

Children are taken

Social workers who believe that parents have harmed their children say they always act 'in the best interests of the child'. But what happens to those parents who protest – and believe that they can prove – their innocence? In a two-part investigation into the closed world of child protection, Cassandra Jardine hears from families who have suffered at the hands of a system they say is unjust and biased – and uncovers disturbing suggestions that, in one county at least, the council's efforts to meet government adoption targets may be making a bad situation worse

Pictures: Martin Pope



In room 101 at County Hall in Chelmsford, the Essex adoption managers assembled for their monthly meeting are wreathed in smiles. Under the avuncular leadership of Tony Sharp, county adoption manager, they have much to be proud of. In acknowledgment of its superlative performance during 2002-03, Essex County Council was awarded Beacon status for increasing the number of children adopted, speeding up the process and both recruiting and supporting adoptive parents.

Each child saved from abusive and neglectful parents is a cause for celebration. Some children for whom the adoption teams find new and better homes have been given doughnut burns by being put in scalding baths; others have been emotionally and sexually abused. The

away – but the



paper as an affront. These are parents who believe that a policy designed to prevent children suffering has, in some cases, resulted in a different kind of child abuse. Children, they say, are being taken away from their families for insufficient reason and adopted with such speed that birth parents and relatives are not being given a fair chance to prove that they are capable of looking after them.

Essex is not unique in being the focus of such complaints – you can hear them made against many local authorities – but in that county there is a vocal cluster of parents who, emboldened by one another, are openly expressing their rage and distress. One focus of the campaign is Chris Smith, who runs a website for Pain, Parents Against Injustice. Although he is prevented by legal constraints from discussing his own case, he is adamant that he, and not adopters, should now be caring for his two sons.

The Pain website carries the case of a couple whose baby was taken into care when a bump on his head turned out to be a fractured skull. Although they now believe they can prove that they never harmed their child, they cannot get anyone to listen.

Other cases have come to light. One mother believes she could care for her three children if only her undiagnosed epilepsy had been taken into account. Another woman has moved to Lincolnshire in order to care for her own baby; although her parents and sister were eager to support her, she believes that, in Essex, her child would have been taken into care at birth.

There is a furious couple who went through a court case and five hearings in order to hold on to their child, despite

‘I feel like a surrogate, who has given birth to a baby for a childless couple’

social services being aware of their reasons for thinking that the medical evidence for abuse was unsound. The parents of a child with Asperger's syndrome fear adoption because they are accused of neglecting him by not sending him to school; they argue that he cannot cope. Another mother whose child has been injured – she believes by her partner or a childminder – is frantic because proceedings are under way to take him into care before investigations are complete.

All of these people have similar complaints. They talk of hostile social workers, patchy record keeping, failure to share information, reliance upon experts (psychological as well as medical) whose judgment they question, and family courts that are biased against parents and provide no real opportunity for appeal.

Behind it all, they fear that the Government's emphasis on increased and speedier adoption has created a climate in which, once a child has come to the attention of social services, birth parents are disadvantaged. “I feel like a surrogate, who has given birth to a baby for a childless couple,” says a woman whose baby was taken into care at the age of six months and is now with adopters.

“I suspect that I wasn't allowed to show I could care for my boys myself, because they are lovely, bright children with no learning or behavioural difficulties and it would be easy to find adopters,” says Chris Smith. “Adoption allows the professionals to hang their hook on a noble end game,” says another battling father.

The pain these people are suffering is hard to overestimate. Not only have they lost their children, they have also been accused of inadequacy and worse. Depression and suicidal thoughts are common but trying to be constructive and to use their distress

parents who will give them a second chance, the better.

Essex's adoption statistics are certainly impressive. Four years ago, only 45 children were adopted from care in the county; last year, there were 75; this year, it is hoping the number will reach 100. That will mean fewer children languishing in the care limbo and fewer children becoming too old to be attractive to would-be adopters. It is exactly what the Government hoped for when, in 2000, it called for adoption services to be speeded up and stepped up.

Essex has not just met, but exceeded, the targets agreed with the Government. And, owing to the local authority's foresight in helping adopters cope with their new families, only five per cent of the adoptions they arrange break down, against a national average of 20 per cent.

But there are some outside County Hall who view the Beacon award emblazoned on the local authority's letter

system can't admit i

highlight flaws in the current system so that others may not suffer as they have done. It is a mark of their desperation that they are prepared to publicise their plight, since the secrecy surrounding the family courts, where these cases are heard, means that they risk imprisonment for discussing them, even with their MPs or the Citizens' Advice Bureau.

The time is right for their complaints to be heard. The Adoption and Children Act 2002 comes into force in the autumn of 2005. Some of its measures for speeding up adoption and supporting adopters are already in place but the regulations and guidance are currently out for consultation. By the end of this year, they will be fixed.

Earlier this year, it looked as if there was hope for the thousands of parents whose children have been taken into care and, in some cases, adopted. Following Angela Cannings's successful appeal against imprisonment for causing the death of her children, in January, Harriet Harman, solicitor general, told MPs that if it was unsafe to convict parents under criminal law on the basis of misguided expert evidence, it must also have been wrong to take children away from parents under civil law on the same grounds.

"We will make sure," she said, "...any potential injustices in care proceedings are identified and acted on.... We bear in mind the absolute, utmost gravity and seriousness of those whose injustice is not in the hands of the criminal justice system, but as a result of the family justice system."

The following month, however, having listened to the outcry from social services, Margaret Hodge, an Essex MP and Minister for Children, narrowed the scope of review back to the 258 criminal cases in which there had been dispute between medical experts on the cause of a child's death. "It is important nobody over-reacts," said Andrew Cozens, president of the Directors of Social Services. "No child will have been adopted or taken into care solely on the basis of expert witnesses."

Parents' conviction that they have been wronged is hard to reconcile with the social workers' certainty that the procedures they are following are as near perfect as any human agency can be. When I asked Lyndsay Davison, service manager for fostering and adoption, whether she felt that, in Essex, there had been any miscarriages of justice based on medical evidence (widening the question to include civil cases in the family courts), she said "No" with complete confidence.

Other managers within the adoption service are equally convinced that justice is being done. "The judge doesn't get it wrong. You've got to trust someone and, if all the work has been done, it can't be wrong," says Pat Howorth, who finds adopters for children who are more difficult to place.

"Providing all the assessments have been done properly, there cannot be a mistake," says Dorothy Henwood, who recruits adoptive families.

Perhaps it is not surprising if the members of the adoption team are not aware of problems: they become involved only once care proceedings are under way. The Child Assessment and Care Management service has the uncomfortable job of taking children into care, assessing parents and developing care plans. But Letitia Collins, service manager for the Braintree area of Essex, is equally convinced that the system is reliable and fair. "There are plenty of checks and balances," she says. "Parents have every opportunity to fight their case."



Planning for adoption at an early stage makes parents feel under threat. They fear that the local authority has a vested interest in seeing adoption through, having spent time and money matching children with prospective adopters. "Parallel planning mustn't influence social services to take children away from their parents," says Tim Loughton, shadow children's minister. "When the Adoption and Children Bill was debated, I was assured that the Government's emphasis was on increasing adoption rates among older problem children, rather than on creating incentives to snatch babies."

Adoption has obvious advantages for local authorities. An adopted child is no longer a drain on the council's resources, unlike a child who is in council care or being monitored on the "at risk" register. It also appeals to local

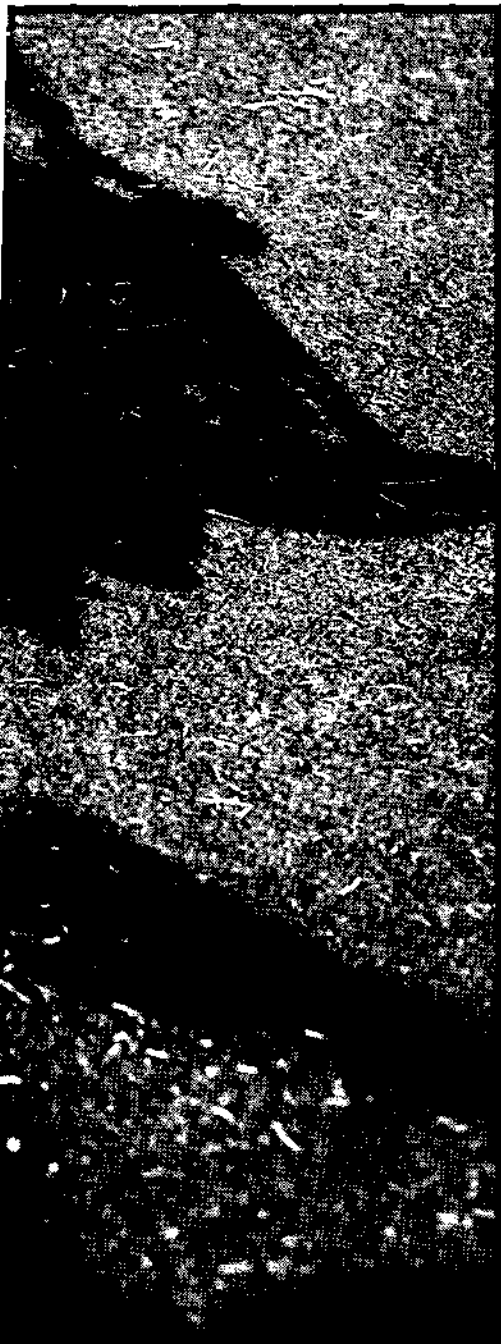
"but m don't k

"It is away," authori child i bad pr (usual the "c care.

Son out w guilt, appoi Advis

Our image is of trendies in sandals who snatch babies

It's wrong



guardians' probation work or child protection backgrounds lead them to treat parents like offenders.

Guilty parents are, of course, just as likely as innocent ones to say "I didn't do it", but those fighting to get their children back say that, often, their impassioned fights count against them. Passive parents who allow social workers to feel powerful and protective are treated more gently than argumentative ones who view demands for repentance as Maoist. Social workers do not – quite rightly – assume that articulate and rational parents are invariably above reproach and they know they will have a fight on their hands when dealing with such people so, as one said, "we work harder to get the evidence together".

Parents claim that supportive character witnesses and positive reports are ignored, while any sign of trouble – a mention of post-natal depression, a child's illness, or marital strife – is emphasised. "There needs to be a holistic investigation into the family circumstances," says Margaret Gardener of Faso (False Allegations Support Organisation), who knows many who feel that their previously unblemished record is ignored.

Even when parents accept that they may need to change their ways, the need for speed is against them: "It's the children who are important," says Pat Howorth, "and if these people can't get their lives together in a short enough time..."

It is not surprising if some social workers are impatient with parents. "Child protection is a very stressful field to work in," says John Simmonds, policy director of BAAF (British Association for Adoption and Fostering). "Social workers are damned if they do take action and damned if they don't. Sometimes, fairly inexperienced and poorly paid people are required to put themselves at risk by taking decisions."

Several local authorities, he points out, have 40 per cent vacancies in child care services. Essex is eight short of its full complement of 30 staff. Social workers often move on from child protection to less distressing areas, such as adoption. Those who stay may develop a tough carapace to cope. "You need a morbid sense of humour," says one, who claims it is the paperwork, not individual cases, that keeps him awake at night.

"The hostility some social workers display is quite surprising," says Dominic Grieve, shadow attorney general. "They are like warriors going into battle. Even if they have to intervene, there is no reason not to show humanity. Many of the social workers I encounter are young and ill-suited to deal with the intricacies of life. It's a profession that attracts those high on theory and low on practical ability."

Accusations of persistent negativity often relate to reports on contact sessions with children. Some parents are allowed to see their children at home or take them out; others have to display their parenting skills in impersonal and gloomy family assessment centres. Arrangements vary from one local authority to another and depend on the judgment of individual social workers, available funds, attitudes to working hours and case loads.

Too little account is taken of the stress of attending such contact sessions, parents say, especially when they are sent to distant centres of psychological expertise, such as the Monroe Centre in north London, run by the Tavistock and Portman Trust (often used by Essex). "We pay them fortunes just to tell us what we already know," says one child protection officer. As centres are primed before families arrive, parents feel it is scarcely surprising.

"Do parents ever pass those assessments?" asks Chris Smith, who found his own unremittingly negative. At the Monroe, only a quarter do. Fostering or adoption is recommended in 50 per cent of cases and family members are approved as carers in the remaining quarter.

"The right result for us," says Patricia Pemberton of the Monroe Centre, "is best for the child, not necessarily for the family."

any experts have a standpoint and, often, families know what they are agreeing to." never just on medical grounds that a child is taken says one child service manager. For the local city's lawyers to agree that there is a case for taking a nto care, there needs to be supporting evidence of parenting due to mental or behavioural problems (ly due to alcohol or drugs). These are established in ore assessment", once a child has been taken into

re parents feel that such assessments are not carried ith sufficient care. They feel the aim is to prove their not to seek explanations. A guardian *ad litem* is nted by Cafcass (the Children and Family Court ory Support Service) as the child's "voice" throughout edings, but parents sometimes find that the

Often, concern for a child's welfare can turn into a battle between parents and social workers. Whether innocent, guilty or just struggling, parents are afraid when social services become involved in their lives. Bill Bache, Angela Cannings's solicitor, says parents view social services as "the Gestapo" and social workers know it. "Our image is of trendies in sandals who snatch babies," says one Essex child service manager.

It is possible that some of the aggrieved parents who have described their plight to me are, in fact, unsuited to caring for their own children. They don't appear to be chaotic, violent or out of control due to drink or drugs, though some have been through difficult relationships and medical problems that may have made them seem so. It is also possible that there are some poorly trained or officious social workers who wrench children out of their homes on slight grounds, even though those I met in Essex seemed dedicated individuals, motivated by "the best interests of the child".

That phrase, taken from the Children Act of 1989, may be one root of the problem. It has become a mantra for social service departments. Although the Act stressed the importance of keeping families together, the interests of the child have often come to be seen as separate from those of the family. So enshrined is this in current thinking that Earl Howe, opposition health spokesman in the Lords, says: "The Children Bill, now going through Parliament, never once mentions the importance of parents and families. It is all about how the authorities can intervene."

On top of that emphasis on the child came the 2000 White Paper on adoption. This came out of Tony Blair's personal interest in the subject: his father, Leo, was fostered while his entertainer parents were away on tour. He believes that children need the stability of permanent homes and was appalled by the long delays to which children in care were subjected. In 1998, it took 19 months for a care plan for a child to be agreed and a further eight months for the placement; as a result, many children became too old or too disturbed for adoption.

He chaired a Cabinet Committee and commissioned a review of adoption that produced the White Paper, *Adoption: a New Approach*, calling for "adoption to be maximised" and delays minimised on behalf of the 55,300 in care in 1999, 28,700 of whom had been "languishing in care" for more than two years. Targets were set: a 40 per cent increase in adoption by 2004-05 and 50 per cent by 2005-06. At the time, there were 2,700 adoptions from care per year (almost all of which are contested) – and another 2,000 or so adoptions, mostly by step-parents. Even then, it was the second highest number of children adopted from care – after America – in the Western world. In 2002-03, the number of adoptions reached 3,500.

To speed up proceedings, "parallel planning" has become a legal requirement. Previously, adoption plans could begin only after the court hearing; now, although a child can be prepared for adoption only after the care plan has been agreed (usually in court), adopters are lined up a few weeks after a child comes into care, while attempts are still being made to rehabilitate the child within the family.

"Numbers of children adopted are up because adoption has to be considered for every child," says Jo Willoughby, who manages Essex's post-adoption services. While defending the change, she concedes that: "Birth parents' support organisations would say this new system is very unfair."

Parallel planning prevents children suffering the developmental consequences of hanging around for years in foster care – 40 weeks is now the time within which permanent care plans have to be settled – and, for children of persistently abusive parents, incapable of reform, it is "admirable", according to Earl Howe. But, having spoken to many distressed parents, he finds many aspects worrying.

authorities that are keen to avoid accusations of negligence. The inquiry into the case of Victoria Climbié, the eight-year old who died in February 2000 at the hands of abusers who beat her with a bicycle chain and left her tied up in a freezing bathroom, has created a climate of fear in local authority social service departments.

No local authority wants to be the subject of an inquiry, and allegations of abuse have soared from 160,000 in 1997 to 569,000 in 2002. Most children on the "at risk" register remain at home, but 39,000 cases per year go to child protection conference, of which 25,000 go on to full child protection and 3,000 to court for a care order.

The chances of the local authority stepping in depend on where you live. In some areas, fewer than one in 50 are referred to social services; in others, more than one in 10. Essex comes in the middle of the scale and, in the three months to March 31, there was an increase of 10.7 per cent in children given protection. Letitia Collins puts this down to increased drug abuse and better communication between hospitals, schools and social services.

But Rioch Edwards-Brown, who runs the Five Percenters, a support group for parents accused, as she was, of shaking their babies, wonders whether bigger registers are saving children or simply creating suffering. "According to the NSPCC and UNICEF," she says, "the number of children in the UK who die at the hands of adults has remained static at two a week [one of the worst records in the Western world]. And taking children from parents with insufficient reason is doing them the most harm possible." Only now, nine years after her son was returned to her, is she beginning to feel confident of their relationship.

Through the Five Percenters, she has spoken to 2,300 worried parents accused of all manner of abuse. Unexplained injuries lead to children being taken into care, she hears, and doctors often diagnose abuse – or endorse social workers' suspicions – without either examining the child or meeting the family.

Despite the questions raised by the Clark, Cannings and

Some social workers show surprising hostility. They are like warriors going into battle

Patel appeals, a small and influential core of doctors appear to share Prof David Southall's assertion that abuse is more prevalent than we, as a society, care to admit. Prof Southall and another eminent paediatrician, Prof Sir Roy Meadow, are soon to come before the General Medical Council but the Royal College of Paediatricians won't revise their views on Shaken Baby syndrome or Munchausen's syndrome by proxy, two of the most controversial diagnoses that have led to children being taken from parents. When a child's illness or injury cannot be explained, doctors don't want to be criticised for inaction if a child is harmed again, so they prefer to err on the safe side – even if a child has had no previous injuries.

Parents report that doctors continue to look for the worst explanation and give opinions outside their specialist knowledge. There are incentives to do so: court appearances can pay £110 an hour, and writing reports is lucrative. "They charge writing time at £80 an hour," says one child protection manager, "so they produce books."

Judges in family courts are expected to seek a second medical opinion if the findings are disputed but, in parents' experience (though Essex gives an example to the contrary), doctors tend to operate as a fraternity and back up one another's judgments. Once one doctor has decided an injury is suspicious, it may be hard to find another – in this country at least – who disagrees. "Courts try to persuade both sides to accept one expert," says Earl Howe,

Tomorrow 'They want you to admit guilt or blame one another': how one couple lost their baby son after taking him to hospital