

**Pilot of Signs of Safety
lawyer-assisted
Conferences and Meetings
Final Report: June 2011**



FOREWORD

Constructive Inquiry

The pilot of the Signs of Safety lawyer-assisted child protection Conferences and Meetings (the Pilot) is the result of collaboration between Legal Aid WA (Legal Aid), the Department of Child Protection (DCP), King Edward Memorial Hospital for Women (King Edward) and the Perth Children’s Court (the Court) (“the partners”). The Pilot commenced on 9 November 2009.

The partners introduced the Pilot to assist in a cultural shift to constructive front-line child protection practice. To assist in this shift, as evaluators, we conducted the evaluation from what we term a Constructive Inquiry, which blends the Appreciative Inquiry approach with an empirical research methodology.¹

In essence, the Constructive Inquiry involves the following:

- a focus on the generation of plans for the future
- collaboration, inclusiveness, and interaction
- a recognition that inquiry and change are simultaneous
- a presentation of a shared, transparent and clear analysis of data
- a common focus
- clear and inclusive language, and
- an engaged stance.

The Constructive Inquiry began in March 2010 and immediately involved engagement and interaction with the major participants. The collaborative work has led to an evaluation plan, interim report, interim report workshop and feedback report that have brought the aims, potential and the risks of the Pilot firmly into focus. Further, the conversations, debates, workshops and training, have led to a sharing of information that has created a high level of openness and awareness around the Pilot.

This action learning approach includes a deeper level of analysis in this final report to add to what is already known by the partners. In keeping with the principles of action learning and appreciative inquiry, we have made the Constructive Inquiry explicit in the Report while at the same time ensuring the Report is helpful for decision-making by all the stakeholders. We trust that you find the Report useful, and above all, constructive.

¹ See more on Constructive Inquiry on page 26 below.

Acknowledgments

Throughout the Inquiry, we have benefited from the wisdom, dedication and mindfulness of those we have worked with. We would like to acknowledge these people.

Julie Jackson, Max Lewington, Mark Proud, Lucy Davies, Kylie Noakes, Ian Allen, Kendra Hagan, Celine Harrison, the Court personnel, DCP Legal Services, Melanie Samuels, Debbie Henderson, Shane Rogers, the professionals who participated in interviews and surveys, the families who participated in interviews and surveys, and all those who have attended workshops and conversations, filled in questionnaires, spoken with us, and given us their time so that we could obtain the clearest understanding of the Pilot as possible.

The Constructive Inquiry has benefited from all those who engaged in the process and we would like to thank you all. On a personal level, the collaboration, sharing and dedication that you have all shown has been remarkable. We feel privileged to have been a part of the process and thank you for your continued commitment.

Jill Howieson

with the assistance of Clare Coburn



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ABBREVIATIONS AND DEFINITIONS

ADR	Alternative Dispute Resolution ²
AI	Appreciative Inquiry
child representative	a lawyer appointed to represent the child/children in child protection proceedings either “on instructions” or “in best interests” pursuant to section 148 of the Children and Community Services Act 2004, see also Independent Children’s Lawyer (ICL).
Conference	SoS pre-hearing Conference (lawyer-assisted), forming part of the Pilot
Constructive inquiry	the combination of the traditional evaluation methodologies with the Appreciative Inquiry philosophy
Convener	appointed by the President of the Children’s Court pursuant to section 136 (4)(b) of the Children and Community Services Act 2004 to convene Pre-hearing Conferences. Made up of DCP Signs of Safety Practice leaders and members of the Legal Aid WA Family Dispute Resolution practitioner panel who have trained together in the SOS Pilot process.
Court	Perth Children’s Court
DCP	The Department for Child Protection
facilitator	the ‘facilitator’ in the Meetings, similar to the Convener in the Conferences
ICL	Independent Children’s Lawyer
Inquiry	the evaluation from a Constructive Inquiry approach
Interim Report	the Interim Report, September 2010 for this Inquiry
King Edward	King Edward Memorial Hospital for Women
lawyers	DCP, child representatives, private lawyers and lawyers representing parents and extended family members on grants of legal aid, funded by Aboriginal Legal Service, or Community Legal Services
Legal Aid	Legal Aid WA
Meetings	lawyer-assisted pre-birth Meetings, forming part of the Pilot

² See the [NADRAC](#), the National ADR Advisory Council for a glossary of ADR processes.

mentalizing	refers to the capacity to perceive and understand oneself and others in terms of mental states, such as feelings, thoughts, beliefs, intentions and desires
professionals	collectively, the professionals involved in the Conferences and Meetings, including but not limited to lawyers, case workers, team leaders, practice leaders, facilitators, convenors, and hospital social workers
partners	Legal Aid WA (Legal Aid), Department for Child Protection (DCP), King Edward Memorial Hospital for Women (King Edward) and the Perth Children’s Court (the Court) (the stakeholder partners)
Pilot	Pilot of Signs of Safety <i>lawyer assisted</i> pre-birth Meetings and pre-hearing Conferences
Pre-birth planning meetings	Pre-birth SoS planning meeting that take place involving DCP, the mother and KEMH social workers <i>without lawyers present</i>
Report	this report
Section 143 proposal	a written proposal that DCP must provide to the Court outlining the plans for securing long-term stability, security and safety in the child’s relationships and living arrangements
significant others	people who are significant in the child’s life, including extended family members
SoS	Signs of Safety child protection risk assessment framework
SPDOS	Senior Practice Development Officers employed by DCP
support agencies	agencies other than DCP and King Edward providing support services to parents and children who attend Meetings and Conferences, including but not limited to Fin WA, RUAH, Djooriminda, Alta One, Drug Court staff
Working Group	the partners’ Pilot working group

EXECUTIVE SUMMARY

The Pilot commenced on 9 November 2009 and consists of child welfare matters in the metropolitan area that are 'mediated' through either a Signs of Safety lawyer-assisted pre-hearing Conference (conducted by a Convenor) or Signs of Safety lawyer-assisted pre-birth Meeting (conducted by a facilitator). The Constructive Inquiry (the evaluation) into the merits of the Pilot began in March 2010 and we set out below an 'executive summary' of our findings and recommendations.

The primary finding of the Inquiry is that the Pilot is delivering a product that is more effective, inclusive and constructive than previous models. Most participants clearly acknowledge that the benefits of the Conferences and Meetings outweigh the risks, and hence the focus on the Pilot seems to have shifted from 'if' to 'how'. That is, instead of the participants asking the question, "Should we have the Conferences and Meetings?" they are asking, "How can the Conferences and Meetings work in the best possible way?"

The Pilot represents a nexus in thinking that is linking the partners in a learning journey of inter-professional collaboration and 'best practice'. In view of this, and of the practical and professional 'success' of the Pilot, we base our recommendations on the assumption that the partners will continue and expand the Pilot with the appropriate resources in place to make it a model of 'best practice' in child protection ADR that will extend well into the future.

In keeping with the engaged and interactive nature of the Inquiry, we also provide analyses and worksheets in the [Analysis](#) section at the end of the report.

Summary: what is working well?

Family participation

1. Families are attending, engaging, and feeling supported in the Conferences and Meetings.
2. The Conferences and Meetings are proceeding in a procedurally fair manner.
3. The Conferences and Meetings provide the families with clarity about their own situation and about the concerns of the decision-makers.

Inter-professional collaboration

4. There is a high level of appreciation for inter-professional collaboration.
5. The professionals are listening to one another, collaborating well, freely and openly exchanging ideas, and developing a common language.

6. The professionals perceive an improvement in their ability to work in a team and share ideas and decision-making with other professionals.

System effectiveness

7. There is a high-level of engagement with the program and cancellation of planned Conferences and Meetings is rare.
8. The Conferences have resulted in clear time and Court savings. Matters that are referred to a Conference result in less court events and less time spent from the initial application to finalisation of the matter. The Conferences also resulted in fewer matters proceeding to trial and the Pilot matters led to more consent orders and negotiated outcomes compared to non-Pilot matters.
9. The judiciary has confidence in the Conferences and Meetings, appreciates that they are not spending the Court's time on unnecessary adjournments and has a sense of security that the Conferences and Meetings are resulting in the parties acting constructively outside of Court.
10. The lawyers representing DCP, the families and the children are providing support, clarity and reality-testing for the participants.

Child perspective

11. In some Conferences, there is a spirit of constructive inquiry, all the participants are encouraged to explore the child's perspective, interventions are tailored to understand the multiple perspectives of the participants and there is commitment to shared thinking and collaborative decision-making with the families.
12. In training sessions, participants are reporting that they are now becoming more aware of how to look after the child's best interests and think about the child in the proceedings.

Culture change

13. There has been a positive attitude towards the Pilot.
14. The professionals are open to learning, and are learning, from each other's skills, knowledge, perspectives and experiences and are joining in the learning journey.
15. A shared language around the safety of the child is developing.
16. The professionals are acknowledging, sharing and starting to accept their tensions and fears.
17. The constructive Inquiry format of evaluation is resulting in a cycle of shared action learning and change.

Family resilience

18. There is evidence to suggest that the Conferences and Meetings have resulted in better relationships between the families and the professionals.
19. The families are reporting some good outcomes for their family members.
20. The families are reporting some improved ability to keep to the agreements that they have made, to solve problems for themselves, and to get their lives under control.

Summary: what are we worried about?

Family participation

1. There does not yet appear to be a consolidated culture of shared thinking and collaborative decision-making with the families, and there may be neglected opportunities to understand the families' issues, fully explore ways to address those issues, or completely understand the family's decision-making around their child's care.
2. Not all the families trust that DCP will share all their information with them or listen to their concerns about what they perceive to be incorrect information.
3. There is a high level of nervousness and anxiety about DCP's integrity in following through with agreements. This interferes with the family's ability to engage in full and frank discussions.

Inter-professional collaboration

4. The professionals are experiencing a range of tensions regarding inter-professional practice and their roles within it.
5. There is not yet a complete understanding of the complexity of work that the professionals from the different disciplines undertake.

System effectiveness

6. There is a lack of independent and skilled facilitators for the Meetings.
7. A lack of preparation is often resulting in time delays, unnecessary repetition of SoS material, unclear expectations for the participants, tense relationships and a lack of trust in the Conferences and Meetings.
8. Some professionals still have difficulty articulating a clear purpose for the Conferences and Meetings, act defensively, have pre-conceived ideas about outcomes, and are not always open to alternative perspectives and options.

9. There is limited co-ordinated data collection that would enable the partners to have a clear picture of family participation, system effectiveness and DCP follow-up and follow-through.

Child perspective

10. Some professionals have not yet integrated the taking of the child's perspective into their work: they sometimes exhibit a stance of defensiveness and expert knowing, rather than one of the naïve and curious enquirer.

Culture change

11. Some professionals are on the early stages of the learning journey in relation to mediation processes and their own roles within them, and consequently are taking an overly adversarial or defensive approach to the Conferences and Meetings.
12. Some professionals exhibit a 'dominator', rather than a partnership, model of practice and do not work collaboratively with the other professionals or families.
13. There are some disparate opinions about the purposes of the Conferences and Meetings, the use of the whiteboard notes, the models of practice, the names of processes and concepts, and the overall vision for the Pilot.

Family resilience

14. A lack of follow-through by DCP and changing caseworkers often leaves families frustrated and angry by their experience.

Suggestions: next steps?

Clear message

1. Establish a clear overall purpose message for the Conferences and Meetings so that all the professionals are clear on the collaborative and constructive nature of the processes, for example, the message might be 'to engage in shared thinking and make collaborative decisions to ensure the safety of the child'.

Organisation and Preparation

2. Continue to focus on how to organise the Meetings to ensure the availability of well-trained and independent facilitators. Consider centralised administration for the Meetings through either Legal Aid or DCP to allow for organisation and data collection.
3. Continue to work on tightening and clarifying preparation to ensure that:

- all participants have up-to-date information
- the purpose of the particular Conference and Meeting is clear to all participants—perhaps use the best hopes/worst fears model for this
- all participants are aware of their roles and responsibilities
- the Conferences and Meetings proceed in a timely manner, and
- the venues are appropriate.

Process

4. Investigate, trial and evaluate different process designs and models. For example:
 - investigate methods to hold the parties accountable for the evidence that they present in the Conferences and Meetings
 - evaluate the effect of holding the Conferences at different times, before the 2nd mention, later in the Court process etc
 - explore whether circulating SoS mapping before the Conference or Meeting as a working document to be finalised at the Conference works well, and
 - discuss ways to reach consensus on the past (perhaps agree on a clear statement about safety concerns with the family before the Conference or Meeting)

5. Consider changes to the model:
 - diagrammatically, see the [worksheet](#) below
 - consider greater use of private sessions, for time-outs and consulting with others
 - more option generation—use of the words ‘Next steps?’ to generate options
 - a distinct and considerable reality testing phase, and
 - consider formalising the outcome as a written agreement that can be reviewed (perhaps by the Court) and to which all parties are held accountable (families and DCP).

Inter-professional collaboration

6. Facilitate inter-collaborative discussion (including with the judicial officers) to reach consensus on:
 - the use of the whiteboard notes/ Convenor's reports, and
 - promotion of drafting affidavits to match SoS domains.
7. Create opportunities for inter-professional and inter-disciplinary debating, conversations, networking, debriefing, training, work-shopping, reflecting, coaching, observations and so on, to:
 - instill a deeper understanding of the integration of the Signs of Safety and the ADR (mediation) philosophies and frameworks
 - reduce fear around the need for open and honest information sharing
 - elicit the collective wisdom from the participants, and
 - develop shared meanings, purpose and vision.
8. Implement a mechanism for independently facilitated, constructive discussion between professionals when conflict arises between them.

Training

9. Consider including family participants in debriefs, workshops, training and appreciative inquiries to deepen understanding of the families issues and needs.
10. Collect more video recordings so that transcripts (or recordings if all participants agree) can be used for training purposes. In particular to illustrate the theory, experience and practice of:
 - the interventions that promote, and those that interfere with, procedural justice and taking the child's perspective, and
 - shared thinking and collaborative decision-making with the families and other professionals, including consensus building.

Terminology

11. Common terminology, consider using
 - **Signs of Safety Conferences** for all SoS lawyer-assisted Conferences and Meetings, and

- **Convenors** for all facilitators and convenors of Signs of Safety Conferences and Meetings.

12. Neutral and mutual language

- identify words that are used in the model, or within practice, that reduce or limit the potential for creative problem-solving and human capacity and resilience, for instance 'bottom-line', and
- reword these to signify achievable outcomes, and to invoke the collaborative decision making and partnering aspect of practice. For example, 'bottom-line' could become '*what shall we do when we are unable to comply with the safety plan?*'

Professionals

13. Lawyers

Consider a register, or review/supervision process, to ensure that the lawyers who represent DCP, parents and children have a clear understanding of the fundamental less adversarial nature of the Conferences and Meeting.

Time the Conferences and Meetings so that they do not overlap with Court commitments and lawyers do not over-commit.

14. All

Continue to provide intensive inter-disciplinary (ADR, SoS, child perspective) training

Partnership

15. Apply the partnership lens to all practice: who are my partners in this decision, what is it that we need to do for safety of the child?

Constructive Inquiry

16. Continue to conduct constructive inquiries, and ensure that

- the partners develop effective and collective data tracking systems and methods for costs analysis
- surveys of families and participants take place immediately after, or as close to as possible after the conclusion of the Conferences and Meetings, and
- consider anonymous online surveys sent to an independent body to capture valuable data about the family experience.

Child perspective

17. Develop and enhance utilisation of the child perspective in the Conferences and Meetings. Consider:
 - child inclusive Conferences, and/or
 - the use of the 3-houses, Fairy Wizard or Words and Pictures tools (DCP, 2008).

Follow-through and review processes

18. Provide training, resources, structures, and processes that assist DCP to continue the progress made in the Conferences and Meetings into the steps that follow, and into the wider context of the child's safety. In particular, resources, structures and processes that enable DCP professionals and families to follow through with agreements made at the Conferences and Meetings. Consider:
 - written contractual agreements between the parties in the Conferences and Meetings, and/or
 - the Court taking a greater role in reviewing agreements and reviewing whether the parties have taken the agreed steps, and/or
 - having clearly defined and streamlined processes for dealing with circumstances where the parties are alleging that there has not been compliance with what was agreed.

Expansion of program

19. Expand the use of the program to appropriate pre-protection application matters and roll the program out to regional areas. The process can be used for all families (not only pre-birth families) who are involved with DCP and who may have had SoS planning meetings that have stalled or where it is identified that the families and process could benefit from the support and involvement of lawyers.
20. Continue to fund the program and to provide the appropriate resources, including resources to enable effective:
 - data collection, including clear costs data (to assist the partners to make firm decisions about the system effectiveness)
 - follow-through of agreements and relationships established during the Conference and Meetings (to assist the follow-up by the parties)

- centralised coordination of Conferences and Meetings (to assist in the preparation, conduct and efficiency of the Conferences and Meetings), and
- training, debriefing, facilitated conversations and other reflective and educative measures for professional participants (to assist the system effectiveness, inter-professional collaboration and cultural change).



INTRODUCTION

Background³

In 2006, following the commencement of the *Children and Community Services Act 2004*, Western Australia was experiencing a major increase in the number of child protection applications, an increase in the number of parents representing themselves, and, in turn, mounting pressure on the resources of the partners (Jackson, 2010). In addition, the “At Risk Newborns” Project highlighted a significant increase in the number of children who, before reaching the age of six months, had been the subject of Protection and Care/wardship orders and had been in out of home care (DCP, December 2007).

Influenced by the experience of lawyer assisted Family Dispute Resolution, the Legal Aid Queensland evaluation of the use of lawyers in family group conference meetings, and family group conference research, the partners began to develop the plan for the Pilot. This plan was supported by the subsequent recommendation of the Special Commission of Enquiry into Child Protection Services in NSW (‘the Wood Report’) that less adversarial processes be adopted for child protection practice to increase the involvement of the families in the decision making process, and to reduce the costs and number of applications that would proceed to trial.

In response to these developments, the partners initiated the Pilot, which commenced on 9 November 2009. The Pilot consists of child welfare matters in the metropolitan area that are ‘mediated’ through either a Signs of Safety lawyer-assisted pre-hearing conference (Conference) or Signs of Safety lawyer-assisted pre-birth meeting (Meeting).

The partners premised the Pilot on the belief that the less adversarial processes of Conferences and Meetings would aid in the early resolution of child protection applications and would ensure the safety of the child into the future, by:

- engaging the family members in the matter as informally and as early as possible in the proceedings
- using language and documents that are easily understood by all parties
- reflecting the SoS child protection framework by providing clarity about what DCP professionals are concerned about and what needs to happen to minimise the risk of harm to the child, and
- by being collaborative, inclusive and constructive.

As part of the implementation of the Pilot, Legal Aid and DCP developed a training program for a combined pool of facilitators, who facilitate the Meetings, and Convenors, who convene the Conferences, to prepare them for their roles in the Pilot. They also

³ For a detailed history, see Jackson (2010).

provided a separate training program to lawyers representing DCP, parents and children. Modelling the collaborative approach required in the process, each training group included legal practitioners from DCP, LAWA, Aboriginal Legal Services, Community Legal Centres, private firms and support agencies. A team from Legal Aid, DCP Legal Services and Best Practice Unit also provided seminars to staff at DCP District Offices involved in the Pilot (including Peel and Wheatbelt-Northam), the President and Magistrates of the Children's Court and to social work staff at King Edward.

Intended outcomes

The overall intended outcome of the Pilot is to provide better outcomes for children through:

- maintaining family relationships and keeping parents and extended family engaged in the child protection process
- where removal is required, providing clarity about the reasons why the child is in care
- clarifying for families what they need to do to achieve safety so that their children will be in care for shorter periods of time
- more children remaining with their families (or extended family) with appropriate safety plans in place for their care, and
- providing appropriate support for families identified with children at risk to enable them to care for their children.

The partners also anticipated that the Pilot would deliver financial savings by avoiding the costs associated with court proceedings, resolving the disputes between families and DCP by consent at an earlier stage, and therefore, having fewer child protection matters proceed to litigation and trial.

Further, they envisaged that there would be flow-on benefits for the organisations and personnel involved in the Pilot including improved professional identity, increased job satisfaction, improvement in skills, promotion of ongoing learning, and the promotion of a culture of constructive collaboration, intervention and practice.

Process: Conferences and Meetings

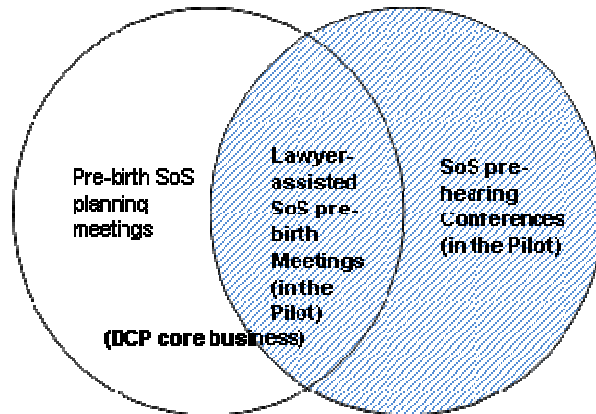
The partners developed the process for the Conferences and the Meetings by combining aspects of the Legal Aid Family Dispute Resolution mediation process with the Signs of Safety (SoS) child protection risk assessment framework implemented by DCP in July 2008 (Turnell and Edwards, 1999). DCP and King Edward conduct SoS pre-birth *planning* meetings in child protection modelled on Family Group Conferencing processes.⁴

⁴ See Department for Child Protection (2009) below for a description of this process and literature.

However, the fundamental difference in the Pilot pre-birth Meetings is that, although they take place in a non-Court setting, lawyers are involved in these processes.

To illustrate the relationship between these meetings, Figure 1 below shows the intersection of the Pilot's pre-birth *lawyer-assisted* Meetings with the SoS pre-birth *planning* meetings that are part of DCP's core business. The SoS *planning* meetings sit outside the scope of the Pilot.

Figure 1: Intersection of SoS processes



As stated, the processes for the Conferences and Meetings combine the SoS child protection framework and the mediation model of the Legal Aid Dispute Resolution program for family dispute resolution.

The SoS risk assessment framework

The SoS framework aims to “create a more constructive culture around child protection organisation and practice” (DCP, 2008, 2).

Hallmarks of the SoS model include:

- building constructive relationships between professionals and family members, and between the professionals involved in each case
- replacing paternalistic ‘knowing’ with critical and constructive inquiry
- drawing on the strength, hope and human capacity of the parties in the search for constructive solutions
- skilful use of authority, bringing forward clearly articulated professional knowledge while also equally eliciting and drawing upon family knowledge and wisdom
- using a common and straightforward language
- forensically exploring harm and danger while simultaneously inquiring into strengths and safety

- re-visioning risk assessment as constructive solution building
- delivering transparency of practice
- using four domains of inquiry
 - What are we worried about? (Past harm, future danger and complicating factors)
 - What's working well? (Existing strengths and safety)
 - What needs to happen? Next Steps? (Future safety)
 - Where are we on a scale of 0 to 10 where 10 means there is enough safety for child protection authorities to close the case and 0 means that the risk to the child is so great that it is necessary for the child to be taken into care. (NB. Scaling is also used for other issues, for instance supervision, contact etc)
- creating a culture of Appreciative Inquiry (AI) around child protection practice
- building practice depth and a shared practice culture, and
- commitment to an organisational 'learning journey' (DCP, 2008).

The Legal Aid mediation model

Legal Aid modelled their Family Dispute Resolution mediation process on a combination of the four basic mediation models: facilitative, settlement, evaluative, and therapeutic mediation (Brown, 2005).

Facilitative mediation often thought of as the 'classic' model of mediation refers to a mediation process where the mediator encourages the parties to reveal their needs and interests and to acknowledge the dispute from the other party's perspective. Facilitative mediators neither advise the parties on the problem, that is the merits of the dispute, nor provide them with legal information.

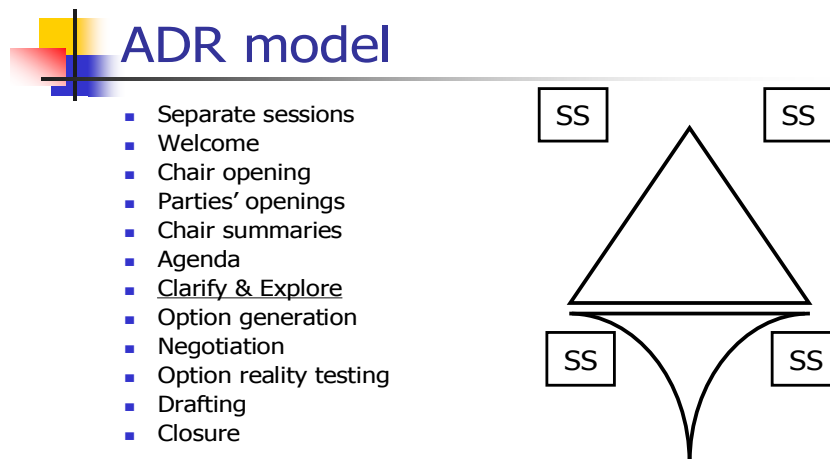
Evaluative mediation refers to a process where the mediator, as well as facilitating negotiations between the participants, also evaluates the merits of the dispute and provides suggestions as to its resolution. The primary goal of this form of mediation is the efficient delivery of speedy, legally orientated settlements.

Settlement mediation is often less 'hands-on' than evaluative mediation but its objective is the same; namely, its focus is on achieving a settlement. The mediator in settlement mediation is responsible for establishing and encouraging environment for settlement negotiations to occur between the parties.

Therapeutic mediation, in contrast to settlement and evaluative mediation, is focussed on transforming how the parties relate to each other and is the least interventionist of all the mediation models. In therapeutic mediation, the mediator’s role is to create an environment in which the parties feel ‘empowered’ and ‘recognise’ their own feelings, needs and interests, and recognise and acknowledge those of the other (Alexander, 2008).

The Legal Aid model is based primarily on the facilitative and therapeutic approaches but also includes a more settlement oriented focus in the second half of the process taking into account the presence, and costs, of lawyers. An evaluative component is also included within the model, as it allows the mediator to consider and make recommendations to Legal Aid when the parties do not reach agreement. These recommendations are usually made in relation to any further funding for eligible clients. Diagrammatically, the model incorporates a wider upper triangle representing interest-based processes and a truncated bottom triangle where the mediation moves quickly towards consideration of legal agreement and settlement (see Figure 2 below).

Figure 2: Legal Aid Mediation Model



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1

Meeting process and model

Process

The lawyer-assisted Meetings take place with pregnant mothers and their families at King Edward (and now other maternity hospitals), District Offices, Prisons and other agreed venues before the commencement of Court proceedings.

Pre-birth SoS planning meetings involving the mother, DCP and hospital social work staff, extended families and other support agencies take place as a matter of DCP’s core business. These *non-lawyer* assisted meetings occur to plan appropriately for the birth of

the baby in circumstances where there are concerns about the mother's capacity to care for the baby following the birth.

Lawyers may attend when the mother requests the assistance of a lawyer. This usually occurs where it seems likely that DCP will commence protection and care proceedings when the baby is born, and the hospital social workers, the mothers and/or the DCP professionals think that lawyers can add value to the meetings by supporting the parents and addressing any power imbalances. In these circumstances, a lawyer will then be requested to participate in the meeting, usually through Legal Aid. These *lawyer-assisted* Meetings form part of the Pilot, as shown in Figure 1 above. Usually the hospital social workers will explain the Meeting process to the mother and the mother can make the decision to apply for legal aid or seek assistance from an appropriate service, such as the Aboriginal Legal Service or a Community Legal Centre/Service.

Model

The model for the Meetings follows these steps:

1. Family tree/map
2. Best hopes/worst fears
3. Summary of information shared to date
4. Danger statements
 - a. Agreed/Not Agreed
5. Developing an agreed plan including immediate next steps
 - a. safety plan (action from meeting)
 - b. DCP staff have consulted with their District Director; however the District Director needs to be satisfied that the agreed plan provides sufficient safety for the child prior to the plan being endorsed.
6. No agreed plan: Next steps?
7. Closing and safe departure

Conference process and model

Process

Practice Direction No. 3 of 2009 sets out in detail the process for the Conferences (see [Appendix A](#)). In summary, the process involves:

1. The Court refers matters to Conferences when all parties and professionals agree. (The Court has discretion to order a Conference in the absence of consent agreement, but this is rare). This usually takes place at the 2nd mention (the 2nd court event). The matter is allocated a Conference date and a post conference mention date for the Court to monitor the progress of the

matter and, if necessary, to programme any unresolved issues from the Conference.

2. The Court completes the Checklist for Directions (see [Appendix A](#)) and emails it to the Legal Aid Pilot Coordinator.⁵
3. The Legal Aid Pilot Coordinator allocates a Court-appointed Convenor to the Conference. Lawyers for the family (the Legal Aid Pilot Coordinator or Convenor, if the parents are unrepresented) and DCP professionals explain the Conference process to the families. DCP, in consultation with Legal Aid, has also developed an explanatory pamphlet (see [Appendix B](#)).
4. DCP professionals will have endeavoured to prepare the SoS Assessment and Planning form before making the protection application (see [Appendix A](#)). If not filed with the application, DCP will file the planning form before the 2nd mention date when the Court can refer the matter to a Conference. The Practice Direction requires that DCP prepare a Conference Outline in preparation for the Conference if the information which specifically addresses the SoS domains is not included in the affidavit, SoS planning form, and/or any Section 143 proposal filed by DCP before the 2nd mention date (see [Appendix A](#)). Generally, the practice has been for DCP to prepare and exchange a Conference Outline whether or not this has occurred.
5. In consultation with their lawyers, the respondent parents and significant others can also prepare Conference Outline but it will be the parents' choice as to whether or not they admit or deny DCP concerns and whether or not they give copies of their forms to the other parties. Child Representatives also complete a Conference Outline.
6. If completed, the parties exchange the Conference Outlines (not compulsory for parents). These are confidential and the parents and Child Representatives do not file them at Court.
7. The parties will identify who else needs to be present at the Conference. Other participants may include extended family and other support agencies who are working with the parents. Ultimately, it is the Convenor who will decide who can participate in the Conference.
8. The Conference usually takes place in Legal Aid's purpose-built Dispute Resolution centre but can be convened elsewhere if convenient.
9. At the conclusion of the Conference, the Convenor completes a Convenor's Report (see [Appendix A](#)). The Convenor provides all parties with a copy and files a copy with the Court.

⁵ The Legal Aid Pilot Coordinator co-ordinates the Conferences from the Legal Aid WA Dispute Resolution Centre and supports the evaluation of the Pilot. The position is a formalised 12-month contract position due to end on 13 June 2011.

10. If the parties require subsequent Conferences, the Convenor will make these arrangements with the parties and obtain confirmation from the Court of these arrangements and the new post-conference mention date for the matter.

Model

The Conferences follow these steps:

1. Welcome and Convenor opening
2. Introductions
3. Best hopes/worst fears
4. Information update (including what's working well)
5. What are we worried about? For example, Danger Statements (agreed/not agreed)
6. Developing an agreed plan including immediate next steps
 - a. Safety plan?
7. No agreed plan: Next steps?
8. Closing and safe departure

Consistency in practice

At the outset, the partners contemplated that there might be some differences between the Meeting and Conference models. They thought that as the participants in the Meetings did not share information by way of prescribed Court documents (affidavits and Conference Outlines) before the Meeting, then there might be more questioning and enquiry in the Meeting model compared to the Conference model. However, over time, the partners have discovered that the models are not as different as they first thought and that there is essentially a consistency of practice in the way that the practitioners use both models. To continue with this consistency of practice, we have recommended that the partners use the term Conference for both the Meetings and Conferences in the future and use the word Convenor to mean the facilitator or convenor of the Conference. (See [Inquiry's recommendations](#)).

Previous evaluations

DCP conducted a preliminary internal evaluation into the effectiveness of pre-birth meetings that King Edward and DCP held during 2009. Some of these meetings were pre-birth *planning* meetings, without lawyers present, and some of these were *lawyer-assisted* Meetings. The key finding of the report published in December 2009, was that the meetings *were effective and represented a significant improvement in practice*.

The key recommendations of the report that are informative for this Inquiry include:

1. Sustain and expand the model

- expand the SoS planning meetings to other maternity hospitals [*this has already occurred*]

2. **Strengthen the role of the facilitator** *[there are still some outstanding issues with this and these are addressed throughout the Inquiry and Report]*
 - ensure the independence of the facilitator
 - provide appropriate training pathways *[already occurring]*
 - ensure adequate preparation and clarity of role
3. **Clarity of process** *[still some issues and addressed throughout the Inquiry and Report]*
 - provide clarity in the documentation available to participants at the conclusion of the meeting
4. **Improved preparation** *[still some issues and addressed throughout the Inquiry and Report]*
 - consider appropriate venues
 - ensure understanding of legal participation
 - ensure decision-maker present at meetings
 - ensure all present have an understanding of the purpose, process and people
5. **Participation and training** *[still some issues and addressed throughout the Inquiry and Report]*
 - develop knowledge of professionals to improve participation
 - encourage strategies to further engage the professionals and support agencies (NB. The support agencies attended training and workshops throughout the Inquiry)
6. **Partnership** *[still some issues and addressed throughout the Inquiry and Report]*
 - joint and collaborative meetings, training, forums and debriefs

This evaluation: Constructive inquiry

For the evaluation of the Pilot, the partners established a Pilot working-group (Working Group) who thought that an external evaluation would add value to their decision-making processes. Legal Aid approached and worked with Jill Howieson to conduct the evaluation, who, in consultation with the Working Group and consistent with the SoS philosophy, decided to conduct the evaluation through a Constructive Inquiry framework. A Constructive Inquiry blends the traditional evaluation methodologies with the Appreciative Inquiry (AI) philosophy.

The AI model is an action-learning approach that mirrors the core SoS stance of inquiry and assists in building a collaborative and constructive culture between the evaluators, practitioners and policy-makers. The AI approach focuses on successful rather than problematic organisational behaviour (Turnell, 2008, 19). While the AI evaluative methodology focuses on the successful behaviours, it does not ignore the problematic. Rather, it works as a continual cycle of action, reflection and evaluation to explore the best ways to overcome the problems and build on the successes.

We have used the AI methodology in combination with the traditional evaluation approach and employed a mixed methodology to ensure that we collected information specific to the individual (qualitative) and information able to be generalised to a larger population (quantitative). Recognising the value in balancing the traditional elements of an evaluation with the AI hallmarks, we used both written and interactive reporting formats and as stated in the Foreword, we collaborated closely with the major partners throughout the Inquiry.

Focussing meeting

The first step in using the Constructive Inquiry approach began with a focussing meeting conducted with the Working Group on 9 March 2010 to develop the evaluation plan.

Participants at the Focussing Meeting included:

Ian Allen	DCP solicitor
Julie Jackson	Legal Aid solicitor
Max Lewington	Legal Aid solicitor
Kylie Noakes	Senior Practice Development Officer (SPDO), DCP
Lucy Davies	Director Case Practice, DCP
Anne Knowles	DCP
Annabel Hales	SPDO, Case Support Advice & Best Practice
Tamara Kerr	Legal Support Officer
Susan Diamond	Director Information Research and Evaluation, DCP

The following is a direct record of the evaluation plan developed in the focussing meeting. Where we have made modifications from the original, we have noted these.

Purpose of the Inquiry

The purpose of the Inquiry is to provide clear and robust evidence of the short, mid and long-term outcomes of the Pilot, including:

- durability
- cost and time effectiveness
- meeting the best interest of the child
- family participation in timely and appropriate decision-making

In order to make decisions about:

- resources and funding

- a best practice model for
 - convenors and facilitators
 - the Courts
 - lawyers
 - DCP professionals
 - support agencies
- continuation and expansion of the model
- the review cycle
- training and professional development, and
- future evaluations.

Key questions

The three SoS domains of inquiry serve as a framework for the Constructive Inquiry. The three key questions are:

1. What's working well?
2. What are we worried about?
3. Next steps? [NB. We have changed the words "What needs to happen?" to "Next steps?" to encourage more flexibility and option generation and have used these words throughout the Report].⁶

Audience

The audience for the Inquiry would include primary, secondary and tertiary stakeholders.

Primary stakeholders are those who fund the Pilot and/or are ultimately responsible for the Pilot's implementation and continuation. These include:

Legal Aid WA
 DCP
 The Perth Children's Court
 King Edward Memorial Hospital for Women
 Children and Families

Secondary stakeholders are those who are more removed but have an important interest in the Pilot and the outcome of the Inquiry. These include:

Family Court of Western Australia
 Attorney Generals Federal and State
 Government departments, metro and rural

- FAHCSIA
- Minister of DCP
- DCP Aboriginal Reference Group

⁶ See the Interim Report, p.20 and discussions later in this report about option generation.

Non-Government Organisations (NGO's)
- Family Support Services
Aboriginal Legal Service

Tertiary stakeholders are those who have an interest in the Inquiry for future planning or decision-making or have some general concern or right to know the Inquiry results. These include:

Community
Education and Training organisations

Limitations

Some limitations to the strength of the Inquiry include:

1. Data from a control group is not available and therefore suitable and comparative data to assess the outcomes of the Pilot is required. (NB. This was overcome by using data collected from the Court files and partner databases for the 12 month period before the implementation of the Pilot—November 2008-October 2009).
2. The timeframe may not be sufficient to deliver evaluation of the long-term outcomes. Significant changes are not usually seen until at least the third year of SoS programs and the program usually requires a sustained commitment for five years (Turnell, 2008, 7, 23).
3. Families are mobile and it may not be possible to access suitable follow-up data to assess the durability of the outcomes of the Pilot.

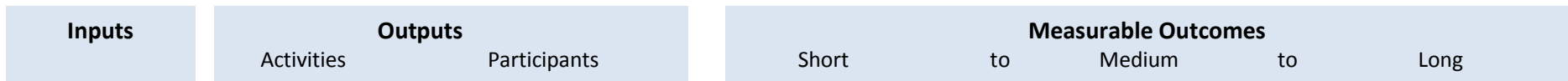
Scope

12 months of operation of the Pilot, or 100 cases (Conferences and Meetings), whichever occurred first. In this case, the Inquiry ran from November 2010 until December 31, 2010 and involved 100 families in 68 Conferences (62 families/ 125 children) and 58 Meetings (38 families).

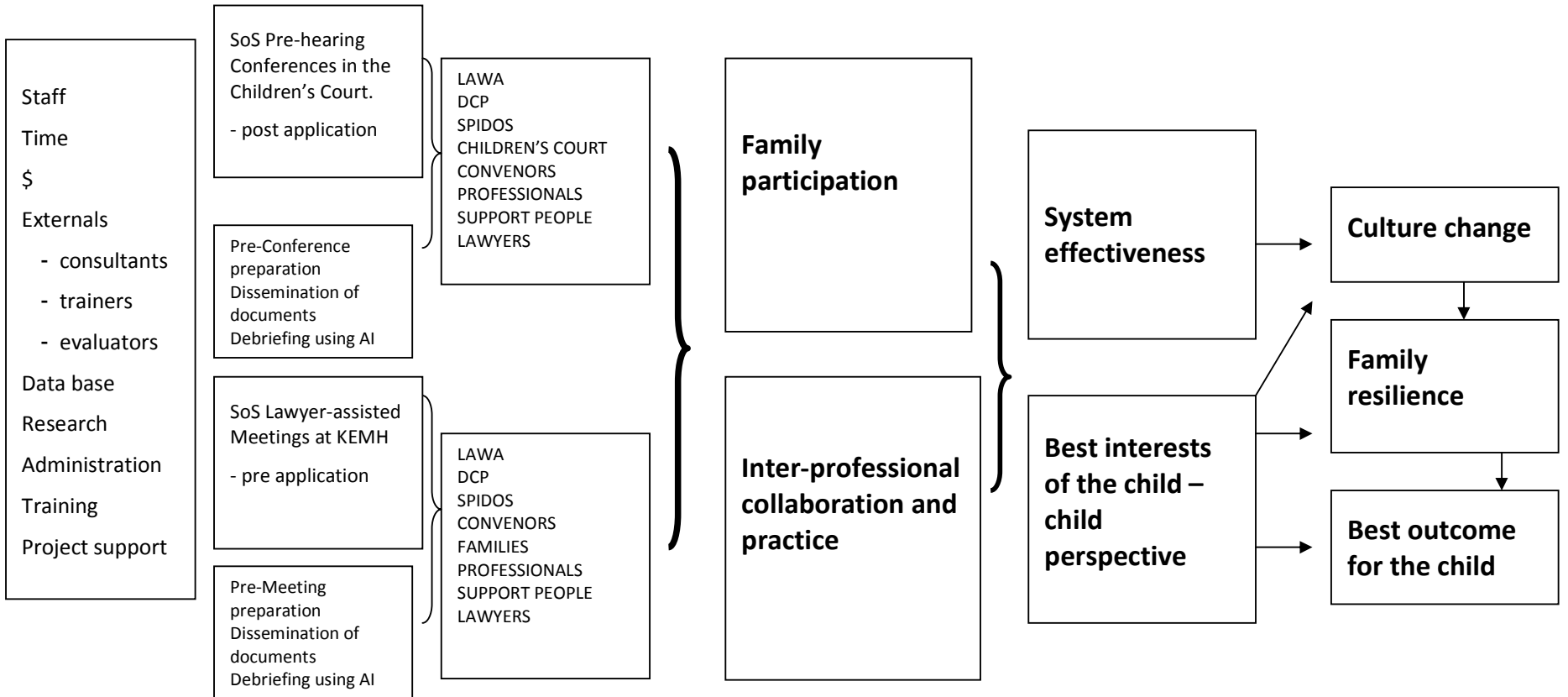
Inquiry model

The program logic model for the Inquiry is shown in Figure 3 below. NB: We have simplified this from the original Model for ease of use.

Figure 3: Program Logic Model



What we invest



Assumptions– beliefs we have about the program, the context, the people involved and the way it will work

- targeted parties will be able to participate and will benefit from inclusive engagement
- children and families will do better when we - strengthen the family and community support
- promote responsibility – include family in decision-making
- SoS will include 2 hour Conferences and completion of SoS planning form at Conference
- Reports will have a positive impact on proceedings

External Factors

- Family – extended family
- Community
- Outcome budgeting mandates
- Competing funding priorities

Data collection

The data for this Report comes from the following sources:

Qualitative

- Meetings and conversations with Legal Aid SoS Pilot co-ordinator and lawyers, DCP various 2010-2011
- Focusing meeting with the Working Group, 9 March 2011
- SoS Pilot lawyer feedback session, 23 June 2010
- Post-training feedback, 31 March 2009 and 9 July 2010
- Observers', facilitators' and convenors' reports, various
- Meetings and conversations with professional participants in the Pilot, including
 - DCP professionals, 4 November 2010 and various informal conversations
 - DCP lawyers, 1 March 2011 and informal conversations
 - Representatives of support agencies, 8 March 2011
 - Social workers, King Edward, 31 August, 2010 and Kaleeya Hospital, 8 March 2011
- Meeting with the President and Magistrates of the Children's Court, 25 March 2011
- Evaluators' own observations of Conferences
- Interviews/surveys families, see the Interview schedule in [Appendix C](#)
- Interim report workshop, 13 December 2010
- Interim report workshop feedback
- Observation, John Wade training 8 October 2010
- Inter-professional mediation training 15, 28-29 March 2011

Quantitative

- Inter-professional surveys sent to SoS professionals and lawyers, August 2010 and March 2011, see [Appendix D](#)
- Surveys sent to individual participants at conclusion of 31 Conferences, various, see [Appendix E](#)
- Surveys sent to individual participants at conclusion of Pre-birth Meetings (including planning meetings), August 08 – March, 2011, see [Appendix F](#)
- Data from Legal Aid and DCP databases
- Court data from Court files

Comparative

- data from the Court files for 100 matters in the 12 month period before the implementation of the Pilot—November 2008 to October 2009.

INTERIM REPORT AND INTERIM REPORT WORKSHOP

As part of the Constructive Inquiry, we have already prepared an Interim Report (September 2010) and workshopped that report on 13 December 2010 with 49 participants from DCP, Legal Aid, private law firms and support agencies. We present below a summary of the results of the Interim Report and the workshop. What we present in the remainder of this Report are literature reviews, methodologies and data that add to the data already reported.

What's working well?

Family participation

- ❖ The professionals are reporting that the parties are being heard and families are participating in the process
 - *SoS opens up communication between DCP and parents*
 - *SoS PHC and lawyer assisted meetings are great for information sharing*
 - *the process is inclusive and respectful for those family members involved*
 - *voice of the child was an integral part of the process*
 - *more of an informal, less adversarial process that enables greater participation from respondents*

Inter-professional Collaboration

- ❖ There is a high level of inter-professional collaboration with the professionals learning from each other
 - *the joint training is providing an opportunity for the professionals to hear and understand about the roles, experiences and perspectives of other professionals in the child protection system*
 - *good collaboration between agencies*
 - *the collaborative learning journey has been very beneficial for my skills and my working relationship with other agencies*

System effectiveness

- *There seem to be more consent orders, minimising litigations and no need for trial*
- *Lawyers are having a positive influence on the Conferences and Meetings*

- *some difficult families have engaged well because of their lawyers*
- *legal representation is empowering for client, advocate for parents*
- *Mum's lawyer was instrumental in getting Mum to understand DCP's concerns*

Transparency and clarification

- ❖ There is greater opportunity to discuss/confirm/clarify information
 - *mapping is a clear process*
 - *debriefing/evaluation after meetings is very useful*
 - *increases opportunities for independent evaluation, such as psych assessment, when recommended by magistrate*
 - *all relevant agencies/stakeholders listening to the same information*
 - *helps DCP workers to become clearer about harm and worries, also helps other agencies and the parents too*
 - *clear future plans*
 - *clearer understanding of what is happening for clients*
 - *opportunity for DCP to be clear about what parents need to address*
 - *reality check for parents*

Convenor/Facilitators

- ❖ The trained Convenors are ensuring the conduct of the Conferences are inclusive, participatory and model good practice

Cultural change

- ❖ Action learning and embedding cultural change in practice
 - *opportunity to observe at Legal Aid is very helpful/great learning*
- ❖ Culture change is starting to occur – 3 column format, language, sharing

Constructive Inquiry

- ❖ Constructive Inquiry format of evaluation is resulting in a shared action learning experience for the stakeholder partners

What are we worried about?

Preparation

- ❖ Limited preparation and organisation time, and ability to clarify roles and responsibilities of participants before the Conferences and Meetings
 - *preparation: DCP legal to discuss with case managers re: forward planning*
 - *some participants under-prepared*
 - *ensuring appropriate people present: support people*
 - *information: e.g. there was an issue with DCP providing the SoS outline to the other parties but DCP not being provided with their response before the SoS pre-hearing conferences*
 - *consideration of mother's mental health overlooked prior to organising SoS*
 - *much better when a previous SoS assessment has been done: lack of previous SoS assessment is challenging*

Venues

- *KEMH: parking, room, safety, whiteboard*
- *Legal Aid: parking, room small, hot (especially in video link room)*
- *Hard to get parking at KEMH and Legal Aid*
- *Clients can find Legal Aid building intimidating*

Conduct of Conferences

- ❖ Timing of Conferences and Meetings
 - *some meetings start late (more than 45 mins) because of agencies being late*
- ❖ Presence, training and independence of the facilitator not always assured in Meetings
 - *perceived bias/lack of neutrality for facilitators/convenors*
 - *facilitation skills and pre-planning very important*
 - *managing 'difficult' lawyers*
 - *managing unprepared DCP staff*

- *facilitators/convenors need to be about bringing change as well as information gathering*
- *Meetings vary depending on the skill of the facilitator/convenor and their understanding of SoS*
- *Good facilitation makes the difference*
- *Facilitator sided with parents rather than remaining neutral*
- *Facilitator/convenor needs to manage the behaviour of dominant advocates, i.e. advocate from non-government agency dominating the meeting*
- *Inconsistency in facilitation/convening*

❖ Documentation

- *documentation after the Conference doesn't always reflect the full and robust discussion*
- *sometimes still not attaching SoS to affidavits*
- *pre-birth meeting reports not accurately reflecting meetings*

❖ Process

- *too many participants at times*
- *limit on time when participants should speak, giving everyone equal opportunity to speak*
- *not always focused on issues: arbitrary worries raised*
- *avoidance of past risk issues: 'the elephant in the room'*
- *time consuming*
- *DCP not always empowered to make decisions*

Purpose or intention

❖ There is a lack of clarity and a shared vision of the purpose or intention of the Conferences and Meetings

- *screening of matter: respondent came to SoS pre-hearing conference with the intention of consent, time was spent discussing proposal*
- *where SoS is used to change application*

- *there may be pre-existing assumptions of the use of SoS that need to be addressed to support the success of the process*
- *client may be confused by process as they believe it is pre-emptive to reunification*
- *legal process being debated rather than safety for the child*
- *collaboration at all costs?*

Role of participants

- ❖ *Some professionals are not understanding or non-accepting of the collaborative and constructive nature of the Pilot and this can lead to aggressive or adversarial behaviour*
 - *service providers think they are there as advocates*
 - *agency representatives may not enter into collaboration*
 - *some participants still combative*
 - *need to clarify the role of support people*

Culture change

- *Managing a culture change: how do we do it?*

Confidentiality

- *DCP following up with what is being said in the meetings → how does this fit in with confidentiality?*
- *Question of confidentiality*
- *Inadequate legal advice re: 'without prejudice' discussion*

Outcomes

- *How many children are reunified shortly after SoS pre-hearing conference?*

Participation

- *Concerned about low levels of aboriginal families attending pre-hearing conferences*

Next steps?

Preparation

- ❖ Greater preparation, organisation and co-ordination time to ensure that:
 - *the appropriate people are at the Conferences and Meetings,*
 - *all participants are fully informed and aware of the purpose of the Conferences and Meetings*
 - *the families know what to expect*
 - *DCP staff are fully briefed and in a position to make documented decisions (i.e. not tell families that they will think about it or take it back to the office for approval)*
 - *all participants are aware of their roles and responsibilities, and*
 - *the Conferences and Meetings are conducted in a timely manner.*

Purpose

- ❖ There is a need for a shared understanding of the fundamental purpose of the Conferences and Meetings.
 - *possibly a purpose statement jointly developed before or at the commencement of the Meeting or Conference would assist in this regard. However, the statement would need to recognise that the particular purposes of each Conference and meeting would differ and would need to be flexible in its application.*

Conduct of process

- ❖ Central co-ordination and organisation of Meetings to ensure the availability of trained and independent Facilitators
 - *co-convenors in larger Conferences?*
 - *question role of team leaders as facilitators/convenors—perceived conflict of interest?*
- ❖ Clarify and tighten communication and process protocols
 - *respect the process more: realise this is a court date and should be treated as such (i.e. turn up on time)*
 - *demonstration of compassionate, engaging collaborative practice*

- *more feedback at debriefing so that facilitators and convenors can learn more*
- *knowing when and when not to information share is a universal tension in negotiations and inter-professional communications. Training workshops could focus on understanding the risks and opportunities inherent in informal and formal inter-professional conversations.*

Training facilitators/convenors

- ❖ Further training and coaching to instil a deeper understanding of the Signs of Safety philosophy and framework more broadly
 - *training for DCP staff to ensure adequate knowledge of what and how to prepare*
 - *more training on negotiation and mediation*
 - *training for facilitators/convenors needs to be regular*
 - *more training for convenors/facilitators*
 - *could convenors/facilitators get some supervision? Opportunity to observe other facilitators/convenors, peer supervision and support.*

Venues

- *More neutral venues*
- *Can meetings be held in other places?*

Evaluation

- *Do we have statistics on the outcomes of the SoS Conferences and meetings? i.e. signing consents, agreements, avoiding trials?*
- *Info about what makes them work better*
- *Feedback from families*
- *Use the information to address broader issues of implementation of the SoS across DCP and with other stakeholders*
- ❖ The transition from the evaluation period to self-evaluation needs to be planned and protocols developed for ongoing evaluation

Expansion of program

- *Roll out to country regions*
- *Roll out beyond pre-birth Meetings to include other pre-protection application matters*

FAMILY PARTICIPATION

As discussed above, we now report on the material that has been gathered and analysed after the Interim Report, the interim-report workshop and the feedback report. We present literature reviews, methodology, results and discussion in the next sections, and follow up with recommendations and analysis in the final sections of the Report.

Literature and methodology

Process

The success of ADR processes, and in particular mediation and family group conferencing, inspired the integration of these processes with the SoS framework. The literature shows that these ADR processes create opportunities for participants to be actively and directly involved in the decision-making for decisions that affect them, and that this in turn can lead to increases in the parties' "sense of their own value and strength and own capacity to handle life's problems." (Bush and Folger, 1994; Menkel-Meadow, 1995). The literature also shows that these processes can evoke "in individuals an acknowledgement and empathy for the situation and problems of others" (Fuller, 1971). Some mediation proponents also believe that, when conducted appropriately, the mediation process can lead to more interconnectedness and tolerance between human beings in society as a whole (Howieson, 2002).

On a more pragmatic note, the literature shows that in a dispute resolution or litigation context, ADR processes have the capacity to deliver improved party relationships, increased party satisfaction, reduced disputing costs, and perceptions of overall fairness. In particular, the findings show that disputants in legal proceedings:

- prefer mediation to trial
- are more satisfied with the mediation experience than with adjudication
- see the mediation process as fairer
- are more likely to comply with the terms of the agreement reached in mediation and not re-litigate
- appreciate the ability to participate in the decision-making process, and
- "are more likely to report less harm to, or an improvement in, their relationship, better communication and cooperation, and less anger than those who have gone through trial" (Howieson, 2002).

Procedural justice

Part of the reason for the findings noted above, is that the ADR processes afford the parties **procedural justice**. The research over the past 35 years presents a clear and robust finding:

*The fairness of procedures can enhance party satisfaction, perceptions of overall justice, perceptions of legitimacy and co-operative behaviours **regardless of the outcome of the case**. (Tyler and Lind, 1992).*

In essence, the notion of procedural justice (or the perception that a process has been fair) straddles the tension between outcome and process. Whilst often our measures of success revolve around outcomes, the procedural justice literature clearly shows that the small steps that we take along the way (in the process) can sometimes produce the greatest outcomes. In child protection practice, this could mean that even if the final outcome is that the child is taken into care, the families may still feel satisfied, perceive the decision as fair, and continue to engage in co-operative behaviours with the authorities, if they *perceive that the decision-making process has been fair*.

Procedural justice judgments are also a major predictor of compliance with agreements and perceptions of legitimacy (Howieson, 2002). If the parties (and this can include the professional participants as well as the family participants) perceive that the process has been procedurally fair, then they will be more likely to stick to the agreement and more likely to perceive the process as a legitimate part of the overall process. Perhaps, more importantly, they are more likely to engage in ongoing co-operative behaviours and develop constructive relationships with each other (Howieson, 2011).

In terms of which particular aspects of the process are the most significant to producing perceptions of procedural justice, the research shows that it is the *relational and treatment* aspects. Namely, it is the relationship value and the status recognition afforded to the party by the person conducting the process and the other participants in the process that leads mostly to perceptions of fairness and satisfaction (Howieson, 2002, 2008, 2011). The relationship and status recognition variables include:

Status recognition

- being treated politely
- being respected
- the process being dignified.

Voice

- having the opportunity to say everything that one wants to say in the process
- having everyone in the process consider one's views

Trust

- trusting everyone to be fair
- trusting that everyone will suppress bias

While the relational variables are especially important in dispute resolution contexts, the research shows that in legal decision-making processes, there are other variables that can also influence perceptions of procedural justice (Howieson, 2011). These include:

- ensuring that there is an effort made towards achieving accuracy in the decision-making
- having the ability to correct an unwise decision
- conducting a timely and efficient process
- making a decision based on a good knowledge of the current law or policy
- providing sufficient information for everyone to make wise decisions (informational justice)
- communicating ideas honestly, and
- providing clear and thorough explanations for decisions.

The models for both the Conferences and Meetings aspire to incorporate all these aspects of procedural justice. However, research from the UK has found that the most important factor in making a difference in the lives of vulnerable children in child protection cases is the *relationship* between the professionals and the family (partnership) and between the professionals themselves (collaboration) (DCP, 2008).

The procedural justice literature supports this proposition. By providing a procedurally fair process, the Conference and Meeting participants are able to engage the families in the decision-making process, provide the families with clarity about their situation, build self-esteem in the family members and trust between the participants. In turn, the research shows that better relationships develop between the families and the professionals, and between professional and professional.

Particular Inquiries

We investigate the issues of process and procedural justice throughout various sections of the Report. However, the particular inquiries of this Family Participation section are whether the Conferences and Meetings:

- engaged the families in the decision-making process
- were conducted in a procedurally just manner
- provided the families with clarity about their own situation and about the concerns of the decision-makers, and
- in turn, resulted in better relationships between the families and the professionals.

General descriptive data

Conferences

The general descriptive data for the Conferences is set out below. The Court referred 74 matters for a first Conference and 68 Conferences involving 62 families and 125 children were held.

Outcomes: Outcomes/completion rates of the 74 referred Conferences.

	Total
Settled partially ⁷	50
Settled	11
Cancelled	6
No settlement	6
Non- attendance	1
Total	74

Table 1: Outcome/completion rate of Conferences

Issues: Issues that were involved in the Conferences. A Conference could involve more than one issue.

	Total
Child neglect	50
Alcohol and drugs	16
Mental Health	10
Family violence	9
Child sexual abuse	8
Child physical abuse	6
Child psychological abuse	6
Literacy language	2
Indigenous Australians	14

Table 2: Issues by type for Conferences

⁷ Our definition of partial settlement is that on an interim basis there was settlement or that some issues were resolved. Partial settlement could also include agreements about contact arrangements, counselling participation, placement arrangements and so on. Settled means either consent orders were agreed or the application was withdrawn.

Convenors: the proportion of Conferences by Convenors.

	Proportion
Co-convenors	15%
Legal Aid Convenor	42%
DCP Convenor	34%
Private Convenor from Legal Aid panel	24%

Table 3: Proportion of Conferences by Convenors

Meetings

The general descriptive data for the Meetings is set out below. The Inquiry involved 38 families in 58 Meetings. However, Facilitators' reports are only available for 35 of the 58 Meetings, representing 20 families.⁸

Outcomes: Outcomes/completion rates of the Meetings

	Total
Further Conference	18
DCP to lodge Protection and Care Application	15
Settled (no application made)	1
Settled- safety plan in place	1
Total	35

Table 4: Outcome/completion rate of Meetings

Issues: Issues that were involved in the Meetings. A Meeting could involve more than one issue.

	Total
Child neglect	29
Alcohol and drugs	22
Child psychological abuse	19
Child physical abuse	17
Parenting concerns	14
Family violence	13

⁸ The lack of easily accessible systems for data collection is a recurring theme throughout this Report and one that we address in the Recommendations section below.

Criminal justice issues	11
Mental Health	10
DCP compliance issues	10
Homelessness	6
Child sexual abuse	5
Indigenous Australians	9

Table 5: Issues by type for Meetings

Findings: quantitative

Process

Conferences: Table 5 sets out the participating family members in the 68 held Conferences.

	Total
Both parents	29
Mother only (with or without support person)	12
Both parents + grandparent/s	8
Both parents + significant other/s	4
Mother + grandparent/s	4
Mother + significant other	3
Father only (with or without support person)	3
Father + grandparent/s	2
Both parents + child	1
Mother + significant other + grandparent	1
Non-attendance by either parent	1
Total	68

Table 6: Family participants in Conferences

Meetings: Participating family members in the 35 Meetings for which there are Facilitators' reports.

	Total
Both parents	19
Mother only (with or without support person)	10
Mother + grandparent/s	4
Father only (with or without support person)	1
Non-attendance by family member	1
Total	35

Table 7: Family participants in Meetings

The results above show that the families are generally engaging in the processes with most Conferences and Meetings occurring with both parents attending. There was only one Conference and one Meeting where both parents failed to attend; in the case of the Meeting, this was due to hospitalisation (not in a maternity hospital) of the mother.

Participation: Conferences

Qualitative data from the families on family participation is available in the [qualitative findings](#) below. In this section, we reproduce and analyse data collected at the conclusion of the Conferences from 68 professional participants, involved in 31 Conferences, to investigate whether the professionals thought that the families were participating as full members of the Conference, whether there was collaborative decision-making with the family and whether the professionals perceived procedural justice.⁹

Figure 4 below show the professionals' answers to the following questions:

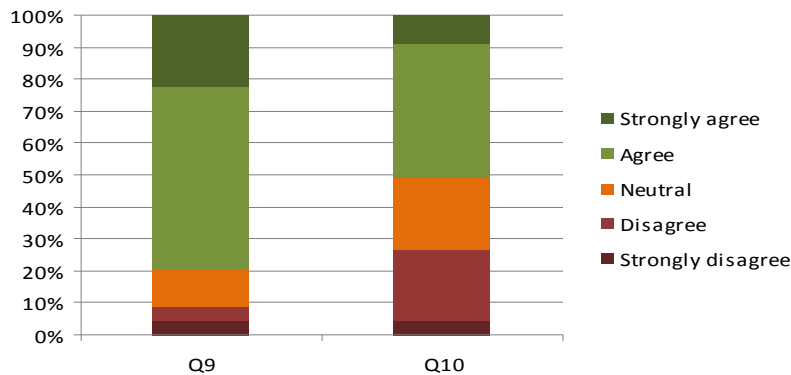
Q9 The family participated as members of the Conference.

Q10 There was shared decision-making with the family.

The data shows clearly that the professionals perceived that the families participated as members of the Conference. The question of whether the parents shared decision-making with the professionals was not so clear, with only half the professionals agreeing or strongly agreeing that there was 'shared' or collaborative decision-making.

⁹ (n= 68, including 2 DCP psychologists, 5 DCP caseworkers, 4 DCP case managers, 1 DCP field worker, 17 convenors or co-convenors, 5 child representatives, 7 DCP lawyers, 14 non-DCP lawyers, 7 DCP team leaders, 1 DCP social worker, 1 DCP Senior Child Protection Worker, 2 parental support persons, 2 cases of this data not supplied).

Figure 4: Participation of families



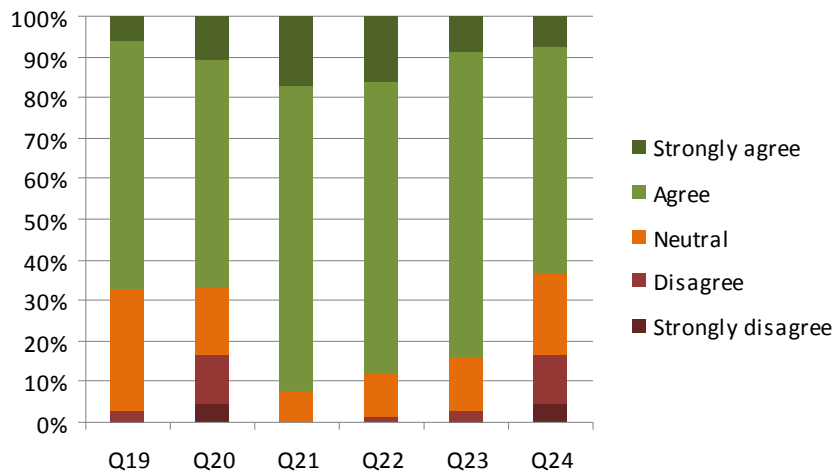
Procedural justice

Procedural justice variables: Figure 5 below presents the levels of the predictors of procedural justice that the 68 professionals perceived during the Conferences.

The procedural justice variables used in the surveys included:

- Q19** The other professionals in the Conference considered my views.
- Q20** I had the opportunity to say everything that I wanted to say in the Conference.
- Q21** The other professionals in the Conference treated me politely.
- Q22** The other professionals in the Conference showed respect for me.
- Q23** The Conference was dignified.
- Q24** I believe that everyone in the Conference received enough information to make wise decisions.

Figure 5: Procedural justice variables



This data shows that in general, the professionals perceived that those aspects of the process that we know are important for perceptions of procedural justice, namely opportunities for 'voice', recognition of social status, and informational justice were present in the Conferences.

Outcomes: Figure 6 below presents the outcomes of the Conferences that the professionals perceived. The particular outcomes questions were:

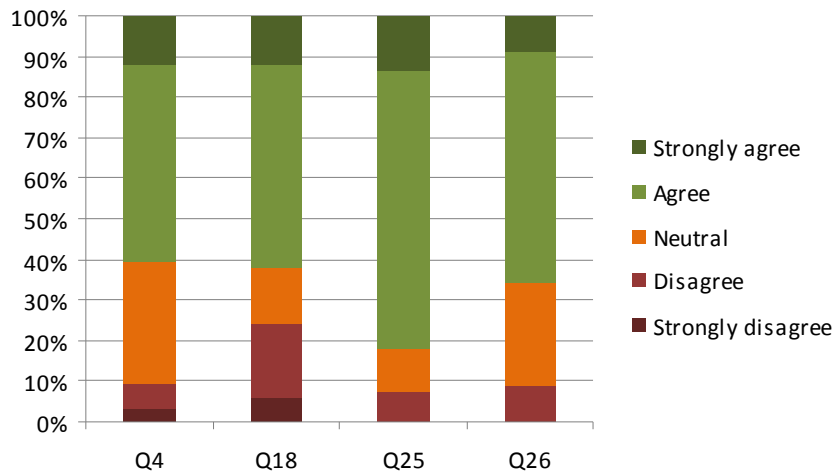
Q4 The decisions made in the Conference were wise.

Q18 I was satisfied with the Conference

Q25 The way that the Conference proceeded was fair.

Q26 The outcomes of the Conference were fair.

Figure 6: Professionals perceptions of outcomes of Conferences



This data shows that the professionals perceived that the Conferences were procedurally fair, the outcomes were fair, that they were satisfied with the Conferences and thought that the decisions made at the Conferences were wise.

As stated above, the importance of procedural justice judgments are that they are a major predictor of compliance with agreements, perceptions of legitimacy and ongoing co-operative behaviours. Therefore, to obtain a clearer picture of which particular variables influenced the perceptions of procedural justice and wise decision making, we conducted multiple regression analysis on the data. Multiple regression is an extension of bi-variate correlation and it allows the analyst to determine which of the independent (predictor) variables (in this case, the procedural justice variables) are the most directly related to (would be the better predictors) of the dependent (criterion) variable (in this case, perceptions of a fair procedure, outcome, satisfaction and wise decision-making). Regression analysis removes the combined influence of two variables that are highly correlated with one another and shows the independent contribution of each independent variable in correlating with (or predicting) the dependent variable.

Multiple Regressions: outcomes

The first multiple regressions showed that as expected, procedural justice judgments were powerful predictors of perceptions of outcome fairness and feelings of satisfaction.¹⁰ The regressions also showed that making wise decisions was also a significant predictor of outcome fairness and satisfaction judgments, and a stronger predictor of satisfaction than procedural fairness.

Before we ran the next regression analysis to investigate which particular variables influenced these outcome perceptions the most, we checked the correlations between the variables in the data set. We found that in addition to the procedural justice variables outlined above, the variables of:

Q6 There was open and honest communication in the Conference *and*
Q16 There was a free and open sharing and exchange of ideas among the professionals in the Conference

correlated strongly with procedural justice and making wise decision judgments. We therefore added these variables to the regression equations.

Multiple Regressions: significant predictors of outcomes

Again, the regression analyses were very powerful.¹¹ In terms of the specific variables that influenced these judgments, the status recognition variable (the Conference was dignified) was a significant predictor of both judgments. The other significant predictors were 'there was open and honest communication in the Conference' for the making wise decisions judgment, 'there was a free and open sharing and exchange of ideas among the professionals in the Conference' and the voice variable of 'I had the opportunity to say everything that I wanted to say in the Conference' for the procedural justice judgments.¹²

¹⁰ The three predictor variables (wise decisions, procedural justice and satisfaction) in combination accounted for 80% (64% adjusted) of the variance in *outcome fairness*, and R was significantly different from zero, $F(3, 64) = 36.26$ $p < 0.001$. Procedural justice and wise decisions were the significant predictors with beta weights of $\beta = 3.28$, $p < 0.005$, and $\beta = 3.54$, $p < 0.005$ respectively. For *satisfaction*, the three predictor variables (wise decisions, procedural justice and outcome fairness) in combination accounted for 78% (62% adjusted) of the variance, and R was significantly different from zero, $F(3, 64) = 32.69$ $p < 0.001$. Procedural justice and wise decisions were the significant predictors with beta weights of $\beta = 2.34$, $p < 0.005$, and $\beta = 3.94$, $p < 0.001$ respectively.

¹¹ The predictor variables (procedural justice and the two open communication variables) in combination accounted for 82% (67% adjusted) of the variance in *procedural justice perceptions*, and R was significantly different from zero, $F(8, 61) = 13.55$ $p < 0.001$; and for *making wise decisions* 70% (49% adjusted) of the variance in procedural justice perceptions, and R was significantly different from zero, $F(8, 60) = 8.64$, $p < 0.001$.

¹² Dignity and 'there was open and honest communication' were the significant predictors for *making wise decisions* with beta weights of $\beta = 2.175$, $p < 0.005$, and $\beta = 2.43$, $p < 0.05$ respectively. For *procedural justice*, dignity, 'there was free and open exchange of ideas', and voice were the significant predictors with beta weights of $\beta = 2.11$, $p < 0.05$, $\beta = 3.70$, $p < 0.005$ and $\beta = 3.07$, $p < 0.005$ respectively.

Summary

These results represent an important extension of the procedural justice model. They show that for the professionals to feel satisfied with the outcome of the Conference and perceive it to be fair, they need to feel that there was procedural justice and that the decisions made in the Conference were wise. For this to happen, the results highlight that the professionals need to feel that the Conference was dignified, that there was open and honest communication, a free and open sharing and exchange of ideas and that they had the opportunity to say all that they wanted to say.

Meetings: families

King Edward collected data for the Meetings and structured the surveys in a manner that did not allow for the statistical analysis that we were able to perform on the Conference data. However, the results show descriptively that the vast majority of participants felt that the Meetings were fair; that they were given their say in the Meetings; and were treated with respect. These results are shown in Table 8 below.

Measure (n = 59)	Agree	Disagree	Undecided
Voice	52	7	0
Respect	55	2	2
Fairness	47	6	5

Table 8: Procedural justice aspects of Meetings

Findings: qualitative

The Appreciative Inquiry approach tends to generate an abundance of qualitative data. In an effort to streamline the data and present it in a manner that enables us to convey the key messages, we have presented those quotes that seem to encapsulate the major themes and then added 'x n' to indicate the number of times that participants made similar comments.

For this section, we present data from the families only. The professionals' and Court's perspectives of these elements of the Inquiry are presented in the [System Effectiveness](#) section below. The data from the families presented below was collected sometimes up to 15 months after the Conference was held and came from 10 families interviewed by telephone and two family members who completed an online survey (12 families in all).

Findings: what's working well?

Process

I had supports—(Legal Aid, Nextstep, KEMH SW, & my mum) x 4

My child is now back with me x 3

Having a plan; good advice x 2

People expressed confidence in me that I'd do the right thing for my baby x2

Even though it didn't work out the way I wanted it to, it was better than Court

It made DCP look at things in a different light

I have nothing but praise for the whole scheme

Procedural justice

I got to say everything that I wanted to say

It was straightforward and smooth, I could ask any questions

DCP was fair and honest

I was heard

DCP listened and understood

People were really understanding and helpful

They were listening

I am a smoker and needed a few breaks and they let me take them

The Conference was a stress-free experience, ...usually DCP presses my buttons but they didn't this time

Clarity

We knew what DCP required of us and knew what to do to get our child back x 7

They explained all the pros and cons and I knew what I was dealing with, everything was on the table x2

Facing the real picture of letting [my child] go—but it's best for him x 2

It is a positive format for families to discuss where to go with their situation and how and what to expect at court

I loved the 'big board'

DCP were very clear and precise about what was related and in best interests of my daughter

Relationship with professionals

I feel free about ringing the caseworker now

The family support worker was really helpful, she gave lots of advice and helped in a big way. She didn't know about my case and wasn't judgmental, so it was really helpful.

I'm frustrated by changing caseworkers, but I can send gifts to my children via DCP

Findings: what are we worried about?

Process

DCP have not followed through with what they said they were going to do x 7

Nervous, I'm worried DCP won't carry through x 3

How it brought up the past x 3

DCP haven't come to a decision on whether I'm having baby remain with me

Had we not had it, we still would have been with a 2-year TL order, which was fairer. You can't control over 18 orders.

Procedural justice

DCP wasn't listening, I didn't get heard, I never get a chance x 2

The body language of the workers from DCP worried me

DCP did not respect me

[I did not trust the] DCP caseworker, trying to get another caseworker

Not fair. DCP could have worked with us better.

Clarity

That DCP didn't mention all the appropriate information/ or mentioned inaccurate information x 2

Relationship with professionals

Caseworker has changed and I haven't been able to contact her x 3

The team leader just doesn't like my daughter

I get along with them OK it's just that they don't follow through. I'm supposed to have random urinalysis twice a week and every Friday but I don't get called in. So, I've just been going on Fridays.

Discussion: next steps?

Process

A clear finding of the Inquiry is that the families are attending, engaging, and feeling supported in the Conferences and Meetings. It also seems that there are some good outcomes from the Conferences and Meetings (the outcomes are discussed in more detail in the [System Effectiveness](#) section below).

However, it is not clear whether the families are engaging in the decision-making with the professionals. As this is an important part of building self-esteem in the parents, building good relationships with the professionals, and creating wise and durable solutions, this aspect of the process needs attention. Again, we discuss this in more detail in other sections below.

Perhaps the more disturbing finding in this section is the nervousness and anxiety that the families have about DCP following through with what they agreed to in a Conference or Meeting. Although this in part due to a lack of trust and may be a procedural justice issue, the family participants discussed this generally in relation to the process and what took place *after* a Conference. It was a familiar theme, and coloured much of how the families participated in the interviews. We discuss this issue in the 'relationships with professionals' section below and throughout the Report.

Procedural justice

Family participants and the professionals rated the procedural justice judgments of the Conferences and Meetings as high. This feedback was collected not long after the conclusion of the Conference or Meeting in which they participated. However, the procedural justice feedback from the families who participated in the Conferences was collected long after the conclusion of the Conferences and as discussed above, seems to be coloured by what has occurred since.

Nevertheless, procedural justice perceptions between the professionals are important for the professionals' levels of compliance, co-operation, and their sense of legitimacy about the Pilot and the Pilot appears to be working well on these levels. The results also show that along with conducting respectful, polite and above all dignified processes, and allowing everyone in the Conference or Meeting their voice, it is extremely important that there continues to be open and honest communication and a free and open sharing and exchange of ideas between the professionals.

Clarity

Aside from the lack of trust, the families generally agreed that participating in a Conference or Meeting was helpful in terms of providing the families with clarity about their own situation and about the concerns of the decision-makers. A majority of the families reported that they knew what was required of them and that it gave them a 'reality-test'. Yet a number of families expressed that not all the information was put 'on the table' or that the information was inaccurate. In terms of making durable and safe plans for the children for the future, it is important that the families continue to gain clarity on their role and DCP's role, and that there is a shared understanding of what needs attention. The Convenors and facilitators need to ensure that everyone leaves the Conferences and Meetings with clarity about the issues and with all their questions answered.

Relationship with the professionals

It is clear that DCP follow-up and follow-through is a major concern and influences the relationship that the families have with DCP professionals. Although one family participant said that because of the Conference, she feels better about contacting the caseworker assigned to her matter, far more participants expressed concern, frustration and anger at the changing caseworkers and the lack of follow-through by DCP.

Although this is not entirely a problem of the Pilot and the partners recognise that the Conferences and Meetings are simply the first steps in the process, the partners can assist to remedy this situation by ensuring that:

- Conferences and Meeting continue to be conducted in a procedurally fair manner
- families are encouraged to engage and collaborate in the decision-making as much as possible
- parties reach consensus not just on whether to sign consent orders or not, but on what the written proposal¹³ or terms of agreement are
- there is complete clarity from all parties on who does what, when and how at the conclusion of the Conference or Meeting
- there is *agreement* on time-frames for who does what, when and how
- the parties agree to a review time-frame when they can review the progress that they have made, or lack thereof, and
- DCP provide training, resources, structures, and processes that assist its staff to continue the progress made in the Conferences and Meetings into the steps that follow, and into the wider context of the child's safety.

¹³ The Section 143 proposal if this is appropriate.

PROFESSIONAL COLLABORATION

Literature and methodology

Inter-professional collaboration

“A significant body of thinking and research suggests that best outcomes for vulnerable children arise when constructive relationships exist in both [the relationship between the family members and the professionals and between the professionals themselves.]” (DCP, 2008).

The research shows that the relationships between professionals can be equally, if not more problematic, than the professionals’ relationships with the families, and that poorly functioning professional relationships can be a destructive force in the child protection arena. We have discussed above how central the relational aspects of procedural justice are to creating long-term co-operative relationships and this includes perceptions of fairness from and between all the professional participants.

However, in addition to procedural justice, in the context of the Pilot, **inter-professional collaboration** would entail more than simply co-operative relationships. It would also include:

- a shared and common use of language
- a shared focus and purpose (of engaging families in the decision-making process and focussing on the safety of the child)
- respect for each other’s expertise, knowledge and intelligence
- open and honest communication
- transparency of practice
- consultation and information sharing
- sharing of knowledge and wisdom through training, de-briefing and observation, and
- an appreciative inquiry of each other’s practices.

This type of collaborative practice can improve the outcomes for everyone involved. Not only are the families going to witness the modelling of professional practice, but it is likely that the end results will be richer and wiser solutions, feelings of satisfaction and justice, and solution focussed outcomes that give the families and the professionals, clear and constructive steps to follow in the future.

Professional identity and job satisfaction

The Signs of Safety literature also tells of the flow-on benefits for professionals who engage in collaborative practices (DCP, 2008). Working in therapeutically orientated and relationship-centred frameworks, and engaging in collaborative training and teamwork with other professionals can lead to many opportunities for the professionals, including:

- improved professional identity
- increased job satisfaction
- improvement in skills
- a willingness to engage in ongoing learning
- appreciation for collaborative practice, and
- an enjoyment of a culture of constructive intervention and practice.

Inter-professional tension

However, for all the benefits that this type of practice can create, it can also result in inter-professional and role tension. Professionals working from their own professional frameworks and their own codes of conduct can experience a range of tensions when asked to shift their professional modes of conduct. Part of the experience in a change of culture of this type, is to learn how to sit with the tensions, and another part is learning how to feel comfortable expanding one's own role and professional repertoire.

Expanding roles

In terms of expanding roles, Giovannucci and Largent (2009) write, "Each individual participant does not shed his or her traditional role in a case, that is, mother, father, CPS worker (DCP caseworker, team leader), when they enter a mediation session. Rather, mediation expands the traditional roles of the parties. Mediation allows the parties to be active participants in a collaborative process. They are free to articulate their interests; to endeavour to understand the needs, ideas, and concerns of others; and to agree or disagree with these ideas. In mediation, the parties have the opportunity to make decisions by consensus without resorting to an outside decision maker and to engage in collaborative problem solving while always keeping a focus on the needs of the child."

Holding the tension

In terms of holding the tension, Parker J Palmer writes, "we must learn how to stand in the [tension] ... between what is and what could and should be, the gap between the reality of a given situation and an alternative reality we know to be possible because we have experienced it." (Palmer, 2008, 8).

Palmer goes on to say that the gap is 'inevitable, inexorable, inescapable.' However, he offers ways to learn how to sit these tensions including:

- learning to make decisions by consensus – when no-one in the room feels a need to oppose a decision (a different and more reachable norm than requiring everyone to feel positive about it)
- listening to one another in a collaborative, non-adversarial manner, seeking what we might affirm in ‘the opposition’s viewpoint
- teaching and learning, in which people are required to listen to differences, hold ambiguity, and learn how to engage in creative disagreement challenging their automatic responses,
- learning how to acknowledge and name tensions,
- refraining from blaming and attacking that which people don’t understand and instead learning to sit with the tension until everyone understands.

Particular Inquiries

Again, we investigate many of these issues throughout the Report, but the particular inquiries of this Professional Collaboration section are whether the Pilot has resulted in:

- a positive attitude toward inter-professional collaboration
- an improvement in professional identity
- modelling of collaborative practices
- an ability for professionals to recognise and sit with tensions
- constructive communication between the professionals, and
- inclusivity in decision-making.

Findings: quantitative

General

In this section, we reproduce and analyse data collected from the professionals by online survey in August 2010 (time 1) and then again (the same survey) in March 2011 (time 2). The survey was sent to approximately 80 professional staff (mostly solicitors and DCP professionals) each time, and we received 22 completed surveys in time 1 and 27 in time 2. Some professionals may have completed surveys in both time 1 and time 2, but as the surveys were anonymous, unless participants chose to give their names, we were unable to ascertain this.

Independent t-tests carried out for all questions between time 1 and time 2 reveal that the only significant difference between time 1 and 2 exists for Q4, ‘there was open and honest communication’ $t(38) = 2.11, p < .05$. This indicates that there was a perception of more ‘open and honest communication between the professionals in the pilot’ at time 2 compared to time 1. Since time 1 responses are not statistically significant to time 2 (with the exception of Q4) time 1 and time 2 are combined and the remainder of this

Report breaks down results into sections by grouping questions based on conceptual similarity.

The heading to each survey was “*Since the introduction of the Signs of Safety Pilot*”

Attitude towards inter-professional collaboration

Q8 I have gained an appreciation of the benefits in inter-professional collaboration.

Q13 I have gained a greater appreciation of the importance of an inter-professional approach

Q16 I have a better appreciation for the value in sharing information with other professionals.

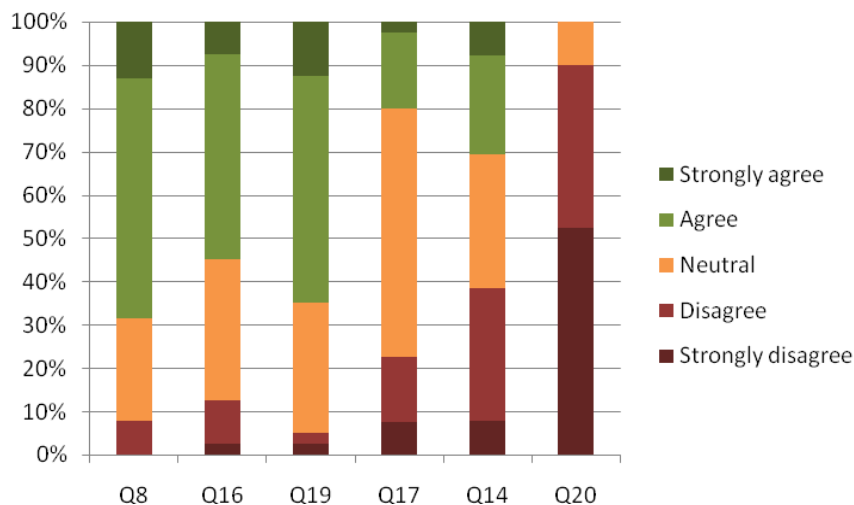
Q19 I have a better appreciation of the value of using a common language across inter-disciplinary professionals.

Q17 I believe that inter-professional practice involved in the pilot has given me the desire to remain in my profession.

Q14 I believe that inter-professional practice is difficult to implement.

Q20 I believe that inter-professional practice is a waste of time.

Figure 7: Responses for questions concerning the attitude towards inter-profession collaboration.



The results show that in general there is an increased appreciation of inter-professional collaboration, with 60-70% of the professionals ‘agreeing’ which reflects an increase in positive attitude towards inter-professional collaboration after the Pilot by the majority of professionals. The response to Q17 was primarily neutral which indicates that the experience of inter-professional practice in the Pilot does not appear to impact upon a participant’s desire to stay in the profession either positively or negatively. The response to Q14 indicates that the professionals have some tension regarding an attitude that inter-professional practice is difficult to implement, and an attitude that it is not difficult. The overall disagreement by the professionals with Q20 that inter-professional practice is a waste of time is consistent with the overall positive attitude towards inter-professional collaboration reported in Qs 8, 13 & 16.

Improvement of professional identity

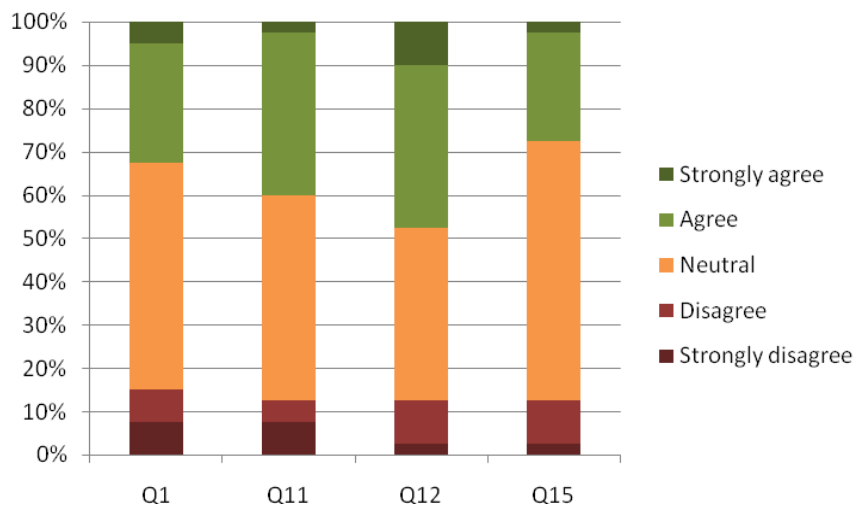
Q1 I have gained a better understanding of my own approach to children in care.

Q11 I feel more comfortable in accepting the professional responsibilities delegated to me in my work.

Q12 I feel more comfortable clarifying misconceptions with other professionals about the role of someone in my profession.

Q15 I feel more comfortable in describing my professional role to others.

Figure 8: Response for questions concerning the improvement of personal identity



The questions in this section reflect an improvement in the professionals understanding of their professional role (Q1 & Q11) and their perceived ability to communicate their role to others (Q12 & Q15). Whilst only a minimum (around 10%) 'disagree' with these questions, Figure 8 shows that there exists a high proportion of professionals answering 'neutral' to these questions with only 30-40% answering 'agree'. However, arguably, the Pilot could be doing a better job of improving a sense of professional identity in the professionals.

Improved sense of ability to communicate and collaborate with others

Q3 I am more comfortable discussing issues with professionals who are not from my profession

Q5 I am able to listen more to professionals who are not from my profession

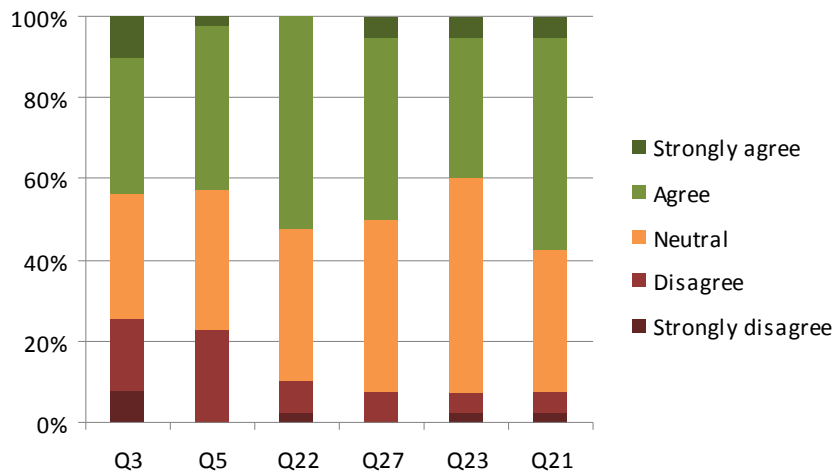
Q22 I am able to share and exchange ideas more freely with other professionals in an inter-professional team

Q23 I have gained an enhanced perception of myself as someone who engages in inter-professional practice.

Q27 I am more comfortable in sharing decision making with other professionals.

Q21 I feel more able to act as a fully collaborative member of an inter-professional team

Figure 9: Sense of ability to collaborate with others



The questions in this section reflect an improvement in the professionals' ability to work in an inter-professional team (Q21 & Q22) and sharing ideas and decision-making with the other professionals (Q22 & Q27). In considering the importance of these aspects of professional practice that influenced the procedural justice judgments, this is a healthy result. Again, though, whilst only a minimum (around 10 - 25%) 'disagree' with these questions, a high proportion of the professionals answered 'neutral' to these questions, indicating that gaining an improved sense of working inter-professionally is something that the Pilot has yet to consolidate.

Modelling of collaborative practices

Q5 The professionals listened to each other in the Conference.

Q6 There was open and honest communication in the Conference.

Q11 The professionals had a good understanding of the family's decision-making around their child's care.

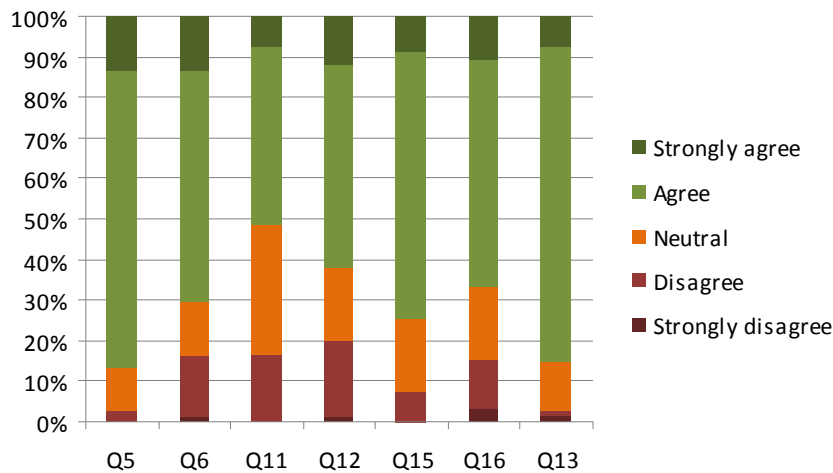
Q12 The professionals had a good understanding of the family's issues and how best to deal with those issues.

Q15 The professionals collaborated well in the Conference.

Q16 There was a free and open sharing and exchange of ideas among the professionals in the Conference.

Q13 There was a common language used by the professionals in the Conference.

Figure 10: Modelling of collaborative practice



These results show that the professionals have seen large improvements in professionals listening to one another, collaborating well, freely and openly exchanging ideas and using a common language (Q5, Q15, Q16 & Q13). The professionals have seen improvements that are more moderate in the professionals having a good understanding of the families' issues and how to address those issues, and the family's decision-making around their child's care (Q11 and Q12). These results indicate that while the professionals perceive that they are modelling inter-professional practice well, they see that there is room for improvement in their ability to understand the families' issues better, and how the families deal with them. This result was mirrored in the previous Family Participation section, where the professionals perceived that the decision-making between the families and the professionals was not generally collaborative.

Findings: what's working well?

- *The training with all the professionals together has been great x 5*
- *Honest and open transparent practice x 5*
- *More discourse with parents/families after the pilot*
- *More collaborative and less adversarial approach to child protection cases*
- *It has given me a greater appreciation of the convenor's role and other professional's practice needs*
- *Better understanding of roles within DCP*
- *I think it is a good development in terms of inter-professional relationships, particularly with DCP*

Findings: what are we worried about?

Professionals in various settings discussed the tensions that they were experiencing with the introduction of the Pilot. In our meetings with the Court and DCP lawyers, we spoke of tensions, and in inter-collaborative training with facilitators, convenors, and practice leaders conducted in March 2011, we explicitly explored tensions and what tensions the participants were experiencing and sitting with. We list below some of these tensions.

Litigation-therapeutic tension

Lawyers

- *SoS is engineered as an engagement tool but difficulties/tensions with it taking place in a litigation context.*
- *We understand and generally support the change from a paternalistic culture but having the Conferences take place as an adjunct to litigation is problematic.*
- *We are concerned that the Pilot had been implemented without clear differentiation between SoS Conferences and litigation. It is not a dichotomy but there is tension between the therapeutic position and the legal position.*
- *SoS has been imposed on the litigation process and is disrespectful of the litigation process*
- *We don't like trials but the standard of work is going out the window in favour of SoS reports*
- *There is a tension that the outcome is litigation if not settled*

Facilitators/convenors/practice leaders

- *I am unsure how to maintain our 'bottom-line' in the mediation process. I am concerned that child safety could be compromised.*

Role tension

Lawyers

- *What is my fundamental role?*
- *What is our role in the Conferences?*
- *My role is to give proper advice and I don't want to be exposed, or relinquish my duty, by giving into 'feel-good' outcomes*
- *We're asked our opinions etc on the safety of the children, which really is not our role.*

- *How do I 'switch hats' and still discharge my professional responsibility in an ADR/therapeutic context?*

Court

- *There is a tension between making a determination and switching hats to being more mediation-like but there are always tensions in taking a different approach*

Facilitators/convenors/practice leaders/support agencies

- *I learnt that not everyone thinks like me – there is tension in that but also excitement*
- *Tension in trying to be independent – protect my colleagues – and have multi-partiality*
- *There is still tension in the workplace around this*

Outcome-process tension

Lawyers

- *Parents want an outcome and often the conversation can get sidetracked*
- *What is a successful outcome? Is it settlement at any cost?*

Court

- *There will always be a percentage of cases that can't resolve and need to be adjudicated*

Facilitators/convenors/practice leaders/support agencies

- *SoS has become goal driven, it is good to use the Conferences and Meetings to slow down the process*
- *I am sitting with the tension of SoS being a solution, although I am happy to sit with that tension*
- *Tension about not going into a meeting with a pre-determined outcome – tension about how to take it back to the workplace*
- *The tension between allowing the clients to 'download' and getting to planning – I think it is still a good outcome if the clients have downloaded*
- *SoS is a process for 'solutions ... and actions'; actions by all parties i.e. department, other agency and parents. We don't want to lose sight that solutions are also bedded in actions that need to occur.*

DCP

- *There is an inherent tension in a process where case practice activities take place outside of the Conferences and Meetings, but the Conferences and Meetings seek to direct these*
- *Part of the interagency tension relates to different understanding of the different levels of responsibility for outcome. Sometimes the professionals don't fully understand the context of DCP work; the complexity of working with involuntary clients in the context of SoS meetings and conferences. There are also different levels of client's ability to participate- and the fact that a snapshot doesn't capture historical knowledge and factors is very concerning to DCP staff.*
- *DCP staff often don't feel that partner agencies acknowledge that there are times when statutory action is needed or acknowledge the complexity of holding that tension with families.*
- *There needs to be an acknowledgement of the tension between engagement and statutory role. There needs to be recognition of the different levels of responsibility for outcome, and others need to understand the context and reality of DCP work.*

Model tensions

Lawyers

- *The inverted triangle model – probably has noble aspirations but can there be a happy outcome for everyone at all costs?*
- *There is tension in the model – pre-birth and pre-litigation. Sometimes cases have been on track for 5-10 years and there are questions about why DCP didn't take the children into care earlier*
- *The future focus – denies the past – need to have meeting of minds on the past in order to proceed to the future.*
- *There doesn't seem to be any uniformity in how things are being done*
- *Treating it a bit like family law matters – they are not the same – child protection is a unique process*
- *Not all litigants are treated the same – funding parents – but the focus is on respondent parent*
- *What is an appropriate lawyering model to use?*
- *What is an appropriate ADR model to adopt?*

Facilitators/convenors/practice leaders

- *There is a disconnect between SoS and evidence based language – this causes tension with DCP lawyers*
- *There is a great tension around frameworks*
 - *It sometimes feels like SoS framework is controlling everything – we all have the skills – tension around using them*
 - *tension around what we name our frameworks, skills, processes..*
 - *we need consistency in language and approach, transparency, for ourselves and to teach it to others*
 - *there is tension in the different models – do we need to reconcile them?*
 - *nervousness in adopting new language (mediation language) – we need to be cautious and think critically about the language*
 - *diagrammatically, what does the model look like?*
 - *What is the model called?*
 - *I am happier to try things that might sit outside the framework but might work, private sessions, co-convening etc*

Evidentiary tension

Lawyers

- *A Conference outline ≠ sworn evidence*
- *Why are the Magistrates given reports? In pre-hearing Conferences, these documents are privileged.*
- *Some convenors/facilitators are attaching everything that is on the board on to the report – Magistrates have access to all this information*
 - *If all this is available to Magistrates, then so should a report from DCP*
 - *We understand that for a full and frank conversation, the Conferences should be confidential, but when a map of what is happening in the Conferences goes to the Court, this creates tension - if no settlement, why does the Court need to see this?*
- *We are not receiving any documentation/evidence from expert professionals*
- *How do we reality test parents' statements in an ADR/therapeutic context?*

- *We are concerned about parents making self-serving statements in the Conferences and the implications of taking these on face value without reality testing them.*
- *Respondent parents are not required to submit the same written materials as DCP. They do not swear evidence. In the main, they attend SOS Conferences and make many self-serving statements upon which DCP is expected to make decisions, and assume risks in reaching agreements. Consequently, it is difficult to advise DCP, as a client, to settle matters on that basis.*
- *The participants, including the professionals do not fully understand that the whiteboard notes attached to the convenor report are filed with the Court.*

Financial tension

Lawyers

- *The Court seems to be pushing very hard for Legal Aid to fund respondent parents—is this simply a cheaper response rather than funding parents all the way up to trial?*

Court

- *We don't want this taken off us—we hope that the partners are committed to funding it.*

Practice/skills tension

Lawyers

- *I have observed some outstanding case-workers but I am concerned that the less strong workers create endless SoS reports to cover poor case-work*
- *Criminal lawyers who say to parents 'don't tell DCP anything'*
- *Criminal lawyers—all guns blazing—they are accusational*
- *Facilitators don't all have a good understanding of how the Children's Court works*
- *What skills do I need?*

Facilitators/convenors/practice leaders

- *It takes a lot of skills to facilitate and sometimes I feel a little bit tokenistic*
- *I have energy and tension in learning new skills*
 - *how do I take from this training what I have learnt?*
 - *how do I do this?*

- *tension about using the skills smoothly, listening, reflecting, etc*
- *instead of allowing the framework to control the skills, we allow skills to enhance the framework*
- *There is value of being flexible and eclectic*
- *I feel more relaxed about the skills I have and applying them as best I can*

DCP

- *the complexity and depth of work involved in safety planning with a family needs to be recognised– it is not a simple task that can be done in a matter of minutes*

Philosophical/purpose tension

Lawyers

- *Not adversarial process but not about agreement at any cost*
- *Did the Court mean it to be a pre-hearing tool?*
- *Works well to ‘sheet it home to the parents’ – is this the purpose – to make the parents wake up?*
- *I think that some Magistrates are hoping it’s a ‘magic bullet’*
- *Child protection is a unique and specialised area – some similarities to other areas but fundamentally different in some respects – processes need to understand and respect this*
- *How do we reclaim the child in the proceedings?*
- *How do we reconcile that a lack of settlement results in litigation and how do we manage the transition to a different process regarding evidence etc.?*

DCP

- *DCP are the delegated authority. This creates an inherent tension for us.*
- *DCP are the only participants at the meetings/conferences who have the delegated authority to make final decisions. This is an important concept because the purpose of meetings/conferences is not to reach consensus.*

Past practices

Lawyers

- *The Convenor’s conferences that existed before the Pilot used to work well*
 - *outcomes were achieved*

- *they moved along swiftly*
- *there seemed to be equality of hearing*
- *convenors had a wonderful manner and understood the Children's Court process*
- *Bringing the child into the Court for a sighting used to work well – mentalize the child*
- *Forcing the Magistrate to 'see' the child – now the child is invisible – however, we acknowledge that there were logistical issues and tensions in bringing the child into the courtroom*

Facilitators/convenors/practice leaders

- *I had the opportunity to re-visit my core social work skills*
- *we have a high level of skills and we should honour that*
- *the training validated the skills that we already have*

Cultural tension

Professionals

- *There is a great paradox. Sometimes the lawyers are less adversarial than DCP workers*
- *I think there is a real tension between the unique child protection proceedings view of many DCP workers and the wider move to integration between jurisdictions and therapeutically in terms of FDR and social science work. DCP have a legal and moral responsibility for the safety of children and I think it is important that we all fully understand the pressures and requirements that this brings. I am not sure that we all really understand the lens through which DCP practitioners view these developments.*

DCP

- *There is still a long way to go for there to be genuine shared ownership around child safety.*

Discussion: next steps?

Following from the previous section, we set out below the professionals' ideas for working with (or sitting with their tensions). This section mostly derived from the conversations with the lawyers.

What

- *Perhaps the purpose is to establish the parents' level of insight and responsibility for their children and whether they are prepared to, and capable of doing what is required of them.*

When

- *Should the Conferences and Meeting be held pre-litigation?*
- *Before documents filed?*
- *Post-apprehension?*

How

- *A more rigid (crisp) framework for SoS?*
- *Sworn evidence – robust evidence – would help the dialogue if they signed something*
- *Parents need to know what they need to do*
- *Be absolutely clear on roles*
- *Be clear what we are there for*
- *Clarity and precision*
- *Simple and clear reports to the Court (does the mapping have to go to the Court?)*

Who

- *Good operators*
 - *caseworkers*
 - *facilitators/convenors*
 - *lawyers*
 - *participants*
 - *magistrates*
- *Professionals with skills who are able to:*
 - *see it how it is, say it how it is*
 - *be candid, straightforward and respectful*
 - *grasp the nettle*
 - *have an open and flexible attitude*

Tensions

The professionals have identified the ‘inevitable and inescapable’ tensions inherent in creating a change in practice. Identifying, acknowledging and naming these tensions is an important first step towards understanding and easing the tensions. Further steps that the partners can take include:

- sit with the tension while the partners discuss, investigate, trial and evaluate different process designs/models and reach consensus on the actions that each needs to take, and
- increase inter-collaborative discussion, debriefing, training, coaching, supervision and similar, to understand:
 - each other’s and one’s own tensions
 - each other’s and one’s own role in the process
 - the meaning of ‘delegated authority’ and what it means for the partners, and
 - the nature of the ADR processes and how they work to improve party relationships, and increase party satisfaction and perceptions of fairness without compromising safety.

Families

The results indicate that the professionals have seen large improvements in professionals listening to one another, collaborating well, freely and openly exchanging ideas. However, they also show that there is room for improvement in their ability to understand the families’ issues better and to include the families in the collaborative decision-making to ensure that there is shared thinking about the issues.

Therefore, the inter-collaborative training and workshops that takes place may benefit from the inclusion of family members. Alternatively, training videos or interviews with the families could assist the professionals to understand the families’ experiences and needs.

SYSTEM EFFECTIVENESS

Methodology

Effectiveness

‘System effectiveness’ is an overarching term used to describe how well a program is functioning. At the Focussing Meeting, the partners identified the following elements as constituting the ‘system effectiveness’ of the Pilot:

- cost and time effective
- less intrusive and less adversarial
- a more informed Court
- matters resolved at an earlier stage
- more consent orders/ negotiated agreements
- fewer matters proceeding to contested hearings, and
- fewer court dates (than the previous system).

Comparative data

Some of these criteria involve comparing the current system (the Pilot) with the system that operated previously. For this purpose, we have collected data from child protection applications that came before the Court between November 2008 and October 2009—the 12 months preceding the Pilot. Other forms of data for system effectiveness include the separate outcomes addressed in the other sections of the Report, and checking whether the Pilot meets the specific assumptions that we have about it.

Assumption testing

Assumptions from the program logic model:

- targeted parties will be able to participate and will benefit from inclusive engagement
- children and families will do better when we strengthen the family and community support, promote responsibility and include the family in decision-making
- SoS will include 2 hour Conferences and completion of the SoS planning form at the conclusion of the Conference, and

- the Convenors' reports will have a positive impact on any subsequent Court proceedings.

Further assumptions arising from the Constructive Inquiry:

- Conferences and Meetings will be conducted according to the 'best practice' models
- the involvement of lawyers in the processes will be positive, and
- the partners will have appropriate systems and resources to enable the Conferences and Meetings to work as envisaged, including training.

Particular Inquiries

We have explored some of these aspects of system effectiveness (family participation and engagement) above and we will investigate in more detail below. The particular inquiries that this System Effectiveness section of the Report focuses on are, whether the Pilot has resulted in:

- cost and time savings
- less court hearings/events and more consent orders
- timely and efficient Conferences, Meetings and Court processes (best practice)
- a positive involvement by lawyers, and
- appropriate systems and resources in place to support the Pilot (including training).

Findings: comparative

Duration, court events, time, consent orders and trials

At the time of writing, complete Court data was available for 30 Pilot Conference matters. Therefore, we used data collected from the first 30 non-Pilot matters (the first 30 from November 2008) as comparison data for the duration, court events, consent orders and trial comparisons.

1. **Duration of matters:** The data shows that the duration of the legal matter from the date of the initial application to the date of the final orders was four months shorter for matters that had been to a Conference compared to those which had not.

Duration of matters to final orders	n	Mean (months)
Non- Pilot sample	30	9 months
Pilot sample	30	5 months

Table 9: Duration of legal matters

2. **Number of court events:** The data shows that matters that had been to a Conference experienced 5.5 less court events (adjournments, mentions etc) compared to those matters where the parties had attended a Conference.

Number of court events	n	mean
Non- Pilot sample	30	9 events
Pilot sample	30	3.5 events

Table 10: Number of court events

3. **Time:** The average time spent on Conferences and Meetings were 2.5 hours for a Conference and 2.7 hours for a Meeting.

Time for Conference/Meeting	Average time (hours)
Conference	2.5 hours
Meeting	2.7 hours

Table 11: Average time for a Meeting or Conference

4. **Consent orders (for completed matters in the comparative groups):** The data shows that for the comparative group of completed matters ,on average, parties who have been through a Conference process, agree to consent orders 90% of the time and parties who have been through a Meeting process agree to consent orders 75% of the time. In comparison to the parties who did not experience a Pilot process, who agree to consent orders 60% of the time.

Agreements	Consent	Ex parte	Other	Total
Non- Pilot sample	18 (60%)	11 (33%)	1 (hearing)	30
Conference sample	27 (90%)	2 (7%)	1 (neither consent nor oppose)	30
Meeting sample	15 (75%)	5 (25%)	-	20

Table 12: Consent orders, negotiated agreements and ex parte applications

5. **Trials:** At the time of writing, no matter from the Pilot comparative sample had continued to trial, whereas in the non-Pilot comparative group there was one 12-day trial held. However, from the overall Pilot sample (n = 100) one matter had proceeded to a 2-day trial, while in the overall non-Pilot sample group (n = 100), three matters went to trial of 12, 3 and 2 days duration.

Trials	n	Number of trials
Pilot comparative sample	30	0
Entire Pilot sample	100	1 (1% of the sample)
Non-Pilot comparative sample	30	1
Entire non-Pilot sample	100	3 (3% of the sample)

Table 13: Number of trials

Costs

Legal Aid was the only partner who was able to supply the Inquiry with costs data. This made the comparisons for costs problematic. Firstly, the non-Pilot comparative sample of 30 matters, included matters where there was no Legal Aid cost incurred as none of the parties had a grant of aid, whereas for the Pilot sample, at least one party to a Conference or Meeting had a grant of aid. Secondly, at the time of writing, no Pilot Conference matter had gone to trial, whereas in the non-Pilot comparative sample one matter had gone through a 12-day trial (meaning that the costs exceeded \$10,000 for that particular matter). Finally, Legal Aid could only provide complete costs data for 27 Conferences and 15 Meetings as some of the Pilot matters were not identified in the Legal Aid costs reporting system used at the time. Therefore, to ensure that the costs comparisons were meaningful, we compared the first 42 non-Pilot matters for which a grant of aid had been made and for which the costs of the entire matter did not exceed \$10,000, with the 42 finalised Pilot matters for which complete costs data was available.

6. **Entire costs:** The costs spent on entire matters for finalised matters where one or more parent received a grant of aid, and no individual grant exceeded \$10,000 shows that, on average, Pilot matters cost marginally more than non-Pilot matters (+\$189).

Costs for finalised matters	n	Average cost (\$)
Non-Pilot matters	42	2,165.20
Pilot matters	42	2,354.46

Table 14: Average cost spent on an entire matter.

7. **Grant of Aid Costs:** The average cost to Legal Aid of running a Conference and Meeting are presented below. These costs form part of the costs for the entire Pilot matters presented above.

Costs for Conference/Meeting	Average cost (\$)
1 st Conference (all parties and convenor)	1,554.00
2 nd Conference (all parties and convenor)	1,335.00
Meeting (all parties)	390.00

Table 15: Legal aid costs for a Conference or Meeting

Summary of comparative data

The comparative data shows that the Pilot is essentially cost and time effective. The Pilot matters resulted in less court events, less time spent from the initial application to finalisation of the matter, more consent orders or negotiated outcomes, and less matters going to trial than the non-Pilot matters did. Although, the average time duration for the Conferences and Meetings was more than the envisaged two hours, the qualitative data in this section highlights areas of improvement, including preparation and documentation that could assist to reduce the time needed for these processes in the future. The data also showed that the Pilot matters cost marginally more than the non-Pilot matters did. Yet, in the context of the whole evaluation, from the limited cost data available, the benefits to the partners and families from improved case management, less Court events and strengthened working relationships seem to outweigh any minor cost differential identified at this stage. A detailed longer-term cost analysis based on a larger sample involving all the partners will assist in determining funding and budgetary implications for the future.

Findings: quantitative

Best practice

Best practice: The graphs below derive from the Inter-professional and Conference surveys discussed in the previous sections.

Q1 I had sufficient time to prepare properly for the Conference.

Q2 I was confident of what my professional responsibilities were for the Conference.

Q3 The appropriate people participated in the Conference.

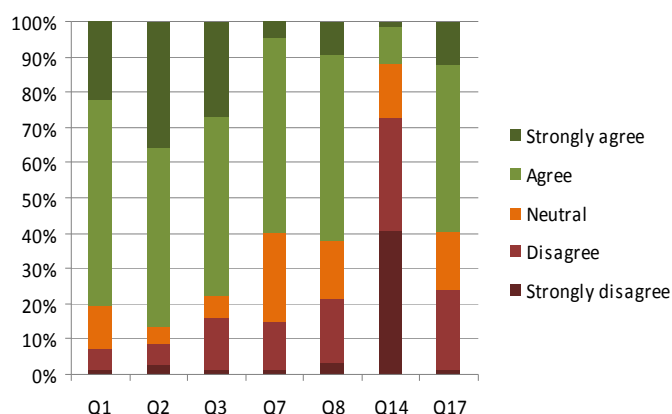
Q7 The other professionals were well prepared for the Conference.

Q8 The Conference was conducted in a timely manner.

Q14 The Conference was a waste of time.

Q17 The Conference was conducted as I envisaged.

Figure 11: Conduct of Conferences



In relation to best practice, the majority of professionals believed that they had sufficient time to prepare for the Conference (Q1), were confident in their professional responsibilities (Q2), and the appropriate people participated in the Conferences (Q3). Questions 7, 8 and 17 received a generally favourable response as to the timeliness, preparation of other professionals and expectations around the conduct of the Conferences. Overall, the strongly negative response to the Conferences being a waste of time (Q14) shows that in general, the professionals viewed the conduct of the Conferences favourably.

Findings: what's working well?

Best practice

Professionals

Open exchange goes some way to ensuring each party is aware of the others position and why; opportunity for parties to air their concerns; ensures the parents are heard and respected; all parties leave the Conference better informed x 15

Parents respected, given the opportunity to participate in the decision-making and satisfied with the process x 10

Open and transparent decision-making process, transparency for the families x 7

The strength is in the board – when parties start to see what they are doing well and what they need to do to improve things x 7

Fantastic to have DCP, at the very least, to sit down and say this is what's wrong and this is what will happen next, be accountable, be involved and involve everyone in the decision-making x 5

It works well when the relationship between the professionals works well x 5

When the Convenors are good, it is great x 5

The convenors kept people in check, created a calm environment, facilitated effective communications from every person involved, were neutral, clarified issues when jargon was used and exhibited strong leadership x 5

It's an excellent process and we hope it continues x 5

The Conferences are a magnificent engagement tool x 4

Great communication by DCP, they knew the case and the mother well and gave clear, unequivocal explanations and had a clear plan x 3.

Engaging with DCP so early is great, it's not so crisis driven and goal posts are not a mystery x 3

All participants try to find timely outcomes x 2

It's great having people who are working closely with the child and family attend x 2

Even with a bad facilitator, it is 10 times better than it was

Great if mentalizing is happening from caseworkers

This is the best holistic response to a very complex and challenging matter

Even if the process doesn't result in settlement, It works well for narrowing the issues in dispute.

Court

It's doing its job and working well and we have confidence in the system x 3

The reports are helpful for onward programming x 3 [NB: not all the judicial members interviewed said that they read the reports]

It's delivering outcomes, it's less adversarial and there are more settlements x 2

Parents are engaging more. We haven't had a request for a new case-worker for ages

We have a sense of security that there are constructive things happening out of Court. The parties have time to discuss their issues and there is work happening outside of the court toward resolution

If there is an adjournment, we have a sense of confidence that something is going to happen in the next adjournment period, as we know they will go to a Conference. It has had a positive impact on unnecessary adjournments

There are huge savings for the Court. The Magistrates are not caught up in the little things and freed up to do trials – what's happening off site is great for us because we are usually doing this

I've had three trials since November and none of them had had a SoS Conference

"It's stunning!"

We love it and think it is great!

Lawyers' involvement

Families

It was good to have the lawyer there to help me understand

I trusted my lawyer, and liked that DCP had to let you know in front of everyone what was happening

My children's lawyers were considerate of their needs

Professionals

The lawyers are great for support and reality-testing x 3

The parents don't have to face the Court system on their own and are well supported x 2

Works well with lawyers who know parent's pathology (drug-addiction, violence etc)

We can say that the first meeting may be uncomfortable and confronting however having the lawyer present helps to calm the waters. Affirms the role of DCP

The lawyers were great - they allowed their clients to speak and encouraged them to speak if they were hesitant. As the facilitator - it was clear that all three lawyers understood what the process was about - which made my job much easier

Appropriate systems and resources in place to support the Pilot (including training)

Systems and resources

Legal Aid has great availability and has been fantastic x 2

The centralised system for the Conferences works well

It's great having the observation room and the chance to feedback

The observers' forms are very useful for informing training

The role of the Legal Aid Pilot Coordinator works very well in coordinating and preparing the parties for the Conferences

Training

Has challenged my thinking considerably x 7

The focus on the skills & the reason behind the skill x 7

I loved the collaborative nature of the training – sitting at the training table with our partner colleagues/agencies - different perspectives/understanding of roles and process x 6

The training validated and named the difficult work we all do and the knowledge/skills that we have; has affirmed my practice x 5

New models to consider was very useful in respect of gaining new insights and skills x 5

I feel the course will allow me to serve the clients (all parties) interests better x 4

It has provided me with an opportunity for reflection into my practice x 4

Made me think and reflect on the 'power' that can be exploited and focus more on the parents' positions and how they are coping x 3

Has made me think about the whole spectrum of participating in and/or facilitating such meetings on a whole new level; provided different ways of looking at group dynamics, emotional intelligence and mediation x 3

Helped me understand the perspective of others and the need to listen to and work at their pace x 3

Provided more awareness in relation to group dynamics and the process to slow the energy, open up the discourse & be clear through active listening, summary & reflection x 2

Facilitators' ability to sit with the tension in the room and role model what we should be doing was great x 2

Clarified terminology - challenging my understanding of danger and safety – what does it mean and how do I express this to others x 2

Gained knowledge on how poorly DCP does in valuing parents and looking after the child's best interests x 2

Reminded me of the importance and necessity of the relationships x 2

Reinforced the benefits of good planning prior to meetings x 2

It has allowed me to broaden the way I use the SOS model to achieve better outcomes for the clients x 2

This training has made me think about the process, the child in the process, others in the process and me in the process. Too often, these meetings become just something we have to do instead of us looking at them as an opportunity for good outcomes

The training has allowed me to shift my view of these meetings and to regain some enthusiasm for participation in them

It's clarified some of the complexities that are involved – I feel that maybe if an outcome isn't reached at the meeting somehow I've failed, however I now see that it's the process and that the fact that client's feel heard that may be more important than a 'successful' outcome

Open discussion on some of the issues that are present in the SOS meetings but never openly spoken about – this has created more awareness

Loved the role plays – opportunity to test out new skills in a safe environment and the debate & engagement of the group

Findings: what are we worried about?

Best practice

Families

They want to talk about the past rather than move forward to how they can help the family

It's a good thing to get people together but dragged out the whole process, DCP was too frightened to act

Not fair, ¼ was fair. I can't understand how people can judge you by what others say: someone else who hasn't even seen you with your family. We don't see the notes that they (DCP) have

Professionals

We are concerned about the lack of independent and skilled facilitators (Meetings) x 17

By the time, we get to a Conference we have usually met with all parties through a SOS process several times. It just repeats what we have already done x 7

Quite time consuming (preparation and attendance) x 7

DCP follow-up, accountability, how do we get them to do what they say they will? x 6

DCP have trouble clearly articulating what their concerns are x 5

DCP untrustworthy, fearful, not listening x 5

Has not always been the openness by DCP caseworkers that I thought should go with the process and sometimes feels sabotaged by DCP and their defensiveness x 5

Sufficient preparation not done, people didn't know what to expect, all the information is not provided x 5

Some professionals are still learning the process and SOS principles and are not as open and transparent about their position/evidence/thinking as they should be x 5

DCP using less complex language and jargon and explaining statements so that clients have a full understanding of what's required x 3

There is a lack of clarity of expectations that DCP have of the families x 3

The SoS minutes (Meetings) and reports don't always reflect what was said x 3

Sometimes there are too many people at the SOS Conferences x 3

Some of the issues raised still appeared in the reporting paperwork, despite objections from everyone other than DCP x 2

Venue still gives a feeling of adversity to the process and some clients feel uncomfortable with setting- parking is difficult, sometimes too small x 2

Still imbalance of power with DCP and their statutory powers x 2

There is a lot of talking (talk-fest), but no massive changes x 2

Duration of Conferences is sometimes not sufficient. Concern about hurrying a Conference to conclusion when there are complex and multiple views x 2

Sometimes participants from NGOs can be quite adversarial

Affidavits are problematic

There is no reality testing

There are some challenges in ensuring that there is appropriate preparation, particularly in relation to VRO's [Violence Restraining Orders] and getting the parties to identify before the Conference that there is a VRO in place

Court

Some caseworkers seem uncomfortable with what they have to do in the Court

Lawyers' involvement

Families

Well, it would have been fine if he [my lawyer] was decent but he seemed to be siding with DCP and not representing me. I lost a lot of confidence

OK but their lawyer (DCP) persuaded my lawyer not to push for supervision order

Professionals

A number of lawyers who act for respondent parents take a highly adversarial approach and do not seem to understand the nature of the process x 9

They do not give their clients the opportunity to speak for themselves and resolve issues themselves- sometimes they take over the process x 5

Sometimes the lawyers attack us as caseworkers x 3

Lateness of lawyers is stressful for all involved and it often happens x 3

The child representative could have been better prepared and have at least spoken to the children x 2

I was not sure that all legal staff understood that DCP psychologists and caseworkers work in the same office and consult on cases regularly

Court

Some DCP lawyers can be overly adversarial

Some DCP lawyers were reluctant at the beginning and some are still reluctant

Appropriate systems and resources in place to support the Pilot (including training)

The administrative support for the Meetings is often crisis driven and crisis orientated

Training

I found it difficult to conceptualise mediation processes superimposed on an SOS framework x 7

Naming the complexities doesn't always reinforce the beliefs and hopes practitioners bring every day x2

Role playing – have problems with authenticity and never feel the benefit of these exercises x 2

Too much emphasis on challenging practise and thoughts

I thought it showed where we are at with SOS when DCP SWs stayed for 3 days but lawyers and hospital SW came and went. It appears to be not as important to them

Would have liked more focus on facilitation skills/strategies

Having little knowledge of social work theory and practice

I feel like whilst I was learning great skills I was being told throughout the course by participants what we were allowed to use or not use in the field. It limited my learning & disappointed me

Our (DCP's) difficulty in shifting and being open for new learning

The new language worried me about how they can be integrated into our practise or not

Not that it did not work well but would have liked to discuss closures/outcomes more

Group needed to appreciate that intro of 'new models' was to 'enhance' current practice – not replace it

Discussion: next steps?

We present below a compilation of ideas that have come from the professionals and the Court about how to improve the processes.

Preparation

Preparation, preparation, preparation

All parties need to be better prepared

- *DCP staff need to be prepared*
- *Workers and families need to be prepared*
- *Parents need to be prepared*

- *need to understand that they can have several members of their family there as support*
 - *need information about what to expect*
 - *need to be aware of the venue and any associated issues*
- *Lawyers need to be on time*
 - *Convenors need to be prepared*

There needs to be better organisation of meetings and communication between participants prior to meetings - they should be centrally administered

More transparent sharing of up-to-date information and reports by DCP prior to the Conference

It was a bit unclear prior to the Conference whether all relevant people would be there and whose responsibility it was to organise them

All participants need to be aware of timeframes

Perhaps the Application Form should be amended to include a tick box regarding the existence of a VRO and there should be a requirement to file copies of VROs obtained before and during proceedings and that there should be a tick box on the Court Checklist [see [Appendix A](#)] regarding the existence of a VRO

Purpose

DCP should be more up front about its intentions at the outset of the Conference

DCP need to be very clear about purpose of meeting and articulate this

It would be better for the clients and case manager to go to SOS meetings with a clear objective in mind - such as contact issues

Conduct

Mapping circulated before the Conference with opportunity to make comments and not trawl over the same information again would be good

Clear danger statements up on the board that DCP have discussed prior with the family is ideal

Professionals need to put aside any pre-determined outcomes, professional agenda and listen

There needs to be a level of 'good will' between all who are 'sitting around the table'.

More time-outs for parties to de-stress and consult

DCP need to be prepared to make decisions and not delay them, and need to be prepared to negotiate

DCP need to be open to make decisions in the meeting and be flexible to look at different options

There needs to be clarity about what some terms mean; no use of jargon

More clarity about why the children are in care and what needs to happen for what to occur

Facilitators/Convenors

Facilitators need to:

- *be independent*
- *use skilful questioning*
- *be child-focussed*
- *not be forensic*
- *encapsulate the history in the minutes*
- *balance their roles as DCP workers and facilitators*
- *have understanding of Court processes*
- *be flexible and understand that all Conferences are different – be adaptable*

Independent facilitators – perhaps non-DCP facilitators, but if DCP then we need:

- *an accreditation system*
- *or smaller pool, with qualifications*
- *or only a nominated few for whom this is their primary role*

Lawyers' involvement

A register of lawyers who do child protection work to ensure that only child-focused lawyers undertake this work

The lawyers could spend more time with their clients prior to the actual Conference

There needs to be more trust in the process and less adversarial behaviour

Lawyers needed to stay out of it a bit and let the information flow freely

Lawyers involved need to understand aims of SoS

Lawyers need to help the clients to express themselves without speaking for them

Lawyers need better understanding of the emotional impact of the circumstances on the family

Documentation

The Convenors could type the reports up the end—parties could take it home and read it—and it becomes a working document

Affidavits could be written to reflect the SoS domains

Follow-up and follow-through

The next steps need to be clearly articulated, reality tested (who, what, when, where and how) and a review schedule formulated so that follow-up is available

DCP need to follow-up on what they say they will do

An accountability of the parties to the process needs to be in place

Perhaps we could ask the parents to identify a network of people who will then agree to meet with DCP to participate in a Safety Planning Meeting.

Appropriate systems and resources in place to support the Pilot (including training)

At a high level, we should be developing models to ensure that this stays funded

The Meetings could be centrally administered like the Conferences

Everyone should be involved in debriefs. Is there a way for parents to be involved in some way?

More training, what:

- *more training about the process, who what, where, when, why; what makes them go well, not go well? x 7*
- *further debate/discussion about the fit between differing models/language of mediation and how that applies to a SoS framework x 3*
- *training for DCP staff for greater transparency and presentation of specific evidence, not using jargon*
- *inter-professional training in SoS so all aware of purpose*

- *negotiation skills*
- *DCP caseworkers and case managers need more training in case planning*
- *Further consultation in SoS direction & impact naming conventions and blanket compliance is having on service delivery*
- *more training in relation to developing/refining the micro skills needed to facilitate & grow practice depth both for ourselves & within our districts*
- *more strategies around reflection & listening*

More training, how:

- *videos, visuals, of Conferences x 9*
- *joint training, a good mix of participants professions/organisations x 5*
- *interactive and experiential training, more role plays x 4*
- *further training, debrief & practice opportunities x 3*
- *shorter sessions, 3 days was too long x 2*
- *case studies, examples x 2*
- *engage the families in the training*
- *time for reflection*
- *should be mandatory for all senior child protection workers*
- *feed back into best practice/policy*
- *recommendation that the attendee attend each consecutive day of the training to that the information flows*
- *consistency of language to help avoid confusion*
- *training or course outline would be useful to take back to colleagues with a view to sharing information & knowledge*
- *regular sessions on specific topics – could be lunch time or after work for a few hours*
- *Opportunities for facilitators/convenors to observe/co-convene*
- *need some consolidation time – maybe micro-skills sessions to practice skills*

Summary

The large quantity of qualitative data shows that the professionals and partners are engaging with the Pilot and are reflective about the ways that they can improve effectiveness of the Pilot for the future. Many of the ideas and suggestion focussed on people, preparation, and process 'best practice' and we have further summarised these in the [Analyses](#) and [Recommendations](#) sections below. In the Analysis section, we present a [Worksheet](#) that the partners can use as a working document to analyse and document ideas for improving those aspects of the processes that they are grappling with.

THE CHILD'S PERSPECTIVE

Literature and methodology

Anna Freud combined her teaching of psychoanalysis with teaching in law and as Joseph Goldstein (1982) writes that, in the fraught area of child protection where the notion of the 'best interests of the child' is a fragile, nebulous and unpredictable concept, "Miss Freud taught us to put childish things before, not behind, us. She taught us to place ourselves in a child's skin, to try to think a child's thoughts and feel a child's feelings about being removed from a known environment to an unknown one... She helped us see that the question is...what does the child need the most if we are to minimise the harm to his or her development." (p 221-222).

Signs of Safety "is designed to help everyone think their way into and through the case from the 'biggest person' (director general, judge, psychologist) to the smallest person" (DCP, 2008), and is designed so that the thinking into, and through, is from the *child's perspective*. Arguably then, a simple measure of whether the best interests of the child have been met in the Pilot, is whether everyone in the Conferences and Meetings has taken the child's perspective and pondered, listened to and considered what might be happening for the child, and what the child might need the most.

This is distinct from the 'best outcome for the child', which we discuss later in the Report and where we integrate the material from all the sections of the Report. In this current section, we consider recent developments in psychotherapy, attachment theory, developmental psychology, philosophy, and neuroscience that support the notion that taking the child's perspective can improve outcomes for the family, the professionals and for the entire community.

Child inclusiveness

Before discussing these developments, it is appropriate to note that where the child has sufficient maturity to understand the nature and effect of the proceedings, he or she can participate in the Conferences. Alternatively, a child representative can act on the child's instructions. Where the child does not have capacity, the child representative acts in 'the child's best interests'. The child's views can also be presented to the participants using other tools such as the Three Houses, or the Fairy Wizard Tool (DCP, 2008).

The intention of the Pilot is that, at least, all school-aged children should either attend the Conference in person, or have a child representative attend the Conference. To date the Legal Aid Pilot Coordinator is aware of two children in separate matters who have indicated a strong desire to participate in a Conference. In one of these, arrangements were made for the co-Convenors to telephone the child before the Conference and to check with him that he wanted to participate. It was then agreed that the child would participate in the first part of the Conference so that he could put forward his views about the SoS questions (what's working well, what's not working well and next steps?).

This input took only 5-10 minutes but made a significant difference to the Conference—he expressed a clear wish to return to his mother’s home. Another child indicated his desire to attend a Conference and arrangements were made for that to occur. Unfortunately, this child ran away from his placement on the night before the Conference and did not attend.

Mentalizing

Whether the child is a participant or not, the literature on mentalizing clearly demonstrates the benefits of everyone in the matter, considering the child’s perspective. Mentalizing is a concept that refers to the capacity to perceive and understand oneself and others in terms of mental states, such as feelings, thoughts, beliefs, intentions and desires. The mentalizing capacity involves understanding that internal mental processes such as affects, thoughts and needs underpin our actions and behaviours, and attending to these mental processes in oneself while wondering about mental states of the other, forms the basis of our ability to interact socially and to form meaningful relationships. There is also evidence to suggest that our ability to mentalize underpins our capacity for resilience throughout life (Fonagy et al, 2002).

The neurobiological research has now confirmed that the nature of the parent-child relationship in the first year of life influences the formation and strengthening of the neural connections that are the basic building blocks of the developing capacity to mentalize. It is the caregiver’s mentalizing capacity in the context of the parent-child relationship, as well as his/her capacity to respond sensitively to the infant, that stimulates this neuronal development in the infant’s brain. Children who eventually develop the capacity to mentalize are more likely to become emotionally stable, interpersonally competent and resilient (Schorein, 2009; Howieson and Priddis, 2010).

This literature is helpful to understand the importance of children being in the care of someone who is able to take the child’s perspective, and why parents who are unable to mentalize with the child through mental ill health, drug or alcohol abuse, or other difficulties, require intervention to build this capacity. However, what this research also tells us is that mentalizing is important for anyone involved in a decision-making context involving a child. The ability to mentalize permits and encourages flexible thinking, and therefore it can “protect self-esteem, advance self-efficacy, and aid in making informed judgments about risk in interpersonal situations.”(Stein, 2006, 310). Therefore, it is important when making decisions that will affect a child that everyone tries to think about what the child might be thinking (we can only ever wonder—we can never be sure we know what the child is thinking) and that everyone is alert to their own mental states and how these might be influencing their participation in the decision-making. If everyone in the room is mentalizing, and in particular, mentalizing about the child (taking the child’s perspective), then it is likely that wise and reasoned decisions about the child will ensue; decisions both from the parents and from the professionals.

A mentalizing stance

To take the child's perspective requires adopting a mentalizing stance. This involves taking an inquisitive and 'naïve enquirer' role, rather than taking the role as an expert. Nobody can ever know another's mind, so therefore enquiring and clarifying what is in the mind of another (and what may be in the mind of a child) is an essential aspect of mentalizing. In this respect, investigating whether the participants in the Conferences and Meetings are taking a child's perspective, means exploring whether they adopt a mentalizing stance regarding the child. In essence, we would be considering whether the environment of the processes was one where, in the first place there was procedural justice (as this creates a safe base from which the parties can mentalize), and additionally whether there was:

- encouragement to be curious about the thoughts and feelings of the child (the child's perspective), and the perspectives of the other participants
- continuous education about the participants' understanding of the child's perspective and of their own
- a focus on *moments of meeting*—when the participants have a common understanding of the child's perspective and of their own
- a *joint and cooperative enterprise* towards considering the best interests of the child
- spontaneity and creativity but also attention and mental effort focused on the best interests of the child
- an interest in understanding the participants and the child's experience better
- probing, testing and correcting the reading of the participants' perspectives (including the child's)
- assistance given to the participants to appreciate the difference between their own experience and that presented by other participants
- ordinary, authentic and non-expert interventions from convenors and others to encourage participants to share their thoughts and feelings and their understanding of their own, and the child's perspective,
- using a common language and refraining from using minimizing words, for example 'just, obviously, clearly...' (nothing is likely to be obvious or clear when one considers the terrain of mentalizing), and

- a conscious effort to refrain from reducing the participants' experiences to a general pattern rather than exploring the experience, and the child's perspective in more detail.¹⁴

Nothing shuts down mentalizing more quickly than thinking that we 'know' what is in the best interests of the child. As English (1996) writes, "the difficulty is that as soon as professionals decide they know the truth about a given situation this begins to fracture working relationships with other professionals and family members, all of whom very likely hold different positions. More than this, the professional ceases to think critically and tends to exclude or reinterpret information that doesn't conform to their original position." (DCP, 2008). Further, following her involvement in a number of child death reviews, Munro (2006) writes, 'the single most important factor in minimising errors (in child protection practice) is to admit that you may be wrong. It is an essential that workers acknowledge this throughout the assessment process in their communications with the family and other professionals and they regularly reflect on the judgements they have made and the actions that they have taken factoring in new information as it becomes available.'

In essence, English and Munro are writing about the need for professionals to be constantly vigilant that they are mentalizing (attending to their own mental states and those of others) and in particular, attending to the mental states of the child. Further, they are writing about the need for professionals to adopt a mentalizing stance in their communications and to be flexible and curious in their thinking.

The SoS literature reminds us that "restraining an individual's natural urge to be definitive and to colonise one particular view of the truth is the constant challenge of the practice leader in the child protection field." (DCP, 2008). The mentalizing literature would say that this is the challenge for all of us, everyday in our social interactions, but perhaps never more crucially than when we are deciding what is in the best interests of the child. Therefore, it is imperative that the participants in the Conferences and Meetings foster 'a spirit of inquiry as the core professional stance' and in particular, foster a spirit of mentalizing in relation to the child's perspective. These things may not guarantee safety for the child but they can certainly enhance planning for the safety of the child.

Particular Inquiries

We emphasised that a procedurally fair process can create a safe base from which the parties can mentalize. That is, the experience of being treated fairly can generate an experience of security, which in turn facilitates mental exploration, such as mentalizing and considering the child's perspective (Howieson and Priddis, 2010). Therefore, we include procedural justice investigations in this section as well.

However, the particular inquiries of this Child Perspective section of the Report are whether the Conferences and Meetings proceed in a manner where:

¹⁴ Many of these Interventions were extracted from Allen, Fonagy & Bateman, 2008.

- there is a spirit of constructive inquiry
- everyone in the process is encouraged to ‘think about the child's thoughts and understand what a child might be feeling’ and to explore the child’s perspective in more detail, and
- interventions are tailored to understand the multiple perspectives of the participants, rather than to lead the participants to a particular position.

Findings: quantitative

At the time of writing this Report, one Conference had been video recorded and the video transcribed for evaluation purposes. However, as there is only one transcript available, we are unable to provide details of it as it would compromise the confidentiality and anonymity of the participants. We can say though, that the transcript is an ideal evaluation and training tool and that once we have more Conference recordings and can assure participant anonymity, then we can provide the stakeholder partners with valuable information about the theory and practice of taking the child’s perspective and other aspects of the Pilot.

Instead of data from the video-recordings, we provide below two case studies from the Pilot. The first is an account from one of the evaluators who observed a Conference and the second is from comments made from a family participant on the online survey. Both are illustrative of the importance of procedural justice and taking a mentalizing stance.

Findings: what’s working well?

Case study I

This case involved a 13-year-old boy (H) who was going to attend the Conference but ran away from his placement the night before the Conference. At the time of the Conference, his whereabouts were not known.

The mother was in a violent relationship with H’s stepfather and the stepfather had been violent towards H. Apparently, the mother had taken the stepfather’s side against H and H had gone to live with his maternal grandmother. H’s other siblings resided with the mother. H had been placed in care for approximately 2 years (first with his grandmother and then at a short-term stay for adolescents). H had been drinking, using drugs, self-harming and involved in criminal behaviour. He had been arrested, was absconding daily and possibly living on the streets.

The participants in the Conference included the Convenor, the mother, grandmother, DCP lawyer, team leader and case manager, and H’s child representative. The mother’s lawyer did not arrive, so a Legal Aid lawyer stepped into his/her place. The mother had indicated before the Conference that she was willing to consent to orders for an extension of 2yrs with a view to reunification thereafter. H had indicated to his child representative that he wanted to come back home and live with his mother.

At the beginning of the Conference, it was clear that everyone in the room was highly concerned about H. The mother was defensive and quiet and the grandmother did most of the talking explaining what had happened with H over the past few weeks. She said that H had taken everyone by surprise with the sudden escalation of H's risky behaviours.

As the Conference progressed, with a spirit of inquiry from all the participants, the mother started to talk about the situation with H. She moved from being positional and saying, "He is not coming home, it just won't happen"; to starting to think about what might be happening for H, and how she might best respond to him. Evidence for this shift included H's mother saying, "I think H might be thinking that I don't want him." Then she asked DCP professionals, "When H calls me, what shall I say? What do you think he'll think if I say, I love him but I can't handle his behaviour?"

This shift towards taking the child's perspective started to occur through interventions from the convenor and the professionals. Perhaps, more importantly it started to occur, when DCP professionals modelled a 'no blame' approach. At one stage, DCP team leader said to the other DCP professionals, "I think we could have handled H better. I'm not sure that we did our best for him, what do you think?" She then said to the mother, "I think we could have done things better. Let's start as an open book."

These types of honest, authentic and non-expert interventions seemed to open up the space for the mother to reflect upon her own behaviour and to start to think about what H might be thinking and feeling. It also enabled the others in the room to do the same. These interventions were constructive (not defensive) and modelled teamwork, openness and collaborative decision-making with the family. The Conference ended with many agreements between the mother, grandmother and DCP about how they could all look after H's best interests together: from how they would speak to him, to DCP following up with the Children's Court about the progress of his criminal charges.

From a mentalizing perspective, the mother's capacity to mentalize about H had 'gone offline' in the stress and unfamiliarity with the situation. However, due to the convenor conducting a procedurally fair Conference, and creating the space and atmosphere for everyone together in the room to take the child's perspective and to mentalize, this enabled everyone to come to a shared understanding about what might be happening for H and what might need to happen. Further, by everyone in the room taking responsibility for working together, putting aside their own judgments about the situation, and seeking to understand everyone's perspectives (including H's), there were moments of meeting about what was in H's best interests, and these resulted in agreements about what should happen next.

In order to capture whether this Conference led to improved relationships between the family and the professionals, and whether the agreements were durable and achievable, we tried to contact the mother for an interview. However, we have not been able to contact her on the telephone numbers supplied by DCP. We are hoping that according to the theory and the research that we have described throughout this Report, that there were some positive flow-on outcomes from this Conference.

Findings: what are we worried about?

Case study II

The comments below come from a family participant in a Conference conducted in the early stages of the Pilot. We have reproduced the responses from the online survey without any alteration except to preserve anonymity.

DCP would often cut me off mid sentence and I'd forget what I was trying to say my lawyer occasionally told me 'don't speak' when he could tell I was going to get us upset or argue, when I was talking they weren't believing anything we had to say after all according to them were all scum members etc.

[Name of DCP worker] makes me feel nervous and really really upset and teary and shaky I'm scared of her I doubt she means it I have gotten used to her now a bit but she made me uncomfortable with the way she talked to me I felt like a yr1 in the principals office shaking in my boots. She would snap at me sometimes and she was the one cutting me off mid sentence. I felt embarrassed to be there.

I feel tricked and lied too.

Nothing is physically recorded by sound I hate that as everything is in short hand and is not my words or my understanding witness in the room to what has been said aren't listened to when DCP go back on what they said and it can't be proved.

They made me anxious and panicky I didn't appreciate people watching behind glass I felt as though I was a prisoner being questioned I deserve not to be made to feel so weak and small.

People behind glass watching it would have been ok if I could see them as well. Feeling useless because I didn't really have any options. Our lawyer said he couldn't help us get them back in court. Such a small room with lots of people and doors closed is a problem for me I struggle to breathe more room would be nice.

The one person talking at a time made me angry I needed to ask questions and complain and discuss and correct things right away before it was missed when we moved on.

A sound recording of it all for DCP and me would have made things better. More options would have been good. Breaks to discuss with my lawyer if I needed and for my partner and my mum to have been allowed to talk together about things not all separate lawyers when I still felt like this was all too much and I needed my mum I was scared I am still scared.

It was a waste of time. It might help if DCP were willing to admit they went too far. And that they should have proof not hearsay before ruining so many lives they have destroyed our family in more ways than they know and will never get over what has happened to our kids and how they make us feel so small and were just sick of jumping through DCP's hoops of fire and getting nothing but lies back.

I had a legal aid lawyer in his words he told me 'just sign as you would have no chance in hell at this in court' I was bullied into it when I wanted to fight the allegations at that point I had witnesses and evidence against allegations but know one would listen or help us fight it.

My partner's lawyer was late he had no support as we were separated at the time as my lawyer said it was needed if I was going to get my kids back but it didn't help us at all it made it worse for our mental health.

DCP, and the lawyers I had no confidence in them that they would bother to help us, but didn't think I could do anything about it.

My lawyer brought in fantails, the children's lawyer was fantastic and sympathised with us about the Conference at least to our face.

The team leader was 'holding a grudge' and saw us as scumbags and they were all looking at me as if was going to do the same things as my Mum. They didn't have any confidence in me and their minds were made up before it started.

Discussion: next steps?

Case Study II illustrates the negative effects that a perception of a lack of respect, dignity and politeness, a lack of trust, an inability to probe, correct and test the perspectives of others, and of participants closing their minds to possible alternative readings of the situation, and to other options, can have on a participant. On the other hand, Case Study I highlights the positive outcomes that available when there is a spirit of constructive inquiry, curiosity about the thoughts and feelings of the child, and the participants open their minds and selves up to the perspectives of others and share their wisdom.

Training which focuses on participants emphasising bringing the child's thoughts, feelings and voice into the room may be helpful to deepen this focus. Such work will involve acknowledging one's own prejudices, biases and opinions about 'what is right'. It also involves being open to constructive and creative inquiry in the crisis-driven atmosphere of Conferences and Meetings.

CULTURE CHANGE

Literature and methodology

Achieving Culture Change: A Policy Framework developed by the Strategy Unit of the Cabinet Office of the UK government sets out a practical systematic approach to thinking about culture change. The authors, Knott et al (2002) argue that it is the cultural capital factors, the “evolving stock of attitudes, values, aspirations and sense of self-efficacy held by individuals and society” that are the most important determinants of behaviour, and change in behaviour and they posit that to inspire culture change, we must first understand, and then build cultural capital.

Knott et al (2002) suggest that to achieve culture change and to understand cultural capital, it is helpful to use segmentation and profiling techniques to build up a detailed map of the culture capital and then map the path to behavioural change. For this reason, we have presented the data below in a manner that will enable us to use the segmentation and profiling technique to provide a clearer ‘map’ of what is occurring and what may need to happen within the change exercise. We present the segmentation and profiling map in the [Inquiry analysis](#) section below. We also present a flame matrix that can assist the partners to design practices that can assist them to continue to develop their organisations as learning organisations.

Learning organisations

As Senge (1990) proposes, engaging an organisation in a ‘learning journey’ is one method of generating the energy necessary to invoke a cultural change. Senge considers that the learning journey and the creation of learning organisations can bring forward people’s best thinking as people “continually expand their capacity to create the results that they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning to see the whole reality together.” (DCP, 2008).

The data collected in the Inquiry will enable the partner organisations to see the present reality of their situation and will assist them with decisions on the learning journey. However, it is important in this exercise to recognise that training is only one step in the learning journey. Training can make a difference, but “the ideas and practices must be supported by supervision and ongoing organisational processes that support and embed the new training and practices” for a cultural shift to unfold and for the organisations to continue to evolve as learning organisations (DCP, 2008).

Some of these ongoing practices include:

- **Ongoing constructive inquiry:** a successful learning organisation uses systems to enable critical and constructive inquiry so that the

performance of the organisation as a whole, and of its various components is continually assessed.

- **Reflection and mastery:** a successful learning organisation develops a culture where professionals are encouraged to develop personal mastery by committing to the learning processes and being reflective and reflexive about their work (Argyris, 1999).
- **Understanding, challenging and reframing the 'mental models':** a successful learning organisation creates an environment where people can discuss openly the assumptions, attitudes and tensions that they hold about themselves and others in the change process. Through this process, destructive and defensive attitudes and assumptions can be reframed into constructive and proactive ideas, and the tensions can be understood and used for the benefit of the whole organisation (Senge, 1990).
- **Shared vision and shared learning:** a successful learning organisation has a shared vision that motivates staff to learn and creates a common identity that provides focus and energy (Senge, 1990). It also implements shared learning processes so that people can benefit from each other's knowledge and expertise (O'Keefe, 2002).

Partnering

Along with developing strong learning organisations, another aspect of the culture change that the partners wish to inspire is one where the families and the professionals engage in a **partnership model** of practice. This is a shift from the **dominator model**, where there is a hierarchy of someone, or some group, in a dominant position to the 'others'. In a dominator model, "the world is divided into in-groups and out-groups, with those who are different seen as enemies" (Eisler, 2002). In contrast, the partnership system supports mutually respectful and caring relations where mutual gain and altruistic notions move to the forefront.

The partnership model in the context of the Pilot would:

- highlight the importance of relationships (between family and professionals, and between professionals)
- engage all partners (families and professionals) in the 'learning journey'
- foster a respectful constructive inquiry into the knowledge, experience and expertise of the other parties (families and professionals)
- involve accepting the tensions that are implicit in dealing with difference
- make the partnership model explicit

- model the partnership approach in all aspects of practice and thereby create a 'partnership lens', and
- apply the partnership lens to all aspects of personal and professional life by the use of reflective tools, including supervision.

In the past, the role (and statutory authority) of DCP may have embedded the partners in a dominator model. However, the partners hope that this movement to a partnership model (which does not relinquish statutory authority but instead builds on the authority of DCP to include partnership models of decision-making) might help to facilitate the cultural transformation in child protection practice that the partners are seeking.

Particular Inquiries

Some 'culture change' issues are explored in other sections of the Report. The particular inquiries of this section of the Report, which is specifically devoted to culture change, include:

- What is the cultural capital and what are the 'mental models' of the target populations?
- How well are the partner organisations embarking on, and travelling on the 'learning journey'?
- Are there shared meanings (a common language) and shared understandings between and within the partner organisations?
- Is there a shared vision?
- Is a partnership model of practice emerging?

Findings: quantitative

We begin with quantitative data gathered from the [inter-professional surveys](#) discussed above. Again, the heading to the survey questions was "*Since the introduction of the Signs of Safety Pilot*"

Better decisions made about children/families

Q2 I believe that better decisions are made about children in care

Q6 I believe that there has been better planning around the issues for the families

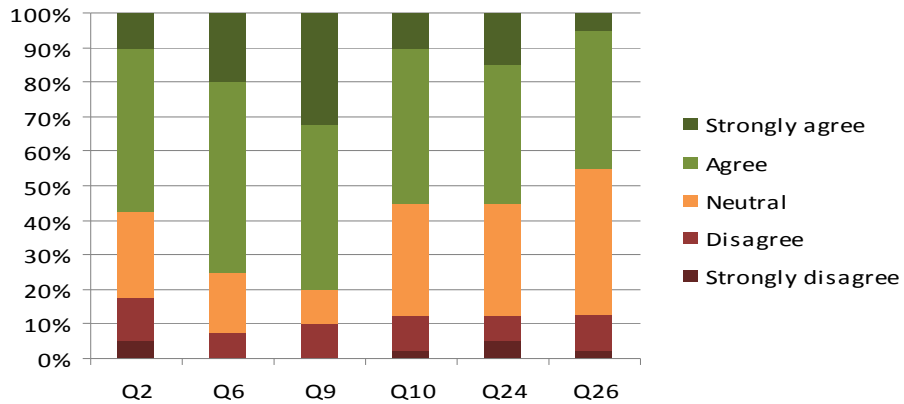
Q9 I have gained an appreciation for the importance of having the family as full participants of the pilot.

Q10 I am more comfortable engaging in shared decision making with the families.

Q24 I feel more comfortable in speaking out when others are not keeping the best interests of the child in mind.

Q26 I feel more comfortable initiating discussions about sharing responsibility for the children's care.

Figure 12: Better decisions made about children and families



The majority of professionals believe that since the introduction of the Pilot, better decisions have been made about children in care (Q2), there has been better planning around the issues for families (Q6), and an increased sense of appreciation for family involvement in the Pilot program (Q9). The questions in this section regarding 'comfort' of the professionals (Q10, Q24 & Q26) have a slightly less favourable response. Both of these results reflect the findings of earlier sections. The first reflects the finding that the professionals perceived high levels of procedural justice and collaborative practices and that this has led to wiser decision-making. The second reflects the discussions that the professionals have had about the particular tensions that they are experiencing.

Attitude towards Pilot

Q4 I believe that there has been open and honest communication between the professionals in the pilot.

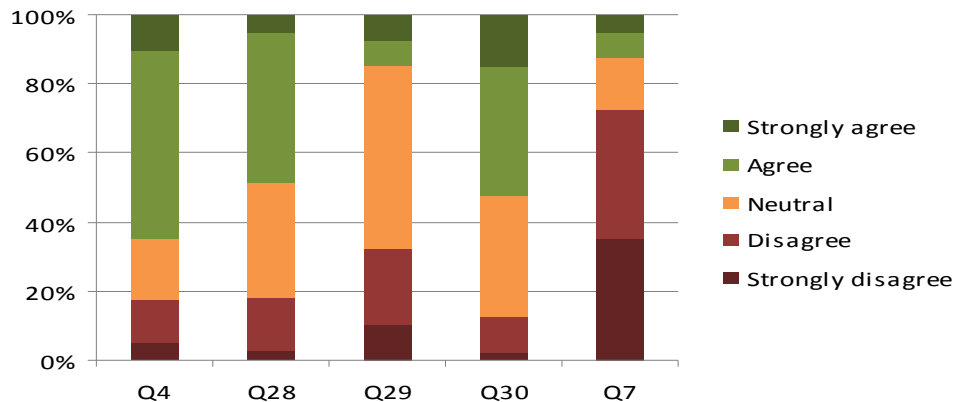
Q28 I believe that the pilot is being run efficiently and economically.

Q29 I believe that the pilot has resulted in me spending less time on case files.

Q30 I feel that the pilot has increased my workload.

Q7 I think that the pilot has been a waste of time

Figure 13: Attitude towards the Pilot

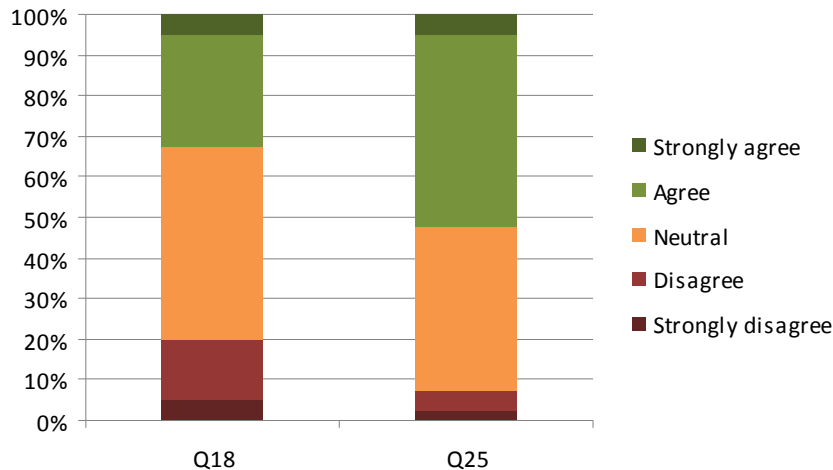


Awareness and expectations

Q18 I am more aware of my preconceived ideas when entering into discussions about the pilot.

Q25 I believe that the pilot is being conducted as I envisaged.

Figure 14: Awareness and expectations



There appears to be a positive attitude toward the Pilot, as reflected by the overall positive response to Q4 and the overall negative response to Q7 (Figure 13). There are some concerns by many professionals about how the Pilot is being run (Q28) and the impact of the Pilot upon their workload (Q29 & Q30). In terms of the professionals' awareness and expectations of the Pilot, it seems that there isn't a strong awareness among the professionals of what preconceived ideas they bring to the Conferences and Meetings (Q18) but they are relatively comfortable that the Conferences and Meetings are being conducted as they envisaged.

Findings: what's working well?

We have reported data that touches upon many aspects of cultural change in previous sections. In particular, the tensions identified in the [inter-professional collaboration](#) section give insight into the cultural capital and mental models of the participants, and the quantitative data in that section reveals the professionals' perceptions of the inter-collaborative journey. In the [family participation](#) and [child perspective](#) sections, we discuss elements of the partnering model, including the importance of partnership relationships and engaging all participants in constructive inquiry. In this section, we report additional comments from conversations we have had with various participants of the Inquiry and from feedback received from the training and workshops that we have conducted.

Culture capital/mental models

We have seen a change from the paternalistic culture

It seems that decisions are not being made on people's anxiety anymore

Learning journey

I've seen an improvement in staff through the action learning

The observing of Conferences is incredibly helpful

There has been some wonderful training

The training has been very useful for solicitors

It has been useful to hear DCP experience

Shared meaning, understanding, vision

KEMH and LAWA have a greater understanding of each other

Relationships allow for less defensiveness and more understanding

A new language is emerging. We recently heard in the Court, 'We had a really good SoS Conference.'

Partnering

I am seeing a culture of sharing responsibility and a sharing of sense of keeping the issues in focus

The biggest benefit has been the relationships formed between the professionals

Findings: what are we worried about?

Culture capital/mental models

DCP participants do not seem highly confident to negotiate

Our staff are struggling to clearly articulate what they are worried about and what they need to see happen and preparing the parent

They have anxiety around how to manage a group process

How to be humanly present?

DCP appears to operate on professional defensiveness, not on humane compassion. That is in great need of being addressed for client and DCP workers both

We don't know how to balance the best interests of the child with talking to the parents

We expected DCP workers to empathise with mum and her torturous journey, but they became professionally defensive

Learning journey

I would have liked to see more DCP lawyers at the interim report workshop

A better mix between DCP and others would have improved the workshop

We understand it will take 3 – 5 years before we start to see change

Don't want when the evaluation is over for ubiquitous bad practice to continue...

Shared meaning, understanding, vision

There is wide discrepancy amongst DCP workers in their understanding and use of the framework in their child protection work - some workers are brilliant, others are not so sure and I believe a few have not really understood its guiding principles and are still stuck in old paternal notions/models of child protection work. My point is, if not all DCP workers feel comfortable with the signs of safety framework, then there is scope for wildly inconsistent outcomes between individual cases.

DCP need to be very clear about purpose of meeting and articulate this

I still really don't understand DCP

Not everyone understands the use of the whiteboard notes

I'm so confused over the different use of terminology – conferences, meetings, etc

Partnering

The caseworkers feel undermined by management and not supported in their decisions to bring children into care.

Discussion: next steps?

In the [Analysis](#) section below, we have constructed segmentation and profiling maps to assist the partners to translate this data and understanding of cultural capital into policies and practices that will *enable* and *encourage* the professionals to shift their behaviours where necessary, and *engage* them in the culture change process. For this to occur, we suggest that the partners:

- create opportunities for debate and dialogue on the issues
- create opportunities for individuals to unpack their own histories and tensions – what was it like for me? What is happening now? What's my

story? These opportunities could be in the form of debriefings, supervision, coaching, or counselling

- encourage reflective (debriefs, supervision, coaching, journals, blogs) and reflexive (research, assumption testing, training) practices whereby the professionals can become more mindful of their preconceived ideas and to develop their ability to mentalize
- continue to conduct inter-professional training and workshops so that partnership is modelled—ensure that a mix of professionals attend
- use video-recordings and observations to establish deeper understanding of the cultural ‘shift’ and the mental models and skills required to assist the shift
- work jointly to establish clear, neutral and mutual names for processes and concepts
- work jointly to establish a shared understanding of the fundamental purpose of the Conferences and Meetings
- ensure that leading figures exemplify the desired behaviour and establish consistent messages
- consider a change management team or process, and
- continue to conduct constructive inquiries into the practices and processes.

FAMILY RESILIENCE

Literature and methodology

Relationships

We know that the experience of mediation, inclusive decision-making processes, and procedural fairness can increase the parties' self-esteem and in turn, their strength and capacity to handle life's problems. The research also shows that interventions that promote parent-child relationships have had positive behavioural outcomes in terms of building family resilience. Studies have also demonstrated that individuals can develop good relationships, and therefore resilience, at any point in the life cycle (Stein, 2006). Essentially, the research suggests, "there is no tipping point beyond which resilience is impossible" (Stein, 2006, 308).

This optimistic approach to developing resilience derives from research that shows that we only need 'one good relationship' in which we experience mentalizing for our own ability to mentalize and in turn, our resilience to improve (Sharp and Fonargy, 2008). When we experience mentalizing and mentalize ourselves, we are able to communicate clearly since we hold in mind the perspectives of others; we understand other people's behaviour better; and we have a sense of being in control of our behaviours and of ourselves. However, we all lose mentalizing capacity when we become highly emotional, such as when we are experiencing conflict or considerable stress, which is common in the child protection environment. Therefore, one part of the role of the Conferences and Meetings is to create relationships between the families and the professionals (and between the professionals themselves) where there is space to mentalize, which in turn can lead to a greater resilience in the families (and for the professionals in their work).

Resilience

When we talk about resilience in this context, we mean "providing at-risk families and children with a capacity that opens up a range of possibilities for understanding past adversities, for judging the motives and feelings of others in the present, and for detecting realistic alternatives for the future" (Stein, 2006, 311). If the families (and professionals) are able to take the child's perspective and mentalize about the situation, then this can mean that people will avoid impulsive choices and make clearer judgments about what might be best for the child.

Mentalizing is not the crux of planning but, in order to make workable plans, the kinds of cognitive operations involved in mentalizing are very helpful – considering and playing with alternatives, forecasting their impact on self and others, and being able to think flexibly (Stein, 2006, 323). That is, using these kinds of techniques could be helpful for the families to build good relationships with the professionals, which may help the families solve problems for themselves and be better equipped to tackle new problems that might arise in the short or long term; that is it may help the families to be resilient.

This may have a profound flow-on effect beyond the scope of the Conference or Meeting and could lead to improved relationships within the families, improved self-esteem for the participants and improved families and communities.

The emphasis on mentalizing in this Report does not minimise the complexity of the issues that the professionals in child protection work with. We use mentalizing as a conceptual framework to help explain what might be happening in the Conferences and Meetings when shifts occur in the thinking and feeling around the child and the child's safety. It also provides insight into what might be happening when we see improvements in relationships, and improvements in the families' situations after the Conferences and Meetings have been finalised.

Particular Inquiries

The particular inquiries of this section of the Report that focus on family resilience are whether the Conferences and Meetings help the families build better relationships with the professionals, and through this:

- better understand the motives and concerns of the professionals
- better understand what is happening and know how to find support and resources to assist them so that they can keep their children safe
- handle their problems better
- feel as though they have some control over their lives, and
- see some optimism in the situation.

Findings: what's working well?

In the [family participation](#) section above, we reported that the 12 families generally agreed that the Conferences helped them to understand the motives and concerns of the professionals better but that a nervousness and concern around DCP follow-up coloured their relationships with the professionals after the Conference. These themes were reproduced when we asked the families about their current resilience.

Better understand the professionals

I understood what DCP wanted and was able to do it. Before I was blind and I found it confusing and didn't know what DCP expected

I think it was a good idea. I would have been lost without it and wouldn't have known what to do. DCP shut the door and leave you in the dark. After the Conference, I felt as though I could see what needed to happen and what I could do about it

Know how to find support and resources to assist them

I now have a list of resources and I know that I don't need to worry if I ask for help. I was worried before that if I admitted I had problems then they would take the kids away. It was a bad situation but it's a lot better and lots of things are easier.

Life under control

Life's under control I've got a routine now even after the social worker has stopped coming. I feel as though I know what to do. There have been lots of changes.

Findings: what are we worried about?

Better understand the professionals/ life under control

I am no longer interested in what DCP is going to say but what they were going to do. It could have been helpful but they just don't follow through. There was a clear plan at the Conference but nothing came of it. They just kept throwing more at me. I felt belittled. Nothing is going the way I thought it would. There are no rewards and I have stopped doing what I said I was going to do.

[I would like to change] the office that I am with, I do not like [them], I feel as though they keep changing things and I can't do anything to please them.

Discussion: next steps?

In earlier sections, we discussed the importance of providing space in the Conferences and Meetings for the participants to mentalize about the child: to consider the thoughts, feelings and voice of the child. This in turn can open up a range of ways of assessing the child's needs and providing options for his or her safety. However, we also spoke of the need to explore a full range of options and to reality-test them in order to ensure that the options that are included in a safety plan are workable and that implementation will support the families to work towards the satisfaction of measurable and specific safety criteria. The examples above give a picture of what family members' lives look like when the parties make agreements that are workable and achievable, and what they look like when they are not.

We stress, therefore, that what needs to happen in the Conference and Meetings is that the professionals need to engage the family members in participatory and collaborative decision-making that takes into account the child's perspective, and incorporates decisions that involve specific detail about what exactly each party will do. This may involve setting dates, times and deadlines for particular actions and setting up reviews so that the outcomes of actions and programs can be assessed against the criteria that the parties agreed was vital to ensure the child's safety. This level of transparency and commitment is required to assist families to reach a place where they can solve problems for themselves and be better equipped to tackle new problems that may arise, as well as to help the families to be optimistic about their situations—in other words to improve family resilience.

BEST OUTCOMES FOR THE CHILD

Methodology

Best outcomes

This final section of the Report focuses on the ultimate outcome of the ‘best outcomes for the child’. In our thinking, the best outcomes of the child will occur when all the aspects of the Pilot are working well. This would mean that when the following is happening:

- the family (including the child when appropriate) is engaging and participating in the decision making about the safety of the child
- there is inter-professional collaboration and partnering
- the system is working effectively
- participants in the Conference and Meetings are taking the child’s perspective and developing a shared understanding of what is in the best interests of the child
- there is a shift in the culture of practice where the professionals are moving from taking a paternalistic, defensive and adversarial approach, to being collaborative, inclusive and constructive, and
- better relationships between the professionals, and between the professionals and the families are occurring which in turn helps to create family resilience.

Particular inquiries

In this section of the Report, we do not make any more specific inquiries. Rather, we summarise the findings from the previous sections and provide recommendations of what might need to occur to provide the best outcomes for the child. We replicate the Executive Summary here, but we hope that now, after you have been on the Report’s learning journey, you might read this section with more knowledge and from a new perspective.

Summary: what is working well?

Family participation

1. Families are attending, engaging, and feeling supported in the Conferences and Meetings.

2. The Conferences and Meetings are proceeding in a procedurally fair manner.
3. The Conferences and Meetings provide the families with clarity about their own situation and about the concerns of the decision-makers.

Inter-professional collaboration

4. There is a high level of appreciation for inter-professional collaboration.
5. The professionals are listening to one another, collaborating well, freely and openly exchanging ideas, and using a common language.
6. The professionals perceive an improvement in their ability to work in a team and share ideas and decision-making with other professionals.

System effectiveness

7. There is a high-level of engagement with the program and cancellations of planned Conferences and Meetings is rare.
8. The Conferences have resulted in clear time and Court savings. Matters that are referred to a Conference result in less court events and less time spent from the initial application to finalisation of the matter. The Conferences also resulted in fewer matters proceeding to trial and the Pilot matters led to more consent orders and negotiated outcomes compared to non-Pilot matters.
9. The judiciary has confidence in the Conferences and Meetings, appreciates that they are not spending the Court's time on unnecessary adjournments and has a sense of security that the Conferences and Meetings are resulting in the parties acting constructively outside of Court.
10. The lawyers representing DCP, the families and the children are providing support, clarity and reality-testing for the participants.

Child perspective

11. In some Conferences, there is a spirit of constructive inquiry, all the participants are encouraged to explore the child's perspective, interventions are tailored to understand the multiple perspectives of the participants and there is commitment to shared thinking and collaborative decision-making.
12. In training sessions, participants are reporting that they are now becoming more aware of how to look after the child's best interests and think about the child in the proceedings.

Culture change

13. There has been a positive attitude towards the Pilot.
14. The professionals are open to learning, and are learning, from each other's skills, knowledge, perspectives and experiences and are joining in the learning journey.
15. A shared language around the safety of the child is developing.
16. The professionals are acknowledging, sharing and starting to accept their tensions and fears.
17. The constructive Inquiry format of evaluation is resulting in a cycle of shared action learning and change.

Family resilience

18. There is evidence to suggest that the Conferences and Meetings have resulted in better relationships between the families and the professionals.
19. The families are reporting some good outcomes for their family members.
20. The families are reporting some improved ability to keep to the agreements that they have made, to solve problems for themselves, and to get their lives under control.

Summary: what are we worried about?

Family participation

1. There does not yet appear to be a consolidated culture of shared thinking and collaborative decision-making with the families, and there may be neglected opportunities to understand the families' issues, fully explore ways to address those issues, or completely understand the family's decision-making around their child's care.
2. Not all the families trust that DCP will share all their information with them or listen to their concerns about incorrect information.
3. There is a high level of nervousness and anxiety about DCP's integrity in following through with agreements. This interferes with the family's ability to engage in full and frank discussions.

Inter-professional collaboration

4. The professionals are experiencing a range of tensions regarding inter-professional practice and their roles within it.

5. There is not yet a complete understanding of the complexity of work that the professionals from the different disciplines undertake.

System effectiveness

6. There is a lack of independent and skilled facilitators for the Meetings.
7. A lack of preparation is often resulting in time delays, unnecessary repetition of SoS material, unclear expectations for the participants, tense relationships and a lack of trust in the Conferences and Meetings.
8. Some professionals still have difficulty articulating a clear purpose for the Conferences, are defensive, have pre-conceived ideas about outcomes, and are not open to alternative perspectives and options.
9. There is limited co-ordinated data collection that would enable the partners to have a clear picture of family participation, system effectiveness and DCP follow-up and follow-through.

Child perspective

10. Some professionals have not yet integrated the taking of the child's perspective into their work: they sometimes exhibit a stance of defensiveness and expert knowing, rather than one of the naïve and curious enquirer.

Culture change

11. Some professionals take an overly adversarial approach and do not understand the nature and fundamental purpose of the Conference and Meetings processes.
12. Some professionals exhibit a dominator, rather than a partnership, model of practice and do not work collaboratively with the other professionals or families.
13. There are some disparate opinions about the purposes of the Conferences and Meetings, the use of the whiteboard notes, the models of practice, the names of processes and concepts, and the overall vision for the Pilot

Family resilience

14. Families are often left frustrated and angry with the changing caseworkers and the lack of follow-through by DCP.

INQUIRY'S SUGGESTIONS

Suggestions: next steps?

Clear message

1. Establish a clear overall purpose message for the Conferences and Meetings so that all the professionals are clear on the collaborative and constructive nature of the processes, for example, the message might be 'to engage in shared thinking and make collaborative decisions to ensure the safety of the child'.

Organisation and Preparation

2. Continue to focus on how to organise the Meetings to ensure the availability of well-trained and independent facilitators. Consider centralised administration for the Meetings through either Legal Aid or DCP to allow for better organisation and data collection.
3. Continue to work on tightening and clarifying preparation to ensure that:
 - all participants have up-to-date information
 - the purpose of the particular Conference and Meeting is clear to all participants—perhaps use the best hopes/worst fears model for this
 - all participants are aware of their roles and responsibilities
 - the Conferences and Meetings proceed in a timely manner, and
 - the venues are appropriate.

Process

4. Investigate, trial and evaluate different process designs and models. For example:
 - investigate methods to hold the parties accountable for the evidence that they present in the Conferences and Meetings
 - evaluate the effect of holding the Conferences at different times, before the 2nd mention, later in the Court process etc

- explore whether circulating SoS mapping before the Conference or Meeting as a working document to be finalised at the Conference works well, and
 - discuss ways to reach consensus on the past (perhaps agree on a clear statement about the safety concerns with the family before the Conference or Meeting).
5. Consider changes to the model:
- diagrammatically, see the [worksheet](#) below
 - consider greater use of private sessions, for time-outs and consulting with others
 - more option generation—use of the words ‘Next steps?’ to generate options
 - a distinct and considerable reality testing phase, and
 - consider the outcome as a written agreement that can be reviewed (perhaps by the Court) and to which all parties are held accountable (families and DCP).

Inter-professional collaboration

6. Facilitate inter-collaborative discussion (including with the judicial officers) to reach consensus on:
- the use of the whiteboard notes/ Convenor’s reports, and
 - promotion of drafting affidavits to match SoS domains.
7. Create opportunities for inter-professional and inter-disciplinary debating, conversations, networking, debriefing, training, work-shopping, reflecting, coaching, observations and so on, to:
- instill a deeper understanding of the integration of the Signs of Safety and the ADR (mediation) philosophies and frameworks
 - reduce fear around the need for open and honest information sharing
 - elicit the collective wisdom from the participants, and
 - develop shared meanings, purpose and vision.
8. Implement a mechanism for independently facilitated, constructive discussion between professionals when conflict arises between them.

Training

9. Consider including family participants in debriefs, workshops, training and appreciative inquiries to deepen understanding of the families issues and needs.
10. Collect more video recordings so that transcripts (or recordings if all participants agree) can be used for training purposes. In particular to illustrate the theory, experience and practice of:
 - the interventions that promote, and those that interfere with, procedural justice and taking the child's perspective, and
 - shared thinking and collaborative decision-making with the families and other professionals, including consensus building.

Terminology

11. Common terminology, consider using
 - **Signs of Safety Conferences** for all SoS lawyer-assisted Conferences and Meetings, and
 - **Convenors** for all facilitators and convenors of Signs of Safety Conferences and Meetings.
12. Neutral and mutual language
 - identify words that are used in the model, or within practice, that reduce or limit the potential for creative problem-solving and human capacity and resilience, for instance 'bottom-line', and
 - reword these to signify achievable outcomes, and to invoke the collaborative decision making and partnering aspect of practice. For example, 'bottom-line' could become '*what shall we do when we are unable to comply with the safety plan?*'

Professionals

13. Lawyers

Consider a register, or review/supervision process, to ensure that the lawyers who represent DCP, parents and children have a clear understanding of the fundamental less adversarial nature of the Conferences and Meetings.

Time the Conferences and Meetings so that they do not overlap with Court commitments and the lawyers do not over-commit.

14. All

Continue to provide intensive inter-disciplinary (ADR, SoS, child perspective) training

Partnership

15. Apply the partnership lens to all practice: who are my partners in this decision, what is it that we need to do for safety of the child?

Constructive Inquiry

16. Continue to conduct constructive inquiries, and ensure that
- the partners develop effective and collective data tracking systems and methods for costs analysis
 - surveys of families and participants take place immediately after, or as close to as possible after the conclusion of the Conferences and Meetings, and
 - consider anonymous online surveys sent to an independent body to capture valuable data about the family experience.

Child perspective

17. Develop and enhance utilisation of the child perspective in the Conferences. Consider:
- child inclusive Conferences and Meetings, and/or
 - the use of the 3-houses, Fairy Wizard or Words and Pictures tools (DCP, 2008).

Follow-through and review processes

18. Provide training, resources, structures, and processes that assist DCP to continue the progress made in the Conferences and Meetings into the steps that follow, and into the wider context of the child's safety. In particular, resources, structures and processes that enable DCP professionals and families to follow through with agreements made at the Conferences and Meetings. Consider:
- written contractual agreements between the parties in the Conferences and Meetings, and/or
 - the Court taking a greater role in reviewing agreements and reviewing whether the parties have taken the agreed steps, and/or

- having clearly defined and streamlined processes for dealing with circumstances where the parties are alleging that there has not been compliance with what was agreed.

Expansion of program

19. Expand the use of the program to appropriate pre-application matters and roll out the program to the regions. The process can be used for all families (not only pre-birth families) who are involved with DCP and who may have had SoS planning meetings that have stalled or where it is identified that the families and process could benefit from the support and involvement of lawyers.
20. Continue to fund the program and to provide the appropriate resources, including resources to enable effective:
 - data collection, including clear costs data (to assist the partners to make firm decisions about the system effectiveness)
 - follow-up of agreements and relationships established during the Conferences and Meetings (to assist the follow-up by the parties)
 - centralised coordination of Conferences and Meetings (to assist in the preparation, conduct and efficiency of the Conferences and Meetings), and
 - training, debriefing, facilitated conversations and other reflective and educative measures for professional participants (to assist the system effectiveness, inter-professional collaboration and cultural change).

INQUIRY'S ANALYSES AND WORKSHEET

We have made recommendations above for what could make the program work better. We now provide a set of analyses and worksheets from which the partners can start to map the next steps for the program.

We start with a segmenting and profiling map, which presents a detailed map of the pathways for the different partners involved in the Pilot to achieve their goals to enhance and consolidate the culture change initiative. We structure the segmenting and profiling map on the flame model, which presents a tool for top down diagnosis and bottom up design for organisational change. The flame model derives from the work of Dialogos¹⁵ that promotes the practice and development of strategic change through organisational learning practices, such as those described by Senge and Agyris whom we mentioned in the [culture change](#) section above.

To achieve culture change, the model suggests that organisations need to transform

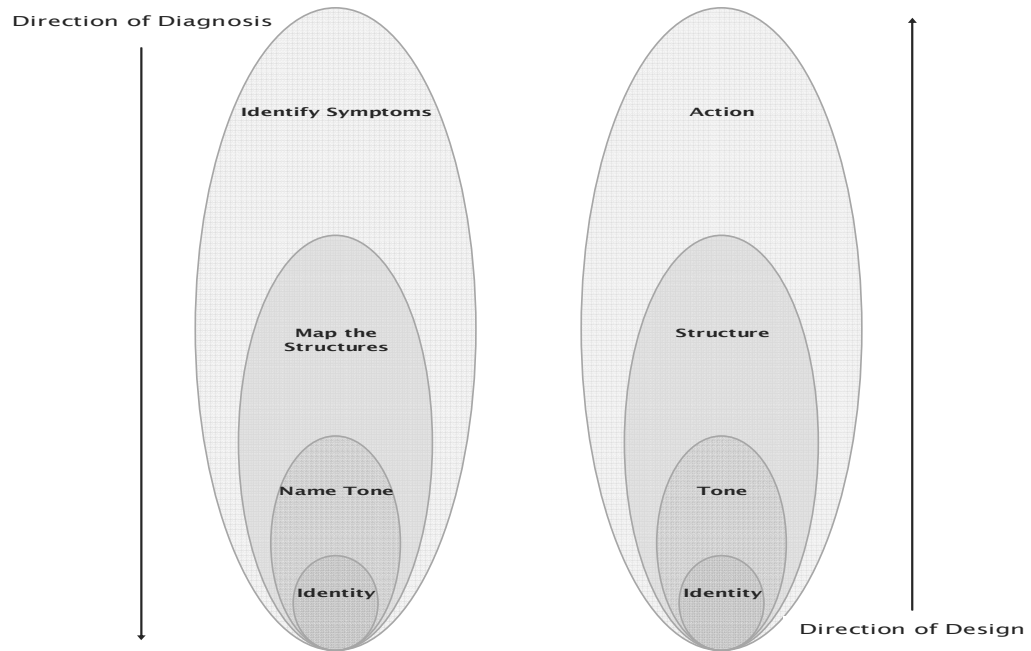
- **identity** (the way any person, group, or system thinks of and understands itself, its purpose and vision)
- **tone** (the quality of atmosphere, energy and mood of a system of relationships), and
- **structure** (beliefs, mental models, policies, formal and informal rules, that govern the way energy, information, and material is organised and deployed)

to achieve results at the level of **action**.

In this systems-thinking model, action is the result of the underlying forces of identity, tone and structure. The most tempting place to begin to engage change is often at modifying action. However, to intervene only at the action level is to neglect these underlying forces: enduring system change requires intervention at all four levels.

The information that we have gathered during this Inquiry enables us to establish what is occurring at each level of the flame for the target populations involved in the Pilot. We use this data to map the particular identities, tone, and structures that already exist and the pathways that might enable transformed action and cultural change. The map allows the partners to see collectively the journey that they have already been on, and where their populations may still need to go. This can then inform the continuing leaning journey that will extend beyond this Report and any transformation program that the partners may undertake.

¹⁵ <http://www.dialogos.com/index.html>



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Learning Tools for Collective Intelligence

FL 11

Segmenting and profiling map

Segmentation
(situation as is)

Some of the lawyers have tensions with knowing what their fundamental role is and how to discharge their professional responsibilities in an ADR context. Some are also still overly adversarial in their practices.

Target Population
Lawyers (DCP, Legal Aid and private practice)

Identity: For change to occur we need to assist people reach their authentic sense of purpose and vision, (and capacity to participate respectfully in the processes).

Goal Profile
(situation as it could and should be)

Coaching, supervision and reflective debriefs to create space for the lawyers to explore their tensions around identity, change of role, and change of culture. ADR education is essential.¹⁶

¹⁶ See the positive influence that ADR education has had on the culture change initiative in the family law jurisdiction (Howieson, 2011).

Some lawyers operate in a small relational environment.

Tone: Relationships are the “carrier wave” of the tone and one way to influence tone is by changing relational environments.

Interactive and inter-professional debriefs, training and networking opportunities could assist to create a wider relational environment for the lawyers. Secondments to other agencies may also assist.

Working in an adversarial system, some of the lawyers feel constrained by the formal rules of the Court and have tensions around the lack of evidence-based practice and managing the transition from the Conference to Court if the Conference is not successful. Some have also developed strong mental models of the nature of legal practice.

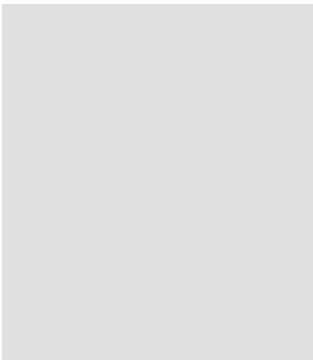
Structure generates behaviour – to create change we need to reconfigure or reframe the structures that are influencing negative behaviour and enhance those that assist positive behaviour.

Again, it is important to create opportunities for the lawyers to explore their tensions through coaching, inter-disciplinary training, reflective practices etc. In addition, discussions with the judiciary in relation to the program and the concerns that the Inquiry has identified, ADR training, trialling different evidence gathering methods either in the Conferences or before, and developing structures that enable them to balance their Court and Conference work would be beneficial.

Action is the result of coherent vision and purpose, aligned relationships and structures that support the vision and purpose.

The actions that the lawyers may need to take:

- learn to become comfortable in less adversarial practice
- seek to understand the families’ experience better and to take the child’s perspective
- engage in collaborative decision-making
- make agreements that are clear, workable and build in accountability
- ensure that agreements are followed up.



- What this might result in:
- flexibility of practice¹⁷
 - wise and durable decision-making
 - less need for adversarial advocacy, and a
 - a more fulfilling way of practice.

(situation as is)

DCP professionals

(situation as it could and should be)

Some DCP professionals have tensions with balancing the need to create safety for the child and negotiating with the parents about the ways that this can be achieved. Also balancing their role as a DCP professional with the role of Convenor can create tension.

Identity

Coaching, supervision and reflective debriefs to create space for the professionals to explore their tensions around balancing out their role requirements. ADR education will also be helpful for the professionals to understand how to negotiate, manage group processes and convene Conferences in a constructive manner.

It is unclear what the relational environments are like for the DCP professionals within DCP's hierarchical structures and with the lawyers involved in the processes.

Tone

Inter-professional debriefs and training will assist to develop and enhance inter and intra-professional relationships. There should also be opportunities for inter-disciplinary sharing of knowledge and expertise both within and between the partnership organisations.

¹⁷ See the balance of lawyering behaviours that family lawyers use and the influence on their clients of the various approaches (Howieson, 2011).

It appears that there are differences in the mental models, energies, and moods of the professionals in relation to the SoS and mediation frameworks, and with the integration of the frameworks into their practices.

Structure

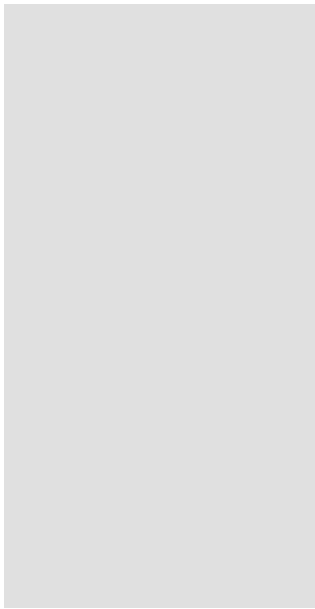
Observations, video-recordings and transcripts from Conferences and Meetings and regular review processes that illuminate 'what works well' and 'what maybe doesn't work so well' might assist to ease the tensions around the complementary frameworks.

Feedback loops, ADR training, coaching, and inter-disciplinary training will also assist to identify and reframe the structures/ attitudes/mental models that are interfering with the change process.

Action

The actions that DCP professionals may need to take:

- continue and extend reflexive practices to:
 - develop self awareness and mindfulness
 - develop realistic expectations of all parties (including self)
 - be clear about the limits of their responsibility, and
 - be able to admit mistakes
- learn to balance negotiation, taking the child's perspective and collaborative decision-making
- make agreements that maintain integrity in terms of being clear, workable and are able to



- be followed up, and
 - ensure that the agreements are followed up.
- What this might result in:
- greater flexibility of practice
 - wiser and more durable decision-making
 - increased integrity of personal and professional practice, and
 - a more fulfilling way of practice.

(situation as is)

Court

(situation as it could and should be)

The judiciary does not report any significant tension around their identities within an ADR context and appear to be generally comfortable with the Pilot. However, some members of the judiciary expressed more enthusiasm for the Pilot than others did. Some expressed a level of frustration with lawyers who were unable to be less adversarial in their practices.

Identity

ADR education for the judiciary and some training in managing group processes and adversarial parties (particularly in the Pre-hearing Conference context) would add value to what has already been developed. In addition, regular debriefs and reflexive practices will ensure that the Court stays flexible in its practices and allow for engagement at a deeper level.

The judiciary exists in a restricted relational environment and it is unclear what relationships they have (beyond the Pilot Working Group) with the other professionals or partner organisations, including the funding bodies.

Tone

It is important that the judiciary maintain a level of professional distance between themselves and the lawyers but it will also be helpful if they engage in inter-professionals debriefs and constructive inquiries to track their progress and participation in the culture change initiative. It would also be important that they

Some members of the judiciary expressed anxiety that the funding bodies may not support or fund the Conferences appropriately. Some showed a level of detachment from the operations of the Pilot.

It was also unclear what level of training the judiciary had undertaken in taking the child perspective and ADR and what their mental models were in relation to these, and other aspects of the Pilot.

create relationships with funding bodies and ensure that they keep the partner organisations informed of their views about the Conferences and Meetings.

Structure

It is important to create opportunities for the judiciary to engage in the development of 'best practice' for the Conferences and Meetings. The Pilot Working Group provides one opportunity but perhaps the judiciary could also consider involvement in discussions, inter-disciplinary training, reflective debriefs and observations and similar, to add their knowledge and reflections to that development.

Action

The actions that the Court may need to take:

- consider reviewing agreements and monitoring the accountability of the parties
- continue the focus on ADR practices and increase understanding
- update filing systems, and track matters to identify and address gaps in case management processes
- create strong funding models and/or relationships with the appropriate funding bodies.

What this might result in:



- more durable and accountable decision-making
- greater confidence in the continuity of the Conferences and Meetings, and
- the development of 'best practice' and cultural change.

(situation as is)

Convenors

(situation as it could and should be)

Some Convenors expressed anxiety and tension around balancing the need to create safety for the child and facilitating negotiations between the parties in an ADR context. They also noted tension in balancing their organisational roles and affinities, with the need to remain independent and neutral. Some also expressed anxiety around their level of ADR skills.

Identity

Training, coaching, supervision, feedback from observations and reflective debriefs will assist the Convenors to monitor their practices and learn the art of multi-partiality, constructive negotiation and mediation, and management of group processes. These opportunities will also enable the Convenors to explore their tensions around their role requirements and their allegiances to their professional peers.

The Convenors are drawn from various inter-professional disciplines and thus seem to have broader relational environments. They seem positive regarding their new role and although they have acknowledged various tensions, they appear eager to learn and add to their skill repertoire.

Tone

Again, continued inter-professional training, feedback loops and reflective opportunities will assist to strengthen and deepen the Convenors' skills and relational environments.

There appear to be some differences in the Convenors' attitudes to the SoS and mediation frameworks, and with the integration of the frameworks into their practices.

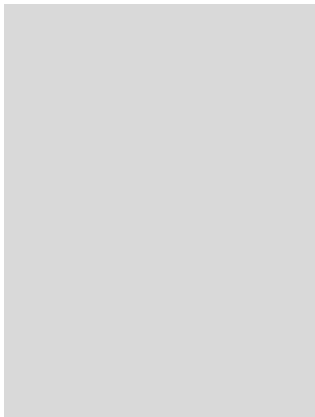
Structure

Observations, video-recordings and transcripts of the Conferences and Meetings, and regular review processes might assist to ease any tensions that exist around the complementary frameworks. Continued ADR education should also assist to illuminate the 'best practice' in integrating the two models.

Action

The actions that the Convenors may need to take:

- continue and extend reflexive practices to:
 - develop self awareness and mindfulness in relation to their particular tensions
 - reflect on their attitudes to the dual frameworks that they are working with, and
 - be clear about the limits of their responsibility and independence
- aim to model inclusive and collaborative practice, and partnering with the family in co-operative decision-making
- learn to attend to the relationships in the room, and
- aim to ensure that the parties make agreements that maintain integrity in terms of being clear, workable and are able to be followed up.



- What this might result in:
- greater flexibility of practice
 - wiser and more durable decision-making
 - increased integrity of personal and professional practice, and
 - a more fulfilling way of practice.

(situation as is)

The King Edward and Kaleeya hospital staff expressed confidence in their own role in the Pilot and their ability to engage in the less adversarial nature of the Meetings.

The King Edward and Kaleeya staff emphasised that the relationships that they have with the District Offices are crucial in terms of their influence on the ability to convene and conduct independent and efficient Meetings.

There appear to be some barriers to the ability of DCP to arrange independent Convenors (facilitators) and timely progression of the Meetings. This seems to be

King Edward and other hospitals

Identity
Tone
Structure

(situation as it could and should be)

Some ADR, child perspective and collaborative decision-making training could be beneficial to keep the hospital staff aware of 'best practice' in the Meetings. In addition, regular inter-professional debriefs and reflexive practices will ensure that the staff stay attuned to the needs of the families and the professionals involved in the Meetings.

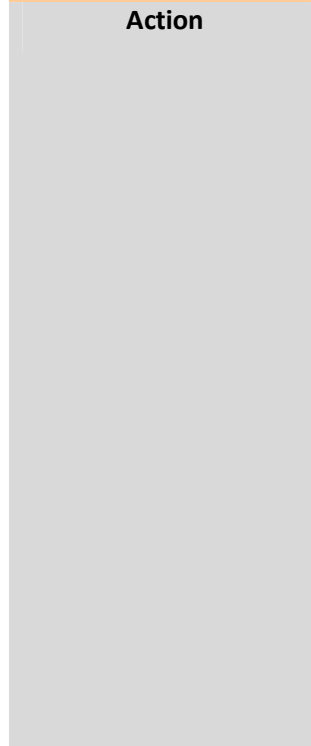
Networking events, feedback loops, inter-professional training, and other opportunities to develop healthy and constructive relationships between the social workers and the professionals responsible for the administration of, and participation in, the Meetings could be beneficial.

It is important that the hospital staff be involved in the development of 'best practice' for the Meetings. Therefore, including the hospital staff more in the

indicative of the challenges associated with caseworkers having to organise the Meetings.



discussions, inter-disciplinary training, reflective debriefs and observations, and so on, would be beneficial. The partners may also wish to consider the centralised administration of the Meetings, possibly through Legal Aid, or DCP.



The actions that DCP may need to take:

- consider a centralised administration of the Meetings through DCP or Legal Aid, and
- engage in more inter-professional conversations, training, debriefs, observations of Meetings and Conferences etc to create practice depth and understanding.

What this might result in:

- greater flexibility and efficiency of practice,
- more collaborative practice, and
- increased practice depth.

Worksheet

At this stage, the partners are still developing the model for the Signs of Safety Conferences and Meetings. Many ideas for improving the process have come out of this Inquiry. However, there is considerable work required to consolidate SoS Conference and Meeting protocols and to draw together all these ideas into a process model. We begin this work now, by creating a worksheet and a model that could form the basis for the SoS Conference and Meeting model. We have drawn two different versions of the model (either one might be suitable or the partners may develop their own) and we have left spaces for the partners to develop protocols. The model/s address the following issues:

1. The truncated Legal Aid ADR model seems, potentially, to reduce the time spent on option generation and 'reality testing'. Therefore, rather than abbreviating the model, we suggest a 'slim model' whereby we narrow each section

(participants would move through *each* section more efficiently) rather than reduce the time spent in some sections and not others.

2. We have also considered and drawn a wider version (with dotted lines), which builds in greater option generation. As participants in the March training identified, there is a wide pool of options available to the parties in their negotiating, for instance, options around contact, time, programs for parents, carers, supervisions, etc. As well as generating greater problem-solving, broader option generation could highlight the different trajectories that each option generates, and provide greater clarity for the parties, and perhaps result in richer and wiser solutions.
3. The broader model also allows for more exploration of interests and **relationships**. As the best interests of the child rest on the relationship between the families and DCP, and the relationship between the professionals, time spent exploring these is time well spent. Any problems in any of the relationships can be explored, clarified, understood, and addressed in this part of the process.
4. There is much work required on preparation. We have created a space for the insertion of clear, succinct and straightforward preparation protocols and ideas for how to achieve this are available in the Interim Report Feedback.
5. We have also included a space for reaching consensus on the past. Some ideas generated during the Inquiry included circulating the SoS mapping before the SoS Conference, which may also assist with the need for 'quick mapping' that we have inserted at the top of the upper triangle. Both preparation and reaching consensus on the past will allow the parties to spend more time on exploring interests and relationships, noted at point 3 above.
6. Collaborative discussions and trialling different processes should also illuminate 'best practice' regarding the use of the Convenor's report, the whiteboard notes and the form of the agreement. We have created a space in the model for these protocols, once agreed.
7. Perhaps the most vital component of the model that this Report has identified is the need for follow-up and follow-through in respect of the agreements reached in the SoS Conferences and Meetings, and how to address the associated resource issues. Therefore, we have included a section for the partners to consider the various ways to carry the work of the SoS Conferences and Meetings forward and for there to be some accountability for, and review of, any agreements that the parties have made.

We stress that we are not advocating for a particular model but are suggesting that if the partners think that it is necessary to develop a firm model for the SoS Conference and Meeting process, then the models below might be a starting point. We have designed the worksheet as a 'working document' that might guide the partners in the development of the process, model and protocols for the SoS Conferences and Meetings.

Figure 15: Model Worksheet

Preparation

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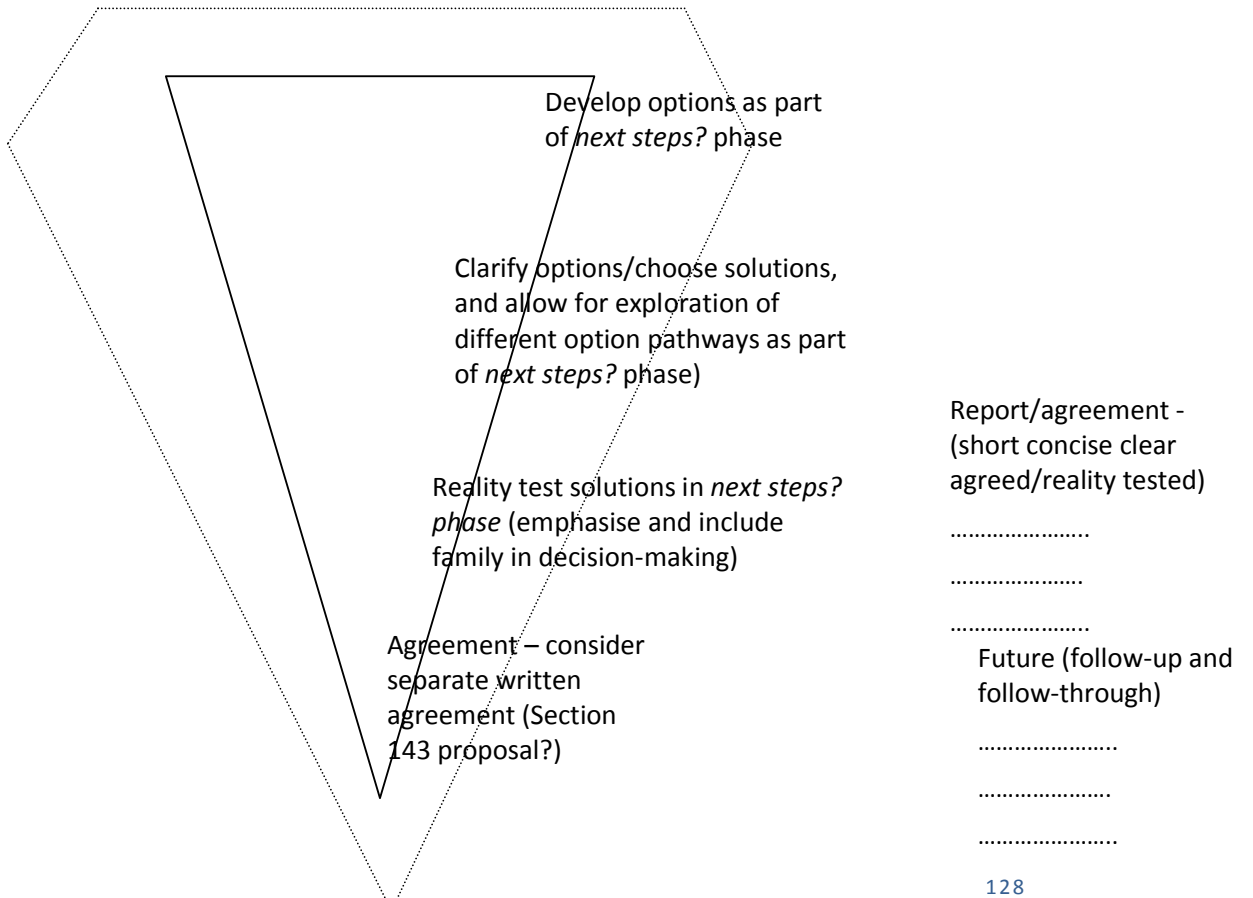
Past

.....

Quick mapping - review/summarise past SOS mapping forms

Explore interests, issues and **relationships** during exploration of the first two columns (*what's working well* and *what are we worried about* phases)

Clarify issues – reach consensus on issues of strengths and concerns



Constructive Inquiry

What worked well?

The Inquiry resulted in a high level of interaction and engagement through training, workshops, meetings and conversations. Not only did this method for evaluating the Pilot provide a valuable source of data, but it also made the evaluation enjoyable and exceptionally constructive in its outlook. Rather than simply dealing with data, we were able to understand the experiences of the individuals who were 'running' the Pilot at the ground level and were able to contribute to the change process throughout.

The Inquiry has led to the development of protocols for the video recording of the Conferences. This is a vital development to enable understanding of the nuances of behaviours in the Conferences and to understand how to translate theory into practice.

The anonymous online surveys received from the families and the professionals provided rich data about the families' and professionals perceptions and experiences of the Conferences.

Legal Aid's centralised administration of the Conferences and the dedicated Legal Aid Pilot Coordinator allowed for ease of data tracking and collection.

The use of the observation room and observation reports was an important aspect of the Inquiry and enabled valuable feedback loops for internal training and debriefing for DCP and Legal Aid.

What didn't work well?

As anticipated, it was difficult to collect data from the families. We first attempted to use online surveys with the families, and while two families made use of this means of communication, many others did not. The telephone interviews also proved challenging as many families either did not answer their phones or had disconnected numbers.

There was limited coordination between the partners for the collection of data. We spent a large amount of time reconciling the Court records with those of Legal Aid and received very little quantitative data from DCP.

The Court data was difficult to access. The data was contained in paper files, many of which were archived and there was no electronic record that enabled us to easily obtain clear data to track the SoS matters through the court process.

Similarly, DCP did not have a clear system for tracking data and we were unable to gather follow-up data from them.

The costs data was limited to data from Legal Aid. This meant that the cost analyses were more rudimentary than we would have liked.

What may need to happen for future Constructive Inquiry?

Future Constructive Inquiry could benefit from the following:

- the development of clearer administrative processes and protocols to enable easier data collection—consider the use of a synchronised spreadsheet, or shared electronic filing system, that the partners could update weekly to track the outcome and follow-up data for each matter
- a robust method of costs data collected from all the partners
- more ability to capture the families' voices by surveys administered immediately or as soon as possible after the SoS Conferences either online or by paper copies—consider administration by an independent body to ensure anonymity and confidentiality
- increased use of observation rooms, where available, to explore particular aspects of practice or process. Also consider targeted surveys completed by observers for different aspects of practice, for instance use of the whiteboard and taking the child perspective,
- more video-recordings of SoS Conferences for reflective learning and training, and
- more networking and debriefing opportunities for the participants and observers to share their experiences of the SoS Conferences.

Continue to explore the long-term evaluation questions that were unanswered by this Constructive Inquiry. These include, did the Pilot result in:

- a higher rate of subsequent reunification
- less recidivism, and
- less children coming into care?

Plan for the 5-year learning journey: consider further evaluation (Constructive Inquiry) at distinct stages of the journey, especially to capture follow-up data and to recognise the different phases of culture change.

Epilogue to the Constructive Inquiry: In May 2011, the inter-professional team of Julie Jackson, Kylie Noakes, Bill Currie and Jill Howieson presented on the Pilot at the Signs of Safety Gathering in Perth and the AIJA Child Protection Conference in Brisbane. Both presentations outlined the background, challenges, highlights and outcomes of the Pilot's learning journey. The Gathering celebrated the lessons learned so far and the Conference highlighted not only the Western Australian inter-professional collaboration, but also the co-operation with our eastern states counterparts. These presentations created a further opportunity to collaborate, to reflect and to consolidate our thinking. The messages that emerged clearly for us were that both the Pilot and the Inquiry have been innovative, and that the sharing of learning and knowledge has not only been in *the best interests of the children and families, but also of the professionals*.

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APPENDICES

Appendix A– Practice Direction No. 3 of 2009

Appendix B– Explanatory Pamphlet

Appendix C– Interview Schedule for families

Appendix D– Inter-professional survey

Appendix E– Post Conference survey

Appendix F– Post Pre-birth survey

Appendix G– Consent to record Conference

Appendix A: Practice Direction No. 3 of 2009

Children's Court of Western Australia ("the Court")

Practice Direction No. 3 of 2009

Signs of Safety Pre-Hearing Conferences

1. Commencement

- 1.1 These Practice Directions will take effect from 9 November 2009 and set out the procedures which shall apply to protection applications lodged by the CEO of the Department for Child Protection ("the DCP") which are referred by the Court to a Signs of Safety pre-hearing conference. The procedures set out in Practice Direction No. 6 of 2006 shall continue to apply to protection applications not referred to a Signs of Safety pre-hearing conference and, other than the referral to a conference, will continue to apply to matters referred to Signs of Safety pre-hearing conferences.
- 1.2 A reference in these Practice Directions to the DCP can be read as a reference to the DCP or to the CEO of the DCP depending on the particular context.

2. Guiding Principles

- 2.1 Signs of Safety pre-hearing conferences are intended to facilitate the early resolution of protection applications through a less adversarial dispute resolution conference process based on the Signs of Safety child protection framework, designed to include the family members involved in the matter as informally as practicable.
- 2.2 Signs of Safety pre-hearing conferences shall, as far as practicable, be held as early as possible in the proceedings in order to facilitate the early resolution of protection applications.
- 2.3 Referrals to Signs of Safety pre-hearing conferences shall be made in accordance with 7.1 and 7.2 of these Practice Directions which shall operate until the President of the Court otherwise directs.
- 2.4 The documents in the Signs of Safety pre-hearing conference process shall, as far as practicable, reflect the Signs of Safety child protection framework and should describe the following in terms that can be easily understood by all parties including, within reasonable expectations, the child:
 - 2.4.1 what the DCP caseworker and other professionals are concerned about;
 - 2.4.2 what is working well in the family; and

2.4.3 what needs to happen to minimize the risk of harm to the child.

2.5 The aim of the Signs of Safety pre-hearing conference is collaboration and future protection for the child. The Signs of Safety pre-hearing conference process does not require respondents to admit issues but instead, to set out how they will ensure the safety of the child in the future. Respondents shall be encouraged to complete the Conference Outline Forms (see 12 below) but it will be their choice as to whether or not they admit or deny the DCP concerns and whether or not they give copies of their forms to the other parties.

3. Compliance

3.1 The Court may dispense with compliance with any requirement of these Practice Directions where it considers it necessary and appropriate. Where the Practice Directions make no adequate provision for a particular circumstance, the Court may give such directions as it considers necessary and appropriate.

4. Powers of the Court

4.1 Sections 136 and 137 of the *Children and Community Services Act 2004* ("the Act") govern the operation of pre-hearing conferences in the Court and, as such, will also govern the operation of Signs of Safety pre-hearing conferences.

5. Convenors

5.1. The Signs of Safety pre-hearing conferences will be presided over by Convenors appointed by the President of the Court in accordance with the regulations made pursuant to section 136(4)(b) of the Act.

5.2 Other than those persons specifically directed to attend by the Court, the Convenor shall make the final decision in relation to participants at the Signs of Safety pre-hearing conference taking into account any relevant information provided by the Court, the DCP, the respondents and/or their legal representatives, other parties and/or their legal representatives and/or the Child Representative.

5.3 At the conclusion of the Signs of Safety pre-hearing conference, the Convenor shall produce a Convenor Report (Schedule 1 Form Conv Report). The Convenor's Report or a true copy of it should be placed on the relevant Court file.

6. Confidentiality

6.1 Section 137 of the Act governs the confidentiality of the Signs of Safety pre-hearing conference process. The application and affidavit filed by the DCP in support of the protection application, the section 143 proposal filed by the DCP, the DCP Conference Outline, the Convenor Report and the

Signs of Safety planning form settled at the conference shall not be confidential. These documents shall be placed on the Court file and shall be part of the Court record of the matter. The Conference Outlines (9, 11, 12, 13 and 14 below) prepared for the Signs of Safety pre-hearing conference shall be confidential and shall not form part of the Court record.

7. Court Referrals

- 7.1. Referral to a Signs of Safety pre-hearing conference will be limited to protection applications lodged in the Children's Court at Perth until the President of the Court otherwise directs and will be dependent on the availability of a Convenor to convene the conference within an appropriate time-frame as determined by the Court.
- 7.2 Protection applications shall be referred to a Signs of Safety pre-hearing conference at the discretion of the Court but referrals will not be made in respect of matters which appear likely to resolve expeditiously or that the Court considers are not appropriate for such a conference. In the event of any disagreement, the Court shall determine whether the referral is to be made after hearing submissions from the DCP, the respondents and/or their legal representatives, other parties and/or their legal representatives and/or the Child Representative.
- 7.3 A Flow Chart of the Court process for the Signs of Safety pre-hearing conferences is included as Schedule 2 to these Practice Directions.

8. First Mention Date

- 8.1 At the first mention, respondents who will be attending the Signs of Safety pre-hearing conference will be directed to obtain legal assistance. The Court shall also consider whether a Child Representative should be appointed and a second mention date will be set for 14 to 21 days from the date of the first mention, unless the Court determines that an alternative time-frame is appropriate.
- 8.2 A Child Representative shall be appointed for all school age children the subject of protection applications referred to a Signs of Safety pre-hearing conference unless the DCP, the respondents and/or their legal representatives, other parties and/or their legal representatives agree or the Court determines that in the circumstances of the case, the appointment of a Child Representative is not appropriate.

9. Second Mention Date

- 9.1 As far as is practicable, the legal representatives for the DCP, the respondents and/or their legal representatives, other parties and/or their legal representatives and/or the Child Representative, if appropriate, should be in attendance on the second mention date and the Court shall:

- 9.1.1. provide all of the parties and the Child Representative with a Checklist for Directions (Schedule 3 Form PC Checklist) for completion by each of them for their own reference;
- 9.1.2 set a date for the Signs of Safety pre-hearing conference not more than 21 days after the second mention date;
- 9.1.3 set a date for the exchange of the conference documents referred to in 9, 11, 12 , 13 and 14 of these Practice Directions;
- 9.1.4 set a date for the matter to come back to Court for mention not more than 21 days after the Signs of safety pre-hearing conference for the making of consent orders, the withdrawal of the application or further programming subject to 10 of these Practice Directions;
- 9.1.5 in addition to setting the dates referred to in 9.1.2 to 9.1.4, the following shall occur as far as practicable on or before the second mention date:
 - 9.1.5.1 the appointment of legal representation of the parties (where requested and/or practicable);
 - 9.1.5.2 the appointment of a Child Representative (as appropriate);
 - 9.1.5.3 the relevant Signs of Safety related information provided by the DCP to the parties and the Child Representative; and
 - 9.1.5.4 decisions as to who should attend the conference including key agencies and extended family members.

10. Second Conferences

- 10.1 If the Convenor and all parties agree at the conclusion of the conference that a second Signs of Safety pre-hearing conference is required and, if it can take place within 21 days, then:
 - 10.1.1 the initial mention date set by the Court pursuant to 9.1.4 can be replaced with another time and date known to be convenient to the Court, with the Convenor to advise the parties of the new time and date before they leave to avoid unnecessary attendance at the Court;
 - 10.1.2 the Convenor shall cause the Registrar at the Court to be promptly informed by facsimile or email of any such relisting and the Court will administratively change the mention date and order that the matter come back before it on the new time and date; and
 - 10.1.3 the second Signs of Safety pre-hearing conference can take place.

- 10.2 Nothing in these Practice Directions limits the number and timing of Signs of Safety pre-hearing conferences that can be ordered by the Court.

11. DCP Documents

- 11.1 The DCP workers will use their best endeavours to complete a Signs of Safety planning form (Schedule 4 Form PCSoSPlan) prior to the commencement of a protection application. Where this document has been prepared, it should be attached to the affidavit filed with the protection application and otherwise, it shall be filed as soon as practicable together with the information referred to in 11.2.1 to 11.2.7 of these Practice Directions and by no later than the second mention date (see 9 above).
- 11.2 The DCP documents, including the Signs of Safety Planning Form, filed in support of the protection application prior to the Signs of Safety Pre-hearing conference, should include the following information:
- 11.2.1 a brief chronology of events leading up to the DCP's involvement/application for a protection order limited primarily to the matters referred to on the Signs of Safety planning form;
 - 11.2.2 a list of current danger statements/safety concerns for the child;
 - 11.2.3 a list of strengths the DCP understands currently exist in relation to the danger statements;
 - 11.2.4 the DCP's list of what it considers needs to happen before the DCP will be willing to reunify, increase contact or withdraw;
 - 11.2.5 the DCP's plan for the child in the immediate term as well as the longer term, including placement, reunification with parents, contact and how the child's educational, medical, counselling and social/extra curricular needs will be met;
 - 11.2.6 the names and birthdates of the child and the names of respondents; and
 - 11.2.7 the name of the caseworker, the DCP office and the DCP lawyer responsible for the carriage of the matter.
- 11.3 If the information referred to in 11.2 above is included in the affidavit that is filed in support of the protection application, in the Signs of Safety planning form and/or in a section 143 proposal filed by DCP prior to the second mention date (see 9 above), it will not be necessary for the DCP to provide the other parties and the Child Representative with any further documents prior to the first Signs of Safety pre-hearing conference, other than any relevant written reports that may be available from other professionals working with the family and any important planning form

updates. If any of the information referred to in 11.2 above is not included in the documents filed, that information shall be provided to the parties in a DCP Conference Outline (Schedule 5 Form Conf Outline) which shall also be filed at the Court.

12. Parents (Respondents) Documents

- 12.1 The parents (respondents) may complete their own Signs of Safety pre-hearing conference outline document (Schedule 6 Form Conf Outline) in response to the DCP documents.
- 12.2 In preparing their Signs of Safety conference outline documents, parents should also respond to the DCP's plans for the child and include a list of people they would like the DCP to assess for caring for the child, supervising contact and involvement in any proposed safety network. This will help to clarify the matters to be discussed at the Signs of Safety pre-hearing conference.
- 12.3 The respondents' Signs of Safety conference outline documents should be provided to the DCP, the other parties and/or their legal representatives and/or the Child Representative not less than 3 working days prior to the Signs of Safety pre-hearing conference.

13. Other Parties' Documents

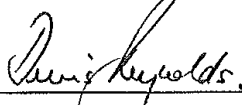
- 13.1 The process for the preparation of a conference outline document for the parties other than the DCP and the respondents is the same as that set out for parents (respondents) documents at 12 above.
- 13.2 Each of the other parties' Signs of Safety conference outline documents (Schedule 6 Form Conf Outline) should be provided to the DCP, the respondents and/or their legal representatives and/or the Child Representative not less than 3 working days prior to the Signs of Safety pre-hearing conference.

14. Child Representative's Documents

- 14.1 In the event that a Child Representative is appointed, a Signs of Safety conference outline document (Schedule 7 Form Child Rep Conf Outline) shall be completed and provided to the DCP, the respondents and/or their legal representatives and the other parties not less than 3 working days prior to the Signs of Safety pre-hearing conference.
- 14.2 The Child Representative's conference outline document should include the following information:
 - 14.2.1 the Child Representative's view of whether or not the child has sufficient maturity and understanding to provide instructions in relation to the orders sought and whether the child in fact wishes to provide instructions;

- 14.2.2 if the child does have maturity and understanding and wishes to provide instructions, the detail of those instructions;
- 14.2.3 the Child Representative's preliminary views about what plans are in the child's best interests;
- 14.2.4 any safety plans or safety network the child would like to see implemented; and
- 14.2.5 any views in relation to living arrangements, contact (including supervision), education, counselling and extra curricular/social activities that the child would like shared.

Dated this 5th day of November 2009



JUDGE D J REYNOLDS

PRESIDENT OF THE CHILDREN'S COURT OF WESTERN AUSTRALIA

PERTH CHILDREN'S COURT WA
SIGNS OF SAFETY PRE-HEARING CONFERENCE
CONVENOR REPORT

Convenor Name:

Application No	Child's Name	Date of Birth

Participants who attended the Conference

Name	Role

- Second Conference Scheduled** (date)
- Next Mention Date** at 9am

Background

- Previous conference
- Current VRO
- Aboriginal/Torres Islander participant(s)
- CALD participant(s)
- Interpreter at conference
- Literacy/language difficulties

Child Welfare Concerns

- Physical Abuse
- Psychological Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect

CONFERENCE STATISTICS (tick box)

- Final agreement reached**
 - Protection Order until 18
 - Supervision Order
 - Application withdrawn
 - Protection Order time limited
 - Enduring Parental Responsibility
 - Application withdrawn – safety plan

- Adjournment of proceedings agreed**
 - Monitor progress
 - Await outcome criminal proceedings Date (if known)
 - Paternity testing
 - Other (please specify)
 - Independent Report

- Changes made from the conference**
 - None
 - Placement out of home
 - Contact arrangements
 - Safety plan to be reviewed
 - Programs to be attended
 - Placement in home
 - Safety plan updated
 - Other

Duration of the Conference (tick box)

- ½ hour
- 1 ½ hours
- 2 ½ hours
- Other
- 1 hours
- 2 hours
- 3 hours

Recommended Outcome (tick box)

- Further conference
- Return to Court - Orders
- Return to Court - withdraw proceedings
- Return to Court – adjourn for fixed period
- Return to Court – programme to trial

Clarifying comments (if any):

.....

.....

.....

.....

Issues Resolved:

.....
.....
.....
.....
.....

Issues still in dispute:

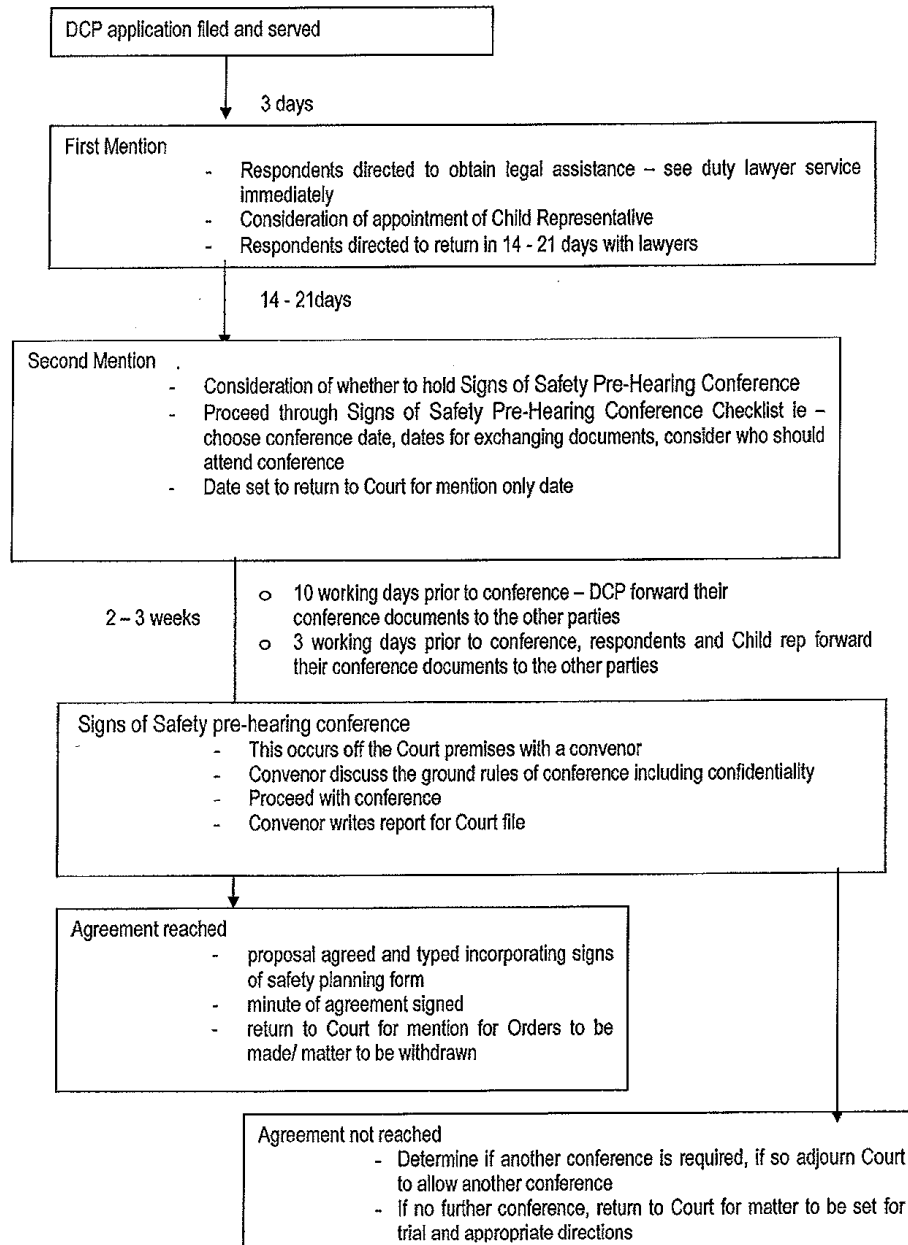
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Signs of Safety Plan settled at Conference attached

Signed..... Dated.....

Schedule 2 Flow Chart

Flow Chart – Court Process for Signs of Safety Pre-Hearing Conferences



Schedule 3 Form PC Checklist

CHILDREN'S COURT OF WESTERN AUSTRALIA
CHECKLIST FOR DIRECTIONS FOR SIGNS OF SAFETY PRE-HEARING CONFERENCES
(2ND MENTION)

1. There will be a Signs of Safety pre-hearing conference on _____
at _____.
2. The people who will come to the Signs of Safety pre-hearing conference are:
DCP Caseworker:
DCP Team Leader:
DCP Lawyer:
Mother:
Mother's Lawyer:
Father:
Father's Lawyer:
Other family members:
Children:
Child Representative:
Agencies Involved:
3. DCP to give a copy of its conference outline to the parties and the Child Representative by 4.00pm on _____ (10 days prior to the conference).
4. The respondents to give a copy of their conference outline to the parties and the Child Representative by 4.00pm on _____ (3 days prior to the conference).
5. The child representative to give a copy of the Child Representative's conference outline to DCP and to the parties by 4.00pm on _____ (3 days prior to the conference).
6. The addresses to send the documents to are:
 1. DCP lawyer: PO Box 6131, EAST PERTH WA 6892/ fax 9325 3830. Telephone:
 2. Respondent 1: _____ . Telephone:
 3. Respondent 2: _____ . Telephone:
 4. Child Representative: _____ Telephone:
(or Client Services (Assessing) Section, Legal Aid WA, GPO Box L916, PERTH WA 6842.)
7. Convenor to report to the Court by _____
8. Matter adjourned to _____ for mention.

Family/Child(ren) Name(s):
Pre Hearing Conference Date:

**Schedule 4 PC Sos Plan
SIGNS OF SAFETY ASSESSMENT AND PLANNING FORM**

Purpose & Context:

Genogram:

Insert Photograph of child/ren (Optional):

Adapted from Turnell A. & Edwards S. (1999). Signs of Safety: A solution and safety oriented approach to child protection case work. WW Norton, New York

Family/Child(ren) Name(s):
Pre Hearing Conference Date:

Complicating Factors and Missing Information: What makes the situation more complicated or difficult?

Safety and Context Scales

Safety Scale: Rate the situation on a scale of 0 - 10, where 0 means things are so unsafe the family can no longer care for the children, and 10 means that everything that needs to happen for the children to be safe in the family is happening.



Context Scale: Rate the situation on a scale of 0 - 10, where 10 means this is not a situation where any action would be taken and 0 means this is the worst case of child abuse or neglect that the worker's involved have seen.



Comments from Scaling Questions

Family Goal/s: What are the family's ideas about what needs to happen for the children to be safe in the care of the family and for DCP to close the case?

DCP Goal/s: What do DCP need to see to be confident the children will be safe in the care of the family and be willing to close the case?

Summary/Reason for Decision(s): Consider severity/vulnerability/likelihood/safety.

Adapted from Turnell A. & Edwards S. (1999). Signs of Safety: A solution and safety oriented approach to child protection case work. WW Norton, New York

Family/Child(ren) Name(s):
Pre Hearing Conference Date:

--

Adapted from Turnell, A. & Edwards, S. (1999). *Signs of Safety: A solution and safety oriented approach to child protection case work*. WW Norton, New York

Schedule 5 Form Conf Outline

DCP CONFERENCE OUTLINE

1. Names of Children and birthdates:
2. Name of Caseworker and DCP office:
3. Name of DCP Lawyer:
4. Name of Respondents and their lawyers:
5. Is there a child representative? _____. If so, who? _____.
6. List of any risks, harm or dangers that DCP are worried about: _____

7. List of any strengths or safety DCP know about: _____

8. List of what the DCP says needs to happen: _____

9. DCP's short term plans for the child/children including placement, assessment of relative carers, contact, how children's needs will be met: _____

10. Long term plans for child: _____

Signed: _____

Dated: _____

Schedule 6 Form Conf Outline

PARENTS (RESPONDENTS) / OTHER PARTIES' CONFERENCE OUTLINE
Confidential-distribution to be limited to the Convenor, DCP and the other parties
to the matter and the Child Representative (if appointed).
(This document will not be filed at Court)

1. Name and birth date of children:
Name and DOB of children
2. Are you the mother, father, a relative or carer – if so, say which:
Relationship to children
3. Your name, date of birth and the address to which we can send letters:
Name and DOB respondent/s
Address to send letter
4. What would you like us to know about DCP's list of things they are worried about:
Type issues
5. What do you say about DCP's list of strengths/safety:
Type comments
6. What are the strengths and safety you say are in place
Type what has been put in place
7. List what you plan to do to make sure the child/children are safe:
Plans for child/children's safety
8. What do you say about DCP's short term plans for the child/children:
Comments on DCP's short term plans
9. Who are the people you want DCP to assess to either care for the children or supervise contact:
List people for DCP to assess
10. What do you say about DCP's long term plans for the child and what would you like to happen:
Comments on DCP's long term plans

Signed: _____

Dated: signed date

Schedule 7 Form Child Rep Conf Outline

CHILD REPRESENTATIVE'S CONFERENCE OUTLINE
Confidential-distribution to be limited to the Convenor, DCP and the other parties
to the matter.
(This document will not be filed at Court)

1. What are your views about whether the child has the necessary maturity and understanding to give instructions and whether the child wishes to give instructions:
Type: views

2. What are the instructions (if any) about DCP's application:
Type: DCP instructions

3. If no instructions, what are your preliminary views on children's best interests:
Type: primary views


4. What are the children's wishes for living arrangements, contact (including supervision), education, counselling, extra curricular activities:
Type: children's wishes

5. Any safety plans the children would like to see put into place:
Type: signs of safety plans if any

Signed: _____

Dated: Signed Dated

Appendix B: Signs of Safety Pre-hearing Conference Brochure



Signs of Safety Pre-hearing Conferences

The three columns diagram

DANGER ←————→ SAFETY

What are we worried about? <small>Aspects that demonstrate the likelihood of harm (past or future).</small>	What's working well? <small>Aspects that indicate safety (exceptions, resources, goals, etc.).</small>	What needs to happen? <small>Next steps in building safety.</small>
<small>Danger statements: (What are we worried might happen to the children in the future?)</small>	<small>Strengths</small>	<small>Safety</small>

Adapted from Turnell A. & Edwards S. (1999). Signs of Safety: A solution and safety oriented approach in child protection case work. WW Norton, New York.

The convenor will write up points from the discussions on a whiteboard (see above diagram). You will be given a copy of these notes.

What happens after the conference?

The convenor will provide you and the court with a report in relation to the outcome of the conference which will have a copy of the agreed whiteboard notes attached.

The Convenor's Report and the whiteboard notes are not confidential. You should get legal advice about what this means.

Your case will go back to court on another date. If everyone is in agreement, your case will be finalised on the next court date or there may be agreement to put your case off for a few months to see how plans progress, or to go to another conference. Your case may otherwise be listed for a trial.


Where can I get more information?

Department for Child Protection
Contact your case worker


Legal Aid WA
1300 650 579

Aboriginal Legal Service
(08) 9265 6666

Children's Court website
www.childrenscourt.wa.gov.au



Dorinda Sato



If you have a protection and care case at the Perth Children's Court the magistrate may refer your case to a Signs of Safety Pre-Hearing Conference.

What is a Signs of Safety Pre-Hearing Conference?

The conference is an opportunity to discuss what you and the Department for Child Protection (DCP) are worried about, what is working well and what needs to happen next in relation to the child/ren's best interests. The conference is run by a specially trained, independent convenor. You should get advice from a lawyer about whether a conference is a good idea in your case.

What is the purpose of a conference?

The purpose of the conference is to discuss concerns and options and try to reach agreement about what to do in the future to make sure your child is safe. If full agreement is not reached, the conference helps everyone to identify the issues in dispute that need to go trial. Discussions at the conference are confidential. You should get legal advice about what this means.

Why is a conference a good idea?


It gives you the chance to have your say and to hear what the other people involved have to say about how best to keep your children safe. Changes can be made to DCP plans (including contact, placement and reunification) as a result of the discussions at the conference. Parents who have been to a conference say they find it easier to talk about things at these conferences rather than at court.

Who will be at a conference?

You can have a lawyer to represent you. Contact Legal Aid WA or Aboriginal Legal Service to see if you qualify for assistance or you can contact the Law Society for the names of lawyers who specialise in this area.

Other family members, friends, or a person from a support service you are working with can come with you if the convenor agrees.

The DCP Case Worker who has been working with your family, the DCP Team Leader and a DCP Lawyer will all be present at the conference. If there is a Child Representative for your child/ren, they will also be there.




How do I prepare for the conference?

DCP will complete a Conference Outline before the conference that will give you information about what they are worried about and what they want to happen. You are encouraged to complete your own Conference Outline to set out your views. If you have a lawyer, they will talk about this with you and will help you fill it out. The Conference Outline is confidential and allows the convenor, DCP and other participants to think about your views before the conference.

What happens at the conference?

The Convenor will introduce all the participants and explain the process. During a conference three key questions are asked and everyone can talk about these:

1. What are we worried about in relation to the child and the family?
2. What is working well in the family?
3. What needs to happen to make sure the child is safe in the future?



Appendix C: Interview schedule used with families

Interview schedule used with families

Explain purpose of evaluation: carrying out the research on the SoS conferences. To look at how families feel about the conferences, how they can be improved.

Confidentiality: all confidential unless risks to children identified and won't affect service provision. DCP/lawyers will not receive any identifying information.

Time: 12 questions, should take about 20 minutes.

1. What happened at your most recent conference?
 - a. What was your impression of the purpose of the conference?
 - b. What was good about the conference?
 - c. What was bad about the conference?
2. How did you feel that you were treated by professionals and by the convenor of the conference?
 - a. Were you listened to?
 - b. Did you feel that you were able to say everything that you wanted to say?
 - c. What was your experience of having lawyers present at the conference?
3. How comfortable would you say you felt in participating at the conference?
 - a. Did you feel respected?
 - b. Politeness
 - c. Dignity
 - d. Everyone considered your views?
 - e. Trust everyone in the conference?
4. Overall, did you feel that the conference was fair?
 - a. Was the process fair?
 - b. Was the outcome fair?
5. By the end of the conference – did you understand what you and others needed to do?
 - a. Understand things more clearly?
 - b. Was it clear what people thought was needed for your children to be ok?

- c. What would have made it clearer?
- 6. Have you done or think you can do everything that you said you would do in the conference?
- 7. What do you think it would have been like if you hadn't had a conference?
- 8. What else that you would like to say about the conference?

Now, just some questions about your experience after the conference.

- 9. Relationships with professionals (case workers, lawyers etc) involved with the family
 - a. How do you get on with outside professionals who work with your family (social worker/lawyer/family support worker)?
 - b. If you have a good/not good relationship, please tell us whom you have a good/not good relationship with, case worker, lawyer or someone else?
 - c. Do you understand where the professionals are coming from with respect to your family?
- 10. What sort of resources can you use to for support if any problems arise for your family?
 - a. I am able to get information to help me better understand what is happening in my family.
 - b. When problems arise, I handle them pretty well.
- 11. Do you feel that your life is under control?
 - a. I find myself mainly focussing on the problems in my life, rather than the good things.
 - b. Sometimes I am able to laugh at our situation.
- 12. Please tell us what things you might do differently next time that you meet with the professionals (caseworkers, lawyers etc).

Appendix D: Inter-professional survey

Inter-professional survey

Lawyer-assisted pre-hearing conferences and meetings (the pilot)

As you may be aware, we have conducted an evaluation of the Signs of Safety Pre-hearing Conferences and Lawyer-assisted Meetings Pilot (the pilot). The evaluation involved an inter-professional component of which the following questionnaire formed an integral part.

In August last year, we invited you to answer the questionnaire, which asks questions about the influence that the pilot has had on your practice. We now invite you to answer the questionnaire again, to see if anything has changed in the past 7 months. The questionnaire has 40 questions. We are aware that your time is valuable but your answers to these questions will add immense value to the quality of the evaluation.

Confidentiality

We greatly appreciate your participation and remind you that no-one except me, and my colleague Clare Coburn, will know that you have answered this questionnaire. The data from the evaluation will be held in strict confidence and no-one will be identified in the final report although you need to be aware that issues raised about a specific work area may (by implication) identify you.

Any queries

If you have any questions about the evaluation, you can ask me questions by email at jill.howieson@uwa.edu.au, or leave a message on 6488 2885. If you have any complaint about the evaluation, or if you feel that you would like to talk to me for any reason about the research, you can call me directly on 0438 161 923.

Again, we are grateful for your participation.

Jill Howieson

Please tick the box of the response that best expresses your answer to each question or write your answer in the space provided. Thank you.

Since the introduction of the Signs of Safety pilot,

- (1) I have gained a better understanding of my own approach to children in care.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- (2) I believe that better decisions are made about children in care.
- Strongly disagree
- Disagree
- Neither agree nor disagree

- Agree
 Strongly agree
- (3) I am more comfortable discussing issues in with professionals who are not from my profession. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (4) I believe that there has been open and honest communication between the professionals in the pilot. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (5) I am able to listen more to professionals who are not from my profession. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (6) I believe that there has been better planning around the issues for the families. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (7) I think that the pilot has been a waste of time. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree

- (8) I have gained an appreciation of the benefits in inter-professional collaboration.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (9) I have gained an appreciation for the importance of having the family as full participants of the pilot.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (10) I am more comfortable engaging in shared decision making with the families.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (11) I feel more comfortable in accepting the professional responsibilities delegated to me in my work.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (12) I feel more comfortable clarifying misconceptions with other professionals about the role of someone in my profession.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (13) I have gained a greater appreciation of the importance of an inter-professional approach.
- Strongly disagree
 - Disagree

- Neither agree nor disagree
 Agree
 Strongly agree
- (14) I believe that inter-professional practice is difficult to implement. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (15) I feel more comfortable in describing my professional role to others. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (16) I have a better appreciation for the value in sharing information with other professionals. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (17) I believe that inter-professional practice involved in the pilot has given me the desire to remain in my profession. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (18) I am more aware of my preconceived ideas when entering into discussions about the pilot. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree

Strongly agree

- (1) I have a better appreciation of the value of using a common language across inter-disciplinary professionals.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (2) I believe that inter-professional practice is a waste of time.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (3) I feel more able to act as a fully collaborative member of an inter-professional team.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (4) I am able to share and exchange ideas more freely with other professionals in an inter-professional team.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (5) I have gained an enhanced perception of myself as someone who engages in inter-professional practice.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree

(6) I feel more comfortable in speaking out when others are not keeping the best interests of the child in mind.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree


(7) I am more satisfied with my worklife.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(8) I believe that the pilot is being conducted as I envisaged.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(9) If you believe that the pilot is not being conducted as you envisaged, can you please tell us why you think this.



(10) I feel more comfortable initiating discussions about sharing responsibility for the children's care.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(11) I am more comfortable in sharing decision making with other professionals.

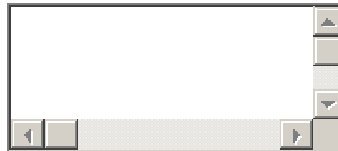
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree

- Strongly agree
- (12) I believe that the pilot is being run efficiently and economically.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (13) I believe that the pilot has resulted in me spending less time on case files.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (14) I feel that the pilot has increased my workload.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
-

(1) What differences have you noticed from the way you conducted your practice before the pilot?


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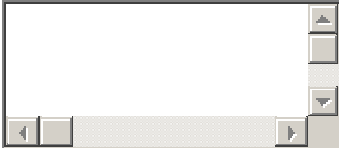
(2) What do you think is working well about the pilot?

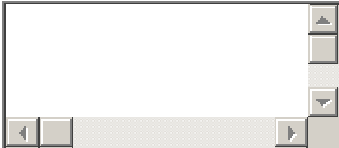
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(3) What concerns you about the pilot?

An empty rectangular text box with a light gray background and a thin black border. It features a vertical scrollbar on the right side and a horizontal scrollbar at the bottom, both with small arrowheads.


(4) What do you think could be done better? 

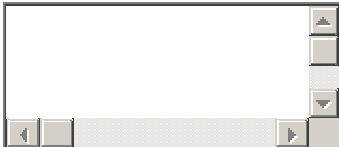
(5) What else would you like to say about the pilot? 

(6) What is your professional role? 

(7) What type of Signs of Safety training have you had?

- None
- Convenor/facilitator
- Solicitor
- Practice leader
-

(8) How many lawyer-assisted conferences or meetings have you participated in or observed? 

(9) What is your name (optional)? 

Thank you very much for your participation.

Appendix E: Inter-professional survey after Conference

Inter-professional survey of SoS lawyer-assisted pre-hearing conferences

As you may be aware, we are evaluating the inter-professional practice component of the Signs of Safety pilot. The questionnaire that you are about to answer asks questions that refer to your experience in the recent conference in which you participated. The questionnaire has 33 questions and will take you approximately 10 minutes to complete. It is very important to the future of the program that we obtain data about these processes.

Confidentiality

No-one, apart from the evaluators, will know that you have answered this questionnaire. The data from the evaluation will be held in strict confidence and no-one will be identified in the final report although you need to be aware that issues raised about a specific work area may (by implication) identify you.

Any queries

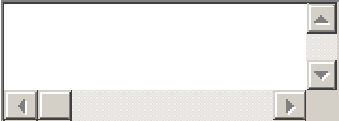
If you have any questions about the evaluation, you can ask me questions by email at jill.howieson@uwa.edu.au, or leave a message on 6488 2885. If you have any complaint about the evaluation, or if you feel that you would like to talk to me for any reason about the research, you can call me directly on 0438 161 923.

We are most grateful for your participation.

Jill Howieson

Please tick the box of the response that best expresses your answer to each question or write your answer in the space provided. Thank you.

- (1) What was the name of the conference as indicated on the email sent to you with this survey link?
- (2) I had sufficient time to prepare properly for the conference.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (3) I was confident of what my professional responsibilities were for the conference.
- Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree

- (4) The appropriate people participated in the conference. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (5) If you believe the appropriate people were not at the conference, can you please tell us who should or should not have been there and why? 
- (6) The decisions made in the conference were wise. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (7) The professionals listened to each other in the conference. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (8) There was open and honest communication in the conference. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree
 Strongly agree
- (9) The other professionals were well prepared for the conference. Strongly disagree
 Disagree
 Neither agree nor disagree
 Agree

- Strongly agree
- (10) The conference was conducted in a timely manner.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- (11) The family participated as members of the conference.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- (12) There was shared decision making with the family.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- (13) The professionals had a good understanding of the family's decision making around their child's care.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree
- (14) The professionals had a good understanding of the family's issues and how best to deal with those issues.
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

- (15) There was a common language used by the professionals in the conference.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (16) The conference was a waste of time.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (17) The professionals collaborated well in the conference.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (18) There was a free and open sharing and exchange of ideas among the professionals in the conference.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (19) The conference was conducted as I envisaged.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree

(20) If you believe that the conference was not conducted as you envisaged, can you please tell us why.



(1) I was satisfied with the conference.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(2) The other professionals in the conference considered my views.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(3) I had the opportunity to say everything that I wanted to say in the conference.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(4) The other professionals in the conference treated me politely.

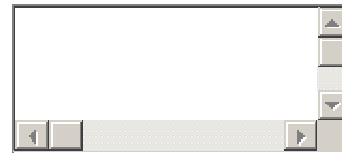
- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree
- Strongly agree

(5) The other professionals in the conference showed respect for me.

- Strongly disagree
- Disagree
- Neither agree nor disagree
- Agree

- (6) The conference was dignified.
- Strongly agree
 - Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (7) I believe that everyone in the conference received enough information to make wise decisions.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (8) The way that the conference proceeded was fair.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (9) The outcomes of the conference were fair.
- Strongly disagree
 - Disagree
 - Neither agree nor disagree
 - Agree
 - Strongly agree
- (1) What do you think worked well about the conference?
- (2) What do you think could have been done better in the conference?

(3) What concerned you about the conference?



(4) What else would you like to say about the conference?



(1) In what capacity did you attend the conference?

(2) What is your name? (optional)



(3) What is your gender?

Female

Male

(4) What type of Signs of Safety training have you had?

<input type="checkbox"/>	None
<input type="checkbox"/>	Convenor/facilitator
<input type="checkbox"/>	Solicitor
<input type="checkbox"/>	Practice leader
<input type="checkbox"/>	<input type="text" value="(Other)"/>

Bottom of Form

Appendix F: Post Pre-birth meeting survey

**[Social Work Department; King Edward Memorial Hospital](#)
[Survey of experiences of parents participating in Pre-birth Planning Meetings](#)**

Did you understand why we were having this meeting

What was good about the meeting?-

What was bad about the meeting

During the meeting :

Did you feel that the meeting was fair?

Did you feel able that you could have your say?

Were you treated with respect ?

How comfortable did you feel about taking part in the meeting?

Appendix G: Consent to Recording of Conference



Consent to Recording of the Signs of Safety Pre-Hearing Conference

Please

1. Read all pages of this document and discuss it with your solicitor, or the Signs of Safety Coordinator (telephone 9261 6405) if you have any queries.
2. Sign this page and fill in your name in the space provided.
3. Have your solicitor (if he or she is with you) or an independent party sign this page as your witness and to confirm that you agree with the guidelines and confidentiality rules for the recording of the conference.
4. Return this signed form back to Legal Aid WA (by fax: (08) 9261 6426 or post: LAWA, GPO Box L916, PERTH WA 6842), and provide the original to Legal Aid WA on the day of the conference.
5. The conference Convenor will sign this form to confirm that you agree to the recording of the conference.

I agree and understand that:

1. Legal Aid is recording the conference for no other reason than for the purpose of evaluating the Signs of Safety Pre-Hearing Conference program.

Convenor

2. At the beginning of the conference, the Convenor will remind all participants that Legal Aid is recording the conference for evaluation purposes only.

Security & Destruction of Recordings

3. The original recordings of the conference will be stored in a secure location, and only the evaluator will have access to the recordings.
4. The evaluator will destroy the original recordings immediately after transcribing the recording for the purposes of the evaluation.
5. The evaluator will de-identify the written transcript, which means that all the personal information that could identify me or my family members will be removed from the transcript.

6. The evaluator will keep the de-identified transcript as part of the program evaluation records. Once the evaluation is complete, the evaluator will destroy the transcript in accordance with the guidelines published by the State Records Office of Western Australia.

Legislation and Confidentiality

7. The evaluator will use the recordings of the conference in the context of and subject to the provisions of the *Children and Community Services Act 2004 (WA)* ('Act') and on the understanding that:
- a. all communications, negotiations and statements made during any part of the conference process that is contained in the recordings are made on a without prejudice basis (which means without prejudice to me in any further proceedings) except as provided by section 137 of the Act (**see attached**);
 - b. anything recorded that any person involved in all or part of the conference says or writes, is confidential and is not admissible in Court or in any proceedings in law, except as provided by section 137 of the Act (**see attached**).

I have read in full this document and Section 137 of the *Children and Community Services Act 2004 (WA)* and I consent to the recording of the conference that I am participating in.

I understand that I am under no obligation to consent to the recording of the conference that I am participating in.

.....
Your Name

.....
Your Signature

.....
Your Solicitor

.....
Date

.....
Convenor

.....
Date

ATTACHMENT 1

SECTION 137 *Children and Community Services Act 2004 (WA)*

Section 137 of the *Children and Community Services Act 2004 (WA)* (“Act”) is attached to this document for your information. The confidentiality and disclosure obligations relating to Pre-Hearing Conferences are set out in section 137 of the Act. It is important that you read the following information before attending the Signs of Safety Pre-Hearing Conference.

**CONFIDENTIALITY OF PRE-HEARING CONFERENCE
(SECTION 137)**

- (1) Subject to this section, the proceedings of a pre-hearing conference are confidential.
- (2) Evidence of anything said or done, or of any admission made, at a pre-hearing conference is only admissible in proceedings before any court (including the protection proceedings concerned) if the court concerned grants leave or all the people who attended the pre-hearing conference consent.
- (3) A person who attends a pre-hearing conference must not disclose any statement made by another person at, or information furnished by another person to, the conference without the leave of the Court or the consent of that other person.

Penalty: \$12 000 and imprisonment of one year.

- (4) Subsection (3) does not apply to —
 - (a) the disclosure of a statement or information in proceedings before a court in accordance with subsection (2);
 - (b) the making of a record of proceedings at the conference by the person presiding, a person who attended the conference, or his or her legal representative;
 - (c) discussions between a child who did not attend the conference and his or her legal representative who attended the conference;
 - (d) discussions between a party who —
 - (i.) has a difficulty understanding or communicating in English; or
 - (ii.) has a disability,and any other person who attended the conference for the purpose of providing support or assistance to that party;
 - (e) discussions between a person who attended the conference and his or her legal representative;

- (f) discussions between the legal representatives of people who attended the conference;
- (g) discussions between officers, police officers, or officers and police officers, about the conference;
- (h) the disclosure, in connection with a review of the operation of pre-hearing conferences generally, of information —
 - (i.) that does not identify any person who attended the conference; or
 - (ii.) that identifies a person who attended the conference if the person has consented to its disclosure;
- (i) the disclosure of information by a person who believes on reasonable grounds that it is necessary to do so in order to protect the health or safety of any person or to prevent or minimise damage to any property.