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Accomplishing parental engagement in child protection practice?

A qualitative analysis of parent-professional interaction in pre-proceedings work under the Public Law Outline

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Abstract

The topic of parental engagement in the context of child protection is of significant international interest, given much documented problems of achieving effective 'partnerships' where professional agencies raise serious concerns about children. This article reports the findings of a qualitative study of interaction between professionals and parents in the quasi-judicial setting of *pre-proceedings meetings* in England. Recent legislative changes in England and Wales have aimed to improve the prospects for effective partnership work with parents through a revised pre-proceedings process. Through detailed examination of parent-professional interaction using methods of applied discourse studies, the study highlights the constraints that institutional requirements create in terms of the differential rights and obligations of parents and professionals. Inevitably, that talk is asymmetrically organized in favour of the local authority, leads to

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resistance on the part of parents. The study highlights problems of engaging parents who display both active and passive forms of resistance, as they seek to challenge or reject organizational goals. The study concludes with broader observations about the likely limits of legislative efforts that seek to 're-order' the complex relationships between parents and professionals in child protection work.

Keywords

Care-proceedings, engagement, institutional interaction, parents

Introduction

The issue of parental engagement in the context of child protection is of considerable international interest. Studies suggest that where parents are engaged with the decision-making process and co-operate with plans for children, this can impact positively on both service and child outcomes (Brophy, 2006; Dawson and Berry, 2002; Farmer and Owen, 1995; Humphreys, 2001). In England and Wales, given concerns about the rising number of applications for care proceedings (compulsory removal of children through care orders) and the associated costs, there has been renewed interest in improving the engagement of parents with a view to *diverting* cases from proceedings, wherever safe and desirable. In this article, our focus is on the impact of the Public Law Outline – a revised approach to the management of care proceedings introduced in April 2008, that as part of an overarching drive to reduce delay and inefficiency in the court system, also aims to assist local authorities to avoid proceedings through the requirements of a new pre-proceedings process (Masson, 2010; Ministry of Justice [MOJ], 2008). Specifically, we report on a qualitative study of interaction between professionals and parents in the quasi-judicial setting of the 'pre-proceedings meeting'. Our interest is in whether parental engagement is improved according to the aspirations of the Public Law Outline, now that the revised protocol is firmly embedded in practice. This analysis is important as action and outcomes within the pre-proceedings meeting can be pivotal in terms of the likely trajectory of child protection cases.

The new Public Law Outline (PLO) introduced in April 2008, has been described as reinforcing the nomenclature of the 'no order principle' within the Children Act 1989 that presupposes positive action on the part of relevant agencies to support the upbringing of children in their families wherever possible (Broadhurst and Holt, 2010; Welbourne, 2008). Requiring local authorities to ensure parents are closely involved in decision-making, the PLO can be seen to further strengthen 'partnership working' – a central and guiding principle of the Children Act 1989. However, commentators have questioned whether the diversionary aspirations of the PLO will succeed, given the much documented difficulties of achieving parental engagement in child protection (Broadhurst and Holt, 2010;

Brophy, 2006; Buchanan, 1994; Department of Health [DoH], 1995; Freeman and Hunt, 1998; Kaganas, 1995). From a detailed review of research commissioned as part of the national review of care proceedings in 2005–6, Brophy (2006) concluded that even a limited form of partnership was difficult to achieve where there are serious concerns about children. In this context, it is critical to examine the extent to which the largely remedial legislative framework of the PLO can ‘re-order’ relationships between parents and professionals, given the complexity of ‘edge of care’ cases and tensions that will likely arise. Drawing on the methods of applied discourse analysis that have been used widely to examine ‘real-time’ interaction in institutional settings (Drew and Heritage, 1992; Heritage and Greatbatch, 1991; Todd and Fisher, 1993), we offer detailed analysis of face-to-face encounters between professionals and parents within the pre-proceedings meeting. Through the analysis of talk as the medium of interaction, it is possible to draw conclusions about parental engagement under the new protocol.

The Public Law Outline: Revised protocol – but enduring problems of parental engagement?

In 2005, a national review of the care proceedings system was initiated by government with a view to examining possibilities for improving efficiency and effectiveness of care proceedings (Department for Constitutional Affairs and Department for Education and Schools, 2006). Among other issues, the review report cited problems of parental engagement as a key impediment to the delivery of timely, permanent solutions for children. Thus, a new protocol (PLO) was designed that placed great store on improving the assessment and preparation of parents, where the local authority was considering care proceedings. A new *pre-proceedings process* was introduced, comprising three distinct elements (Masson, 2010). First, the local authority will seek legal advice where there are concerns of likely or actual significant harm to children – often termed a ‘legal gateway’ meeting. Second, parents are sent a ‘Letter Before Proceedings’ that notifies them of the seriousness of the local authority’s concerns. Finally, parents are invited to attend a formal ‘pre-proceedings’ meeting, *prior to* the Local Authority instigating care proceedings. Under the revised protocol parents are entitled to independent legal representation *pre-proceedings*. There is increased emphasis on the extended family (relatives and significant friends) as a resource in regard to any provision of substitute care.

If we examine the rhetoric of the PLO and associated local authority guidance (Children Act Guidance, volume 1, Department for Children Schools and Families [DCSF], 2008) the diversionary intents are clear. The local authority guidance, in referring to the ‘Letter Before Proceedings’, states that:

The purpose of such a letter is to enable the parents to obtain legal assistance and advice, prior to a meeting with the local authority, the intention of which is either to **deflect** proceedings or, at least, to narrow and focus the issues of concern. (DCSF, 2008: 30, emphasis added)

The guidance document also reminds the local authority of the 'no order' principle that is central to child protection practice in England and Wales, and makes explicit reference to local authorities avoiding care proceedings:

The local authority should also bear in mind that the court has a duty to make no order unless it considers that making an order would be better for the child than making no order at all (section 1(5) of the Act). **It is possible that care proceedings may be avoided altogether** or that a different application, such as for a special guardianship order or a residence order, made by a relative or carer, may be more appropriate, rather than a care order application by the local authority. (DCSF, 2008: 31, emphasis added)

As part of the new pre-proceedings process, the purpose of the pre-proceedings meeting (to which parents legal representatives are invited), is to ensure that all parties understand the concerns and to provide an opportunity to draw up an action plan with the aim of *deflecting* care proceedings. If pre-proceedings actions fail, local authorities must complete a checklist for the court that confirms the completion of key obligations in regard to the assessment and preparation of parents. That policymakers envisage greater co-operation between all parties to any proceedings, is evident in these additional bureaucratic demands.

However, the enactment of legislative protocol is far from straightforward with actions 'on the ground' diverging significantly from those envisaged by legislators (De Certeau, 1984). An early process evaluation identified problems in achieving the goals of the PLO in regard to diversion, drawing attention to difficulties in enhancing parents' capacity to benefit from legal advice and interventions at a pre-proceedings stage (Jessiman et al., 2009). Clearly, when parents receive the 'Letter Before Proceedings' this marks a fundamental shift in the level of action on the part of the local authority and will likely create a new tempo for both parent and practitioner. The potential for tension between parent and professional is clear, if parents feel that they are at serious risk of losing children to the care system. Although the next steps of official policy and legislative guidance suggest a relatively straightforward, step-by-step process to pre-proceedings work, in the context of 'real-time' child protection, where the care and control functions of social work are acutely juxtaposed, partnership practices can be far harder to achieve.

Theoretical and conceptual approach

There is a substantive body of research that has examined parental engagement in the context of child protection (Farmer and Owen, 1995; Freeman and Hunt, 1998). However, studies have tended to favour traditional methods of qualitative interviewing, yielding post hoc accounts from professionals and service users about their experience or satisfaction in encounters. Notwithstanding the utility of such studies, traditional methods of interviewing run into the problem of the gap between beliefs and actions – that is the difference between what people say and

what they actually *do* (Atkinson and Heritage, 1984; Boden and Zimmerman, 1991; Gilbert and Mulkay, 1984). In this study we offer an alternative approach through a focus on 'real-time' interaction in the pre-proceedings meeting. The study is located in the social constructionist tradition which is based on an assumption that reality is socially and discursively constructed in everyday practice (Gubrium and Holstein, 2000; Hall and Slembrouck, 2001). Because human interaction is in large part *verbal*, we draw on the methods of applied discourse analysis to examine interaction between professionals and service users (Willig, 1999).

Given our specific interest in interaction within the pre-proceedings meetings in local authority settings, we have drawn on the work of Goffman (1955, 1983), notably his notion of an *institutional* order of interaction and subsequent studies of institutional talk (Drew and Heritage, 1992; Goodwin and Goodwin, 1996; Todd and Fisher, 1993). Our work is premised on an understanding that institutional interaction displays special kinds of constraints in regard to interactional rights and obligations and that these can be identified through analysis of talk. Although each instance of institutional encounter can transform, act on, or manipulate these constraints, an institutional 'fingerprint' may, nevertheless, be discernible. Moreover, from a focus on the enactment of institutional rights and obligations in talk, we can gain closer understandings of the *difficulties* that the specifics of interactional order in the pre-proceedings meetings can engender. As Heritage (2002) writes:

Institutional interaction generally involves a reduction in the range of interactional practices deployed by the participants...and a specialisation and respecification of practice that remain...These reductions and respecifications are often experienced as constraining and irksome – particularly by lay participants. (Heritage, 2002: 225)

Studies of institutional interaction draw attention to *asymmetries* of talk in institutional settings that can result in professionals suppressing lay or service user responses. For example, professionals can deploy a number of discursive strategies that delimit the range of 'allowable' service user responses (ten Have, 1991; Maynard, 1991). Within the generic social work literature, studies might refer to issues of 'power' or 'oppression' that here, we describe in terms of asymmetries in talk.

So, where do interaction-oriented researchers start, in terms of data analysis? Heritage (2002), suggests a focus on a number of aspects of the organization of talk that pays close attention to the overall *structure* of conversation in specific institutional settings. Thus, we have focused on the following aspects of talk: turn-taking, topics shifts and conversational flow. For example, with respect to 'topics', we have considered: how do topics get initiated and closed off? Is conversation aligned with respect to topic? We have also examined turn-taking in regard to the following questions: Who gets to direct turns in talk? Who invites others into conversation? What interrupts are visible in talk? How are invitations to speak received and responded to?

Close examination of the structure of talk is particularly illuminative in relation to the topic of partnership as it enables the identification and analysis of points of agreement and disagreement between parents and professionals. For example, where battles for conversational space are evident, as manifest in multiple interruptions, struggles over topic development and/or formulation and counter formulation (of the presenting problem), the discourse analyst is able to draw clear conclusions about dissensus between parties in talk (Pomerantz, 1984, 1988). Where less obvious conflict is manifest, methods of discourse analysis can also throw light on more passive forms of resistance often manifest in institutional settings. The work of Heritage and Sefi (1992) provides a particularly useful framework for considering less obvious or *passive* resistance in institutional settings. Heritage and Sefi (1992) analysed advice giving and receiving in the context of encounters between health visitors and first-time mothers, distinguishing between 'marked acknowledgement' of advice and responses that consisted of 'unmarked acknowledgements' that might, in contrast, imply a rejection of advice. In our analysis we draw on the work of Heritage and Sefi (1992), to draw a distinction between active and more passive forms of resistance manifest in the context of pre-proceedings work.

Methods

Data is drawn from a broader study of pre-proceedings work in social work practice in two local authority areas in England. During this work we have been able to observe pre-proceedings meetings relating to 15 cases and to audio-record a large percentage of those meetings, where all parties provided informed consent. The project was subject to detailed agency scrutiny prior to the granting of ethical clearance. Given the sensitivity of the subject matter, principles of voluntarism as outlined by the Economic and Social Research Council (ESRC) were closely adhered to throughout the study (ESRC, REF, 2010, Section 3.2.4). All participants were offered a follow-up meeting with the research team, to discuss any issues arising from the project, at their request. All data was anonymized, securely stored electronically and accessible only to the research team.

Meetings were transcribed verbatim to produce draft full content transcripts (12/15 meetings). Sub-sections of the transcripts have been subject to further detailed transcription to enable closer reading of the data, adding in notation as described below. To protect the identities, the excerpts we present in this article have been slightly fictionalized, whilst preserving the substantive content.

Following methods of applied discourse analysis, data analysis has focused on both content and structure of talk, with a view to identifying recurrent interactional patterns. The research team initially aimed to elucidate whether a general institutional 'fingerprint' to the meetings could be described (Kurhila, 2006). At this first stage, it was found that asymmetries in professional – parent interaction were a particular feature of the pre-proceedings meeting, with the team manager clearly leading and steering topic development. The data was then further probed with

a specific focus on parental engagement or resistance within the pre-proceedings process, through detailed examination of topic development, patterns of turn-taking and conversational flow. Instances of parental resistance featured heavily across the transcripts and hence, resistance as an over-arching theme was further explored for its detail and organization. In our presentation of findings we describe (a) the general character of the pre-proceedings meeting and (b) patterns of active and passive parental resistance that were pervasive across the transcripts.

Notation

(.) short break (1–2) seconds

(. and number e.g. .3) longer break (more than 2 seconds)

(?) unintelligible, one word or two words

[. . .] part of conversation omitted

//interrupt

= contiguous utterance (one speaker latches utterance onto the preceding utterance)

[] overlapping speech

Underlining = emphasis

Findings

The general character of the pre-proceedings meeting: Asymmetric talk

The dialectic of talk realises the many asymmetries that constitute the dialectic.

(Paget, 1993: 124)

The pre-proceedings meetings were all chaired by a senior member of the local authority, either a social work team manager or service manager. The similarity of introductions and opening format conformed to something of a standard procedure for the pre-proceedings meeting, whereby the chair would invite introductions, outline the purpose of the meeting and then invite comment on the 'Letter Before Proceedings'. Much of the discussion within the meeting involved the team manager and parents, with very minimal input from other professionals (parent's solicitor, local authority barrister, case-holding social worker) – no children or young people were present at the meetings observed. Although provisions within the Public Law Outline enable parents to bring their legal representatives to the meeting, very little input from these representatives was discernible.

Excerpt 1

- 1 **Team Manager:** As you are all aware, we are here to try to see if there isn't something we can

- 2 all do to stop the children coming into care (.) that's not our intention, bringing
the kids into
3 care, but we need to see if we can agree a way forward – an action plan... we need
to be pretty
4 focused today and see if we can't draw up an action plan that's going to stop the
children
5 coming into care. So, we'll start then by taking comments on the letter that we
have sent you,
6 so Mrs Davies do you want to comment first (.) do you understand our concerns?
7 **Mrs Davies** (.) well yes, I mean, my opinion is that they are a bit exaggerated, so,
yes, erm
8 yes and no really, I mean//
9 **Team Manager**: I think we do need to take the letter, the concerns expressed in the
letter very
10 seriously and they are our starting point today (.) we're not asking anything of
you here Mrs
11 Davies, that we wouldn't ask of any parent (.) but I do think that unless you
accept what we
12 are saying about the concerns about the children, then we are going to struggle to
make
13 progress today (.) we are here to support you (.) I hope you understand that?
14 **Mrs Davies**, well yes, erm, I know you are trying to help, but I'm not sure that I
agree with
15 everything that's in the letter, I erm//
16 **Team Manager**, Ok, well I'm happy to take comments from you Mrs Davies, and
perhaps as
17 we get on to each issue, you can say where you disagree, but I think that it's
really, really
18 important that we do get on with drawing up a plan that will prevent care pro-
ceedings (.) so
19 let's start with the first issue, the issue of school attendance...

In this first excerpt, the organization of turn-taking is largely moderated by the team manager acting as chairperson, who clearly demonstrates a preference for initiating topics/questions and then inviting response to those topics. In this first excerpt he states: *'we'll start then by taking comments on the letter'* (line 5), *'so Mrs Davies do you want to comment first?'* (line 6). He issues instruction and invites the mother (Mrs Davies) to respond. Further asymmetries of identity and entitlement are enacted across the exchange, in regard to formulation of the presenting concerns, with the parents formulation strongly (institutionally) dis-preferred. For example, in response to the mother's suggestion that the agency's concerns are *'a bit exaggerated'* (line 7), the team manager simply re-asserts the agency's formulation of the problem: *'I think we do need to take*

the letter, the concerns expressed in the letter very seriously and they are our starting point today' (lines 9–10). The mother's attempt to re-state her position at lines 14–15 (*I'm not sure I agree with everything that's in the letter'*) is cut short by the team manager who interrupts to re-direct conversation towards the organizational goal *'OK, well I'm happy to take comments.... but I think that it's really, really important to get on with drawing up the plan'* (line 16–18). Consistent with the literature on institutional talk (Paget, 1993), the giving of direction (as in this last example), indicates a strong expectation of compliance or obedience and is telling in regard to institutional identities and expectations.

Scrutiny of the total corpus of data, revealed that such asymmetries in interaction were characteristic of pre-proceedings meetings, rather than idiosyncratic. Across the dataset, the centrality of the organizational task was clear and that this focus significantly constrained possible actions and responses on all parties. Moreover, epistemological privilege – authority to define problems and actions (Fricker, 1999), was firmly assumed by professionals.

Problems of engagement in the pre-proceedings meeting

As has been identified by a number of studies of institutional interaction, the constraints on parties that arise from institutional goals and demands can be particularly irksome (Heritage, 2002). Close attention to the structure of talk in the pre-proceedings meetings found that the team manager as chairperson, encountered significant problems in engaging parents with organizational goals. Tensions and disagreement between parents and professionals were manifest across the transcripts. Whilst the managers acting as chair to the pre-proceedings, through a range of discursive strategies attempted to delimit parents' responses – parental 'compliance' with the institution's preferred turn-taking design was difficult to achieve. Here we focus on two particular patterns of parental resistance that emerged in the context of the constraints of the pre-proceedings meeting:

- (i) A small percentage of parents overtly resisted the team manager's attempt to delimit responses, presenting direct verbal challenge to the manager's institutional and epistemological authority ($n = 3$).
- (ii) A significant percentage of parents passively resisted instruction and advice giving, through minimal acknowledgement. Overt challenge to institutional or epistemological authority was not manifest, however, responses fell significantly short of agreement ($n = 12$).

Given, word count constraints and that our analysis requires a consideration of extended sequences of conversation, two case examples are used for illustrative purposes. However, cases have been chosen for their typicality.

(i) Overt resistance

In a small number of cases, parents presented consistent, overt resistance to the meeting that frustrated the organizational goal. In excerpt 2 below, here we see overt resistance on the part of the mother from the outset of the pre-proceedings meeting:

Excerpt 2

- 1 **Team Manager:** ...this meeting is also?about looking at what we can do to help you (.) in
- 2 looking after these four children. . .it's really about us looking at an action plan and agreeing
- 3 a way forward so that we can not go into care proceedings and not remove the children
- 4 from your care. So that's (.) the basis, that we sort of start from, is that OK? Is there
- 5 anything you want to sort of say about that?
- 6 **Mother:** [inaudible 0.4] well, what if your action plan is not right for me?
- 7 **Team Manager:** well, erm, what we'll do is go through the action
- 8 **Mother:** >(inaudible 0.3 seconds)<, the action plan might not be suitable for me. I think
- 9 the protection plan's not working for me [from the start]
- 10 **Team Manager:** [what we'll do//]
- 11 **Mother:** [[who is it for?]]
- 12 **Team Manager:** [what we'll do]
- 13 **Mother:** it's not working for me and [my kids]
- 14 **Team Manager:** [what we'll do [mum]] is what we'll do, is we'll go through the action
- 15 plan and it's not my action plan, it's an action plan that I've made and we've made up (.)
- 16 but you can add bits to that and anything that you want to say to me today I'll write
- 17 down and when I send this action plan out to you. . .

In excerpt 2, the team manager opens the meeting according to standard protocols – in his first utterance he outlines the institutional task – to look at an action plan and agree a way forward that might result in the deflection of proceedings. He then invites the mother to comment on the process as outlined (line 5). If we examine the team manager's response to the mother's utterance at line 6 (*what if your action plan is not right for me?* – line 6), his response is to attempt to re-align conversation through bringing her back to the institutional goal (*well (.) erm (.) what we'll do is go through the action plan* – line 7). In the face of further interrupts from the mother and further dis-aligned responses (*it's not working for me and my kids* – line 13), he simply repeats his direction (*what we will do*). In issuing and

repeating directions (lines 14–17), the team manager aims to restrict or pre-empt the possible choices of responses that the mother can give. As the exchange progress (excerpt 3 below) the mother's resistance builds across the exchange:

Excerpt 3

- 1 **Mother:** we all shouldn't have to follow the same plan guidelines as other people on=.
- 2 **Team Manager:** and you won't be, because this is plan is//
- 3 **Mother:** they're like standard
- 4 **Team Manager:** this action,
- 5 **Mother:** [it]
- 6 **Team Manager:** [this action]
- 7 **Mother:** [it won't] work, it's tick box//
- 8 **Team Manager:** this action plan that we're going to talk about today (.) is different to
- 9 action plans that I've seen in similar meetings with other people. Erm, you can have your
- 10 say, add your bits to it and you can tell us erm, where this, this is about you and your
- 11 children, so if you've got erm, if you've got, you think that you can do any differently to
- 12 what we're doing it then I'm happy to listen to that and I'm happy to put that part of the
- 13 action plan down, if that's what you//
- 14 **Mother:** ah well, why can't I have my own plan. What about what I need? Why can't
- 15 you just leave us alone, it's worse with you coming in
- 16 **Team Manager:** well, we can't actually do that because erm, child protection plans//

As excerpt 3 illustrates, interaction between manager and parent continues to be characterized by repeated interruptions from the mother. Interaction between manager and the mother largely consist of formulation (*they're like standard/it's tick box* – lines 3 and 7) and counter formulation (*this action plan that we're going to talk about today, is different to action plans that I've seen in similar meetings with other action plans* – lines 8–9). Here, the mother presents a direct challenge to the authority of the chair challenging the team manager's epistemological authority as well as institutional actions and definitions (*...why can't I have my own plan. What about what I need?*... lines 14–15).

Discord built across the sequence through discontinuities in topic development and misalignment of parties' interactive goals. At line 15, the mother presents a further oppositional discursive strategy by making a direct attack on the organization (*it's worse with you coming in*). Detailed analysis of the full transcript found that parties persisted in a struggle over topic development and conversational

space, culminating in the mother launching a series of verbal attacks on the institution. Following the conclusion of the meeting and after the parent had left, the local authority's barrister (party to the meeting) concluded that there was little hope that the mother would achieve the necessary changes. Given time imperatives introduced with the PLO, huge significance is attached to the pre-proceedings meeting. A parent's 'poor' performance in the form of overt resistance can be hugely consequential.

(ii) Passive resistance – 'unmarked acknowledgement' of direction and advice

At first glance, very limited responses to the team manager's questions or recommendations, that do not appear to challenge the local authority, may suggest engagement. However, as has been noted in a number of studies, failure to provide a full response in question and answer sequences can also be seen as a form of *non-response* or passive resistance. This distinction is useful for analysing the following excerpts taken from a pre-proceedings meeting, in which the team manager is gently advising a young mother that her planned move to her Aunt's is not advisable. The agency has issued a 'Letter Before Proceedings' to the mother which spelled out the agency's concerns regarding the unsuitability of the Aunt to provide either accommodation or support to the young mother. The agency is also concerned that the young mother cannot settle, subjecting her baby to repeat moves/homelessness. Mother and father are present at the meeting, although much of the interaction involves the mother and the team manager:

Excerpt 4

- 1 **Team Manager:** So you have both received the pre-proceedings letter, is there anything
- 2 that you want to say about that? (.) is there anything that you don't agree with (.) or any
- 3 concerns, or? (.4)
- 4 **Father:** father [no]
- 5 **Team Manager** (.3) are you having a look? [at the letter] (looking at mum)
- 6 **Mother:** (mm hm) (.)
- 7 **Team Manager:** fine, Ok, (.) maybe if I just sort of re-cap, erm (.), our main concerns
- 8 are, if I just go over where we are coming from, I think [mum], particularly in respect of
- 9 yourself, certainly at the last conferences, it has been acknowledged at the last conference
- 10 that you are doing really, really well, there has been loads of positives you are doing really
- 11 well with [baby], but my main concerns, and I think the concern of all of us, is the history

- 12 of instability for baby, it's the moving around and baby has had a number of
 placement
 13 moves in his life and I know that you are wanting to move again to your Aunt's
 and that
 14 is our worry. We don't want another move to result in breakdown, we want this
 to be
 15 [baby's] permanent move, so that's where we are coming from in respect of
 yourself
 16 [mum], alright?
 17 **Mother:** mm hm (.) (nodding)
 18 **Team Manager:** Does that make sense then? (.) is that Ok?
 19 **Mother:** yeah

In excerpt 4, the manager's invitation to comment on the Letter Before Proceedings is met with very little response from both mother and father (*no, mm hm* – lines 4 and 6). Here we see that across the sequence, responses fall short of a fuller response to the team manager, with mother and father selecting what Heritage and Sefi (1992) describe as 'token continuers', or 'unmarked acknowledgements'. The parents' responses serve to maintain conversation but fall short of full engagement with the topic, as is evidenced by the team manager's further prompts for a response (*are you having a look at the letter?* – line 5). Across this meeting, despite repeated prompts from the team manager (*'alright?' is that Ok? 'Does that make sense?'*) mother and father continue to make only minimal responses.

Excerpt 5

- 1 **Team Manager:** So, [mum] what would be your ideal, your number 1 plan in
 terms of
 2 moving out of Hale Street and finding somewhere really settled for your and
 [baby]? (.3)
 3 **Mother:** (.3) well it was either move in with my Aunt (.)
 4 **Team Manager:** or? Or? (.)
 5 **Mother:** look for somewhere else (.)
 6 [...]
 7 **Team Manager:** so (.) let's have a good think about the other options [mum], how
 8 would you feel if we offered you other options, we need to consider other options,
 so
 9 what's your second option? (.) some other form of supported lodgings? (.) or
 other
 10 family members? (.) how about some supported lodgings near your Aunt? (.3)
 how about
 11 Daniel (to social worker) are you aware of any supported housing over there in
 Town Z?

- 12 So (.) what we want [mum] is that you don't shut your mind off [mum] to other options,
 13 have a look with Daniel to explore other options?
 14 **Mother:** yeah, mm hm,

In excerpt 5, the team manager continues to directly address the mother, inviting her to respond to a number of questions (*So, [mum] what would be your ideal, your number 1 plan?* – line 1). However, as is characteristic of the young mother's engagement, responses are delayed and minimal as manifest in the number of pauses recorded. She is being strongly advised by the agency to consider an alternative plan to moving in with her Aunt which the agency feels will fail, but does not offer ready alternatives herself. In the last utterance, in making a further attempt to engage the mother in thinking about alternatives, the team manager offers a number of 'candidate responses' that are chained – conversational space is provided for the young mother but not filled (*so what's your second option? (.2) some other form of supported lodgings? (.) or other family members? (.) how about some supported lodgings near your Aunt? (.3)* – (lines 8–10).

As Heritage and Sefi (1992) identify, unmarked responses to advice, such as (mm, hm, yeah) while they allow talk to continue, do not constitute an undertaking to agree to accept advice. Where recipients to advice, over a sequence of talk offer a collection of token continuers, failing to elaborate or confirm advice given, this can indicate passive resistance. As Jefferson (1984) and Schegloff (1982) note, utterances such as 'mm', 'uh huh' are primarily continuative in function. Thus, it may come as little surprise to the reader, that not long after this meeting, the young mother moved with her baby to her Aunt's home.

Discussion

Detailed analysis of these excerpts of talk clearly indicates continued problems of parental engagement in the context of care proceedings, despite the implementation of the PLO and the best efforts of managers to divert cases. Although the agenda for the pre-proceedings meeting is: 'how to avoid going to court' as spelled out in the 'Letter Before Proceedings', parents and professionals can orient very differently to the institutional requirements of the meeting, which inevitably leads to disjuncture in interactional goals and behaviour. From the excerpts, while each manager brings nuances of his/her interactional style to the pre-proceedings meeting, it is possible to identify something of an institutional 'fingerprint' whereby the organizational task of drawing up an action plan that might divert care proceedings, is the central organizational goal. A preferred turn-taking design, with the team manager as chairperson directing the flow of talk and topic development is also part of this 'fingerprint'. Although there is considerable debate within the literature as to the extent of institutional asymmetries (ten Have, 1991), the data derived from this study clearly evidences issues of power in professional-client relationships, although often unintended. Nevertheless, the 'neat' asymmetries of

institutionally relevant questions and answers pursued by team managers were frequently foiled as team managers encountered the agency of the service user with his/her own strategies of opposition and resistance.

Although policy and practice texts espouse laudable aspirations regarding 'partnership' – it is clear from the excerpts presented, that in many instances, only a limited form of partnership is possible given that the meeting is heavily circumscribed by tacit but institutionally practiced entitlements to speak, raise topics, agree or dissent that can result in significant resistance from service users. Inevitably, the pre-proceedings meeting does not easily meet the needs of parents as service users, given the over-riding priority of child protection concerns (and as defined by the agency, in large part). Tensions arise through formulation and counter formulation and can 'dangle' at the back of the meeting, given that there is frequently little scope for their resolution (*you should do a family plan, take us all into account*). The local authority's assumed epistemological privilege is not always shared by parents who may consider themselves better able to define their own problems and preferred forms of help. Passive resistance, although intuitively recognized by managers, also poses problems for timely and decisive planning, given that actions at a pre-proceedings stage are now more formally structured and monitored. Here, we are reminded of King's (1995) prescient observation in regard to the introduction of the partnership principle with the Children Act 1989, that notions of partnership as enshrined in government guidance were founded on a false premise that legislation can deliver direct instrumental effects on the ground, in regard to situated and highly specific encounters between parents and professionals. The documentation of the PLO with various coded forms and flow diagrams creates an ideal-typical set of step-by-step pre-proceedings processes but, when practice is examined on the ground, it defies the teleological discourses of the policymaker.

Conclusion

As we suggested in the introduction to this article, the PLO is a largely remedial procedure, that in large part, simply demands further procedural steps at a pre-proceedings point, but from the same social actors, in the same settings and using the same tools (plans, agreements, meetings). A number of implications can be drawn from the observations we have made. First, pre-proceedings work to engage parents, appears to take place too late, to avert care proceedings in many cases. Although there is no doubt that individual social work practitioners and managers will 'go the extra mile' to secure non-legal solutions for families, at a pre-proceedings stage, where team managers are almost up against the audience of the court room that will monitor adherence to timescales and question delay, there is very little space for the kind of epistemological negotiation that might engender higher levels of parental engagement. The use of family group conferencing that seeks earlier solutions to support families has not been fully exploited in the UK, but may prove more fruitful in drawing together a network of family and friends

and providing a forum for more effective negotiation with parents, before crisis point (Huntsman, 2006). Second, the PLO makes provision for the attendance of parents' legal representatives at a pre-proceedings stage. Further research that explores the extent of and effectiveness of legal representation may be informative in determining a possible role for them in improving parental engagement. Work by the national Family Rights Group has identified that independent advocacy is valued by parents and can help parents to understand the concerns of the local authority (Featherstone et al., 2010).

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