Should THEY tell YOU how to raise your child?

Children Bill 2010
Clauses 8,9 & 11

Tristram C. Llewellyn Jones MSc
Parent
Changing cultures

- Post 9/11 Britain – jumping at shadows
  - An extreme new safety culture
  - Concerned about erosion of civil liberties
  - English liberties vs Manx liberties
  - Manx Government started fingerprinting children - a civil liberties concern
Background to the Children Bill 2010

- Murder of two children in DHSS care
- Commission of Inquiry into the Care of Young People May 2006
- Children Plan published May 2009
- Safeguarding Children Board & Multi Agency Teams established pre legislation
The Children Bill is **NOT** about the protection of Children

4 Statutory Child Protection definitions:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect
The Children Bill improves the oversight of Child Protection Procedures
So what is new in the Children Bill – and whose idea was it?

http://www.youtube.com/watch?v=h6xbKFlawOk
Tony Blair's dream . . .

- 'Tough on crime, tough on the causes of crime'
- State intervention in families before problems occur
  - Making the State the parent of first resort
  - A national database of all children and parents

Plus

- A national record of 'early signs' called the

'Common Assessment Framework'
The Every Child Matters Agenda

- *Every Child Matters* started out as a computer database plan
  - *This was announced before the inquiry into the death of Victoria Climbié*
- ECM Green paper published in 2003
- ECM became the law in England with the Children Act 2004
- But how does ECM actually work?
- *Every Citizen Monitored!*
Every Child Matters Agenda: 5 new statutory 'Outcomes'

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect
- Being healthy
- Staying safe
- Enjoying life and achieving
- Making a positive contribution
- Prospering
Manx Children Bill 2010
'Overriding Objective'

- Physical and mental health
  (Being Healthy)
- Protection from harm and neglect
  (Staying Safe)
- Education, training and recreation
  (Enjoying life and achieving)
- Contribution to society
  (Making a positive contribution)
- Social and economic situation
  (Prospering)
A POLICY FROM WHITEHALL, ENGLAND
CHILDREN ACT 2004 – ENGLAND Clause 12

CHILDREN ACT 2010 – ISLE OF MAN Clause 11

(a) his name, address, gender and date of birth;
(b) a number identifying him;
(c) the name and contact details of any person with parental responsibility for him
within the meaning of section 3 of the Children Act 1989 (c. 41)) or who has care of
him at any time;
(d) details of any education being received by him (including the name and contact
details of any educational institution attended by him);
(e) the name and contact details of any person providing primary medical services in
relation to him under Part 1 of the National Health Service Act 1977 (c. 49);
(f) the name and contact details of any person providing primary medical services in
relation to C under Part 2 of the National Health Service Act 20016;
(g) information as to the existence of any cause for concern in relation to him;
(h) information of such other description, not including medical records or other
personal records, as the Secretary of State may by regulations specify.

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personal records, as the Department may specify in regulations.
How the Children Plan now looks . . .
Make a Positive Contribution

Engage in decision making and support the community and environment

Engage in law-abiding and positive behaviour in and out of school

Develop positive relationships and choose not to bully and discriminate

Develop self-confidence and successfully deal with significant life changes and challenges

Develop enterprising behaviour

PSA 14 – Increase the number of children and young people on the path to success

PSA 9 – Halve the number of children in poverty by 2010-11, on the way to eradicating child poverty by 2020

PSA 20 – Increase long term housing supply and affordability

PSA 21 – Build more cohesive, empowered and active communities

PSA 26 – Reduce the risk to the UK and its interests overseas from international terrorism

Supported by:
DCSF's Departmental Strategic Objectives to ensure young people are participating and achieving their potential to 18 and beyond (DSO 5) and keep children and young people on the path to success (DSO 6)
Children Plan – How it all works

- An 'Information Database' of every parent and child to be established as part of the Children Bill
- A 'Common Assessment Framework' form to be used to record details of any children NOT apparently meeting the '5 Overriding Objectives’
- Schools to enforce the '5 Overriding Objectives’
- Multi Agency Teams of Police, Prison staff, Social Workers, Teachers etc (already formed) to encourage reporting of children not meeting the '5 Overriding Objectives’

But who will be affected?
A national screening programme

Who will have a CAF on National eCAF?

At any one time, 3-4 million children and young people in England will need to access additional services over and above the core health and education services. At some point before their 18th birthday as many as 50% of children and young people could need additional help. It is these children that the CAF and National eCAF are designed to support.

Department of Children, Schools & Families

1 in 3 local children will be screened!
The flaw in the Plan

Prof. Eileen Munro
Expert in risk assessment and management in child protection

London School of Economics
Eileen Munro's prediction

- Teenagers & young adults with problems show history of 'low level concerns' as young children

- Therefore, if ALL 'low level concerns' are reported, we can predict who will end up in trouble

  - However, many more young children exhibit low level concerns than actually grow up into problem adults

- ECM did not offer research into how 'low level concerns' can be clearly identified before the state intervenes

- Therefore, there is no way to differentiate 'concerns' legally
What Eileen Munro said in 2004:

'The government quite reasonably considers early intervention in problems to have a greater chance of success than only responding if problems reach a severe level. It therefore wants to encourage identification, assessment and response to low level concerns. However, our ability to predict which children will develop serious problems is extremely limited. The government is impressed by the finding that, if you look into the history of teenagers with serious problems, you can see a high incidence of low level concerns that, with hindsight, can be seen as warning signs. But many other children also show these low level problems without going on to develop severe difficulties and we are unable to differentiate between the two groups with any confidence. Therefore early intervention services need to be available to far larger numbers of children than reactive services. This has major resource implications that have not been costed by the government.'

*Tracking children: a road to danger in the Children Bill?* April 2004
Weakened child protection

- Chasing the smoke – ignoring the flames
- Shifts the focus away from Child Protection - towards early intervention - Eileen Munro LSE
- 'If you are looking for a needle in a haystack don't make the haystack bigger', Information Commissioner 2004
  - This means more intervention below the legal threshold and less intervention above the legal thresholds = missed child abuse cases
- A common thread in violent child deaths is that the child is already known to social services
Khyra Ishaq – starved to death

- Birmingham Social Services use ECM and Khyra was well known to them
- Khyra's case had reached the legal threshold for the Child Protection Register
- Channel 4 News: “The (ECM) agenda, which has so accelerated since the Victoria Climbié and Peter Connolly cases, emphasises prevention and a family support approach for all children in need and has distracted scarce professional resources away from the protection of those few children at risk of harm”.
- Tim Loughton MP (Con) “Khyra Ishaq is a classic example of lots of people producing lots of pieces of paper and running round in circles. Nobody resigns, they have all ticked the boxes, but they have failed.”
Kyra was not the only one . . .

Birmingham child services probed after 10 suspicious deaths

'10 suspicious child deaths in Birmingham since April 2006, with eight of those children known to city social workers'.

Birmingham Post January 2009

Doncaster child services – 7 child deaths

'An independent inquiry is being launched into Doncaster Council's children's services department after serious case reviews were ordered into the deaths of seven children in the area'.

BBC January 2009
But what happens when the State intervenes unnecessarily?
How family privacy is affected

- Government gains the power to make subjective judgements on the quality of individual parenting
- Children Bill is about removing the legal barriers to family privacy
- This will cause unnecessary and sometimes very detailed intrusion by the State into families
- ECM is not a legal - not sympathetic, policy
- Imposing, not offering, support

But what are the unintended consequences?
The unintended consequences of early intervention

When instructions went out to all staff in contact with children to report concerns about risk, this seems to have been done with little prior thought, without consultation, and without provision for training. The result was the post-Climbie cover-your-back syndrome: 'when in the slightest doubt, report to social services.' We see a huge variety of standards, misunderstandings, prejudices, ill-informed interpretation of risk factors, cultural incompetence and even racism, in the initiation of cases from health visitors, teachers, midwives, nurses, doctors and others. Quite apart from the damage to families, each one of these reports pre-empts resources and often leads to substantial, and unnecessary, cost. Ironically, the basic, simple help or real support families would like, is unavailable because resources are lacking, ... and anyway nowadays many parents are afraid to ask because any contact with social services is too risky. Community information grapevines work, and effectively circulate information about what people see as the growing risk of being investigated or labelled as a dangerous parent after contact with medical care. The risk is not merely perceived: it is real, and the consequences are devastating. Damage to the whole family structure (sometimes the extended family network and its support structure), to parental confidence and self esteem, to children's sense of security and safety, and their sense of security that their parents can and will protect them - these are very serious adverse effects. Often we find it is the most sensitive parents, to whom family life means everything, who are most damaged.'

- Association for Improvements in the Maternity Services 2007 to the CMO.
Have you recently thought of self harming?

A question from a health visitor to a tired young mother
Suffolk County Council justified taking a child away at 11 weeks based on a pre-birth assessment that allegedly flagged up that the Mother had difficulties showing emotion:

*Children & Young People Daily Bulletin March 2010*

Simon White, Suffolk's director of children and young people’s services said:

“At the moment child protection is about an assessment of the probability of significant harm happening to a child. It’s not on the basis of proof that harm has actually happened,” he said. “I have to implement the law as it stands.”

*Times, 5 March 2010*

“completely unfounded allegations” Local MP Tim Yeo
MATS – Tony Blair's dream come true

- The Cart before the Horse
- Identifying children not meeting the 'Overriding Objective'
- Seeking 'referrals' from the community
- Getting 'answers' quickly
- Initiating 'early interventions'
- No accountability, legal status or oversight
- Lecturing on parenting – too much TV!
Why is 'Every Child Matters' being promoted?

The Commission of Inquiry did NOT recommend:

- Every Child Matters
- Information Database of all children
- Statutory 'outcomes'
Simon Griffin, director of social policy Department of Home Affairs, said December 2007:

"We've lifted all the principles of the Every Child Matters agenda and are now drawing up a children's plan"

Children & Young People Now magazine
Correspondence with the Government

- **Department of Education May 2009:**

  *The Island will not be using an electronic database of all children*

- **Department of Home Affairs May 2009**

  *There are currently no plans to implement a central database of parents and children’s details on the Island*

- **Department of Education June 2009:**

  *There is no intention of putting the “5 Outcomes” on a Statutory basis*

THE PUBLISHED CHILDREN BILL CONTAINS ALL THESE PLANS!
The Isle of Man will be the only jurisdiction running this scheme

- Guernsey
- Jersey
- Ulster
- Wales
- Scotland

- No Statutory outcomes
- No Database
- Individual approaches to Child policy
'The Liberal Democrats have called for this ‘intrusive project’ to be ‘scrapped altogether.’ The Government cannot guarantee that the database will be secure, especially given their record with large databases and sensitive data. Parents have every right to demand that their children’s personal details are not put at risk. This is an expensive and unnecessary intrusion into our children’s lives that will not make them any safer.'

'There is a fear that it may make it more difficult to separate those at risk from those that are not and that it may become a honeypot of information for those with bad intentions towards children.'

Lib Dem website
The Conservative Party policy

- Scrap the English database
- Smaller database covering the child protection register
- Reduce the bureaucracy
- New 'Every Family Matters' policy

Only the Isle of Man will run this policy
We are free to write our own social policy so why don't we?
Eileen Munro's prediction came true

- **Local Government Association**
  (420 English local authorities)

  'An increase in rules and targets supposed to improve child protection is instead overloading stretched social work teams and risks weakening the safety net which keeps children safe from harm.'
  10 March 2010

  'Social work professionals note that in many cases these referrals are failing to meet the thresholds for statutory intervention and that, as a result, they did not have the capacity to respond to them'
  February 2010
3 Competing pressures

- Statutory child protection
- Early intervention
- Family privacy

‘The five outcomes do not necessitate an increase in budgeting provision for social workers’

Isle of Man Department of Education, May 2009
What is the problem they are trying to fix?

- 16,582 children in the Isle of Man
- 39 on the Child Protection Register
- 112 'looked after' children

Isle of Man Government March 2009
1. To inquire into the **level and effectiveness of the care and support provided by the government and the agencies of government** to Samantha Barton and George Green and to determine whether they had any relevance to the circumstances surrounding and leading to their deaths.

2. To inquire generally into the level and effectiveness of the care and support systems, including through care, **provided to children of secondary school age or above on the Isle of Man who have behavioural and emotional problems**, taking account, where considered necessary, of the care and support received in their earlier years. In so doing, the Inquiry will take into account all relevant influences on such children.

3. To make recommendations as to how the welfare of such young people may be safeguarded so as to avoid, as far as possible, a similar tragedy occurring in the future.
The Commission of Inquiry was NOT set up to look at every family in the Isle of Man

So why does the Children Bill introduce an over arching surveillance policy for all families in the Isle of Man?
Nothing to hide - Nothing to fear

Commission of Inquiry into the Care of Young People

Recommendation 4

'The Inquiry recommends that the Department invite an external and independent government body to inspect the Social Services Division.'

Recommendation 5

'The Inquiry recommends that all inspection reports are published and publicised so that children, young people and their families and the wider public are properly informed of the results.'

THESE ARE STILL NOT IN PLACE!
The big question

Should they watch us...

or

should we watch them?