

Child Protection In Britain: When will they ever learn? ©

Dr Lynne Wrennall
Coordinator, Public Health Research Group
Criminology Programme
Liverpool John Moores University
Charles Pragnell Dip.S.W; L.R.C.C.
Expert Witness in Child Protection

“At the post-mortem examination, Dr Carey recorded evidence of no fewer than 128 separate injuries to Victoria’s body, saying, “There really is not anywhere that is spared – there is scarring all over the body.””

Laming Report: 2003, 2.

1.18 “Not one of the agencies empowered by Parliament to protect children in positions similar to Victoria’s – funded from the public purse – emerge from this Inquiry with much credit. The suffering and death of Victoria was a gross failure of the system and was inexcusable.”

Laming Report: 2003, 3.

Never has a child been more betrayed than Victoria Climbié. First, by the abuse and neglect that deprived her of the joyful life she was entitled to experience in those precious years of childhood and secondly by those who had a duty to protect her from abuse and neglect. Ultimately however, Victoria was also betrayed by those who had the responsibility to reform the Child Protection system as a fitting legacy to this child who suffered so grievously from its inadequacies.

Victoria’s suffering epitomises the failure of the UK Child Protection system to adequately focus on the need to protect children from abuse and neglect. In this paper, we consider what is wrong with the UK Child Protection system and question why, even after such extreme human tragedy it has still not been put right. We map out the processes to undertake the necessary reform.

The agenda of legislative change thus far implemented in Victoria’s name, arose from the Laming report and the government response to it, in the form of the Green paper into Child Protection, known as ‘Every Child Matters.’ The ensuing Children’s Act of 2004,

emblazoned the failure to protect Victoria as its reason for being. The Common Assessment Framework and the contested database proposals were also rolled out in Victoria's name.

However, the Children's Act of 2004, the Common Assessment Framework and the contested database in whatever format, do not constitute reform of the Child Protection system. They are more of the same, and as such, do not address the significant and deeply entrenched problems of the Child Protection system. They cannot and will not, prevent the tragedy of what happened to Victoria from being repeated.

What is wrong with the Child Protection System?

In just over three decades there have been over 40 Public Inquiries into the deaths of children whilst under the care and supervision of child protection workers in the U.K. There have also been several major Inquiries and agency investigations into situations where there have been unnecessary and unwarranted Child Protection investigations and the removal of children from their families on the basis of unproven and scientifically unsound theories of child abuse, e.g. Cleveland, the Orkneys, Nottingham, Rochdale, Isles of Lewis etc.

False positives in which children are wrongly thought to have been abused, and false negatives, in which abused children are not properly protected, are equally serious indicators of a troubled Child Protection system. Both types of error have serious adverse consequences for children.

Child Protection is easily distracted. Self-interest, organisational interest, vested economic interest and conflicts of interest, overwhelmingly eclipse the best interests of the child. A vast array of ulterior motives and secret agendas are given houseroom, displacing what ought to be the rightful agenda of Child Protection; protecting children against abuse and neglect.

This is a system that avoids transparency, operating in the dark, influenced by the howls of protest only to the extent of becoming besieged, not by responding appropriately and initiating the reforms that are essential to better serve the interests of children. After all the hullabaloo, the system remains adamant, that all that is needed is more of the same. More money to do the same, more coordination of the same, more spreading of the same practices. Nothing has really changed.

The absence of necessary change in Child Protection is in evidence in the repeated errors over the last thirty years in such places as Cleveland, Nottingham, Rochdale, the Orkneys, the Isles of Lewis etc etc. At the time of each Child Protection disaster, the cliché is repeated by Child Protection agencies, that ‘Lessons have been learned.’ But the empty and meaningless words and cosmetic exercises, have concealed the absence of change. Repeated failures, from the deaths of Maria Colwell to Victoria Climbié and thereafter, demonstrate that no discernible improvements have occurred.

When errors of competency are made, the Child Protection establishment evinces a form of ‘Denial,’ not admitting to significant wrong-doing or even honest mistakes. Classically the ‘Blame the messenger’ phenomenon occurs and the event is spun as a media plot aimed at discrediting their activities. Admission of wrong-doings and errors can facilitate learning. Rather than appropriate response to criticism, defensive practice and risk-evasive management have become the norm.

When errors of competency are made, the Child Protection establishment evinces a form of ‘Denial,’ not admitting to significant wrong-doing or even honest mistakes. Classically the ‘Blame the messenger’ phenomenon occurs and the event is spun as a media plot aimed at discrediting their activities. Admission of wrong-doings and errors can facilitate learning. Rather than appropriate response to criticism, defensive practice and risk-evasive management have become the norm..

Resources And Management

One of the major reasons, or excuses, which has been put forward at the Public Inquiries during the last thirty years for the serious errors which have occurred in the Child Protection system, has been a “shortage of resources” and as an outcome of the recommendations of these Inquiries, the child protection services have received massive increases in resources. There has been new legislation, new internal structuring and procedures, and advice and guidance in abundance.

Yet the Child Protection Services have remained deeply-flawed, erratic, demoralised, and dysfunctional. It is patently obvious that the problems and issues have not been those identified by the Inquiries or the recommended changes have not been correctly implemented, or a combination of both.

It is abundantly clear therefore that more resources and increasing the workforce, new legislation, additional bureaucratic procedures, more guidance and regulations of a similar type to the old, are not the answer.

The Child Protection Workforce

There are a great many caring, compassionate, highly competent, and creative social workers in Britain but it is extremely demoralising and depressing for them, that their primary role is to destroy and devastate families by their interventions and to condemn children to a childhood in State Care.

High vacancy and turnover rates indicate serious problems in social worker morale. The morale of social workers would be vastly improved if their primary function was again focussed on assisting, rather than dismantling, families, upon working creatively toward this end with the resources and the legislative and managerial support to do so. In England and Wales the emphasis in the last twenty years has moved very significantly away from supportive services for children and families and towards removal of children from their family at an early stage. This is particularly so in families with children who are chronically ill and disabled and in need of health and education services. The

draconian approach is linked to a serious inadequacy of health and education services for such children and substitutes for appropriate service provision.

The Child Protection system in Britain is punitive and oppressive towards children and families when compared to European counterparts where the emphasis is strongly on assisting families to supersede their difficulties through the provision of supportive welfare, health, and education services.

The trend in the UK toward punitive intervention and removal of children from families was identified in the DoH-supported 'Messages from Research – Child Protection' (1995) which led to an attempt to 'Re-Focus' services' towards child and family support but this policy was not implemented. In fact the opposite occurred with children being rapidly separated from their families and placed for adoption with no reasonable attempts at prevention of family breakdown or rehabilitation of children with their families.

Supporting families to overcome their difficulties would give social workers and other Child Protection workers far more respect by the public and their community and far greater job satisfaction. Social workers are at their best when they are working in a creative nurturing capacity, helping children to take advantage of opportunities and to realise their ambitions and desires. Their needs to be a complete re-think of child protection social work, the aims and objectives of the task, and an appropriate skill-based training for such workers.

Utmost priority must be given to maintaining children with their families and their broader kinship networks. Forcing children to become *de facto* double orphans by dismantling their families has lifelong adverse consequences for the children concerned. Broader social benefits will ensue from family rehabilitation. If an out-of-home placement is unavoidable, then a programme leading towards re-unification and rehabilitation must be implemented.

It is an accident of history that social work in Britain has followed the model of the North American system largely due to a shared language and a preponderance of American

literature used by social work training institutions in Britain. The model in European countries is very considerably different from that in the UK and has had little, if any, influence in the UK. The European model strongly favours an educative role for social workers (they are mainly titled 'social educators') and a primary task of maintaining family unity, utilising and coordinating services toward this end and focussing on 'educating' the parents and family in social norms and values. European social workers are often aghast at the readiness of British social workers to remove children without reasonable attempts having been made to resolve the family's difficulties.

The British government and social work services have been severely criticised on several occasions when British practice has been appealed in the European Court of Human Rights and have indicated very serious breaches and denials of Human Rights by British Social Services.

What is to be Done

Increased funding and stronger legal buttressing of failing systems is an absurdity. There must be new strategies and approaches to the problems of Child Protection in Britain. Deep attitudinal changes and a change of emphasis in the purpose of Child Protection interventions is essential and this requires changes in the arrangements of priorities and incentives. Real change requires changes in the flows of money. New and more appropriate services must be commissioned. Old conflicts of economic interest must be confronted and reformed.

Together with the inability to respond appropriately to feedback, the lack of accountability and transparency in the Child Protection system are the weakest parts of the system. The family courts must be opened to public scrutiny so that corruption and malpractice in the Child Protection system can be investigated, analysed and prevented in the future. The General Social Care Council must take seriously the roles of gatekeeping and responsibility for standards of practice and remove those social workers who are incompetent or who are guilty of misconduct. When there is appropriate evidence, Legal Aid must be made available to fund charges of malfeasance in public office. There is an

urgent need for a complete reform of the system of social work training and placing greater emphasis on developing skills in talking with children and upholding their rights under International Conventions and Laws.

It is a matter of urgency that an Independent Inquiry is appointed to investigate the entire Child Protection system and the associated legal system in the UK with a view to making widespread reforms in its legal basis, organisation, methods of operation and its management. The evidence of children and families who have been victims of the present system should be given utmost priority in giving evidence to such an Inquiry.

The numbers of Public Inquiries in the last three decades, whilst advancing many valuable proposals for change, have led to piecemeal development and as errors with tragic consequences are still occurring with regularity, an overall view is now needed.

It is vital that such an Inquiry should examine the systems that operate in other European countries in order to bring some alliance and synchronisation with those countries but most importantly with their legislative basis. UK citizens require the same protection of their Human Rights as other European citizens, so co-terminosity of Child Protection legislation and practice is urgently necessary.

Public Inquiries into UK Child Protection issues have been dominated by Child Protection agencies and it is apparent that recommendations have been skewed towards increasing their powers and resources. Children and their parents whose lives have been seriously affected by the errors and flaws in the system, have rarely had the opportunity to submit evidence to such Inquiries and their voices have been largely unheard.

An Independent Inquiry should give the highest priority to the submissions of evidence from those who have been affected by Child Protection, to bring more balance into the system and aim to re-orient the system in favour of children and families. Victoria cannot speak to an Inquiry. Those children and families who can, must be heard before it is also too late for them.

Acknowledgement

We acknowledge that a wealth of literature provides the background to this paper. We also wish to thank our professional colleagues and service users who, through the Public Health Research Group, have stimulated the insights put forward in the paper.