

CHILD PROTECTION IN BRITAIN A NEED FOR ROOT AND BRANCH REFORM CHARLES PRAGNELL

(A Paper presented to an International Conference in Sydney, Australia on 4/5 February 2004 to examine problems in child protection systems and procedures internationally, and to discuss the need for reforms.)

What I have to say today is a commentary on the child protection system as it is in Britain. I confess to knowing very little about the system in Australia but I shall leave it to you to draw any parallels which you may think apply from your own experiences.

I would firstly like to talk a little bit about the British character. It is not widely recognised but in many ways the British culture is punitive and oppressive toward children. The British will always state that they love their children and most probably do, but they are not openly loving and affectionate with them.

These punitive and oppressive attitudes are particularly apparent in the juvenile justice system, in the strongly held beliefs regarding corporal punishment of children, and in the child protection system. There are many hundreds of children under the age of sixteen who are being held in secure facilities for committing what are seen as serious offences – but they receive very little in the way of therapy, counselling, or support in rehabilitation and are separated from their families for several years. An international study in the early 1980's among schools around the world found that it was only in Britain and its former colonies that corporal punishment was still used – most European countries had abandoned the practice over a century before and some had never permitted its use.

But what the British are very good at is importing and exporting children. During the infamous years of the Slave Trade, the British imported many small Black children from Africa as fashion accessories for the Ladies of Bristol and Liverpool, to complement their crinoline dresses and parasols. Then from the late 1800's, the British began to export children and this continued until the late 1960's. Children who were being looked after in large Children's Homes were collected together and taken off to Liverpool where they were put on specially chartered ships and transported to the new world of Australia and Canada, where they had been told, a wonderful new life with great opportunities awaited them. We now know differently.

More recently, the British have again begun to import children. From 1970 onwards, the numbers of unwanted children available for adoption began to decline very rapidly following a relaxation in the laws on abortion and new developments in contraception. However, the numbers of childless couples wanting to adopt children continued to increase. So in order to provide the supply to meet this demand, the British began to import children from Eastern European countries when the Soviet Union began to break up in the early 1990's and children were taken from their families and their ethnic and cultural backgrounds from such countries as Rumania, Bosnia, Kosovo etc. This was later extended to children from China and the Far East. Of course, this was all done for the best of intentions and as being "in the best interests of the children".

But then, far greater harm is often done by those with good intentions towards others, than is ever done by those with bad intent.

There can be little debate that the child protection system in the U.K. is deeply flawed, erratic, and grossly dysfunctional.

In the last thirty years there have been over 40 instances where children have died while under the care or supervision of child protection workers. Many of these have led to public inquiries and it is significant that almost all of these inquiries have had two things in common in their findings. Firstly that there was a lack of communication between the various agency workers involved and secondly, they have blamed 'the system' for the errors which have been made rather than find fault with the individual actions of any of the child protection workers.

Accordingly, the system has been changed every time with increased powers and resources for the child abuse industry but which have resulted in it becoming even more oppressive and punitive.

But the problem is not in 'The System', the problem is in the attitudes and beliefs of the workers.

One of the claims of child protection social workers is that the amount of reported child abuse is only the tip of an iceberg and there is far more abuse of children going on than is being reported. They regularly try to create a moral panic and to overstate the situation in order to attract public and political sympathy and of course more resources to expand the child abuse industry.

There is no evidence to support these assertions – in fact quite the opposite. Child abuse is not a major problem in Britain or at least nowhere near as large a problem as the child abuse industry would want the public and politicians to believe.

England and Wales have a child population of approximately 11 million children and in the year ending March 2002, there were 69,900 inquiries carried out into allegations of child abuse. Only 34,800 were subsequently referred to a Child Protection Conference, there being **"NO SUBSTANTIVE BASIS"** to the allegations in the other cases, that is, they had been made for mistaken, mischievous, malicious, or monetary reasons. Of the 34,800 children who were subjected to a Child Protection Conference, the names of only 11,500 were added to the Child Protection for physical, sexual, or emotional abuse. It must be emphasised that these are **NOT** proven cases of child abuse. These are decisions that children are at risk, and are based only on the opinions of social workers and on very little evidence, and in situations where social workers are terrified to risk being wrong.

So is child abuse increasing in the U.K. Not according to the U.K. government statistics!

In the five year period between April 1997 and March 2002, the number of children's names added to Child Protection Registers in all categories, fell dramatically. Physical abuse fell by 57%, sexual abuse by 17%, and emotional abuse by just over 2%. However during this period, the child abuse industry still managed to persuade the government to introduce mandatory reporting whereby if a child arrived at a school, a hospital, or a doctor's surgery with cuts and bruises, this had to be reported to the child protection services.

So just as social workers have failed to intervene when they should have done, they also have an appalling record of intervening when they should not have done. The most glaring examples of this were in Cleveland in 1987, the Orkney Islands in 1990, and in Nottingham and Rochdale and many, many other instances.

The events in Cleveland involved the use of an unproven medical diagnosis termed the anal dilatation test which resulted in 121 children being removed from their families – some in midnight and dawn raids when the children were pulled from their beds and taken away to residential and foster homes. The social workers video-recorded their interviews with some of the children and it showed them asking leading questions, threatening the children, and even attempting to bribe them into saying they had been abused. At the time the social workers had a mantra of **"always believe the child"** – yet when the children told them they had not been abused, the social workers refused to believe them.

The courts however, dismissed the cases involving 96 of the children, i.e. over 80% were false accusations.

In Orkney, Nottingham, and Rochdale a theory was used of Satanic Ritual Abuse and after those scandals the government appointed a researcher, Professor Jean la Fontaine to undertake a study of such alleged abuse. The research found no evidence of the existence of Satanic Ritual Abuse.

And of course there is now the Meadow Scandal whereby 258 parents are believed to have been wrongly convicted on "manifestly wrong and grossly misleading evidence" given by Meadow and others and an estimated 5,000 children wrongly removed into state care and adoption on the same basis.

What this shows is that there is a readiness among social workers to uncritically accept any new but unproven theory of child abuse and to implement it immediately into their practice and without a thought for the consequences.

There is now growing anecdotal evidence from many parents in Britain who have children with special needs that they are being targeted for referral to child protection procedures if they apply for statutory assessment for their children under the Education Acts. In particular this is affecting families with children with ADD/ ADHD/ Aspergers Syndrome/ high functioning Autism/ moderate to severe Dyslexia and Dyspraxia/ and Chronic Fatigue Syndrome or any combinations of these conditions. There are many families who are daily reporting to organizations such as the Autism Society that, instead of education workers carrying out statutory assessments of their children, they are referring them into the child protection system.

In short, social workers are intervening where they should not have done and are **not** intervening where they should have done. As a consequence, many children have lost their lives while many hundreds of thousands of others have been and are, caused unnecessary harm by unwarranted intrusions into their lives and the stigma of child abuse accusations which stay with them forever.

I am not of course the first person to draw attention to the idiosyncrasies and dysfunctions of the child protection system.

In 1990, in a book titled Wounded Innocents, Richard Wexler stated,

“The war against child abuse has become a war against children. The child abuse system is hurting children that it is attempting to help”.

This was further confirmed in 1995 by other American researchers, Wakefield and Underwager, who stated,

“We have built a system that, while intended to protect children, often does more harm than good. From 1979 to the present every social scientist who has investigated the level and type of error committed by the child protection system has concluded there is an unconscionable level of false positives, that is, saying there is abuse when there is not”.

However there are many child protection workers who will not accept that there are false accusations of child abuse, only that they cannot find the evidence to prove it. And even those who accept there are false accusations take the view that, and I quote;

“Who cares if nine innocents suffer, as long as we get the guilty one!”.

Again American researchers state that,

“The Child Protection System responds to abuse allegations with much reinforcement for making an accusation but has no accountability. An allegation produces large and immediate pay-offs and has no cost to the system nor the accuser. This makes the child protection system very vulnerable to manipulation and distortion by troubled and distressed persons pursuing their own private purpose.”

There also seems to be little appreciation or understanding among social workers of the harm caused to children and their families by unnecessary and unwarranted interventions.

But investigation of false accusations show that such investigations cause immense harm to children and their families. American researchers in 1995 found that,

“Although the damage to a falsely accused person is obvious, it is not fully realised that a child is also damaged by a false accusation and a mistaken decision. If a child is involved in allegations of abuse that are ill-founded and erroneous, it is not an innocuous, neutral, or benign experience. A child involved in a false accusation of abuse is subjected to highly destructive emotional abuse. The harm done to children when adults make mistakes is severe and long-lasting.”

So what mistakes do social workers make in the course of their investigations?.

In 1991 and 1995 research carried out by two English researchers Prosser and Lewis showed that there were major faults in child protection investigations and these were ;

1. ***The social workers perceived that abuse had occurred and the accused as guilty from the beginning of the investigation;***
2. ***Thereafter the investigators only sought confirmatory evidence of their assumptions and disregarded evidence which would cast doubt on the allegations;***
3. ***There was poor recording of evidence;***
4. ***Inappropriate interpretations by investigators of statements or actions;***
5. ***Idiosyncratic behaviour and interpretation of policies by investigators;***
6. ***Investigators focusing on a single piece of evidence and ignoring contrasting sets of evidence;***
7. ***Confusion over what constitutes a medical indicator of abuse and "natural" conditions;***
8. ***The high status of doctors having substantial influence over other investigators;***
9. ***Experts deviating from their areas of expertise.***

Prosser and Lewis identified three areas of particular concern i.e.

1. ***The imbalance of power within the investigating agencies;***
2. ***The abandonment of professional codes of conduct and practice by some investigators;***
and
3. ***The failure of the system to adequately acknowledge or compensate the wrongly accused family for the trauma and losses suffered.***

On very rare occasions, social workers have acknowledged to families that they got it wrong or that the accusations against the family were completely false. These families report however that they never received so much as an apology nor recognition of the devastation caused to their lives and were told, "Just forget about it and get on with your life!".

The British government have their own ideas about changes to the child protection system and last October issued a discussion Paper (Green Paper) setting out their thinking and proposals. It is not however a reform of the system, but merely a reorganisation and extension of what already exists.

The major proposals include :

1. Moving Child Protection Workers from Social Services Departments into Education Authorities i.e. basing them in schools;
2. Creating a national computerised database of all children in the country and their families;
3. Extending the assessment procedures for children and families.

Taking the first of these, re-organising the system. The major findings and recommendations of most, if not all, of those child abuse inquiries has been to 'Blame the System' and the system has always responded with "We have learned important lessons and we will make appropriate changes to our procedures". However the facts shown by subsequent events are that they have learnt nothing and despite changes to the 'System' they continue to get it wrong. It has been patently obvious of course to anyone with a capability for rational thought, that in every one of those occasions where children have died or false accusations have been made, that the problems have been in the attitudes, erratic behaviours, incompetence, and negligence of individual workers.

There is a saying by an unknown author that,

"Pursuing structural change as a means of solving organisational problems is as vain as the search for the philosopher's stone..... if you change attitudes, structures will look after themselves, and if you can't, then no structure will do the job for you."

On the second point of setting up a national database – this will include the names and personal details of over 40 million people and will be open to countrywide access by every school, doctor's surgery, police station, hospital, as well as staff in the statutory child protection agencies who will all be able to add information such as incidents of domestic violence, offending behaviours, drug taking, alcoholism, prostitution etc without definitive proof of such events and no matter how accurate or

inaccurate such information may be. Frankly I find this frightening for obvious reasons. Such a database will also be extremely vulnerable to paedophile hackers and misuse of the information by disgruntled employees.

Also over many years, children and families have complained that despite the provisions of the Data Protection legislation, they face enormous difficulties in obtaining access to what has been written about them and even more difficult getting wrong information erased or amended.

Families also complain that even when they are completely exonerated, information remains on the system forever. Even if the allegations are clearly shown to be false, they are unable to get the records expunged and in consequence they often meet with hostility and animosity if they take their child to a doctor, hospital, or school thereafter because that information, without an exonerating statement, often precedes them.

Thirdly regarding the assessment procedures. Children and families report that they have undergone numerous assessments in the hope of receiving services but afterwards have realised that the Assessment Procedure is an end in itself – nothing happens afterwards because agencies do not allocate sufficient resources to meet the demand for those services. The question must be raised as to just how much of agency resources are given to assessment processes which could be better used to provide the services.

In child protection procedures, children and families frequently complain that the information in such assessment reports is often inaccurate, distorted, embellished, and even fabricated.

WHAT NEEDS TO BE DONE TO CORRECT THE PRESENT CHILD PROTECTION SYSTEM ?.

1. **INQUISITORIAL** - Child Protection investigations and civil proceedings should be inquisitorial and not adversarial. The present adversarial system immediately throws the parents and family into an accused role and in conflict with the system, when all parties involved should be working together in a spirit of cooperation as far as this is possible. Parents often complain that here rights in such Procedures are denied or violated and they are immediately cast into the role of culprits without an opportunity to explain what has occurred and matters reach the Courts before they can defend themselves. The government guidelines on child protection place great emphasis on 'Working Together' but this does not apparently include working together with parents and other concerned family members;
2. **NEW THEORIES OF CHILD ABUSE** - We have seen the harm caused to innocent families over several decades by allegations of abuse based on unproven theories such as the Anal Dilatation Test, Repressed memory Syndrome, Satanic Ritual Abuse and Munchausen Syndrome By Proxy. There should be an independent national body with the responsibility to thoroughly research any new theory which may be proposed and to verify and validate such theories before they are introduced into child protection processes;
3. **DESTRUCTION OF RECORDS** - in situations where no substantive evidence is found after investigation of an allegation of child abuse, the parents should be provided with a documentary statement stating that there is '**NO FOUNDATION**' to the allegation. The parents should then have the right to have all records regarding the event destroyed;
4. **IMPROVED TRAINING** – there needs to be an intensive form of training introduced to train social workers in investigatory skills and in particular, to ensure that child protection investigations are approached in an objective, impartial, and even-handed manner;
5. **FALSE ACCUSATIONS – A CRIMINAL AND CIVIL OFFENCE** - It should be made a criminal offence to make a false accusation of child abuse, as it is in Ireland and some States in America, and there should also be the right of individuals to take action in civil courts for damages where such false accusations have caused them harm;

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For over eleven years Charles was an External Examiner to social work qualifying courses at the Universities of Sunderland, Central Lancashire, and the John Moore University in Liverpool. He has had numerous articles on child care and social policy published in journals in the U.K. and South Africa. He was a member of an international working party of social workers in child and family services which was set up by the Federation Internationale de Communité Educative to produce an international Code of Ethical Conduct and Practice Principles for social workers worldwide. Charles has also been a member and a Director of the U.K. Institute of Child Care and Social Education. He currently lives in Melbourne, Victoria, Australia.