agreement does not mean that they are not listening to you.

Lesley Ann Cull

You are going to hear from Nick Crichton, talking about his role as the magistrate in the family proceedings court. You will also hear from Dermot Casey, a former social worker, now a barrister working in public law. Nick begins by talking about the role of the social worker in court.

Nick Crichton

I am very conscious that there is a feeling that social workers feel they are not properly valued for their contributions in court proceedings, and we've tried to work very hard not just to make the social workers feel better, because that's not what it's about, what it's about is actually recognising professional work properly done and valuing it. Some of the best evidence in a courtroom that I have heard from social workers in the four years that I have been doing this job, have come from social workers who were straight out of college. And I can remember one in particular who was absolutely outstanding and it's the first time she had been in a courtroom. She presented herself with clarity, she knew what she wanted to say when she came into court and she had a very clear grasp of the facts of the case. She'd made a thorough investigation and she knew what the facts of the case were. When she was asked would she have done something different with hindsight, she was quite comfortable about saying in this case, yes I would, when I look back I wish that at that moment I hadn't made this decision, I wish I had made that decision. And when she was asked about another decision she said, no, on that occasion I am still satisfied I got that one right. And the overall impression of someone who was not being dogged about what they'd done and defensive about what they'd done, but was able to reflect upon what they'd done and think about it with the benefit of hindsight, was able to be flexible about her answers, and it was immensely impressive. She was confident about her judgement and I think that's what I am trying to say. A social worker has got to be able to demonstrate to the court that they have considered everybody's position, have considered every possibility, and having considered it, they have reached this decision believing it to be in the best interests of the child. And feel confident about it and be professional about it. And if, at the end of the day, they've got it wrong, then it's for the court to say they've got it wrong, and the court may not be right. But that's what this process is about.

Lesley Ann Cull

I first asked Dermot and then Nick how important the care plan is in public law cases.

Dermot Casey

The care plan is, I would say now and increasingly, is becoming the crucial document for the court, because the court cannot make either an interim care order or a final care order unless it's happy with the care plan. I know from my experience we did our statements as a social worker, and then we're told, oh you've got to do a care plan, and it was just basically sketched out, it wasn't thought to be essential, it was just to show that we've got a plan – any plan. The care plan has to involve a real analysis of what's happened, why we've reached this situation, what the plans are for the child in terms of, is it going to be long term fostering, is it going to be short term fostering with a view to rehabilitation, is it going to be adoption and why any of those options are the best options for this child. It's got to include the level of contact and the reasons for contact that a parent might have. The courts should not make a final order unless they are happy that there is a care plan and that it's in the best interests of the child, that it's realistic or feasible. Because once the care order is made, the court is out of the picture, the local authority is completely in control, so the court has got to as it were divest itself of its responsibilities with the child only after being completely satisfied.

Nick Crichton

I think the concept of the care plan and the fundamental information about where we go from here is very very important. In fact I don't think I'd be wrong to say that we get more

argument, more discussion, more contest in court now about care plans than we do about threshold criteria.

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Dermot finished by identifying key features of good social work practice in court.

Dermot Casey

I think it's exactly the same for a social worker as it is for barristers or solicitors. The good performances, as it were, in court is based on preparation before you go into court, what happens in court or the outcome, or whether you are satisfied with what happens in court even though the outcome might go against you, 95% of it is preparation. And the social workers who have impressed me most have been people who actually know the file very well, have read all the key reports and have some sense of what would be right for a child, why the parents can't provide that situation. So there's an understanding of the events, but there's also an assessment of what's right for the child. And that to me is the most important thing but it's all about preparation. And I don't think that social workers are given enough time to prepare cases.