

APIL CHILD ABUSE MEETING

6 pm – 8 pm on Wednesday 24th June 2009

Kings Fund, London

Co-ordinator: Paul Durkin, Abney Garsden McDonald
Secretary: Tracey Storey, Irwin Mitchell

The meeting was chaired by Tracey Storey who introduced the speakers –

(JW) Jonathan Wheeler, APIL Executive
(CC) Charlotte Collier, Child Care Solicitor at Atkins Hope
(PA) Patrick Ayre, Social Worker at Patrick Ayre & Associates
(NS) Neil Sheldon, Counsel, 1 Crown Office Row

JW started by giving an update on the activities of the Executive Committee of APIL.

Then CC gave a very interesting talk on the threshold criteria under the Children's Act 1988 and the test that has to be met before a Court can consider the welfare principles for a Care Order. CC described in detail the criteria and also how the threshold criteria can interact with child abuse claims and failure to remove claims.

Please see notes available on the APIL website.

Next, PA gave a very interesting presentation on Serious Case Reviews. He gave various harrowing examples of bad practice by Social Work Departments that led to abuse of children. He said there are 150 local authorities in the country and there were one or two Serious Case Reviews for each local authority. There are, therefore, a large number of Serious Case Reviews heard every year.

PA thought there were very few civil legal actions taken as a result of the findings of the Senior Case Review.

PA gave an interesting background to Social Work policy including concepts such as acclimatisation as a Social Worker becomes attached to the family and fails to see the faults of the parents. (Please see notes attached).

NS of Counsel then gave an interesting talk on his experiences of public enquiries. He said that public enquiries come along rarely and briefly went through the history of public enquiries, touching on the cases of Victoria Climbi and Baby P. NS explained the limited remit of public enquiries and, respect of the Victoria Climbi and Baby P case, pointed out that 8 years after the Victoria Climbi case and the public enquiry, the same borough and the same staff were still making the same mistakes – as in the Baby P case. NS said that it is important not to get swept away by the swinging pendulum of public opinion and outlined how public opinion has swing with regard to Social Work practice, starting with the Maria Caldwell case when it was felt that there was insufficient protection of children, to the Cleveland cases where it was felt there was too much protection of children at the cost of parental rights, to the Victoria Climbi case where it was felt there was a need for more intervention by the authorities in childcare matters.

NS touched upon the fact that fees for bringing Care Proceedings have recently increased from £150 to £4,000, which is inevitably making local authorities think longer and harder about taking Proceedings. However, following the Baby P case, more cases are being taken by local authorities.

NS touched on the decision-making process of local authorities and how, with the benefit of hindsight, it is easy to make judgement.

Issues of senior management, proper staff training, lack of motivation, lack of resources, lack of recruitment and other political issues, all feed into decisions in Child Care Proceedings. Public enquiries rarely touch upon funding. NS said that public enquiries should be less concerned with the individual decisions in childcare matters and more the manner of the decision, i.e. was the decision discussed, analysed, recorded and properly supervised.

One of the dangers of a public enquiry was "when holding a hammer, everything looks like a nail". The problem can be that an enquiry starts looking for issues and targets. Because of the limited remit of public enquiries, it is sometimes not possible to touch on the real issues, such as in the Mubarik Enquiry where the issue of overcrowding in custody could not be discussed because it was not part of the remit.

Paul Durkin