

## **UCAFAA CONFERENCE – LONDON - 9 NOVEMBER 2002**

### **“The Role of social workers – advocates or investigators”**

#### **A Presentation by Charles Pragnell – Social Care Consultant and Expert Defence Witness – Child Protection**

I don't think there is anyone who would dispute that child abuse is a heinous crime and that children in our society have to be protected from such harm.

And the people who are charged with protecting children in our society, are of course the police and social workers.

The role of social workers in child care and child protection is very clearly prescribed in law but it is left to social workers and their managers to determine how the law is interpreted and implemented, and what priority is given to the various parts of the law.

The law firstly places a duty on social workers to investigate and assess the needs of children in need, including children who may be the subject of abuse allegations and provide services to meet their needs. Secondly, social workers have a duty to investigate reports of child abuse and to assess and decide what action. If any needs to be taken – at all stages there is a duty to consult with the child and the parents and to work in partnership with the parents. There is no mandate for social workers to act as advocates for either the child or the parents.

On first day I came into social work in 1963, my manager said to me, “Everyone coming into social work is either a meddler or misfit or both”

I can state categorically that I am not a meddler – I firmly believe people have the right to live their lives as they wish and sort out their own problems if they can – as long as they do not cause harm to themselves or others. The primary role of social workers is to help people in difficulties to help themselves.

However I readily admit to being a misfit and I rapidly became a misfit in social work. I believe this was because I have always tried to be truthful and honest in my dealings with people and believe that values should guide the work I do.

Unfortunately I found that many of my colleagues did not share such values.

I came into social work at the time of the implementation of the 1963 Children Act and the greatest importance was given at that time to preventing family breakdown which might result in children having to be received into state care but if that occurred, to seek to restore the children to their families at the earliest reasonable and practicable time.

The dominant principle underlying social work at that time was therefore the importance of emotional and genetic bonds.

In 1970 there were 120,000 children in state care and a similar number in residential special schools and many thousands of families were supported through voluntary supervision by social workers. Today there are less than 55,000 children in care and very few families are being offered support and assistance as a preventive measure.

In 1972 came the formation of Social Services Department and social workers became 'generic'. Whilst there were many advantages in having these the new departments in terms of the resources they commanded, what happened was that a lot of expertise in working with children and families was lost – and I would say has never been recovered.

Next came the David Owen inspired Adoption Act of 1976 which in my view is the worst piece of child legislation which ever reached the statute books – it claimed to be a children's charter – but it was nothing of the sort – what it did was give foster carers and adoptive parents precedence over the rights and responsibilities of natural parents – this was followed by some American research which promoted the concept of "permanency planning".

Unfortunately many social workers did not read this research carefully and took it to mean children in state care must all be placed for adoption – if they had read it, they would have seen that it primarily meant that long term planning was essential for every child in care, whether their placement was in foster care, residential care, adoption, or placed back at home.

What the Adoption Act and this research has led to, is now a fast track of children being removed from their natural family perhaps only for a single incident abuse or even where a parent is just unable to temporarily cope, and rushed into adoption without any attempt at rehabilitation of the child with the family.

in 1973 there was an event which sent shock and terror throughout social work – it was the death of a child, Maria Colwell who was at the time under the care and supervision of a social worker. It was followed however by many, many more such children – Jasmine Beckford, Tyra Henry, Stephen Meurs to name but a few and most recently, Victoria Climbié'. There have now been almost 40 such incidents since 1973 where children have died while under the care and supervision of social workers. There have also been other major inquiries such as Cleveland/ the Orkneys/Nottingham/Rochdale and now Shieldfield. In Newcastle.

In response to many of these events, social workers have responded with what are now tired clichés - "damned if we do, and damned if we don't" and "we don't have enough resources".

I don't accept either of these statements – if social workers carry out the duties and obligations placed on them by law then they have nothing to fear – these situations arose because social workers did not carry out their statutory duties correctly in accordance with the law. On the question of resources – Social Services departments have annual budgets of anywhere between £100 million and £250 million – now that is an awful lot of resources.

The real issue is what are those resources being used and misused for. There are less than half the number of children in state care and yet there are at least 10 times as many social workers today than there were in the 1970's. !.

I would now like to talk in more detail about events in Cleveland – a matter on which I can speak with some authority as I was the Head of Research and Management Information Systems with Cleveland SSD, when those events took place in 1987 – I was one of the few people with access to the details of every case and was responsible for maintaining detailed statistical information.

I am referring specifically to Cleveland because I understand there are attempts by some social workers and others to sanitise those events and to justify their actions.

Cleveland began over a disputed medical diagnosis – 2 paediatricians claiming they could diagnose child sexual abuse using an unproven paediatric diagnosis called the anal dilatation test and the police surgeon who did not accept their diagnosis pointing out that anal dilatation can be a symptom of several childhood disorders.

This dispute escalated and the police naturally supported their surgeon and the Health Authority supported the paediatricians – the social workers were in the middle but decided for their own reasons to support the paediatricians although it would have to be said that many of the social work managers were extremely concerned about the situation and with this alleged explosion in child sexual abuse and the doubts regarding the diagnosis – ironically however, it was their fear of a Maria Colwell situation which made them decide to take no risks and to authorise the removals of the children.

I mentioned earlier about an unproven medical diagnosis – there is no system for verifying or validating paediatric diagnoses and treatment!. All that is required is for a paediatrician to claim to have found a new type of illness in children, write it up in a paper and have it published – thereafter it becomes common practice by whichever paediatrician chooses to use it – no scientifically based research, no checking by other researchers, and no system of verification and validation by an accredited national medical body.

In one of the cases in the Cleveland crisis Judge Cohen commented about the anal dilatation test:

"The technique is controversial. It has only...‘been on the scene’ for about a year and it is a fairly new theory...They may well be proved right ...Time will only tell...because the theory is new and because it is controversial ... it is necessary to look at the evidence with extreme care, and examine in detail not only the oral evidence but all the relevant documentation in each case; and therein lies the difficulty here because there is no, or no adequate documentation to which I can turn."

I understand that it is claimed on the basis of the opinions of a medical panel examination of less than 25% of the cases, that over 70% of the children in Cleveland had been abused.

What is fact, is that 96 of the 121 cases were dismissed by the courts – in courts medical opinions are tested and there are opportunities for those medical opinions to be questioned and challenged so I would state categorically that over 75 per cent of those children in Cleveland were not sexually abused.

The child protection methods used in Cleveland were referred to some years later in 'Child Protection - Messages From Research - 1995' as ;

“ A small meshed net in which a large number of minnows - which have later to be discarded, are caught as well as the marketable fish. Each fleet has its own mesh and several net designs are being used.” .

The major errors made by social workers in Cleveland were that they removed children on the basis of an unproven medical theory, removed them in midnight and dawn raids, and they failed to carry out any form of assessment prior to the removals. They also were seen on videotape to be bribing and threatening children to disclose abuse.

Since 1990, when I left social work, I have acted as an advocate/representative for children and families in child protection proceedings and have been horrified by some of the social work practices I have seen.

Social workers are supposed to approach child abuse investigations in an objective, impartial and even-handed manner but very often they begin with the total assumption that the alleged abuse has occurred and their job is simply to find the evidence to prove it.

This was amply illustrated by the research of Prosser and Lewis in 1992 and 1995 whose research showed that;

1. “Social workers perceived that abuse had occurred and the accused as guilty from the beginning of the investigation and thereafter they sought only confirmatory evidence of their assumptions and disregarded evidence which would have cast doubt on the allegations” .
2. There was poor recording of evidence and abandonment of professional codes of conduct and practice by investigators;
3. There was idiosyncratic behaviour and inappropriate interpretations by investigators;
4. Investigators focusing on a single piece of evidence and ignoring contradicting evidence;
5. Experts deviating from their area of expertise and high status medical practitioners having disproportionate influence over investigations;
6. The failure of the system to acknowledge and compensate the wrongly accused family for the trauma and losses suffered. Some child protection workers believe in an adage that, “ Who cares if nine innocents suffer, as long as we get the guilty one” .

Department of Health statistics show that over 80 per cent of abuse allegations “Have no substantive basis” , that is, they are false allegations.

In 1995 American researchers said of false allegations of child abuse 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 payoffs and has no cost to the system or the accuser. This makes the child protection system very vulnerable to manipulation and distortion by troubled and distressed persons pursuing their own private purposes.”

They went on to state, "We have built a system that, while intended to protect children, often does more harm than good. From 1979 to the present every 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".

Being involved in child abuse investigations causes immense damage to children and families and researchers have further stated;

"It is not fully realized that a child is also damaged by false allegations 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 false accusations of abuse is subjected to highly destructive emotional abuse. The harm done to children when adults make a mistake.....is severe and long-lasting."

Finally I would like to echo the words of Roy Wexler in his book, "Wounded Innocents" published in 1990,

"The war against child abuse has become a war against children" and "the child abuse system is hurting the children it is trying to help."

Social workers are not advocates for children but are more often concerned with pursuing the latest unproven theories of child abuse and as investigators are failing completely in undertaking such investigations with fairness and even-handedness.

And when matters come before Courts, the vast majority of the evidence is opinion, speculation, and assertion and very, very little is factual evidence. This makes it very easy to prove a case on the basis of a balance of probabilities.

It is my view that a complete reform of the Child Protection system is urgently necessary and the most needed reforms are :-

1. That, as in Ireland and several states in America, it should be made unlawful to make false accusations of child abuse;
2. That any new theory of child abuse should be subject to verification and validation by a national body and training should be given in its application before it can be introduced;
3. Accountability – that professionals involved in child protection should be personally accountable in law for their actions, as they are under Mental Health legislation.

Thank you.

Charles Pragnell.  
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