

Positive Action Group

"Children's Social Services - Will we ever get it right?"

a presentation by social worker and solicitor

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This presentation is being held tonight because of a Tynwald select committee report into the working practices of the Children and Families Social Services. The report:

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE THIRD REPORT FOR THE SESSION 2015-16 Children and Families Social Services

will be debated and voted on in the November Tynwald.

The select committee investigations lasted over two years. They took expert witness evidence and, uniquely within the British Isles, took evidence in camera from twenty one individuals who had been the subject of social services investigations.

At **ANNEX A** are the nine recommendations which Tynwald will be asked to approve in November. At that sitting the Government will present its response to the recommendations.

In April, Peter Karran asked Tynwald to approve an investigation into the '*oppressive treatment of individuals*' and '*falsification of files*' of a number of people who had been subject to social services investigations.

Tynwald asked the head of the Safeguarding Children Board, Mr Paul Burnett, to investigate a number of complaints on Peter Karran's behalf.

At **ANNEX B** is a letter to Mr Paul Burnett, from two local campaigners, describing how families are treated during social services investigations.

The content of this letter is disturbing and indicates the severity of issues in Children and Families Social Services.

Allan Norman acts '*an advocate to help the vulnerable when they have a complaint about their social worker*' and also for social workers '*defending them when they face challenges, disciplinary or regulatory action because of an action they have taken*'.

He is very experienced in legal matters and well placed to provide an object view on the unique challenges our Island faces.

ANNEX A

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE THIRD REPORT FOR THE SESSION 2015-2016 CHILDREN AND FAMILIES SOCIAL SERVICES

Tynwald will be asked to approve these 9 recommendations at the November sitting:

Recommendation 1

That the Department of Health and Social Care should produce a training policy to ensure that the statutory aim of keeping families together is reflected in the policy and working practices of the Department.

Recommendation 2

That the Department of Health and Social Care should make every effort to ensure that social workers are competent and are seen as competent; that they communicate positively, not negatively; that they come with practical or emotional help at the outset; and that they do not give the impression that any with-holding of consent will be held against a family.

Recommendation 3

That the Department of Health and Social Care should undertake public education with the aim of ensuring that the way that social services and related agencies actually behave on the doorstep is adequately communicated so that people can talk about any concerns they might have and feel confident that they are going to receive help.

Recommendation 4

That legislation to place the Safeguarding Children Board on a statutory footing should be introduced into the House of Keys before the end of the 2016/17 session.

Recommendation 5

That OFSTED should be enabled as a statutory body for the inspection of Children and Families Social Services.

Recommendation 6

That the Department of Health and Social Care should be required to produce a statutory annual Children in Need census to include the same standard statistical data required by the Department for Education in Whitehall and to include any other data as specified by Tynwald.

Recommendation 7

That the Children and Families Division should encourage and welcome complaints from families and should deal with them positively so that lessons can be learned and any grievances can as far as possible be resolved.

Recommendation 8

That a Tynwald Commissioner for Administration should be appointed and that a statutory Safeguarding Children Board be a listed authority under the Tynwald Commissioner for Administration Act 2011.

Recommendation 9

That core national policies in respect of children should not be introduced, amended or abandoned without the express approval of Tynwald.

ANNEX B

Covering Letter for the Tynwald Ordered Investigation into Isle of Man Children and Families:

A significant number of individuals or families contacted Peter Karran either directly or through the charity, Safe, Strong, Secure, about alleged mistreatment by IOM DHSC Children & Families Division. Of these, as requested and agreed, we present in detail, only 10 cases. Each case is a snapshot of material provided by families – much more is available on request. Some families have attempted to present their whole experience, others thought it so overwhelming that they chose instead to provide an overview of key events, or a few samples of evidence. Thus not every record is a “complete” chronology but all are happy to provide more, and all strongly desire to speak with the Investigator.

1. Not only is each file representative of a much greater volume of evidence that families hold, but we wish to place on record that these 10 families represent many others, and in this regard we believe the following points should be considered:
2. The Tynwald Social Affairs Policy Review Committee interviewed 21 families/individuals with similar complaints and concerns and while a few of these families are the same ones who contacted Peter Karran, most are not.
3. At least 2 further cases that were brought to Peter Karran cannot form part of this inquiry because the families are taking court action against the Department and their evidence would be sub judice. We understand that a third case against the Department recently settled out of Court – but with a “gagging” order, meaning that case too cannot form part of this enquiry. That 3 such additional cases exist, should, however, on such a small Island be food for thought, especially as they represent families with experiences as bad or worse as those 10 cases presented here. (At least 2 of the 10 families presented here have also been advised that they have a case for legal action against the Department, and are considering their options, but what these families want is to have things put right, to have an apology, and to ensure this never happens to anyone again.)
4. Some of those families who have agreed to have their cases looked at have expressed considerable fear about doing so, and express concern that they will face repercussions for speaking out. Other families who approached Peter Karran are so afraid of repercussions from the Department or so traumatised by their experience with the Department that they are unwilling to put their cases forward for independent investigation and so also could not form part of the 10. These families state that they are “living in fear” and Social Workers have “too much power” over their lives and children for them to risk putting aside their anonymity. This fear, we submit, is in itself a significant piece of evidence for this inquiry. We note that the Tynwald Social Affairs Policy Review committee report also found significant fear and trauma amongst the 21 families who gave evidence to that Committee.
5. While we accept that a certain amount of fear and distress will always accompany relations between Social Services and families; we assert that the level of fear on the Isle of Man is far beyond what would be ‘usual’ and that such a level of fear and mistrust – and discovering the root cause of that fear and mistrust – should be of concern to all. We contend that the fear has been triggered/justified by bullying and unethical practice by social workers, who work in a Department which, as the Social Affairs committee stated, is without oversight, without statutory inspection, without

accountability and without transparency. We note that Debbie Braysahw used the word “accountability” 7 times in the Welcome section of her Annual Report 2014-15. We are seeing little or no evidence of accountability.

6. When we began assembling cases and requesting an Inquiry, Minister Howard Quayle stated that the complainants were “alcoholics and paedophiles” and implied this was a reason that a complaint or inquiry would go nowhere. CEO Malcolm Couch demonstrated a similar attitude that the complainants against his department were people with drug, alcohol or mental health issues – as if that made their complaints unimportant or invalid. We contend that the level of service a person is entitled to should not be dependent on whether or not they have any problems or criminal convictions – particularly when by definition the families this Department works with are highly likely to have such problems. In fact such comments vindicate our assertion that this Department is arrogant, non-empathetic, has a poor understanding of social issues and is not operating best practice. It is true that one of the 10 cases brought here concerns a parent who is an alcoholic; another is on the sex offenders register, another has a history of mental health problems and self-harm. Such histories should not however justify coercive and abusive practice by social workers nor deny people natural justice. Furthermore, to come forward and demand fair treatment and an investigation, despite knowing that such an investigation will result in the Department bringing up past failings and airing their “dirty linen” represents a very brave act, worthy of our respect. The response by the Department so far appears to be that IOM DHSC is saying that it is acceptable to lie about people, threaten them, and manipulate their files if they have been mentally unwell, alcoholic or paedophiles. We hope that this Inquiry will make plain that such an attitude is never permissible.
7. There are further families who were not included in the 10 cases selected because their stories were the subject of previous enquiries – for example, Natalie McLeod: “Can You Hear me?” - and we contend that while their experience was ‘historic’, they should not be dismissed as such – as is the complacent habit of some in the Department – but seen as part of the pattern. Lessons have not been learned; promised improvements have not been made and families continue to experience very similar coercive treatment – in other words this may be a “historic” problem, but it is also an ongoing one. The Culture of Children & Family Services on the IOM has long been coercive, manipulative, dishonest and mired in cover-up. We only have to look at the matter of consent – in 2016 the Charity, Safe strong Secure made a formal complaint about Social Workers failing to obtain consent; historically we see that in 2014 The Island's Data Protection Supervisor raised very similar and serious concerns surrounding consent. (news cutting enclosed in evidence file). In 2014 Debbie Brayshaw had admitted the Department were “not good” on consent and promised things would improve – 2 years later, the Charity filed a formal complaint containing very serious allegations about consent, suggesting nothing had improved. Debbie Brayshaw did not investigate.
8. On the subject of Complaints, Debbie Brayshaw has consistently refused to accept or investigate the Complaints filed by the Charity. In each case she has stated that she only accepts complaints from service users, but she will contact the individual and ask if they wish to file a complaint of their own. The individual then reports that the contact is not made and no complaints procedure is offered. Numerous families state (and this too was evidenced in the Social Affairs Policy Review Committee report) that when they asked to make a complaint, rather than being told the complaints procedure they were told to “take legal advice”. When complaints were addressed, and families were unhappy with the response, they were not told how to take the complaint further.

9. As we began assembling these cases for the Investigation, some troubling patterns began to appear:

All families appear to have had issues with data protection breaches and inaccuracies in the file which the Department refuses to correct or expunge, together with no differentiation being made between fact, opinion and hearsay.

Several of the families cite such basic inaccuracies as Social Workers getting their child's name wrong, or sending them information about another family's child instead of their own.

Several became involved with social services because they asked for help – and now say it's the worst thing they ever did, because instead of being helped and supported they felt under attack.

3 of the families feel it is their ethnicity that has led the Department to treat them badly.

At least 3 of the 10 say that convictions or misdemeanors from their childhoods have been resurrected by the Department and used against them now. They report Social Workers threatening them in this regard.

In approximately half of the cases, the Department has labelled the mother as “mentally ill” – something Social Workers are not qualified to diagnose.

In most cases, some form of “labelling” has occurred – abusive, aggressive, difficult, obstructive, alcoholic etc. The labelling appears very early in the case, seems to prejudice any future outcome and nothing the parents can do can ever disprove or “offset” that label.

Several report Social Workers attempting a “divide and conquer” technique – talking to parents individually and pressuring them to state that the other parent has harmed the children and saying that if they do so, things will be made easier for them. Commonly the Department seems to demonise one parent while favouring the other, providing inequitable levels of information and support. In several cases this seems to involve accusing one parent of abuse, and then swapping to the other.

At least 4 of the 10 cases involve domestic abuse which the Department failed to recognise, failed to take seriously, or failed to respond to appropriately, putting children and families at heightened risk. The Charity Safe, Strong, Secure made a formal complaint about the Department's poor understanding of Domestic Abuse – this complaint was not accepted or investigated. Previous inspection reports found a poor understanding of domestic abuse – nothing has improved.

Almost all the families report not being allowed to speak at meetings; not being allowed to ask questions when they don't understand; being denied support at meetings.

Most report being called to meetings on one pretext only to arrive and find out it is something else – for example an assessment. Or they are called to a meeting with one person, to find two or more people, and they are alone. This is experienced as an ambush, and is a bullying dynamic of imbalance of power. Additionally the professionals at the meeting will have received reports and be prepared for the meeting, whereas the parents are not sent the reports they are entitled to see and so arrive unprepared. (Or are handed the reports 15 minutes before the meeting).

ALL 10 report being refused minutes, or receiving inaccurate minutes, and there is no process for approving and agreeing the minutes. Most of the families report taking their own minutes now, because they know the Department's Minutes will be faulty – or non-existent.

ALL report being treated rudely or aggressively by Social Workers and being misled, lied to or “fobbed off” by social workers.

ALL report that phone calls and meetings are misrepresented, so they have learned through experience to ask for everything in writing and to refuse to communicate by phone. Nor will they have face to face meetings unless they have a witness or are allowed to record the meeting – both practices to which the Department is highly resistant. All will no longer meet with Social Workers alone because of the misrepresentations that have occurred.

Disturbingly, we have recently noted - in connection with inaccurate record keeping - a phenomenon where Social Workers – including the Chief Social Worker – place a date on a document to suggest that it was created in a more timely manner than was the case – to make it appear as if time scales are being met.

Finally, we would ask that the Investigator sits with these families and hears their stories. No amount of paper files can adequately portray the pain and anguish that families are suffering. After what for some families has been years of experiencing trauma and being ignored, it is time their voices are finally heard. Years with their children have been taken away from them and we can never give that back or put that right, but the families deserve to know that from this point forward things will be different. Their bravery in coming forward needs to be rewarded by change: by knowing that thanks to their evidence, such malpractice and injustice will never again be permitted.

Sincerely,

Tamasin Wedgwood

Marcia Brabbs