

Social workers' perspectives on the role and function of independent experts in care proceedings in Norway: Contributions and devaluation

Rakel Aasheim Greve¹  | Øivin Christiansen² | Tone Jørgensen¹

¹Western Norway University of Applied Sciences, PB 7030, Bergen, Norway

²Regional Centre for Child and Adolescent Mental Health and Child Welfare West, NORCE, PB 7810, Bergen, Norway

Correspondence

Rakel Aasheim Greve, Western Norway University of Applied Sciences, PB 7030, 5020 Bergen, Norway.
Email: ragr@hvl.no

Funding information

The Research Council of Norway, Grant/Award Number: 300827; Western Norway University of Applied Sciences

Abstract

Independent experts are commonly used in child protection care proceedings to assess families and contribute to a sound basis for care order decisions. Yet the role and function of these experts varies across contexts, with issues raised concerning the quality and impact of their reports. Based on six focus group discussions (FGDs) with child welfare service (CWS) social workers in Norway, this study aims to advance the understanding of how independent experts are used when it comes to child protection. Reflexive thematic analysis was conducted, which revealed that the social workers mostly found the experts' contributions useful in that they provide a fresh pair of eyes and reduce the complexities in a case. However, the use of independent experts also had some negative aspects. The social workers experienced that their competence was undermined in court and had some experience working with experts whose work was of poor quality, which was unrecognized by quality control measures. This study raises timely questions about the role of the expert and suggests a clearer distinction between the function of providing expert knowledge to complement the social workers' assessments and the function of providing an independent assessment of the family on behalf of the courts.

KEYWORDS

care orders, care proceedings, child protection, independent experts, Norway, social workers

1 | INTRODUCTION

Decisions to remove a child from their parents are complex in nature, do not have an optimal solution and have a profound, life-changing impact on both child and family. Such decisions include deliberating over normative and scientific factors, considering values and moral principles, and are evaluated by social workers within the child welfare services (CWSs) and determined by a court (Christiansen & Kojan, 2016; Munro, 2019). In care order proceedings, decisions often rely on evidence provided by experts. These experts are generally

called independent experts because they are independent of the case and are neither employed by the CWS nor the court. More often than not, these experts tend to be psychologists, but other professions are mentioned in the literature, such as other social workers (Dale, 2010) and paediatricians (Tillyard QC, 2012). The experts may be commissioned by the court or the CWS itself, depending on the context. The purpose of an independent expert is to provide qualified, independent assessments to assist the court in making the most appropriate decisions about the child in question. However, the use of such experts in care proceedings is debated. Areas of debate include how much the

This is an open access article under the terms of the [Creative Commons Attribution](https://creativecommons.org/licenses/by/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2023 The Authors. *Child & Family Social Work* published by John Wiley & Sons Ltd.

expert evidence should be weighted in court, which qualifications the experts should have (Bala et al., 2017; Melinder et al., 2021; Richman, 2005) and how the expert may best inform the court (Bogacki & Weiss, 2007; Stevenson, 2012; Tillyard QC, 2012). In reviewing the literature (Greve et al., 2023), we find little knowledge of the use of independent experts from the social workers' perspective, as much of the literature focuses on either the expert (e.g., Blacker et al., 2016; Connell, 2008) or the court (e.g., Bainham, 2009; Erickson et al., 2007). To fill this research gap, we have chosen to explore the role and contribution of independent experts in care order proceedings from the social workers' perspective by analysing focus group discussions (FGDs) and utilizing theory of expertise.

2 | THE NORWEGIAN CONTEXT

In Norway, the CWS, the private party and/or the County Board¹ may commission an expert in preparations for a care order, but it is not mandatory. The legislation for the CWS opens for the use of independent experts in all phases of a child protection case but provides few regulations on when and how to use the experts (Child Welfare Act, 1992, § 4-3). Independent experts in Norway are mainly psychologists, whose mandate is, most commonly, to investigate the quality of the child's parental care (Melinder et al., 2021). To register as an expert in child protection in Norway, a two-year course must be completed. To be eligible for the course you must be authorized as a psychologist or physician. However, CWS may also use unregistered experts, who are usually professionals known to the CWS. The County Board and courts weigh the input of the expert reports strongly, and their decisions usually align with the experts' recommendation (Agenda Kaupang, 2015). The Expert Commission on Children evaluates every expert report prior to care proceedings to assess the quality of the report, regardless of whether or not the expert is registered (Ot.prp.nr. 68, 2007–2008). However, one study revealed that poor quality reports could pass through the Commission without remark (Augusti et al., 2017). Despite measures to improve the quality of assessments, it has been documented how some expert reports of low quality resulted in fateful consequences for the children involved (NOU 2017: 12, 2017, pp. 57, 75). The role of experts and their contributions has been widely discussed in Norway and the debate is ongoing (Norwegian Directorate for Children, Youth and Family Affairs [Bufdir], 2021).

3 | LITERATURE REVIEW

Research shows that the reasons for engaging an expert in care proceedings vary between countries. Dickens et al. (2017) found that social workers in four countries, including Norway, differed when giving their reasons for engaging the expert. A large percentage of Norwegian and Californian social workers reported that an expert gives an important second opinion on their work, while the English

participants did not. Over half of the Norwegian sample agreed that they only used experts to provide expertise that was lacking in their office, while the other countries agreed to a lesser extent. The social workers in Finland, Norway and California reported that the use of experts makes their case stronger in court (Dickens et al., 2017). Beckett et al. (2007) found that social workers appreciated the expertise of the expert and that, with their involvement, they shared the responsibility of deciding on a care order but complained that the experts were given too much weight in court based on limited contact with the family. Other research has found that judicial officers and lawyers do not rely on assessments conducted by social workers (Beckett & McKeigue, 2003; Tilbury, 2019), which indicates that judges engage experts partly because they do not trust the social workers' assessments. Thus, the research indicates that the attitudes toward experts and their function vary across contexts.

The research also shows that judges rely heavily on experts in care proceedings (Agenda Kaupang, 2015; Bufdir, 2021; Haugli & Nordhelle, 2014). A recent scoping review of independent experts in care proceedings indicates that the professional chasm between experts and the user of the experts' reports poses a challenge within the care proceedings (Greve et al., 2023). The review revealed that judges tend to evaluate the experts' evidence as scientific and impartial, yet they may not have sufficient competence to properly appraise the experts' reports. However, the quality of experts may vary and their methods have limitations (Greve et al., 2023). Judicial decision-makers have mixed experiences with the quality of the information provided by the experts (Kollinsky et al., 2013; Tilbury, 2019) and report areas of improvement for such experts (Skivenes & Tonheim, 2019). Studies identified shortcomings regarding the evaluation of parents in child protection cases, including experts relying on instruments not standardized for the child protection context (Budd et al., 2006; Lennings, 2002). From the social workers' perspective, they have reported concerns regarding the additional delay to care proceedings brought about by experts making assessments, thus extending the proceeding and the time the child has to stay in an unsafe home (Beckett & McKeigue, 2003; Dickens et al., 2017).

4 | EXPERTISE IN CARE ORDER DECISION-MAKING

In this study, we make use of the theory of expertise according to Stehr and Grundmann (2011) and Grundmann's (2017) framework for analysing expertise. According to Stehr and Grundmann (2011) an expert is usually defined as a person who (i) is said to have specialist knowledge and (ii) sometimes is thought to have moral virtue, such as impartiality, which makes them trustworthy; (iii) differ from a non-expert on a fundamental level and (iv) are located in the professions and in science. These characteristics indicate that expertise is an accomplished body of knowledge a person has. However, Grundmann (2017) claims that because expertise is essentially something delivered at the request of someone else wanting it, this makes expertise relational in a double sense; both in the experts' relation to their clients and to their clients'

needs. Hence, the relational aspect of expertise is central to understanding the use of expertise in decision-making (Grundmann, 2017). To become an expert, someone else has to acknowledge the person as an expert and rely on their expertise. There needs to be a trust between the client and the expert. Trust from their clients stems from the clients' judgement of the experts' past, where their achievements, reliability and credibility are of great importance.

Stehr and Grundmann (2011) argue that even though delivering knowledge as an expert might be seen as a technical task, knowledge cannot be transferred neutrally, but is selected and altered in the process. Experts combine knowledge with its interpretation and with action orientation, making abstract knowledge actionable, or advise clients on how to act in the absence of certain knowledge. This means that the experts' opinions and assessments are influenced by their perspectives and the manner in which they interpret knowledge. From this perspective, not only will the expert's knowledge impact the care order decision but also how the expert interprets and presents their knowledge.

5 | STUDY AND AIMS

The study contributes to the current discussion of the role and function of independent experts within child protection. The research questions for the study are therefore as follows: How and why do the social workers in Norway use independent experts and how do they experience the contributions and quality of the expert reports?

6 | METHOD

6.1 | Participants

We included 31 social workers from 11 CWS agencies across Norway—spanning from small and rural to big city offices—between February and June 2021. All participants were experienced with at least one expert report. Five participants were males, and the average number of years of experience working in CWS was 12 years, ranging from 1 to 30 years. All participants, beside one psychologist, were social workers or child protection workers. Throughout the article, all participants are labelled social workers to ensure their anonymity, as no differences were detected between the professions.

6.2 | The FGDs

The research questions were explored through six FGDs. The FGD method was chosen to bring forward the discussions and reflections between co-workers on the topic. We aimed to have groups of colleagues to allow the participants to elaborate on joint experiences and capture the 'office discussions' in its context (Malterud, 2012). In focus groups where people know each other, they tend to feel more at ease and discuss matters comfortably (Halkier, 2010). On the other hand,

TABLE 1 Example of questions.

Main question	Support questions
In your experience, when will an independent expert be engaged?	What considerations do you do in advance of the expert's engagement? What is the purpose of the expert? In what cases are experts engaged and what are the reasons to engage an expert?
If you are about to engage an expert, what is important to you to consider?	How do you decide which expert you engage? How do you find the expert? What do you do if you do not find an eligible expert?
What are the benefits and disadvantages of using an independent expert?	
If you could suggest changes in the system regarding experts, what would those be?	

Note: Topic 1. Reasons to use experts.

having colleagues together in discussion groups might risk that social control hinders controversial opinions and that participants might behave according to established norms (Halkier, 2010). The method is considered useful for data collection of perceptions and norms as performed through interrespondent interaction (Bryman, 2021). The discussion in all groups was engaged and rich and lasted around 2 h. The number of participants for the focus groups ranged between three and seven persons. Five focus groups comprised colleagues and one comprised five managers from different CWS agencies who were well known to each other. The first author moderated all of the FGDs, and the two co-authors were co-moderators for one FGD each. The moderator's role was to keep the discussion as focused and nonthreatening as possible, with minimal self-involvement to allow the participants to discuss and reflect within the group (Jakobsen, 2012). All of the FGDs were recorded and transcribed, and all transcripts were anonymized. The interviews were conducted and transcribed in Norwegian and later translated into English.

6.3 | The interview guide

We used a semi-structured interview guide that comprised four topics: reasons to use experts, how the experts' reports are used, what kind of knowledge and competence is needed from the experts in care orders assessments and how parents and children are included while using an expert. The first three topics consisted of two main questions accompanied by support questions that the interviewer would ask if the group did not discuss or mention these aspects. All topics had one question about benefits/disadvantages and one about potential change to finish off the topic. Table 1 shows Topic 1 as an example. In the article, we use data from their discussions of the three

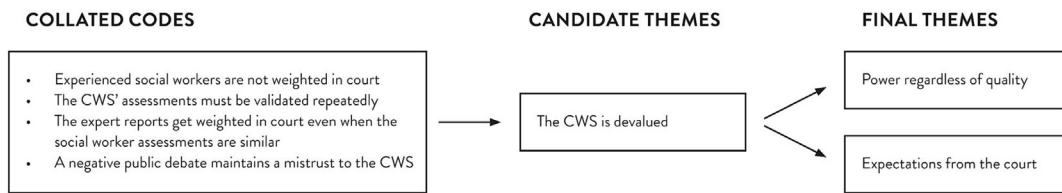


FIGURE 1 Example of thematic analysis.

first topics. These questions elicited rich discussions and reflection on practice between the participants. The interview guide was piloted with two social workers.

6.4 | Procedure

The participants were recruited through e-mails sent to the head of 35 CWS agencies. The CWS leader of the included CWS organized the group of employees who wanted to take part in the study. Besides the email invites, we shared invitations on relevant Facebook groups and presented our project in relevant seminars.

Ethics approval was obtained from the Norwegian Centre for Research (NSD). The participants were given oral and written information about the study and consented to participate before starting the FGD.

To analyse the FGDs, we followed Braun and Clarke's (2013) reflexive thematic analysis. This is a theoretical flexible interpretive method that facilitates the identifying and analysing of patterns and themes across empirical data sets. The analysis process consists of six phases which are intertwined and flexible in how they are executed (Braun & Clarke, 2013, 2021). The first author first familiarized herself with the data by listening to the recordings and reading the transcripts multiple times while making notes of preliminary ideas. The material was then coded systematically. The coding process consists of labelling extracts of text with a descriptive code and was mainly inductive; the researcher kept the codes close to the participants' words. Codes were grouped to highlight patterns across the data sets and named to create candidate themes related to the social workers' experience of the role and function of experts. The co-authors were included in creating, interpreting and reviewing the candidate themes and the finalization of the themes. Discussions on how to interpret and collate codes and themes were held on several occasions to ensure the depth and quality of the analysis. Finally, the conceptualisation of all of the themes was refined. Figure 1 illustrates how collated codes created a candidate theme, which finally became a part of two of the final themes. In the presentation of the findings below, elected quotes from the interviews are used to illustrate the identified themes.

7 | FINDINGS

In our analysis, we identified three major themes: *contradictory reasons*, referring to the social workers' experiences of why an expert is

commissioned; *reduce complexities and create trust*, which comprises the social workers' experiences of the experts' contributions to the case; and *power regardless of quality*, which exemplifies the social workers' concern that the expert report is given strong consideration in court despite the fact that the quality of the work is occasionally inadequate.

8 | CONTRADICTORY REASONS

We identified a clear ambivalence in how the participants spoke about their reasons for engaging an expert. The first subtheme, *a fresh pair of eyes*, displays the most frequently mentioned reason for commissioning an expert across all focus groups. However, the fresh pair of eyes has varied meanings. The second subtheme, *expectations from the court*, reflects the social workers' discussions when professionals outside of the CWS expect an expert assessment, which some participants recognize as a devaluation of their work.

8.1 | A fresh pair of eyes

Participants described that having a fresh pair of eyes was a valued function of the expert, especially when a family has been involved with the CWS for years and the interventions do not seem to be improving the situation. In many of these cases, the social workers reported that they were unsure of what to do and therefore engaged an expert. Elaine (Focus Group 5) described this as follows:

I feel that we hire an expert when everything else has been tried. And many times, this occurs when we get concerned about the same families again and again. We have worked with the family, had interventions, but then they come back some years later.

The social workers also expressed that a professional from 'the outside' is helpful in cases where there was some sort of conflict between the family and the CWS. In such cases, the expert provides a fresh pair of eyes that might reduce the conflict because the family sees the expert as a neutral professional.

An expert was commonly engaged before care proceedings. In four of the six focus groups, participants explicitly mentioned that the motivation to commission an expert was not to have an expert that agrees with the CWS, but to have someone competent to have another look at their work. The experts hold an authority which means that they are

positioned to assure and confirm the social workers' own assessments. This was further elaborated on by Pete (Focus Group 2):

It is very difficult to sit there as a caseworker and recommend that a child should be removed from their parents. You do not take that lightly. When another professional reaches the same conclusion, preferably with fancier words, but you recognise your own thought and observation in the report ... that gives ... it gives us as caseworkers more authority in the end. You become more confident in your decisions when you get it confirmed that it is not just me who sees this.

This quote shows the significant pressure on the social workers in complex cases and how the expert contributes to helping reduce this burden of responsibility. However, several participants pointed out that the expert assessment is not necessary for illuminating the case, but rather, it functions as a confirmation of the investigation the CWS has already done. As Henny (Focus Group 4) explained:

When the expert is engaged to do an assessment, the expert does nothing more than we would have done, or any social workers who work with this all the time do. (...) It becomes, in a way, just a confirmation of the assessments we already have done.

This quote illustrates the contradiction in the social workers' rationale for engaging an expert as a fresh pair of eyes. On the one hand, they regard the experts as a positive contribution by confirming the work already carried out by the social workers. On the other hand, they question having an expert confirm their work because it functions as a repetition of their own assessments.

8.2 | Expectations from the court

Several participants reported that the County Board often 'strongly recommends' using an expert, to which the social workers adhere. The social workers described how the CWS commissions an expert in order to meet the expectations of the County Board and the court. This was illustrated by an exchange between the interviewer and two managers in Focus Group 3 as provided below, but it was also mentioned in all of the focus groups:

- Interviewer: Do you sometimes take a case to the County Board, without an expert assessment, but the County Board appoints one anyway?
- Todd: Yes, it happens.
- Karen: [it happens] very often if it is the first time the case has come before the County Board. Then an expert is appointed, and definitely if it is appealed to the district court, then they will be [appointed].

Such experiences seem to show that the CWS accommodate this requirement and commission an expert before proceedings just to be on the safe side or to spare the child waiting for the proceedings to end. Some social workers expressed that they commission an expert to confirm their assessment to build a stronger case in court, which implies that they expect the court to trust an expert more than the social worker. Jill (Focus Group 1) confirmed this practice while undermining her own authority in court:

I understand that you sit there as a judge in court, and someone (the social worker) is sitting there, aged 25, who is very insecure and not up to it ... and thinks, 'Shall I base my decision on this?' I get that it is easier to listen to a psychologist who appears secure and does this all the time.

Across all focus groups, the social workers discussed that involving an expert would contribute to undermining their competence. In every focus group, the participants reported that they have increased their assessment competence and, as a result, reduced the use of an expert to assist in cases. Yet they did not experience any change in the frequency that an expert is called for by the County Board and the court. The social workers question why the decision-makers do not regard their competence as sufficient as they are educated to investigate and assess parental care and provide support. Many social workers have experienced that an expert was required by the County Board, even if the CWS claimed that the case had been thoroughly and sufficiently assessed. Experienced social workers who have worked with the family for years reported that they were not seen as strong and trustworthy sources of knowledge. They found this provoking, and it was hard to grasp for some participants, as Liz (Focus Group 2) expressed:

(...) the social worker [is] somehow disregarded and (...) the social workers are too humble and do not understand the mandate they have actually been given. Because, by definition, we are the experts to assess children's situations. It annoys me, and it has annoyed me for years (...) I think it's terribly unfair, and I would like to say what I think about some of these expert reports we have received because it is not always the case that this one person alone owns the truth.

The frustration expressed in this quote existed to some degree across the groups, with a variation of compliance: from 'it is what it is' to understanding, such as Jill (Focus Group 1) in the previous quote.

9 | REDUCE COMPLEXITY AND CREATE TRUST

The social workers described how the expert contributes in reducing the complexity of cases by summarizing events and giving clear

advice. The participants agreed that a good-quality expert report is balanced and impartial, describes the concerns clearly, takes the resources within the family into account and recommends interventions. A balanced and impartial report offers broad information of the family and includes possible limitations of the methods used and elaborates on the uncertainties that characterize the prediction of the child's future development. Participants valued experts who are methodical during the assessment period and keep the process transparent and predictable. Such experts systematically review the case documents, and their report can serve as a good overview, as was mentioned by several participants, and which Amanda (Focus Group 6) explains here:

The advantage of good quality reports is that many experts are actually very good at going through the case files and writing the chronology of a CWS case and the history. And that is very helpful to a new case-worker, for instance, who is just taking over the case.

The social workers emphasized that if the expert report was of good quality, the report would strongly affect the social casework ahead. Participants explained that reports can be decisive in regard to whether or not a care order is filed. If the expert recommends preserving the biological family unit, the CWS rarely files a care order. Henny (Focus Group 4) described this as such: 'No doubt, when we have an expert report, what that report says will be what we do next in 99 percent of the cases'.

Another important function of the experts was to provide expertise in regard to what the CWS lacks, such as when it comes to mental illness in the children or parents. Premature new-borns and toddlers are also mentioned as areas in which the CWS needs expert knowledge. This was mentioned among most groups, but expressed by Hansi (Focus Group 1), a manager, here as:

When we have engaged an expert, it is mainly to cover topics we find difficult, like recurrence of abuse, for example. Also, psychiatry in parents or psychiatry in both the parents and the child. We also use experts in cases with premature infants.

The experts are also used to reduce conflict and to facilitate cooperation by establishing trust in the social workers' assessments and concerns. The participants explained how they could use the expert report as a common ground for the parents and the CWS. It was mentioned by several social workers that the parents became more cooperative when an expert had assessed the family. This implies that the parents in these situations trust the expert more than the CWS, which some families mistrust and fear. This was illustrated by Pete (Focus Group 2):

They (the parents) have had difficulties understanding the CWS's concerns and now it is a little clearer, written in black and white by a psychologist. They (the

parents) understand the gravity of the case now, and that it hasn't all been groundless concerns (from the CWS).

The expert report also facilitates cooperation with professionals in other institutions, which improves the work with the family. As Nina (Focus Group 1) explained:

So, the expert report was very important. It was a real eye opener. It was not an unwarranted concern on the part of the CWS. Everybody suddenly agreed. (...) I think it was good that the expert came in. She wrote a clear report; she didn't gloss over anything in the report even if the conclusion was that the children should continue to live at home.

The expert thus functions as a facilitator, which includes contributing in making the CWS trustworthy to others, organizing the CWS casework and recommending further pathways for the family, all of which helps make it easier for the CWS to make decisions.

10 | POWER REGARDLESS OF QUALITY

Poor quality work among experts was mentioned in all groups and includes lack of competence, haphazard assessment processes and partiality. Social workers in three focus groups described experts who did not keep appointments or deadlines. Other participants reported that they had worked with experts who lacked the competence to talk to children. As Monica (Focus Group 4) complained: 'This was simply about the expert, who I imagine has hardly ever seen a child, or talked to a child. It was a terrible result'. Another social worker spoke of an expert who lacked knowledge of vital professional concepts such as emotional care, and that the expert could not explain the concept in court. Other participants exposed experts who managed the process poorly, spent little time with the family and caused delays in the case for various reasons.

The participants expressed a concern that poor quality expert work has significant consequences for the child because, according to the social workers, the expert reports were heavily weighted in court. Several participants were aware of children who were not removed from their parents because the expert had argued for the opposite, even if the CWS provided a sound basis for a care order. The harmful care continued, and the CWS intervened and placed the child in out-of-home care at a later point in time. Ravi (Focus Group 6) shared one of these experiences:

One of the other (cases) I have, you have got to read that report; it is a child who at that time was not placed, but who has since been placed. It has been bad all the way. The report is so negative about the home situation. They (the experts) conclude with

disorganised attachment and identify a lot of issues with the child, but at the end of the report, it says: 'Do not recommend removal of the child'. So, the entire report is actually quite good, but the conclusion does not fit the rest of the report. Then that's (what the expert recommends) what will happen. Then the case does not go to the County Board, and the years go by, and eventually, you sit there with a child who is really damaged.

Another issue that arose in some groups was about experts who had predetermined opinions about the CWS before the assessment, which coloured the report. This became particularly evident in one office where the social workers experienced that parents increasingly suggest the assistance of experts who are publicly and actively against the CWS. As Sara (Focus Group 6) explained:

I also experience that, for example, the child welfare service suggests one expert, and the private party suggests another. (...) There are many rounds when it comes to choosing an expert. Moreover, we see two camps among the experts, roughly speaking. The parents choose someone who is very opposed to child welfare. Perhaps someone who speaks out against child welfare in the media.

The further discussion in this group revealed that disputes between the CWS and the parents regarding experts added months to the proceeding, keeping the child in limbo with an unresolved care situation.

The social workers expressed that there were very few instances in which the judges disregarded expert evidence due to poor quality or biased experts. The social workers experienced that the expert was given weight in court regardless of the quality of their work. This put the social workers in a dilemma. They know that an expert report will strengthen their case. Still, they risk commissioning an expert who does a poor job. This dilemma was particularly illustrated by the following quote from a social worker with over 20 years of experience: 'They (the experts) have too much power, but we use them because they have power'.

The analysis revealed that none of the offices had routines for reporting poor quality expert work. However, several participants expressed a wish that the experts should be informed of how the situation developed after their report. Nina (Focus Group 1) shared her recent experience with the impact of an expert's report, which was contrary to the CWS's advice. She felt miserable and demoralized, seeing the situation in the family deteriorate, feeling her work had been useless. She wanted to confront the expert on the consequences of his recommendation: 'What should I do now? Things have not gone as you expected. What's your advice now?' This illustrates the frustration some participants expressed by the result and consequences of poor quality reports. We interpreted the frustration as an expression of powerlessness on behalf of the child.

11 | DISCUSSION

This article is based on FGDs of 31 social workers who discussed their experiences regarding the use of independent experts. The main findings show that the social workers use experts for different reasons and experience the experts' contributions to a large extent as valuable. But there are aspects of these contributions that may have negative consequences. Based on these findings, we will discuss the use of experts with reference to expertise theory. We elaborate on how the use of experts may affect the status of the social worker and how the experts have an authoritative voice in care proceedings. To conclude, we suggest potential improvements and clarifications of the expert's role.

11.1 | The experts' contributions

Our findings show that the use of experts may contribute to managing the complexities in care order cases and reduce the emotional burden social workers experience during the decision-making process. By confirming their conclusions, bringing in a new perspective and/or specialized knowledge of the case and providing an independent authority, the experts contribute to the strengthening and legitimizing of the care order process. According to Stehr and Grundmann (2011), the function of an expert is to mediate between the complexities of knowledge and those who seek the experts' opinions in order to make decisions. By reducing the complexity, the expert creates more certainty in the decision-making (Stehr & Grundmann, 2011).

Our findings also strongly indicate that the experts' contributions help the social workers to come to a conclusion about the cases. Thus, the experts' function seems to accommodate the social workers' need for clear advice or support in complex cases. Our findings also indicate that clear recommendations are sought by the judges, who operate within a legal discourse where binary distinctions about evidence, concluding on proven or not proven, is central (King, 1991). However, according to Grundmann (2017), the experts relate to their clients and their needs, and the expert will aim to reduce the decision-makers options for taking action (Stehr & Grundmann, 2011). Hence, there is a possibility that the experts in care order decisions present solutions to meet the expectations of the social worker and the judge and present unambiguous solutions. However, in the complex care order decisions, the experts should perhaps broaden their response and give nuance to the case. Haugli and Nordhelle (2014) point to this when they claim that the judges in care proceedings request clear recommendations from the experts, impelling the experts to reduce inclusion of discretion, uncertainty and doubt in the report. The implication, according to Haugli and Nordhelle (2014), is that the expert acts as a judge instead of offering multiple perspectives to psychological phenomena.

11.2 | Devaluation

Our study shows that the social workers experience that the experts contribute with knowledge and authority. However, they report that

the expert assessments also often function as a repetition of their work and that their involvement is expected from the County Board and courts, even when the CWS claims the case is sufficiently investigated. The social workers thus infer from this that the courts lack confidence in their assessments. This finding concurs with Skivenes and Tonheim (2019) who showed that Norwegian judicial decision-makers suggest the increased use of experts, as well as Beckett and McKeigue (2003) and Beckett et al. (2007) who show that the court lacks confidence in social work assessments. According to Grundmann (2017), trust is a significant factor between experts and their clients, where trust is achieved by experts by being perceived as impartial and a possessor of scientific knowledge. Our study indicates that the judges perceive the expert report as impartial and include knowledge that differs fundamentally from the social workers' reports. Our analysis shows that the social workers experience that they have little power and therefore strategically lean toward an expert that is perceived to be more trustworthy to legitimize the decision of a care order. Thus, our findings suggest that the use of experts may act as a devaluation of the social workers in the decision-making process, possibly hindering the social workers' ability to improve their skills if they lean too much on the status of the expert in court.

11.3 | Authoritative voice

Our study found that the expert reports strongly affect the subsequent casework and interventions and that the reports function to confirm and validate the CWS's concern about a family. The social workers experienced that the experts were required by the courts and that their input was given much weight. In the Norwegian context, the independent experts in child protection cases are mainly psychologists. Our findings show that psychologists are regarded by the court as professionals with the capacity to present valid child protection assessments. This implies that the psychologists have an authoritative voice to define and explain child welfare cases and their causes. Grundmann (2017) argues that traditional perspectives on expertise have been conceptualized by the ideal of the scientists and view expertise as something to be possessed, while the link between knowledge and decision-making has been overlooked. This indicates that science is not sufficient and that knowledge about existing possibilities, interventions and alternative understandings is required within the scope of expertise (Stehr & Grundmann, 2011). Following this perspective on expertise, the authoritative status given to psychologists indicates that the decision-makers perceive the psychologist experts' ways to present child protection assessments in the legal framing of the care proceedings as advantageous when unambiguous decisions in complex issues are to be made. Our analysis supports that this status has consequences for who the social workers use as experts. There is also a possibility that this status explains why the mandates designed by the social workers and the courts are so comprehensive in Norway (Melinder et al., 2021). Consequently, these wide mandates may also contribute to the strengthening of the expert's authority in deciding which elements of a child's ecology they investigate.

11.4 | Quality

The social workers in our study were concerned about the quality of a few of the experts' work and how some expert reports of poor quality can affect decisions concerning major life changes for children and their families. This finding resonates with research reporting the varying quality of experts' work (Augusti et al., 2017; Kollinsky et al., 2013; Tilbury, 2019), and the documentation of how some poor quality expert reports have had fatal consequences for the children involved (NOU 2017: 12, 2017). One of the CWS represented in the study mentioned experts they considered to be biased, indicating they view the expert's intended role to be impartial and that some of the experts failed to fulfil that role. The participants claimed that the experts were given the power to hold the truth about the family and the predictions of the child's development. Still, the experts have no responsibility for the final decision, nor are they held accountable later on. The social workers carry the heavy burden of responsibility for the welfare of the child regardless of the decision made by the court (Munro, 2019). Our study shows that experiencing poor quality work by the experts exacerbates that burden.

12 | IMPLICATIONS

The current analysis indicates that the independent experts mainly function as a valued contributor to the CWS's assessments in providing specific knowledge and a new perspective. Our analysis also indicates that the County Board and courts have a traditional view of the expert as impartial and that they bring trustworthy scientific knowledge to the court while requesting experts that, in many cases, just do the same work as the social workers. Viewing expertise from a traditional perspective without accounting for the relational aspect (Stehr & Grundmann, 2011) may act to obscure influential factors in the decision-making process. Based on the findings, a clarification of the expert's role in care assessments seems necessary. We suggest distinguishing between two main functions of experts in child protection work: (i) When the CWS engages the experts, they could function as a collaborative partner to the CWS, to complement their assessments and provide a fresh pair of eyes. This approach may be improved by an increased attention to relational agency (Edwards, 2009) which improves practitioners' ability to manage knowledge sharing across organizational boundaries. (ii) When the County Board and courts commission an expert, the function would be to have an independent (however, neither objective nor neutral) professional to provide an independent assessment of the child's situation. As for now, the practice in Norway has proven to be a combination of these two functions, which may have challenging consequences.

Another issue that emerges from these findings is that all participants had experienced poor quality work by experts but had no system in place to report it (Bufdir, 2021). Our findings broadly support the development of a system that may serve as a safety net when incidents occur to ensure quality of the individual expert and prevent poorly grounded decisions for children and parents. Such a feedback

system could also give the experts insight into what works and what does not, to thus learn from experiences (Lennings, 2002; Skivenes & Tonheim, 2019).

13 | STRENGTHS AND LIMITATIONS

To our knowledge, research asking social workers about their in-depth experience with experts in care proceedings is limited, which, in that respect, makes this study unique. Generally, there are few studies that focus on experts in care proceedings in Norway, although it has been called for by the Norwegian authorities (NOU 2006: 9, 2006; NOU 2017: 12, 2017). Another strength of this study is the use of focus groups, which enabled us to gain important insights into the discussions, opinions and experiences of social workers themselves. The form of the focus groups where the participants openly discussed the positive and negative aspects of the practice of experts allowed us to identify key debates and variations across the CWS.

There are some limitations to this study. First, the use of qualitative data with 31 individuals restricts the study to one of exploration. Although small sample size allows for a deeper understanding, it also limits the extent to which findings can be generalized. The experiences and opinions presented in this study may not be directly generalized to the Norwegian CWS as a whole. Second, the recruitment process allowed the head of each CWS to choose how to pass on the invitation, which does not give us any control over whether the recruited social workers felt expected to take part or did so with interest. In addition, we cannot know whether the sample mostly included social workers who participated because of unfortunate experiences regarding experts, which they then wanted to express.

The authors acknowledge that the analysis results from our interpretation are influenced by our background and perspective and do not represent a single, objective truth about the topic. However, we maintain that our analysis and discussion provide a rich account of social workers' experience of experts and that our findings represent a recognizable narrative for practice.

14 | CONCLUSIONS

This study shows that the use of experts may function as valued support to social workers in complex cases on the edge of care. However, we identified some unfortunate aspects of the practice. The social workers raised concern about experts affecting the decision of care for the child despite varying quality of their work. Furthermore, it appears that the psychologist experts have power beyond their intention and that the link between the expert's knowledge and the decision-making process may be overlooked. In terms of expertise in care proceedings, our study suggests that the users of expert reports should take caution when appraising the expert's opinions and assessment and consider taking a multiple perspectives approach. Our findings indicate that the current use of experts may sometimes act to undermine the social workers' professional status when the experts'

assessments repeat the assessments made by the social worker. When the experts contribute to the case with knowledge in specific areas, the practice of engaging an expert seems more efficient. This study suggests a clearer distinction between the function of providing expert knowledge to complement the social workers' assessments and providing an independent assessment of the family on behalf of the courts.

AUTHOR CONTRIBUTIONS

Rakel Aasheim Greve, Øivin Christiansen and Tone Jørgensen conceived, planned and conducted the study. Rakel Aasheim Greve wrote the first draft of the manuscript, and Øivin Christiansen and Tone Jørgensen participated in analysing the data and writing the manuscript. All authors read and approved the final manuscript.

ACKNOWLEDGEMENTS

This study is funded by The Research Council of Norway, project number 300827, and by the Western Norway University of Applied Sciences. The study is approved by Sikt–Norwegian Agency for Shared Services in Education and Research, project number 885982. The authors would like to express their gratitude to all the social workers that participated in this study.

CONFLICT OF INTEREST STATEMENT

The authors have no conflict of interest.

DATA AVAILABILITY STATEMENT

Research data are not shared.

ORCID

Rakel Aasheim Greve  <https://orcid.org/0000-0002-3369-7508>

ENDNOTE

¹ County social welfare boards are responsible for decision-making regarding the CWS. The boards comprise a national body, which on matters of social welfare are independent of both the Ministry and the County Governor. Any decisions about out of home placements must first be made or approved by this body. A decision of the county social welfare board may only be reviewed by the courts.

REFERENCES

- Agenda Kaupang. (2015). *Evaluering av barnesakkyndig kommisjon og vurdering av utvidet ansvarsområdet*. [Evaluation of the Expert Commission on Children and assessment of an extended mandate]. Ministry of Children and Equality. <https://bit.ly/3iQYAW>
- Augusti, E.-M., Bernt, C., & Melinder, A. (2017). Kvalitetssikring av sakkyndighetsarbeid—en gjennomgang av vurderingsprosesser i Barnesakkyndig kommisjon, fylkesnemnder og domstoler. [Quality assurance of expert work—An appraisal of assessment processes in the Expert Commission of Children, the County Boards and the courts]. *Tidsskrift for familierett, arverett og barnevernrettslige spørsmål*, 15(4), 265–289. <https://doi.org/10.18261/issn.0809-9553-2017-04-02>
- Bainham, A. (2009). Striking the balance in child protection. *Cambridge Law Journal*, 68(1), 42–45. <https://doi.org/10.1017/S0008197309000324>

- Bala, N., Birnbaum, R., & Watt, C. (2017). Addressing controversies about experts in disputes over children. *Canadian Journal of Family Law*, 30(1), 71–128.
- Beckett, C., & McKeigue, B. (2003). Children in limbo: Cases where court decisions have taken two years or more. *Adoption and Fostering*, 27(3), 31–40. <https://doi.org/10.1177/030857590302700307>
- Beckett, C., McKeigue, B., & Taylor, H. (2007). Coming to conclusions: Social workers' perceptions of the decision-making process in care proceedings. *Child & Family Social Work*, 12(1), 54–63. <https://doi.org/10.1111/j.1365-2206.2006.00437.x>
- Blacker, D. M., Urquiza, A. J., Kalich, L., & Carmichael, B. D. (2016). Termination of parental rights. In *Inside Forensic Psychology* (pp. 225–247). ABC-CLIO.
- Bogacki, D. F., & Weiss, K. J. (2007). Termination of parental rights: Focus on defendants. *Journal of Psychiatry & Law*, 35(1), 25–45. <https://doi.org/10.1177/009318530703500103>
- Braun, V., & Clarke, V. (2013). *Successful qualitative research: A practical guide for beginners*. Sage Publications Ltd.
- Braun, V., & Clarke, V. (2021). One size fits all? What counts as quality practice in (reflexive) thematic analysis? *Qualitative Research in Psychology*, 18(3), 328–352. <https://doi.org/10.1080/14780887.2020.1769238>
- Bryman, A. (2021). *Social research methods 6E*. Oxford University Press.
- Budd, K. S., Felix, E. D., Sweet, S. C., Saul, A., & Carleton, R. A. (2006). Evaluating parents in child protection decisions: An innovative court-based clinic model. *Professional Psychology: Research and Practice*, 37(6), 666–675. <https://doi.org/10.1037/0735-7028.37.6.666>
- Child Welfare Act. (1992). *Lov om barneverntjenester (LOV-1992-07-17-100)*. Lovdata. <https://lovdata.no/dokument/NL/lov/1992-07-17-100>
- Christiansen, Ø., & Kojan, B. H. (2016). *Beslutninger i barnevernet. [Decision-making in child protection]*. Scandinavian University Press.
- Connell, M. (2008). Changes in the wind: Parenting assessment in family dissolution matters. *Journal of Psychiatry & Law*, 36(1), 9–40.
- Dale, P. (2010). Child protection risk assessment: A social work expert witness perspective. *Family Law*, 40, 628–635.
- Dickens, J., Berrick, J., Pösö, T., & Skivenes, M. (2017). Social workers and experts in child protection decision making: Messages from an inter-country comparative study. *British Journal of Social Work*, 47(4), 1024–1042. <https://doi.org/10.1093/bjsw/bcw064>
- Edwards, A. (2009). Relational agency in collaborations for the well-being of children and young people. *Journal of Children's Services*, 4(1), 33–43.
- Erickson, S. K., Lilienfeld, S. O., & Vitacco, M. J. (2007). A critical examination of the suitability and limitation of psychological tests in family court. *Family Court Review*, 45(2), 157–174. <https://doi.org/10.1111/j.1744-1617.2007.00136.x>
- Greve, R. A., Jørgensen, T., Christiansen, Ø., Samsonsen, V., & Braarud, H. C. (2023). Independent experts in care order proceedings: A scoping review. *European Journal of Social Work*. <https://doi.org/10.1080/13691457.2022.2155800>
- Grundmann, R. (2017). The problem of expertise in knowledge societies. *Minerva*, 55(1), 25–48. <https://doi.org/10.1007/s11024-016-9308-7>
- Halkier, B. (2010). *Fokusgrupper. [Focus groups]*. Gyldendal akademisk.
- Haugli, T., & Nordhelle, G. (2014). Sikker i sin sak? Om barn, sakkyndighet og rettsikkerhet. [certainty in cases? On children, experts and the right of the child]. *Lov og Rett*, 54(2), 89–108. <https://doi.org/10.18261/ISSN1504-3061-2014-02-04>
- Jakobsen, H. (2012). Focus groups and methodological rigour outside the minority world: Making the method work to its strengths in Tanzania. *Qualitative Research*, 12(2), 111–130. <https://doi.org/10.1177/1468794111416145>
- King, M. (1991). Child welfare within law: The emergence of a hybrid discourse. *Journal of Law and Society*, 18(3), 303–322. <https://doi.org/10.2307/1410197>
- Kollinsky, L., Simonds, L. M., & Nixon, J. (2013). A qualitative exploration of the views and experiences of family court magistrates making decisions in care proceedings involving parents with learning disabilities. *British Journal of Learning Disabilities*, 41(2), 86–93. <https://doi.org/10.1111/j.1468-3156.2012.00726.x>
- Lennings, C. (2002). Decision making in care and protection: The expert assessment. *Australian e-Journal for the Advancement of Mental Health*, 1(2), 128–140. <https://doi.org/10.5172/jamh.1.2.128>
- Malterud, K. (2012). *Fokusgrupper som forskningsmetode for medisin og helsefag. [Focus groups as research method within medicine and health]*. Universitetsforlaget.
- Melinder, A., Koch, K., & Bernt, C. (2021). Som du spør, får du svar: En gjennomgang av mandater til sakkyndige i barnevernssaker. [The answer depends on the question: A review of mandates for experts in care proceedings]. *Tidsskrift for familierett, arverett og barnevernrettslige spørsmål*, 19(1), 52–76. <https://doi.org/10.18261/issn.0809-9553-2021-01-04>
- Melinder, A., van der Hagen, M. A., & Sandberg, K. (2021). In the best interest of the child: The Norwegian approach to child protection. *International Journal on Child Maltreatment: Research, Policy and Practice*, 4, 209–230. <https://doi.org/10.1007/s42448-021-00078-6>
- Munro, E. (2019). *Effective child protection*. Sage Publications Ltd.
- Norwegian Directorate for Children, Youth and Family Affairs (Bufdir). (2021). *Ensomme eksperter. Utredning av utdanningsprogrammet for og oversikten over barnefaglig sakkyndige. [Lonely experts. A report of the educational programme for experts in child protection]*. Bufdir. <https://bit.ly/3PnAhQe>
- NOU 2006: 9. (2006). *Kvalitetssikring av sakkyndige rapporter i barnevernet. [Quality assurance of expert reports in child protection]*. Ministry of Children and Equality. <https://bit.ly/3uTPeA4>
- NOU 2017: 12. (2017). *Svikt og svik. Gjennomgang av saker hvor barn har vært utsatt for vold, seksuelle overgrep og omsorgssvikt. [Failure and betrayal. A review of cases where children have been exposed to violence, sexual abuse and neglect]*. Ministry of Children and Equality. <https://bit.ly/2Eb6gzQ>
- Ot.prp.nr. 68. (2007–2008). *Om lov om endringer i lov 17. juli 1992 nr. 100 om barneverntjenester mv. [Barnesakkyndig kommisjon]. [Changes in the Child Welfare Act July 17 1992 number 100]*. Ministry of Children and Families. <https://bit.ly/3Fuybth>
- Richman, K. D. (2005). Judging knowledge: The courts as arbiter of social scientific knowledge and expertise in LGBT custody and adoption cases. *Studies in Law, Politics & Society*, 35, 3–28. [https://doi.org/10.1016/S1059-4337\(04\)35001-5](https://doi.org/10.1016/S1059-4337(04)35001-5)
- Skivenes, M., & Tonheim, M. (2019). Improving decision-making in care order proceedings: A multijurisdictional study of court decision-makers' viewpoints. *Child & Family Social Work*, 24(2), 173–182. <https://doi.org/10.1111/cfs.12600>
- Stehr, N., & Grundmann, R. (2011). *Experts: The knowledge and power of expertise*. Routledge. <https://doi.org/10.4324/9780203829646>
- Stevenson, S. (2012). Inside the lion's den: The risks to experts entering into child protection court proceedings. *Journal of Social Work Practice*, 26(3), 315–326. <https://doi.org/10.1080/02650533.2011.599489>
- Tilbury, C. (2019). Obtaining expert evidence in child protection court proceedings. *Australian Social Work*, 72(4), 392–403. <https://doi.org/10.1080/0312407X.2018.1534129>
- Tillyard QC, J. (2012). The role of the medical expert in care proceedings. *Paediatrics and Child Health*, 22(5), 177–180. <https://doi.org/10.1016/j.paed.2011.08.008>

How to cite this article: Greve, R. A., Christiansen, Ø., & Jørgensen, T. (2023). Social workers' perspectives on the role and function of independent experts in care proceedings in Norway: Contributions and devaluation. *Child & Family Social Work*, 1–10. <https://doi.org/10.1111/cfs.13054>