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Family Court Cases

2 pm

Mr. George Osborne (Tatton) (Con): I welcome this timely opportunity—in fact, more timely than I thought when I applied for the debate—to discuss issues that the Minister raised in her statement to the House yesterday. I begin by paying tribute to my hon. Friend the Member for Salisbury (Mr. Key), who is present today and who is Angela Cannings's constituency MP. He has worked hard and effectively on her behalf, and together we have worked for our two constituents, Sally Clark, with whom my hon. Friend also has a connection, as he rpresents her father, and Angela Cannings. The Appeal Court's judgment is the reason for asking for the debate today.

My interest in the matter arose because of the small role that I played in trying to get justice for Sally Clark, who was my constituent until she left prison. When I became the MP for Tatton two and a half years ago, my predecessor, Martin Bell, briefed me on several issues but particularly on the Clark case, which had been a large constituency case for him. We spoke about how to take forward the work that he had done for Sally Clark's family. I also met Stephen Clark, Sally's remarkable husband. My meeting with him dispelled any doubts that I had at the back of my mind about the merits of the case. He convinced me that a huge, terrible miscarriage of justice had taken place. Without him and the small team of relatives and supporters that came together to help Sally, she and perhaps other people would still be in prison. It was her case that brought forward the appeals of others and led to the series of events that we are discussing today.

When I first met Stephen, who came to Parliament to talk to me, there were few options open to us. Sally's first appeal had been dismissed and it seemed very unlikely that the Court of Appeal would consider that case again before some considerable time had passed. The General Medical Council was dragging its feet in investigating complaints that Martin Bell had brought against Dr. Alan Williams, who is also a constituent of mine, and Professor Michael Green. Both were key witnesses at Sally's trial. Indeed, it is a disgrace that three and a half years after Martin Bell first made those complaints to the GMC it has still done nothing about them, but that is not the main purpose of calling this debate.

I also applied to the Home Secretary to have Sally Clark's life tariff reviewed and reduced. I know from my conversations with him that he took his duties in this case very seriously but, sadly, he came to the decision that he could reduce by only one year the life tariff that had been set for Sally Clark at the time of her conviction. In short, we were getting nowhere. We found few people in the Government or the medical and legal establishment who were prepared to listen to our arguments about the unreliability of Professor Meadow's theories about sudden infant death syndrome. There was an unspoken but clearly implied suspicion among many people whom I met that, by speaking up for Sally Clark, one was in some way excusing the actions of a mother who had killed her children. That was the prevailing view that I encountered.

That was then, but much has changed. Sally was released after a second appeal last January. Then came the Trupti Patel acquittal and, finally and most

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crucially, the Angela Cannings appeal and the clear and welcome judgment from the Court of Appeal. The Government and the medical and legal establishment are now falling over themselves to unravel what may be the greatest miscarriage of justice in this country in living memory—mothers wrongfully imprisoned after already suffering the agony of losing a child, families torn apart by evidence that, in some cases, they never even saw and could not challenge, lives destroyed by

spurious medical theories, and a world of social services departments and family courts that were convinced by them. I say all that because it is important for all of us, as law-makers, as Ministers and as representatives of our society, to remind ourselves of the cruelties and injustices carried out in the name of the law and society, and to resolve to learn from the experience and at least lessen the chance of it happening again.

When I applied for the debate two weeks ago, before I went off on my half-term holiday with my children, I feared that the Government were not doing all they could to right the wrongs of what had happened or to address all the implications of the Angela Cannings judgment. On the day of that judgment a month ago, the Attorney-General announced an immediate review of 258 criminal convictions for the murder, manslaughter and infanticide of a child under two where there may have been similar miscarriages of justice.

From the response of the Solicitor-General to an urgent question asked in the House the next day by my hon. Friend the Member for Beaconsfield (Mr. Grieve), it was clear that the work of identifying those 258 cases had begun the moment that Angela Cannings was released and before the Court of Appeal had published its full judgment. I have called ever since for a review of the Sally Clark case, and raised the issue with the Prime Minister during Prime Minister's questions in the middle of last year. I made the point that although the principal criticism in the Court of Appeal's judgment was directed at the pathologist, it also criticised the use of statistical evidence by Professor Meadow. I believed at the time that the work of Professor Meadow should have been reviewed as well as the work done by Dr. Williams, but that is in the past. As I said, the Attorney-General announced last month that there would be a review of the 258 criminal convictions.

It was also clear from the question that I asked the Solicitor-General on the same day that no similar review was under way for family court cases. Instead, she told me:

> "The process of how to go about a review in family cases is now being considered."—[*Official Report*, 20 January 2004; Vol. 416, c. 1221.]

It was not clear at the time, and it is still not clear, why the Government had not done the same preparatory work on a review of family court cases as they appeared to have done for a review of criminal cases while awaiting the full judgment of the Court of Appeal. Instead—I warn the right hon. Lady that this is the only criticism that I intend to make, but I will get it out of the way—the Minister gave an ill-advised interview to *The Sunday Telegraph* the day before the judgment on 18 January, which she may concede was a mistake.

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Certainly, the headline, "'We can't reunite thousands of mothers with children wrongfully taken from them'—Minister admits", caused many families unnecessary distress. The Minister went on to say that the number of family cases could run into

> "thousands or even tens of thousands",

that the Government could not

> "turn back the clock",

and that she

"hoped families understand that these are really, really difficult decisions we have to take." As I said, that interview caused unnecessary alarm and distress, and it was wrong to have given the interview before the Court of Appeal had made its judgment. It would have been far better if the Minister had made the sort of announcement that she made yesterday. I am not saying that my calling for the debate and the production of the Minister's statement are connected, but they might be. I used to work in Government and know that a parliamentary debate sometimes forces the mind of Departments and produces statements. If they are connected, calling for the debate has more than served its purpose.

Vera Baird (Redcar) (Lab): The hon. Gentleman can set his mind at rest about whether his debate triggered yesterday's announcement, because it certainly did not. I and several other Back Benchers have had long discussions with the Minister about the best way to proceed, and it is not the case that the Government were unprepared for the judgment. As I am sure the hon. Gentleman appreciates, it is far more complicated to decide how to tackle the present issue than the relatively simple issue that the Attorney-General had to tackle and about which he was, therefore, able to make an announcement very quickly. I can assure the hon. Gentleman that his debate would have been the last thing to trigger the Minister's announcement yesterday.

Mr. Osborne : I was not claiming credit for that. I said that I was sure that my debate had not triggered the announcement. It was merely a coincidence that it happened the day before.

The Government could have spelled out much more clearly a month ago the approach that they were likely to take with family court cases. If the hon. and learned Lady reads the interview that the Minister gave in *The Sunday Telegraph,* she will see that the Minister outlined virtually everything that was announced yesterday. The Government could have said a month ago, "We are likely to ask local authorities to do this. We are likely to proceed in this manner." However, that is in the past, and I am prepared to move on.

We had nothing like the clarity with family court cases that we had with criminal cases.

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): I wonder whether the hon. Gentleman has given due consideration to the fact that the Minister has been consulting. Is it not extremely important to consult all the relevant bodies?

Mr. Osborne : Of course consulting the relevant bodies is important. I am being dragged into a debate about the Minister's interview on 18 January. It was a big story in

The Sunday Telegraph, although I do not know whether the hon. Lady saw it. I have the article here and I am happy to send it to her and to the hon. and learned Member for Redcar (Vera Baird). It makes the Minister's plans clear at considerable length. It states:

> "Another option being considered by Mrs Hodge is to appoint a judge to trawl through the records of each authority to identify possible miscarriages of justice, but this would prove costly."

It also notes:

> "Mrs Hodge is likely to ask local authorities to search through their records to find all family law cases involving Meadow."

Again, that is misleading, because she is not asking them to do that. However, the Minister gave that interview a month ago.

Vera Baird : I do not understand what the hon. Gentleman is saying. He asks why the Government have waited a month to make an announcement, when the Minister said everything a month ago. He then reads from the extract only to show that she did not say then what she announced yesterday. Clearly, she was in the process—the hon. Member for Mid-Dorset and North Poole (Mrs. Brooke) and I have recommended this to the hon. Gentleman as a good way to proceed—of thinking about what to do and of consulting others. Is the Minister really to be criticised for that?

Mr. Osborne : Instead of giving an interview a month ago, the Minister should have said, "We are looking at how to take these family court cases forward. These are the options that we are considering, and we are going to consult on them." That was the approach taken by the Solicitor-General, and it would have inspired more confidence in the ultimate outcome in this case. As I said, however, that is the past.

I would prefer everything to have happened last year. Indeed, I regularly asked oral and written questions in Parliament, and it took many weeks to get any kind of response from the Government. I sought meetings with Ministers, but they were not granted. I have been trying to take matters forward for more than a year. None the less, we are where we are. I turn now to the substance of what the Minister said yesterday.

Like my hon. Friend the Member for Beaconsfield, who speaks for my party on such issues, I welcome what the Minister said yesterday. I also welcome the guidance that she is issuing to local authorities and the arrangements set out by the president of the family division. However, I have some concerns, which I hope the Minister can address. The first and most serious is an issue that I raised yesterday.

The review that the Minister has asked local authorities to carry out involves only cases in which

> "a final care order was made in the past which involved harm to the child or a sibling, and in which the grounds for making an order depended exclusively, or almost exclusively, on a serious disagreement between medical experts about the cause of harm."

When I asked the Minister why she was restricting the review to cases in which there was a serious disagreement between medical experts, she explained that this was because she was

> "mindful of the Cannings judgment, which was very narrow indeed."

That means that the review leaves out cases in which there was no serious disagreement between medical experts, but where we now have strong grounds for

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supposing that the medical evidence offered, although uncontested, was unsound. In criminal cases, which are what primarily concern the Court of Appeal, medical evidence is likely to be contested. A competent defence team will produce rival experts to try to convince the jury that the prosecution has got its case wrong.

I am not a lawyer, so I tread carefully in this area, but it seems to me that that does not necessarily happen in all family cases, perhaps because the family do not feel up to the ordeal of challenging the evidence, or because they cannot find a suitable expert prepared to argue against the likes of Professor Meadow, or because social services departments threaten the family with further action, possibly criminal action, if they contest the family court proceeding. The last point is particularly serious, and I ask the Minister to address it. I have spoken privately to the Solicitor General about this—she is aware that there is a considerable issue here, and perhaps the Minister could address it in her response.

As I understand it, the Minister's review offers nothing for families where there is uncontested medical evidence. All she feels able to say is that she has

> "no doubt that local authorities will, in cases where one particular individual was the sole expert in the proceedings, act in a sensible and rational manner and review them."

In other words, she seems not to be asking local authorities to review cases in which only one medical expert was involved, but she hopes that they will, none the less, review them. This seems a rather curious position to take—if she wants the cases reviewed, why does she not spell it out? Why this game of cat and mouse? Perhaps she can explain this position of not asking local authorities to review cases but hoping that they will. Surely the Court of Appeal judgment raises sufficient doubts about the theories of, for example, Professor Meadow, to justify a review of cases involving only his evidence.

The Minister was careful in her response yesterday to avoid mentioning Professor Meadow by name, and kept referring cryptically to "a particular individual", until she was eventually challenged by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack). She then said that it would be inappropriate

> "to pass judgment on all the cases in which Sir Roy Meadow gave evidence, and in particular those involving children, before the General Medical Council has examined Sir Roy Meadow's professional competence and his evidence."—[*Official Report*, 23 February 2003; Vol. 418, c. 38–46.]

In my experience, waiting for the GMC is a bit like waiting for the next ice age. The complaints brought against two other experts in the Sally Clark case by my predecessor, Martin Bell, to the GMC three and a half years ago, have still not been dealt with. I do not wholly trust the medical profession to judge itself in these matters.

The Court of Appeal has delivered a damning verdict on the judgment of Sir Roy Meadow's evidence. Lord Justice Judge warned of the dangers of "an extensively dogmatic approach" and said very clearly:

> "What is abundantly clear is that in our present state of knowledge it does not necessarily follow that three sudden, unexplained infant deaths in the same family leads to the inexorable conclusion that they must have resulted from the deliberate infliction of harm."

Lord Justice Judge also reminded us that the Court of Appeal had, in the Sally Clark case, been critical of Professor Meadow and his use of statistics, in particular

his now infamous claim that the likelihood of two sudden infant deaths was 73 million:1. That judgment, in Lord Justice Judge's words,

> "served to undermine his high reputation and authority as a witness".

If that is the view of the Court of Appeal, why does the Minister feel that she still needs to wait on the GMC? Surely it would be sensible to ask local authorities at least to review all cases involving Professor Meadow's evidence, whether it was disputed or not, rather than relying, as the Minister seems to want to do, on the good sense of those local authorities to do so anyway.

If the first and most serious concern is the narrow scope of the review that the Minister has ordered, my second concern is what the Minister said about reuniting adoptive children with their birth parents. I fully accept that this is an extremely difficult area, and that the interests of the child must be paramount. However, I ask the Minister and, through her and this debate, the courts and local authorities to be as flexible as possible.

The Minister says that the scope for reopening existing adoption cases is extremely rare. Even the newspaper headlines today say, "Hodge rules out adoptions reversal." I understand that she quite properly does not want to give false hope to families, and that adoption is supposed to ensure permanence and finality for all involved. I can see that reopening adoption cases that are years old is very unlikely to be in the best interests of a child, even if a tragic mistake has been made. As a parent, I am not sure how I would react if my child had been taken away from me on the basis of false or misleading evidence. I can see that it is in the best interests of the child to be left in place.

What about more recent adoptions? What about those that took place a month ago or sometime last year? Are we really saying that it is impossible to unpick such cases when they are very recent? We should at least consider the option of trying to put families back together. One irony of the Sally Clark case is that she has been reunited with her family, even though she served time in prison for the murder of two of her children. Other families who have been before family courts may not have that option available to them. To borrow the Court of Appeal phrase, we must not be over-dogmatic in our approach, but there may be so many pressure groups and entrenched interests in the world of adoption that we may fall into the trap of being over-dogmatic.

Several hon. Members touched on my third concern—the role of local authorities in the review process. My hon. Friend the Member for Beaconsfield said that

> "bureaucracies are often ill-placed to review their own past assumptions and the errors flowing from them."—[*Official Report*, 23 February 2004; Vol. 418, c. 40.]

It is sensible to ask local authorities to review cases, as they are the only ones in a position to do so quickly. It would also be sensible to provide an external audit to make sure that they are carrying out their responsibilities rigorously and independently. Not all social services departments are as good as they should be. Some may have poor record-keeping; and others may be institutionally unwilling to revisit the decisions that they have taken.

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The Minister says that she is confident that the independent review officers in local authorities provide sufficient independence to give her "confidence in the procedure". What about the confidence of parents? The hon. and learned Member for Redcar said that local authorities were the adversaries of parents in the vast majority, if not all, of such cases. Understandably, parents may be less trusting of local authorities in that process than the Minister. Would it not make sense for her to

appoint a senior independent figure or panel to provide an external audit and oversee the process to guarantee its independence and thoroughness?

Finally, I raise a broader issue about how we allowed such a huge miscarriage of justice to occur in the first place. I am neither a doctor nor a lawyer, but all too often our legal and medical establishment gets swept along by new-fangled theories and fads. Perhaps they are just like the rest of us. It seems to be the case particularly in the sensitive area of child abuse.

Munchausen syndrome by proxy is the latest in a long line of theories that has now been discredited. Child abuse is, of course, a real and serious problem and we should do everything we can to stop it and root it out, but is it not time to heed the words of Dame Butler-Schloss 17 years ago? Her 1987 report after the Cleveland child abuse scandal warned of excessive reliance on expert opinion by local authorities and social services departments without sufficient corroborative evidence. The report said that it was important that social workers should not act solely on the basis of medical diagnoses, yet local authorities and courts continue to be blinded by the evidence of experts such as Professor Meadow without looking for corroborative evidence. How many more cases such as those of Sally Clark or Angela Canning must we suffer before we as a society learn the lesson?

Several hon. Members *rose—*

Mr. David Amess (in the Chair): Order. It is my intention to call the first Opposition spokesman at three o'clock. There appear to be five hon. Members who wish to catch my eye. If that is the case, I would like to call everyone, but it is in the hands of hon. Members. I hope that they will bear those time constraints in mind.

2.25 pm

Vera Baird (Redcar) (Lab): I congratulate the hon. Member for Tatton (Mr. Osborne) on securing the debate, and on the diligence with which he has advanced his constituents' interests and joined others with a common interest to oppose this miscarriage of justice. I applaud the clarity with which he set out his concerns.

I am in the unique position in this Chamber of having cross-examined Professor Meadow. His is not just the latest of a recent set of theories. He has advanced his arguments for an enormous length of time. I cross-examined him in 1988. It is not unkind to say that he invented Munchausen syndrome by proxy, and I do not use that word in a pejorative sense. He created it and has lived on it ever since. He was a permanent professional witness in cases where he felt that the syndrome—now highly questionable—existed, which is a difficult model.

It seemed that Professor Meadow was called into cases where there was no direct or circumstantial evidence that would answer the question of whether

injuries or deaths of children were accidental or deliberately caused by a parent. He was called in to say, "Now that I have looked at one of these parents"—almost invariably the mother—"she resembles the type of person who does injure their child". That was about the size of the evidence that he gave. It was an extra difficulty for anyone labelled as a sufferer of Munchausen syndrome that he asserted that a characteristic of the syndrome was that people who had it denied that they had it. Consequently, one went in circles trying to get out from under the expertise that he proffered, which was dangerous indeed.

I have to say, not necessarily in Professor Meadow's defence, that during the case in which I cross-examined him there was compelling evidence that one of the parents had been involved in harming children, so I suppose that there must be something in his theory. However, the matter has been

troubling and it calls into question, as the hon. Gentleman said, the way in which the courts approach such evidence.

There is no doubt that such witnesses become very arrogant. Professor Meadow is the world expert in the subject, to whom everyone defers. Judges do not try to restrict that way of behaving. It is clear, as Lord Justice Judge said, that matters have become too dogmatic in the cases of Sally Clark and Angela Cannings. By that stage, I think we have gone beyond arrogance and dogmatism. We have stretched things so far that Professor Meadow, a paediatrician, is talking about statistics in front of a court that does not question his ability to do so for one moment. It is not his field at all. The Royal Statistical Society referred to his one in 73 million figure, which has already been mentioned, as a complete error, but he was allowed to give such evidence despite the fact that he was a paediatrician and not a statistician.

One problem with professional evidence is that it is hard for anyone who is less professional and less expert properly to judge it, or properly to restrain such experts from going too far. We now have the Council for the Registration of Forensic Practitioners, which is intended to accredit competent forensic practitioners. Its register relies upon peer review, but that would not have saved anyone from Professor Meadow, because it was not easy to review his work. One cannot engage in a peer review of the work of the man who has invented the syndrome and taken it forward himself. There is no peer to review it; thereafter, we can have only disciples. It is a difficult and problematic notion.

I shall not stray far from the subject of professional evidence but, in order to illustrate the importance of the debate, I should mention that other kinds of expert evidence can cause similar difficulties. I shall not give too many anecdotal examples but, in cases as recently as 2000, DNA could be checked down to about six strands only. Professional expert witnesses on both sides would agree that the figure might be one in double-figured millions, but they would still claim that it was one person and not another. DNA can now be taken down to 10, 12 or even 14 strands. In one case that went to appeal, the figure used at the original trial showed that it was either the accused person or the 37 million and first person after him. However, because in the intervening

three years, analysis went twice as far, the Court of Appeal was able without hesitation to say that it was not him. Expertise moves on, whether good or bad.

Ms Ann Coffey (Stockport) (Lab): Can my hon. and learned Friend help? I am not a lawyer. One thing that perplexes me is that in the original trial there was presumably a defence lawyer, a prosecution lawyer and a judge who at the end of the case gave a summing up. From what I have read, it appears that, when someone gives evidence as an expert witness, all of a sudden nothing else happens in court. Does not the defence challenge the expert witness? Does not the judge give guidance on the evidence when summing up?

Vera Baird : My hon. Friend raises an important point. Those steps are gone through in a number of cases. I am sure that Professor Meadow would be opposed by another paediatrician who would say that the evidence was not as clear as suggested. He may not call into question his theory about Munchausen syndrome, but he would say that the person did not fit that syndrome so neatly as suggested. Judges always have a duty to tell juries that we do not have trial by expert. They will say that the jury must decide which expert is right but that if they cannot decide they must give the benefit of the doubt.

It is an immensely difficult task and we have to countenance the fact—I shall return to it briefly—that for the past 20 years Professor Meadow has taken judges along with him. Most, if not all, of the cases that the hon. Member for Tatton mentioned were not jury trials, but cases in which the decisions were taken by the judges, who followed the professional evidence to the end. In my view, that causes a further problem.

Mr. John Burnett (Torridge and West Devon) (LD): The hon. and learned Lady always speaks on these matters with the greatest knowledge and experience, and in such measured terms. However, although I am sure that she is right to say it, I was surprised to hear that in a number of cases no one was called to challenge the evidence of experts such as Professor Meadow. My experience as a lawyer is not in that field but in taxation and planning, but whenever expert evidence has to be given in such cases—perhaps because more money is at stake—experts are always available to challenge the expert evidence.

Does the hon. and learned Lady believe that it is unacceptable to have only one expert witness at a trial? There should always be experts for the other side, and they should be properly funded.

Vera Baird : Again, that is a very important point, but difficulties can arise where one instructs an expert intended to oppose someone such as Professor Meadow and discovers that he agrees with him. Professor Meadow is leading his disciples. He is the predominant theorist on paediatric death. He is a teacher of many other paediatricians. The matter is not always as straightforward as it might appear at first sight. I heartily agree that expert evidence must always be properly funded in cases where it is required, but there can be pitfalls.

One can frequently be placed in the position—this may have been mentioned—where the only available challenge is what counsel can conjure up by way of cross-examination.

Mr. Dominic Grieve (Beaconsfield) (Con): Lest it be thought that those representing the families were negligent in the way they presented their cases, I suggest—and the hon. and learned Lady may agree with me—that in many cases there was nothing they could do to put up an expert on what is ultimately a matter of opinion and where there was probably no medical evidence as to what caused the child's death in a physiological sense. Therefore, they would have had to rely on other material and cross-examination. Yesterday, I raised the anxiety that the only cases being reviewed are those where other medical evidence was advanced.

Vera Baird : Again, I take the point that the hon. Gentleman made yesterday that it may not be sufficient. I had a tentative solution yesterday, to which I shall return briefly at the end, if I may, although I feel that the Minister has made a balanced and sensible announcement as to the right way to proceed.

We are countenancing difficulties that judges have had even over the past 20 years —as far back as my memory goes and perhaps longer—dealing with the power of such expert evidence. We must raise the question of what jurors are supposed to do, since they have far less training than judges in analysis, concentration and evaluation. Is it the position now, as Lord Justice Judge said, that if the outcome of a criminal trial depends on the serious disagreement between reputable experts, it will be unwise and therefore unsafe for prosecutions to proceed? If that is the case, what is the position in civil cases, where the only way to proceed on a lesser burden of proof is to do something as drastic and difficult as to take someone into care and then have them adopted? Is it to be that if there is a dispute between experts it is safer for social workers and local authorities not to proceed? That is a dangerous position in which to leave children and the issues are extremely complicated.

Mr. Robert Key (Salisbury) (Con): May I take the hon. and learned Lady back a step in the process and ask her to share with us her experience of the role of the police in investigating such cases? Certainly in the Angela Cannings case it was suggested that the police had made up their minds at an early stage that it stood to reason that three deaths must be murder.

Vera Baird : Professor Meadow has been treading the boards for 20 years saying that that is the case. It is probably difficult for anyone to take their judgment out of context and to think in another way. In the end, they had resort to Professor Meadow to see if he could assist their position. There was no sign on the face of it—I will have to defer to the hon. Member for Tatton—of any lax

investigation by the police. They appeared to be unable to decide what was what and so turned to expert evidence that was intended to help.

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I am conscious that other hon. Members want to speak. May I quickly raise one or two other concerns? The first is what we do about expert evidence. Secondly—I shall put this in a much lower key—what are we to do about the judiciary? There have been not just one or two appeals but the failure at trial. There is no doubt that a large number of the judiciary have been carried along by evidence that they probably should never have been carried along by. Cases yet to go to the Court of Appeal will represent the same model. Not only have experts been allowed to become, as Lord Justice Judge puts it, too dogmatic but, as I said, they are allowed to stray out of their area of expertise on the basis that, if they are superhuman about paediatrics, they must know about everything else and we cannot criticise them.

Another factor, which is hugely important in this case, is that most of the judiciary have been taught by Professor Meadow that this is the right approach to sudden infant death, because he was the lecturer of choice at the Judicial Studies Board for a long time. Therefore, there is not only the current problem but the problem that many of the judiciary continue to believe that Professor Meadow has something to say about paediatrics that they should follow. Although they will be well aware of the position today, once people are trained and enmeshed in a framework of thinking, it is quite difficult to get out. Should we be trying to do something about that?

I come back to the point that there has not been the adversarial position of expert against expert that one would hope to find in most cases, mostly, one imagines, because of the phenomena that I have described: the leading opinion of the day tends to direct those behind it to some extent; or, as others have canvassed, people feel that they cannot oppose someone so mighty and powerful or, for many other reasons, did not do so. Therefore, the case has folded and has never been contested under the pressure of evidence from experts who may be called into question.

I urge my right hon. Friend the Minister to think carefully about what I suggested yesterday. Social services departments are now being asked to look religiously and carefully through all their cases to find those that are subject to this kind of evidence and decide whether there should be a fresh hearing. It is almost inevitable that, once one has been in an adversarial position, with the best will in the world and with the best of intentions, one remains in it. Is it sufficiently independent just to settle for that? That, of course, does not cover cases where there has not been an adversarial position. It would be a long and difficult task for social services to go through all their uncontested files and ask "Which of these thousands had Professor Meadow in them?"

Would it not be a good idea to look at the other side, too? There has now been a great deal of publicity and many affected parents will know that they were subjected to that kind of evidence, but many may not. Many may not know the name of the expert who gave evidence against them, or the reason why their children were taken away. It will be a hard task for the Minister to tell everybody in the deepest, darkest corners of the world that they are in this situation and should look again at their child's case. If she were to ensure that a notice went out to all the family law solicitors registered

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on the Law Society's panel, who are bound to have represented most of those affected by that kind of evidence, they could simply be told that, if they had such cases, they might like to look at the appeals of Cannings and Clark and may want to open their files and give their clients further advice. That would protect against all the dangers that arise from this slightly one-sided position. I commend that option to the Minister as something that she might seriously consider. None the less, I compliment her on her balanced judgment about the way in which we should go forward.

2.43 pm

Mr. Robert Key (Salisbury) (Con): I shall be brief. I have just three questions for the Minister, but first I congratulate my hon. Friend the Member for Tatton (Mr. Osborne) on his persistence in this matter and on obtaining today's debate.

Yes, Sally Clark's father remains a constituent of mine. I knew Sally Clark when she was a schoolgirl, attending the same school as my daughters in Salisbury. It came as an enormous shock to the whole community that this should have happened. Similarly, Mr. and Mrs. Cannings are constituents of mine and were popular in the community. It also came as an enormous shock to us all when their case occurred.

The three questions that I have for the Minister are straightforward. First, it is clear that prosecutions are continuing in the courts almost as if nothing had happened. Angela Cannings's solicitor, who is also my constituent, recently told me that he has two similar cases ongoing in the Crown courts and 10 more in the pipeline. What guidance have judges been given in the handling of those cases that should be treated with caution following the Cannings case? It is important that the public know what is happening.

Secondly, following the review, will the Minister issue guidelines, in good time, on how claims for compensation will be assessed? There will be compensation claims. What advice will local authorities be given? How will they be told to settle the claims? Will it be made clear that they should try to expedite those payments and not drag things out for years on end? Given the pressure on local authority resources and the Deputy Prime Minister's threats of capping, will those payments come out of ordinary social service budgets, or will the Government make available special resources over and above the normal local government settlements?

Thirdly, in the Chamber yesterday, I asked the Minister how social services departments could properly review those cases in which the evidence was heard in camera. She said that we would have to trust the professionals to take a common-sense approach. She is right about that, but can she confirm that suitably anonymised records have been made public in some of the cases that were heard in camera? Following the cases of Angela Cannings and Sally Clark, have judges been offered any advice as to whether that practice might be extended in the cases that have been referred to this afternoon, as opposed to the criminal cases involved? Those are the steps that we should and can take incrementally to improve the understanding of the situation and to ensure that the Government provide proper advice to all concerned.

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2.46 pm

Mrs. Lorna Fitzsimons (Rochdale) (Lab): I rise to speak warily, as there are so many people with expert knowledge in the Chamber, such as my hon. and learned Friend the Member for Redcar (Vera Baird), my hon. Friend the Member for Stockport (Ms Coffey), who has a professional background in child safety, and the hon. Members for Tatton (Mr. Osborne) and for Salisbury (Mr. Key), who have direct knowledge of this matter from the cases of their constituents, Sally Clark and Angela Cannings. We must also remember the telling case of Trupti Patel.

We have specifically been discussing expert evidence and the problem that arose from Sir Roy Meadow's evidence, but it is incumbent on us, as parliamentarians, to put into context our resolute and steadfast desire to protect children and to reaffirm the principles contained in the legislation on children—which we all support, whether or not we were in Parliament when it was introduced. Having recently become a mother, I know what the hon. Member for Tatton meant when he talked about being a parent. I sat for night after night considering the cases of those three women, wondering how I would have stayed sane in the same situation. When it comes to issues of child protection, especially those cases in which children have been adopted for many years, we know that the tenet set out in the legislation is that the best interests of the child should prevail.

While there are undoubtedly many wrongs, as those three cases illustrate, we must also put into context the small minority of figures and cases that we are talking about. People who do not have that insight may think that we are talking about thousands of people. Many parents may erroneously believe that their circumstances will somehow change. It is clear from the guidance in the Minister's balanced and well thought out statement yesterday that there are, in the family courts, somewhere in the region of 400 cases such as those that we are discussing, of which, I am led to believe, about 100 do not involve adoption. If those numbers are spread over the 150 or so social services councils, we are talking about very small numbers. It is important to clarify that.

Many hon. Members who have been in Parliament longer than me, or who have expert professional backgrounds, will be aware that, sadly, many parents do harm children. We must recognise that the overwhelming evidence is that the greatest harm that happens to children is perpetrated in the home.

What happened to those three women was a tragedy, and it is undoubtedly evident from the way in which expert evidence has been used that other cases will emerge, for which I am sorry. However, it is still the case that children are actually hurt and sometimes killed in the home by their parents. As a constituency Member, I have dealt with two cases of Munchausen syndrome by proxy. I am relieved to say that neither case was one of infanticide; however, both were serious, and they were dramatically different.

I want the Minister to concentrate on the fact that we will never be in a situation where we can rely on anything other than expert evidence. One of the problems that I had early on in my parliamentary career, which our social services department also had,

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was the singular lack of choice of expert evidence. At that time only one person was prepared to talk to the council about Munchausen syndrome by proxy.

In one of the cases in my constituency, many decades of historical evidence were sadly available, which meant that the expert was not needed. There was undoubtedly a danger to the unborn child who eventually had to be removed from the parents. However, in the other case, which involved a very young Asian woman with a family background of not very high educational achievement, I am worried to this day that justice was not done. That does not mean that there were not serious problems that needed intervention from social services. However, in one case the diagnosis of Munchausen syndrome by proxy was undoubtedly clear over decades of evidence from the medical profession that had tracked that family and those parents; in the other, the diagnosis was so weak that it was lamentable.

It is incumbent on all of us who deal with child protection issues to keep the matter in context. My heart goes out to the three women who are most in the public mind: Sally Clark, Trupti Patel and Angela Cannings. My hon. and learned Friend the Member for Redcar has spoken eloquently about the dangers of using singular and flawed expert evidence that is not questioned and scrutinised in the way that would be necessary for justice to be done. However, it is incumbent on us all to realise that, sadly, we live in a world where children are not protected by the people who should care for them the most. We must not raise false hopes.

We heard yesterday from hon. Members who have adopted children. Trauma and turmoil must be going on in every adoptive parent's mind. They must be wondering whether their children, whom they take care of to the best of their ability, whether they are three, five, 15 or older, will somehow be wrenched from them.

We must ensure that at the end of the day we are very precise about what we do. We should review, as the Minister has suggested, those open cases that we can actively determine now. We should leave it to the Attorney-General to review the 258 cases on which he has embarked. We should look urgently at how expert evidence and singular expert evidence are used in a court of law.

Let us not—especially not as a Parliament that has seen the publication of the most important Green Paper, "Every Child Matters"—lose sight of the fact that it is our job to ensure that children are protected everywhere by everybody.

2.53 pm

Ms Ann Coffey (Stockport) (Lab): I, too, congratulate my right hon. Friend the Minister on her statement. Child protection is an extraordinarily difficult area and it arouses strong feelings. Parents are often afraid that at some time a social services department will come and lift their children for no reason. Strong feelings also emerge in the community at large. One need only look back at headlines over recent years to see how society reacts when it feels that a child has not been sufficiently protected. Some of the difficulty for people who work in that area comes from the fact that it is often not straightforward: there is often not clear evidence to show that a child has been abused. There may be no

marks, no bruises, no visible evidence, which is why expert witnesses are so attractive. They seem able, in a situation in which there is no clarity of evidence, to give clarity. That is their power. My hon. and learned Friend the Member for Redcar is right in what she was saying about that. I also agree with her that dealing with expert evidence per se is not enough. We have to have a court system that is robust and in which the knowledge has to be invested in everybody in the judicial process hearing cases like the Cannings case.

I entirely support the Minister's decision not to open adoptive cases. "Cases" is a word used when we are describing children. It is a difficult equation when talking about a concept such as justice, which we all adhere to, but sometimes justice for parents does not serve the best interests of the child. It would be absolutely wrong to open those cases in which children have been through a long process—as someone who has worked in adoption, I know that it can be a long process, one into which a lot of thought is put—and placed in families, only for that placement to be disturbed two or three years later. We cannot always have a perfect circle and perfect justice. I would entirely support the idea that we do not disturb adoptive placements.

Irrespective of everything else, the interests of the child must be paramount. Sometimes that is difficult when put alongside parents' rights. I am not sure we will ever have a perfect solution, which is why I believe that in this very difficult area and circumstances the Minister has presented a very balanced and fair way forward.

2.56 pm

Mrs. Annette L. Brooke (Mid-Dorset and North Poole) (LD): May I add my congratulations to the hon. Member for Tatton (Mr. Osborne), because it has been a very timely debate—whatever the reason for the timing? It gives us a much better chance to raise further questions.

Rather than going into the details of the legalities, which have been so admirably covered, we need to think about what lessons can be learned, what questions should be asked and what is the best way forward. I would like to associate myself with the comments of the hon. Members for Rochdale (Mrs. Fitzsimons) and for Stockport (Ms Coffey) that the child's interests are paramount and that all the professionals must not be discouraged from investigating any alleged child abuse. It is a tremendous problem in our society. It may be the downside of some of the points that we have to talk about in this case.

We have heard the statistics so many times: one in 73 million for two sudden infant deaths in one family—on that basis, I cannot do the arithmetic to get it up to three sudden deaths. However, the statistic totally ignores the fact that there may be unknown genetic or other factors that predispose a family to sudden infant deaths. It is invalid. With hindsight—always very clever—we see how that

false statistic had such a dramatic effect on all the media reports, and it is very difficult to believe that it did not influence judgments at the time.

It has now emerged that there was a history of sudden infant death in Angela Cannings's family. Her great grandmother and grandmother both lost babies in unexplained circumstances, suggesting that there might be a genetic link. There is also the claim that the effects

of a drug called Cisapride have resulted in hundreds of cases of wrong diagnosis worldwide. Although this drug has now been withdrawn from the UK market, I would like to ask the Minister whether there will be an investigation into it and any bearing that it might have on child deaths attributed to Munchausen syndrome by proxy?

It is now clear that when several child deaths occur in the same family there should not be an automatic conclusion that the dead infants were deliberately killed. There has to be an evaluation of the many other factors that might have contributed to the deaths. However, the great weight that was placed on Professor Sir Roy Meadow's theory and evidence over the years, and this may well have blinkered the people dealing with the child abuse cases. I do not mean that in a derogatory sense, but with so much weight being given to a particular aspect, I wonder whether they might not have picked up all the other clues. The Court of Appeal judgment is very clear, that

> "the prosecution of . . . parents for murder should not be started, or continued, unless there is additional cogent evidence, extraneous to the expert evidence . . . which"

leads to

> "the conclusion that the infant . . . was deliberately harmed."

However, we still have to ask the same questions as far as the family court is concerned: what will be the role of expert witnesses, and how will they be handled in the future? I do not have the knowledge, but I have the questions here.

Given the fact that there could be thousands of cases in which some form of injustice has occurred, the Minister has been in the unenviable position of deciding the best way forward. I share her concerns as well as expressing my sympathy for all the families that have been involved in this. I would like to thank the Minister for the clear and logical statement yesterday, and wholeheartedly agree with her underlying premise that the children's interests must be paramount. However, questions remain about how far we can proceed.

I asked a question yesterday about a national helpline, because I believe that there needs to be more publicity regarding help, advice and perhaps even counselling for all the people caught up in these tragedies. Some families have described themselves as going through hell. The Minister said:

> "If birth parents are worried, they should take their own legal advice"—[*Official Report*, 23 February 2004; Vol. 418, c. 39.]

I am emphasising that and perhaps taking it out of context, but it is not good enough—people need more support than that. I am aware that every local authority is required to have an adoption support services advisor, but would everybody who might want advice know that? Will anybody who

believes that their children were falsely taken away from them want to go back to that same local authority for advice? I ask her to give more thought to this issue of how those troubled people get help and support.

Social services departments throughout the country now have the task of reviewing cases directly or responding to the Attorney-General's review. I presume that the same staff who were instrumental in children being taken away from their parents, and in some cases arranging adoption, will carry out the review. Given the circumstances, and the fact that we now know that

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undue weight was given to certain expert witnesses, will the Minister give consideration to the points that I raised yesterday on monitoring councils, and indeed to the helpful remarks made by the hon. and learned Member for Redcar (Vera Baird) suggesting the involvement of the Law Society's family law practitioner group?

The president of the Association of Directors of Social Services said in a press release in January:

> "No child will have been adopted or taken into care solely on the basis of expert witnesses. Decisions to recommend their adoption and being received into care will have been made by courts who will have ascertained that the cases pass all the other welfare tests contained within children's legislation."

I want to place it on the record that I admire the professionalism of all those involved in child protection, but I have a niggling doubt about the blinkering effect, and not being able to see the wood for the trees. I wonder whether an external review of a sample of cases might be considered. I take on board what the hon. Member for Tatton has said about those cases in which expert evidence was not challenged, and it is a concern that these matters are not really being considered. The Minister said yesterday that care orders are reviewed every six months. Will she give some additional guidance for those six-monthly reviews? More could be done there.

I asked a question yesterday that did not work out very well, given the time span, so if the Minister will forgive me I will expand on it slightly. I am concerned about investigations into the deaths of children who have been adopted. Has there been any research on the links between such children and families allegedly affected by Munchausen syndrome by proxy? Perhaps that clarifies my point. Such research would throw further light on the evidence that Sir Roy Meadow gave and would provide more information. Come what may, we must learn from all these events.

Mr. Grieve : I doubt whether such research would be very beneficial, as sudden infant death syndrome, or cot death, occurs in the first few months of life. It is most unlikely that there would be meaningful statistics about the incidence of death for children who survived long enough to go through the care and adoption process.

Mrs. Brooke : I am aware of the short time span, which is why I believe that such research would not be an enormous piece of work. Some children are placed quickly. If there were such a threat, it would be interesting to examine it.

I wish to join those who point to the need for resources for social services departments. We know how hard-pressed they are. It is incredibly important that this enormous piece of work is done thoroughly.

The issue of compensation has also been raised. Again, I add my voice to those urging the Minister to consider how it will be provided. It is important to make a statement as soon as possible. It is almost impossible fully to understand the trauma that would result from unpicking cases in which

adoption has taken place. However, visitation rights will be incredibly important. I hope that she will encourage everyone to be as flexible as possible while taking on board the best interests of the child.

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This has been an important debate and there are many questions to be answered. I hope that the Minister will continually review the whole process, as there will be changing aspects and further questions as we go along. Most of all, we must respect the fact that many people are troubled and damaged as a consequence of a miscarriage of justice.

3.7 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I congratulate my hon. Friend the Member for Tatton (Mr. Osborne) on securing this debate, which is very important and particularly opportune in the context of the Minister's statement yesterday. I wish to avoid repeating too many of my comments in response to that statement, but several matters have been touched on this afternoon that are of relevance when we consider, first, how to deal with the serious problem that has arisen in respect of children who have been taken into care or adopted, and secondly, how we might avoid a repetition of such events.

Let me begin by discussing the Minister's announcement on what she and the Government will do about what has happened in the context of family cases. I am delighted that she announced a review of cases. I am sure that it will go a long way towards enabling miscarriages of justice to be remedied. I fully accept that turning the clock back may be impossible if, for instance, a child was adopted some time ago. She was perfectly right to make that point clear. I do not want to get bogged down in the initial discussion about what happened before the announcements of the Attorney-General and the Solicitor-General, but it was unfortunate that she did not wait to tell the House about her plans before telling a national newspaper. I believe that it distorted some of the things that she said, which is perhaps an illustration of why it is dangerous to do that rather than telling us first.

On the reviews, the hon. and learned Member for Redcar (Vera Baird) made some important points about the nature of child care cases. As the Minister knows from my comments yesterday, I am anxious that we are being too restrictive in relation to the categories of cases that will be reviewed. I fully understand that it makes sense, in theory, that they should be the cases in which there was a clash of medial evidence. However, I fear that there will have been many cases—I was pleased that the hon. and learned Lady echoed this—in which, in practical terms, the evidence of Professor Sir Roy Meadow went unchallenged. It was, after all, not evidence about the physical condition of a child. It was evidence relating to a theory, with some statistics thrown in. Such evidence is difficult to challenge.

Speaking to professional colleagues of mine, I detect—this is no more than anecdotal evidence, and I could not look up the statistics, because I would not have access to them—that there will have been, first, many cases in which the Children and Family Court Advisory and Support Service combined with the local authority to commission Professor Meadow to give an agreed report; and secondly, many cases in which families decided on perfectly sensible legal advice that although they would challenge other areas of the case,

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and indeed cross-examine Professor Meadow, they would not, in the light of other circumstances, try to find an expert opinion of their own to counter it.

There must be a serious danger that, if we confine the review cases to those outlined by the Minister, we will miss many other cases that need to be reviewed as well. Of course, they can still

be reviewed if the family goes to court, but as the Minister acknowledges, the reason for asking a local authority to carry out a review is that there is a clear understanding on the part of the Government that there is an onus on the local authorities, helped by the Government, to remedy possible miscarriages of justice.

I ask the Minister to speak to her advisers about the matter and consider it further. The issue is serious. We are likely to find that the more articulate families—those with better resources—will start to bring challenges, and it will then become clear that those cases need to be reviewed as well. I have not the slightest idea how many cases might fall into that category, but I have an absolute gut feeling that there will be some.

I want to deal with the other point that I raised, about local authorities reviewing themselves. The Minister is quite right: there is no criticism of local authorities as such in relation to what has happened. They went on expert advice. However, she must be alive to the realities of the limitations on local authority social services, especially in relation to child care. I have been dealing with one local authority close to me over the past nine months in relation to a child in care. It has struck me forcefully that every letter that I write is replied to by a new key worker for that child. The turnover of staff means that there will be difficulties relating back to what was going on when the events took place.

Assumptions come to be made in bureaucracies, and having been taken down one road, with a particular set of assumptions, it may be difficult to shake off that mindset and start to take an independent and critical view of what was done in the past, even if it was done properly and with the best of intentions. The Minister mentioned yesterday that there was an independent review officer who might be able to help. She may be able to amplify that. There needs to be a transparent measure of independent scrutiny. Reasons need to be given, to families in particular, so that people understand what is happening if local authorities decide that a case does not require reopening.

In the short time available—I want to give the Minister an opportunity to respond—I will turn to one or two background issues. How did we get ourselves into this mess? This is not the first time this has happened. The Cleveland child abuse case was a telling example of how one gets oneself into such a hole. Anxiety about children being sexually abused was widespread in the country and there was the belief that sexual abuse was under-diagnosed. I even remember the name of the doctor: Marietta Higgs. She came along and said that it was possible to make a definite diagnosis of child abuse based on a particular kind of physical examination. As soon as that news came out, the local authorities in that part of the world leapt on the bandwagon and said that the development provided an answer to what had previously been unanswerable. It was only when the hon. Member for Middlesbrough (Sir Stuart Bell) stepped in and said that all common sense had been

abandoned that common sense slowly returned. By that time, however, a huge amount of damage had been done.

I am conscious of the fact that we are under a requirement to protect children, but, with all respect to the hon. Members for Rochdale (Mrs. Fitzsimons) and for Stockport (Ms Coffey), there is a blame culture in our society, and we as MPs are partly responsible for it. There is a belief that somebody must be responsible for everything and that nothing should remain inexplicable. Taken together, those views have become powerful forces in initiating what turn out to be witch hunts. We then latch on to the people who will help us to carry them out, and I am afraid that that is what appears to have happened in the case of Sir Roy Meadow. He provided an answer to a question that had previously been unanswerable, and the mantras that he recited overcame our anxiety about inexplicable cot deaths. I fear that the same will happen again unless we constantly remind ourselves that judgments in human society are fallible and that some things will always remain unexplained. Much as we may wish to protect children, we must accept that the benefit of the doubt lies with families. When a child's death is unexplained, we should not interfere lightly in family members' relations with other siblings.

Mrs. Fitzsimons : I am sure that the hon. Gentleman would not want to misrepresent what I said. Having dealt with child protection issues for a considerable time and in considerable depth as a Member of Parliament, he will agree that he is talking about the minority of cases. I was trying to put on record the belief that we must not, as a result of such cases, go against the huge amount of sterling work that organisations such as the National Society for the Prevention of Cruelty to Children have done to get people to acknowledge how big an issue child abuse by family members is. I was separating the two issues, and my hon. and learned Friend the Member for Redcar also eloquently made the point about unchallenged expert evidence.

Mr. Grieve : Of course I agree with the hon. Lady, and I did not want to misrepresent her. We are talking about a minority of cases, and child abuse is a serious problem in families. The problem is that situations such as the one that we are discussing can damage the entire system of protections against child abuse, and miscarriages of justice can undermine its credibility. That is why we must be so careful.

I wish to give the Minister ample time to reply, and I apologise for going slightly over time. These are important issues, and I look forward to continuing to co-operate with her on them. However, we must start thinking carefully about how to avoid a repetition of such tragedies.

3.17 pm

The Minister for Children (Margaret Hodge) : I join others in congratulating the hon. Member for Tatton (Mr. Osborne) on securing the debate, which, fortuitously, takes place on the day after my statement.

I want to say three things about why I took some time before making yesterday's statement. First, I felt that it was more important to get it right than to get it out fast.

The issues with which I had to deal were extremely complicated and touched on the lives of many children, their birth families, and in some cases their adoptive families, so I wanted to get them right. Every time one sits down and thinks about them, other issues arise. I am sure that hon. Members have also done a lot of thinking about these extremely complicated issues.

Secondly, I wanted to consult, and before coming to the House yesterday I consulted widely with all the stakeholders—the Royal College of Paediatrics and Child Health, the Association of Directors of Social Services and those responsible for the justice system. I felt that it was important to have that process of consultation.

Thirdly, let me explain one of my reasons for giving the interview to *The Sunday Telegraph.* When the House or the Government attempt to reach decisions on such complex issues, it is important that we share some of the complexities with the wider public. Of course, the House is the place where we discuss and decide on issues, but the wider public also have an interest. I was attempting in that article to raise some of the difficulties with which we have to contend.

The hon. Member for Tatton asked whether the scope of the review was too narrow. We have had to operate within the confines of the judgments in question, as is appropriate. It would be inappropriate for the Government to come to a judgment about people such as Professor Meadow or anyone else before the relevant authorities had validated it. Hon. Members would have criticised us if we had come to those judgments before the General Medical Council, the courts or any other body charged with making such judgments had reached a decision. We had to work within those confines. We have made the review wider in that we have gone beyond those instances where a child has died. We have asked local authorities to review those care cases in which the disputed medical evidence was the principal reason for the decision to take care proceedings. That is already widening the judgment.

I accept the difficulties with the credence given to Professor Meadow that a number of hon. Members have raised. However, we do not know whether he was right or wrong in many of the cases in which he gave expert evidence; nobody has challenged his judgment in every case in which he was an expert witness. We also have no knowledge of all the cases in which he was involved.

Mr. Burnett : I am sure that the Minister will concede that no one, not even the greatest expert, has a monopoly of learning and wisdom, so that in any case with such profound consequences every expert should be challenged by another expert.

Margaret Hodge : That is an interesting presumption. One of the issues that I have been discussing with the president of the family division is whether it might not be better if there was not always contested expert evidence given in cases and whether agreed expert evidence might not be given across the parties. People are moving in that direction, because in that way the exceedingly difficult judgments that our judges or juries must make to determine who among those giving contested medical evidence is right are not left to the lay

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person. The hon. Gentleman says that there ought to be contested medical or expert evidence given in cases so that judges or juries can consider the different points of view, but the argument that agreed expert evidence can be more helpful in reaching a proper decision is equally valid.

Professor Meadow's evidence is still under question, which is why we must await the outcome of the GMC inquiry, frustrating as that might be to some hon. Members and to families whose children's future hinges on it.

Given the absence of certainty about the credibility or otherwise of the Professor Meadow's evidence, if we had extended the inquiry to consider cases in which only one expert witness was called, we would have had to go further and consider cases with all other expert medical witnesses. That would have opened the parameters of the inquiry too far. The judgment was difficult, but I think that we got it about right.

I share the views of my hon. Friends the Members for Stockport (Ms Coffey) and for Rochdale (Mrs. Fitzsimons) and others about adoption. It would have been wrong for us to try to reopen cases in which, because of the interests of the child, adoption orders are unlikely to be undone. Opening a review would have been beyond the parameters that we set out in our statement yesterday, and would have given false hope. It would also have greatly concerned a huge number of adoptive parents and adopted children, who may be safely settled in their homes.

I also have to be very conscious of my proper role as the Minister for Children, in which I have authority over the way in which social services departments conduct themselves. The decisions taken by courts are theirs to take. If a court has taken a decision about an adoption order, and if all the individuals concerned in that adoption, be it the birth parent, the adoptive parent or the adopted child, believe that there has been a miscarriage of justice, it is right that they should return to the courts so that they can feel that justice is done.

The hon. Member for Tatton also made a point about the role of local authorities. We have introduced several mechanisms that will ensure that local authorities act properly and objectively, taking into account the interests of all parties. Most authorities now have advocacy arrangements as well as an independent reviewing officer. All authorities will have advocacy arrangements by April this year. Those are two examples of existing mechanisms that will ensure that we can protect the interests of all those who have an interest in the issue.

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My hon. and learned Friend the Member for Redcar (Vera Baird) asked whether we should write to the Law Society to draw its attention to the Cannings judgment—a point that she made yesterday—to encourage it to communicate with former clients. I am considering that possibility with colleagues in the Department for Constitutional Affairs to see how we can take that further.

The hon. Member for Salisbury (Mr. Key) made several detailed points. I can tell him that the president of the family division will issue to judges advice arising from the Cannings judgment.

Several hon. Members mentioned claims for compensation. That is a matter for individuals, but I will keep it under review and see what happens. Each case will be very different, and we will have to monitor them. The president of the family division is also considering whether she can make the anonymised records more public in the judgments made in the family courts around these proceedings.

My hon. Friend the Member for Rochdale talked about lack of choice in expert evidence. One of the dangers of swinging the pendulum too far against expert evidence is that we discourage many medical experts from engaging in the very important work of investigating cases in which there is a suspicion of harm. We want to ensure that we safeguard children. I agree with her point that people are now unwilling to participate in such work. Not enough paediatricians are prepared to engage in work relating to allegations of child abuse. That is why I went out of my way yesterday to state the very great support that we give to all professionals, be they police officers, paediatricians or social workers, in the work that they do to safeguard children. I reiterate that we, as a society, must recognise that contribution and continue to support them in that work.

Finally, the interests of children must be at the heart of everything that we do, as several hon. Members have said. I must be sure that I constantly pursue my legitimate role as Minister for Children, which is to look after those children who come into the care system, while others have the job of looking after children in other areas.

Children are abused, and we cannot walk away from that. We face the difficulty of achieving a balance. The hon. Member for Beaconsfield (Mr. Grieve) quite rightly states that judgments are bound to be fallible. We have to accept that, but we must be prepared to learn from our mistakes and absorb new knowledge, and especially medical expertise, as medicine changes so quickly. That will ensure that at all times we have the best possible evidence for making the very difficult judgments that have such a huge impact on the lives of children, their parents and their adoptive parents.

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