

PE1673/E and PE1675/B: Submission from the petitioner

Observations on Scottish Government response to Petition 1673 Further information to Petition number 1675

Firstly and importantly I reiterate my statement that I agree that a number of children do need to be taken into care. However, the concerns for me and others is a very high number of children end up in care not at home because of misinterpretation of legislative terms and the deliberate ignoring of Government legislation and guidelines that state very clearly that agencies should work with families to ensure that children remain with their parents and families and should receive support and help to allow that to happen. Legislation and Government guidelines state that if children are removed from the family, constant communication between parents and children should be maintained. That does not happen and is at the behest of social workers that such family contact is not maintained. That is a clear breach of legislation, guidelines and the European Convention on Human Rights. Most families caught up in child protection feel the legislation and current practices are manipulated and used to keep children separated from their families for as long as possible.

This submission is a precis of a 170-page report compiled by me using 43 years' professional experience as a criminal and civil law investigator and enforcer. The original report, all my research papers and family documents are available for examination by your committee and any subsequent investigator and/or committee that may carry out a review as requested. Other families are willing to be interviewed and to submit copies of all paperwork associated with their situations to help such an investigative body.

This is not an academic report but the views and experience of a grandfather who has suffered the emotional and psychological trauma of having grandchildren removed from his house at 11 30 pm on a Friday night by two police officers and a social worker and the subsequent stresses the system of child protection as practiced in Scotland has had on me and my family. My experiences are confirmed by others across Scotland who have, and continue to experience similar or worse traumas than mine in a system that believes all mothers and/or parents are "bad", guilty as accused until they, the mother/parent, can prove their innocent. With Government ministers and politicians backed by third sector bodies screaming about poverty and serial "abuse and neglect" of children the situation has become hysterical in the public mind. The emotional term "abuse and neglect" has become exaggerated and misconstrued by official bodies, their employees and third sector organisations to mean anything that a parent does or says to a child that they disagree with, thus is emotional blackmail on parents, especially those struggling in times of austerity and/or with children with both assessed and unassessed learning difficulties/disabilities. Such behavior/actions are directed at parents of all sections of society. Parents (especially mothers) are regularly intimidated and bullied by a system that constantly threatens them with the risk of their children being taken into care if they question anything said by a social worker.

My call for an independent QC led investigation is for a number of reasons:

- Every action within child protection is covered by legislation of one kind or another yet there is no record of any legal led enquiry into how the whole child protection system in Scotland is operated and how the legislation is followed or abused.
- “Evidence” used in child protection cases is at civil law level, not at the higher level of criminal law despite the fact that the consequences for children and family is severe and traumatic, affecting them for life.
- Under current procedures families and children are separated from each other for long periods of time, often for life on a system that bases its decisions on probabilities and opinions rather than actual evidence to support it.
- A Supreme Court Judgement in March 2017, involving West Lothian Council stated very clearly that decisions in the case (forced adoption) made at all levels of the Scottish system were based purely on opinions and had no evidence to back any of the claims.
- The statutory position that a Sheriff has to decide if it is better to make an order rather than not is contrary to natural justice and leads to unjust decisions.
- Current procedures in child protection are alleged to be in breach of Articles 6 and 8 of the ECHR. Only a professional legal mind is capable of reviewing the current situation in that respect.
- Every Government department and agency (including for example Scottish Fire and Rescue Services and Transport Scotland), every Local Authority and Regional NHS are “Corporate Parents” under the legislation – a total of over 60 organisations.
- At local level over 12 different and diverse organisations/bodies form “Child protection” services.
- The complex blend of organisations at all levels, different interpretations of a wide range of legislation and guidelines requires a legally trained person to research and identify areas of conflict of legislation and practices.
- To date all reviews of the system have been carried out by individuals and organisations embedded in the system and with a self-interest for many reasons to continue the system as is to the detriment of children and families. There does not appear to have been a single overall holistic review/enquiry into child protection, just individual parts of the system.
- No known legal review of all child protection procedures, protocols or organisations.
- It requires a legally trained person to identify and rectify gaps in complaint procedures by individual organisations within the system.
- Current child protection is based on the perceived “welfare of the child” rather than the rights of the child or family.

The term “abuse” and “neglect” has over the years been lowered to such a level that what is now alleged against families has degenerated to a level that is farcical.

Examples of claims of “neglect” in reports has included:

- “mother did not iron clothes of 2 and 4 year old”,
- “mother left beans in microwave too long and over cooked sausage rolls”.
- “dirty washing lying on kitchen floor (next to the washing machine) and dirty dishes in the sink” during an unannounced social workers visit.
- House with young children under the age of 5 years being described as “cluttered”.

- When a child goes to school or an A & E unit showing a bruise or marked caused by an accidental injury, parents are sidelined immediately and social workers and police called in to interview children independently as parents seen/identified before any investigation as being “suspects of abuse”. Even when following rigorous enquires, it is proven an injury was caused accidentally, the fact that such an incident happened is regularly cited in reports to Children’s Panels as if it had been a deliberate act by a parent.
- Medical conditions seen by some paediatricians seen automatically as being Family Induced Injuries, thus a criminal offence.
- Grandmother accused of physical assault by restraining child by grabbing them by clothing when child running towards and liable to knock over a seriously disabled elderly person
- Mother accused of verbal abuse when shouting at an errant child who was in danger of running on to a busy road.
- Legal opinion and guidance on what is actual “abuse” and “neglect” is required rather than just somebody’s opinion.

There needs to be a better legal definition of the role and input of a “relevant person”. The current definition is “somebody who has or has recently had input to the child”. This definition is wide open to misinterpretation and in many cases is used to exclude close family members, particularly grandparents, from being involved in Children’s Hearings and appeals to the Sheriff.

Original complaints are kept on file and libeled against the mother even when no evidence is found in criminal investigations. At one Core Group meeting a police officer said that the original complaint was material information and subsequent findings of innocence were not relevant. In one case an accusation made that a mother had attempted to murder her daughter by over dosing her with insulin despite the authorities knowing that the insulin pump had a design fault and inaccurate doses given.

Following full police investigation reviewed by the Crown Office no action taken against the mother. Three years later using the original complaint and without ever having interviewed the mother or the children and against the advice of the social workers, a paediatrician successfully applied for a Child Protection Order alleging the mother was a Schedule 1 offender and the three children were taken back into care having lived unharmed with the mother for between 1 and 2 years. Seven months after the CPO issued, two youngest children still in care and the oldest child (being the one subject of the allegation) having reached the age of 18 years, back living with the mother. Yet 5 years later she is still being classed as a Schedule 1 offender in a Child Protection case where children are still in care.

Only a professional legal person can review current systems and what constitutes real evidence and accusations against a mother and/or family member.

Research reveals all reviews/reports into current child protection procedures and services are carried out by individuals, agencies and other organisations with a vested, often commercial, interested in sustaining the status quo without any concern for the wellbeing of both children and their families in the system. Where children and families are included in any research, it is clear that questions asked are a box ticking exercise to ensure that current procedures/protocols are acceptable

but do not ascertain full opinions on the outcomes. There are no records of any enquiries/reports about children and families who appeal decisions nor the outcomes.

Government response to Petition 1673

With no disrespect, it is very clear to those who have read it, that the response does not demonstrate practical experience or knowledge of how child protection services actually operate at service user level. The information detailed is obviously the result of a desk top study supported by opinions therefore mostly speculation.

Comments

The response agrees that the current test in decisions in Courts is based on future probabilities based on past allegations and opinions rather than actual evidence. No reference to the fact that in many cases “past facts” are challenged by parents who claim they are false and their challenge is ignored. “Past facts” cover periods of up to and over 20 years. Many have been challenged at the time but not removed from files and still portrayed as being relevant.

Once a “fact” is produced in any document within all the various meetings and deliberations in child protection cases, social workers, children’s reporters, children’s panels and others refuse to remove any “facts” that are claimed and can be proven to be wrong. Requests for copy of all files under the Data Protection Act are long winded and at the end of the day there is no legislation that can force any organisation within Child Protection to remove misinformation, disinformation and downright lies from such files.

Action through the Sheriff Court is long winded and extremely expensive. As “evidence” within child protection is based on probabilities, and at a lower standard than at criminal law, chances of success are almost nil. Therefore the lies and misinformation are regurgitated at every step. Mothers and families who challenge the reports and contents are ladled as “non engaging family”, another factor held against them in child protection services.

“Getting It Right For Looked After Children And Young People Strategy sets out our ambition to reduce the number of children being looked after. In particular it focuses on building on the assets of families, early engagement, early permanence and improving the quality of care”.

In reality does not happen. Example Aberdeen City Council are working the social work reclaim model supposed to have a high success rate in returning children to their homes and family. No looked after children in Aberdeen returned to parents in a two-year period from early 2016.

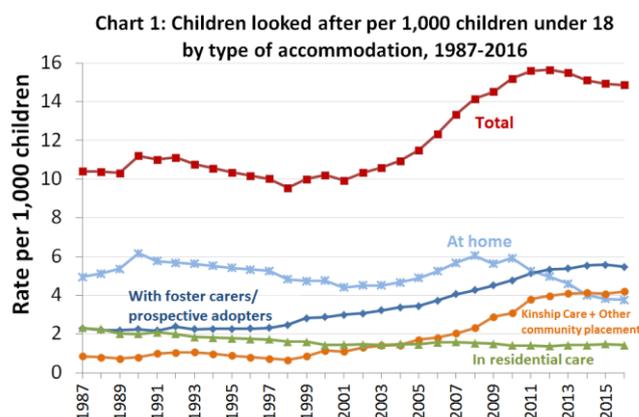
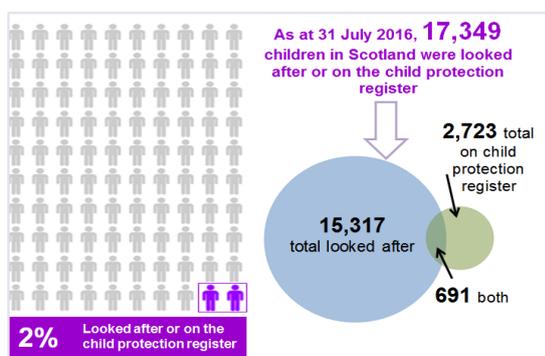
Statistics on Children Looked after

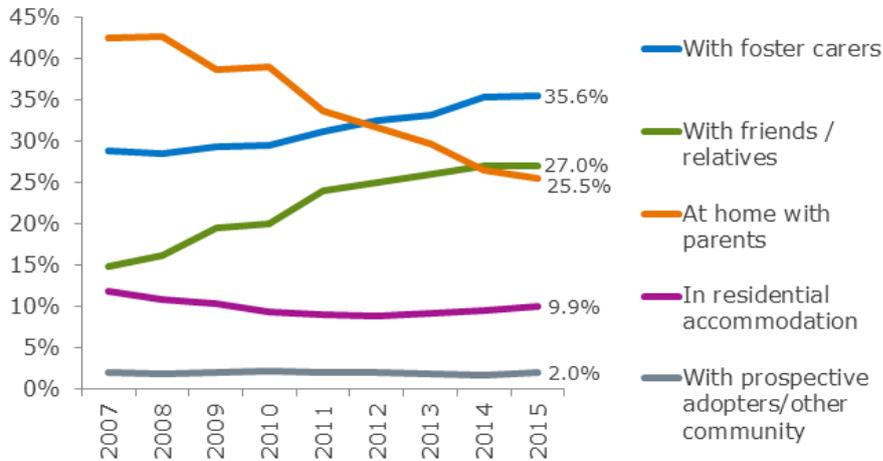
Figures quoted in Government response wrong and out by 34%

	2006	2015	2016	2006 %	2015 %	2016 %	10-year profile
In the community	11,344	13,871	13,840	87	90	90	
At home with parents	5,517	3,925	3,870	42	25	25	
With Kinship Carers: friends/relatives	1,731	4,158	4,279	13	27	28	
With Foster Carers provided by LA	3,731	3,889	3,826	29	25	25	
With Foster Carers purchased by LA	-	1,587	1,566	-	10	10	
With prospective adopters	184	264	251	1	2	2	
In other community ⁽²⁾	181	48	48	1	0	0	
Residential Accommodation	1,638	1,529	1,477	13	10	10	
In local authority home	737	564	581	6	4	4	
In voluntary home	84	133	136	1	1	1	
In residential school	662	402	376	5	3	2	
In secure accommodation	78	79	60	1	1	0	
Crisis care	-	18	7	-	0	0	
In other residential ⁽³⁾	77	333	317	1	2	2	
Total looked after children	12,982	15,400	15,317	100	100	100	

- A sharp increase in numbers of “looked after children” between 2003 and 2015 (60%) with large decrease (42%) looked after at home with corresponding increase rate of children placed with Foster and Kinship carers.
- The drop in “Looked after children” from 2015 to 2016 was 83 children or 0.005%, a figure that is not statically important. Total number decreased slightly again in 2017.
- No statistics/figures to show if decrease because of children looked after attaining 18 years of age and dropping out of the system or being returned to parents

Children’s Social Work Statistics Scotland, 2015-16

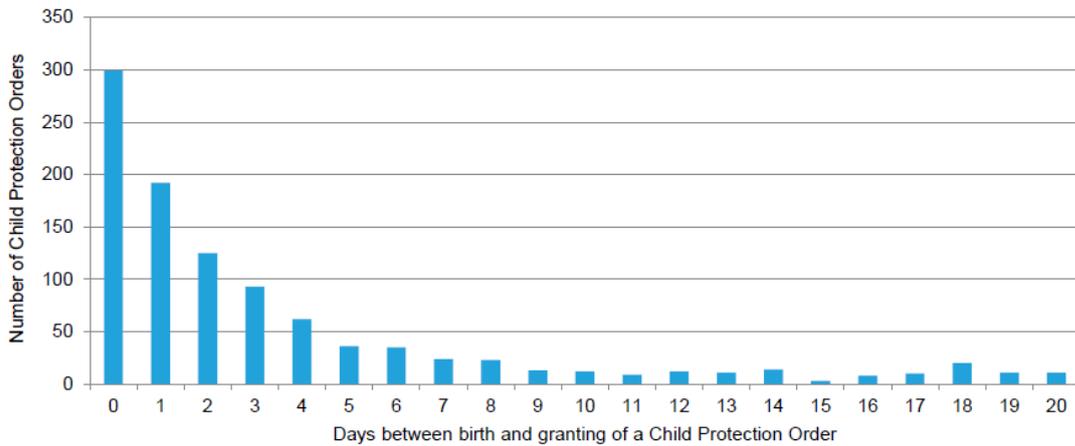




- Currently 25% of children taken into care are aged 5 years and younger.
- Of those children, over 71% are adopted mostly against the wishes of the mother and family.
- Reports of 351 children adopted from care in 2017, the highest figure ever.
- In 2016 eight per cent of children (341) leaving care were adopted, which was the highest recorded level then.

Child Protection Orders for babies under 20 days old

(from April 2011 to March 2017)



Statistics showing the outcome for looked after children are either ignored or not even recorded in statistics.

Scottish Children Reporters Administration 2017 survey of children aged 15 years and 16 years on Compulsory Supervision orders:

- Young women – 30% had physical health issues and 60% problems with their mental health,
- 20% had both mental and physical health problems.
- 8% of young men had physical health problems and 32% mental health problems.
- Almost all the young people (81%) had problems with education
- In 2015/16, 40% of looked after school leavers gained a qualification at SCQF level 5, compared to 86% of all pupils.
- 71% of looked after leavers were in positive destinations nine months after leaving school, versus 91% of all leavers.
- A lower proportion of looked after children achieve the Curriculum for Excellence (CfE) level relevant to their stage compared to all children.

Position after leaving care

- 25% females pregnant by the age of 19 years
- 25% homeless between ages of 16 years and 25 years
- 25% unemployed between ages of 16 years and 25 years
- 25% have criminal convictions by age of 25 years
- Those who have been in care have a twenty times higher risk of being dead by 25th birthday
- 50% of prison population have been in care at some time in their life

Education

- 35% of care experienced young people leave school with one or more qualification at SCQF Level 5 or above, compared to 84% of the general population (Scottish Government, 2016)
- Care experienced children are automatically deemed to have additional support needs, unless otherwise assessed. Around half of care experienced children have not been assessed for a coordinated support plan, even though they are entitled in law (Govan Law Centre, 2015)
- 4% of care experienced pupils go straight from high school to university, compared to 39% of the general population (Scottish Government, 2016).
- Care experienced pupils are 7 times more likely to be excluded from school (Scottish Government, 2014)

Unemployment

- 9 months after leaving school, 30% of care experienced young people are classed as unemployed, compared to 8% of their peers (Scottish Government, 2016)

Criminalisation

- A third of young offenders, and almost a third of the adult prison population, self-identify as being care experienced (SPS, 2016).

Health

- Amongst looked after young people aged 5–17 years, 45% have been assessed as having mental health issues (Office for National Statistics, 2004)

- It is estimated that one of the highest rates of youth smoking exists for care leavers at 67% (ScotPho, 2009)

The Future

- 26% of young people leave care without a formal plan for what happens next (Scottish Government, 2016)
- Formal statistics suggest that at least 21% of care leavers become homeless within five years of leaving care (Scottish Government, 2016), however this relies on self-declaration of care experience. Practitioners estimate the figure could be between 30-50%

Report by the charity Adoption UK.

- Its research estimates adopted children can be up to 20 times more likely to be permanently excluded than their peers.

The charity surveyed 2,084 of its members and found that of those with adopted children at school in 2015-16,

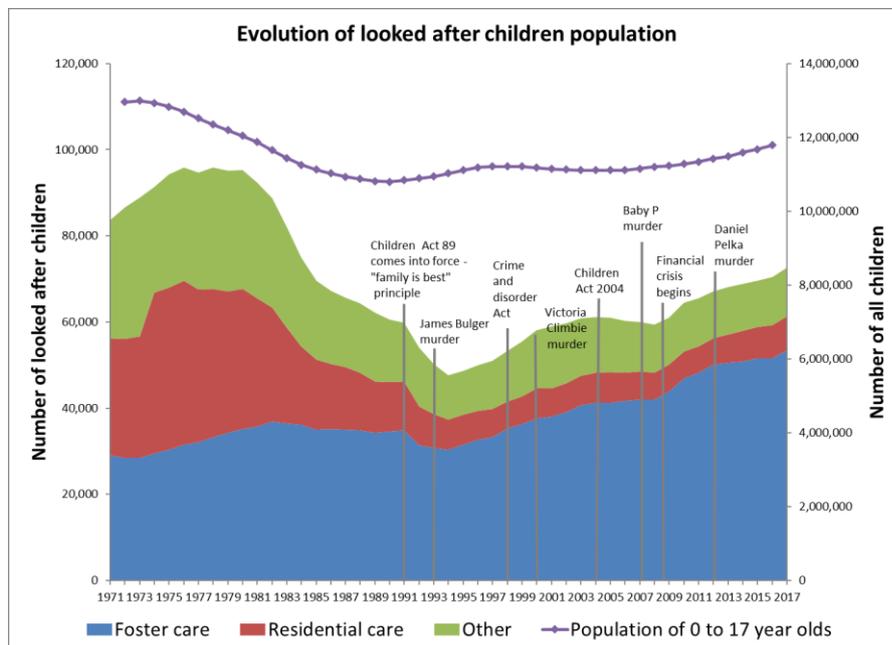
- 12% of adopted children were given a fixed-term exclusion in 2015-2016
- 4.29% of all school children were given fixed-term exclusions, by comparison
- 1.63% of adopted children were excluded permanently
- 0.08% of all school children were excluded permanently, nationwide

Source: Adoption UK Schools and Exclusions Survey, Department for Education

More than a quarter of adoptive families are in crisis, according to a survey by the BBC and Adoption UK. More than half of those surveyed reported living with a child who was violent, including being punched, kicked or threatened with knives. More serious incidents included hospital visits and sexual assault.

Foster Care in England

A Review for the Department for Education by Sir Martin Narey and Mark Owers



The number of looked after children in England as a percentage of the child population is far lower than in Scotland

Sir Martin Narey's (former Director General of the Prison Service of England and Wales, Chief Executive of the National Offender Management Service and Chief Executive Officer Barnardo's) **Independent review of the education of children's social workers "Making the education of social workers consistently effective"** makes 34 recommendations on the selection and training of social workers involved in child protection.

Sir Martin Narey's review of fostering in England found that guidance for foster carers leaves them afraid of showing affection to the children they look after. The report said "*children were being denied "the physical or emotional affection they need that helps them to thrive because carers had been taught to be fearful of potential allegations"*."

Missing statistics

The following information cannot be found in Government or child protection agencies web sites:

- Number of reports of looked after children running away from care (To year ending 31st March, 2018, Police Scotland received 293 such reports within Highland Council area).
- Number of looked after children who ran away to go home to their parents/family.
- Number of looked after children with unassessed and assessed learning difficulties/ disabilities and broken down to dyslexia, dyspraxia, autism etc.
- Number of adopted children reentering the looked after children system.
- Number of babies/very young children adopted and later found to have heredity learning difficulties/disabilities.
- Number of siblings separated when placed in care or adopted.
- Numbers of looked after children returned to their parents and families and the time lapse.
- Number of mothers and family rendered homeless as a result of children being taken into care and families unable to pay rent because of loss of benefit or employment.
- Percentages of looked after children returned to their mothers and family within 3, 6, 12 months after being taken into care.
- Average time a looked after child is in foster/kinship care.
- Number of reports of abuse and neglect made against foster and kinship carers and outcomes.
- The percentage of parents with looked after children and not on benefits.

Complaints from mothers that placing of children on Child Protection Register or social workers obtaining a Child Protection Order are done at the very last minute with no prior notification to them. Often done on the day the child was born. In one case social workers knew the mother was due to have a caesarean birth four months in advance of the birth. Procedures were delayed and the mother called to a Child Protection meeting the day before she delivered the child. This was done deliberately to place as much pressure on the mother and family when the mother was being medicated pre-birth, was very hormonal and extremely stressed. The following attended the meeting over and above the mother, her partner and parents:
- Six social workers, health visitor, police officer, nursery manager, school headmistress, charity worker. Three other people including a pediatrician and a GP

were invited to the meeting but failed to appear. To increase the stress on the family, they were excluded from part of the meeting as one person involved had “privileged information” to discuss with the others. If information is relevant to child protection proceedings, then the parents/family should be involved in the discussion.

What is totally ignored in everything to do with child protection is the close family. For the Looked After Children there are approximately 10,000 mothers, over 11,000 fathers, 2–3000 step parents and more importantly, approximately 48,000 grandparents, all of whom suffer isolation and illness as a direct result of the stress of the system of child protection. Medical research shows that long term stress can cause a range of serious medical conditions, all of which cost the NHS money and resources. Stress can and is the trigger in many of these close family ties of serious illnesses including depression, emotional psychological trauma, cancer, diabetes, strokes and heart attacks, stomach disorders and can trigger asthma attacks as well as suicide and self-harming. All these conditions are used as a reason by social workers and the system to stop the children going home. With no support from the system many mothers seek help from their GP. More often than not antidepressants are prescribed (again a reason not to let the children go home) one of which is known to induce suicide and another so addictive, it is easier to break a heroin addiction than that of the prescribed medication. Many parents and families are unable to retain employment due to the constant absence from work to attend meetings and time off work caused by stress induced illnesses. Yet another point used to prevent children returning home to families.

The Government response states funding to Kinship carers has been increased. That was to give Kinship Carers same allowances as foster carers. Foster Carers entitled to extra allowances to cover clothing, toys, footwear, furniture, vehicles, birthday and Christmas presents as well as holidays. Foster carers often get paid an additional allowance for being a foster carer. Foster carers are required by law to register as self employed by the HMRC and receive extra tax exemptions thus making it a business, not a vocation. The appendix to this submission shows examples taken from Government and Local Government websites listing allowances for Foster and Kinship carers compared to a mother on Universal Tax Credits. Under new rules a mother only receives benefits/allowances for the first two children. Foster and Kinship Carers get paid for every child. Foster carers and Kinship carers get paid between 2 ½ and 9 times the allowances per child that a mother on Universal Tax Credits gets plus many other allowances.

Higher allowances paid to foster carers and Kinship carers creates imbalance on availability of “treats”, clothing etc to children in care, making them resentful of going back to live with the family on occasions.

Most authorities pay the standard allowances for a period of time after the child has been removed from their care. There are no figures available (probably because nobody has totalled them up) of the total cost of child protection in Scotland. Best “guesstimates” are between a half and one Billion Pounds per annum. Audit Scotland should investigate the full cost and to propose better ways of spending that money to support directly families and children while reducing the spiraling unsustainable and out of control cost of child protection in Scotland.

The Chief Executive of The Adolescent Children's Trust (TACT) told the Guardian that:

"In 2014-15, eight commercial fostering agencies made around £41m profit between them from providing foster placements to local authorities. This is pure profit. It's after allowances for foster carers, staffing costs and support services... The fact that £41m of public taxpayers' money, allocated to support children in state care, actually ended up in the pockets of ... some seriously rich capital firms is obscene."

- Mothers and families have little or no contact or communication with their children while in Foster or Kinship care.
- Visits are arranged or denied by social workers irrespective of decisions made by Children's Hearings or Sheriffs.
- All meetings are supervised and arranged in advance.
- No communication of any kind (telephone/social media) allowed.
- All correspondence is censored by social workers.
- Any presents and/or photographs to be delivered via social workers.
- Children's Panels and social workers try to make arrangements for absent fathers to be involved with the child against the wishes of the mother and sometimes the children. They totally ignore the fact that many of these fathers have had no input to the child's upbringing for years, may have never contributed financially to the child's upbringing. In some cases they even ignore the fact that the absent father had a history of domestic abuse and may be barred by orders from having contact with the child. Reports of one case where a father guilty of domestic abuse attended a Children's Hearing in handcuffs accompanied by two prison officers. In another case a mother was sentenced to 18 months for contempt of court when her children refused to meet with the father who at the time was in prison on a charge of attempted murder of a third party with whom he had a relationship.

Mothers and families cannot attend public or private events where children in care may be present as that would break the conditions of the Child Protection Order. Example. Autistic child taken into care in Edinburgh is taken to and from school each day by taxi. School 300 yards from mother's house and child travels within 200 yards of mother's house. Absolutely no consideration given to emotional and psychological impact of this on either the child or the mother. System designed and operated to separate families as much as possible, thus reducing the ability for families to be reunited at an early date. No official statistics available to show how long children are in care. By restricting or stopping access by parents and family, children in care are led to believe that their biological family do not want anything to do with them, thus causing further and additional emotional and psychological stress on the looked after child. Many families report back through friends and families and other social groups that children can be in care from birth to 18 or 19 years of age with very little if any family contact. Recent BBC documentary showed that over 50% of siblings are separated from each other when placed in care causing further break down of the family unit. Siblings in care can be separated from each other for up to 18 or more years.

Mothers become homeless on many occasions as a result of losing benefits and/or employment when children go into care. This is then used against the mother and delays for long periods of time the chance of the family being reunited.

Mental Health

As discussed at the Scottish Parliament Cross Party Group on Children and Young Persons on 17th April, 2018, the term “mental health” covers a very wide spectrum of conditions all of which need their own identification/assessment. The legal definition of “mental disorder” set out in [section 328 of the Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) is:

“(1) Subject to subsection (2) below, in this Act “mental disorder” means any—

- (a) mental illness;
- (b) personality disorder; or
- (c) learning disability,

however caused or manifested; and cognate expressions shall be construed accordingly.

(2) A person is not mentally disordered by reason only of any of the following—

- (a) sexual orientation;
- (b) sexual deviancy;
- (c) transsexualism;
- (d) transvestism;
- (e) dependence on, or use of, alcohol or drugs;
- (f) behaviour that causes, or is likely to cause, harassment, alarm or distress to any other person;
- (g) acting as no prudent person would act.”

By failing to identify specific conditions/abilities, the term “mental health” gives a wrong impression of the parent and child’s true situation and thus requirement for specific support and help. The term “mental health issue” is widely used to misinform panels and Sheriffs in detailing the “condition” as a threat to the safety and wellbeing of the child. This is particularly the case when the parents and children have assessed or unassessed learning difficulties/disabilities or show emotions in the Hearings or Sheriff Court.

Emotions expressed by mothers and families during Children’s Hearings/Sheriff Court appeals are often libeled by social workers and others as a sign of “mental health issues”. Net result is that parents/mothers are ordered to undergo psychiatric examinations before further decisions can be made on the future of the child. The child(ren) are kept in care until such times as such examination is carried out a report sent back to the Panel/Sheriff.

The British Dyslexia Society/Association suggests that 10% of UK Residents are dyslexic with 4% exhibiting extreme symptoms. It is also accepted that 1.1% of the population are on the Autistic Spectrum with 15% of them also being dyslexic. These are part of the spectrum of learning difficulties/disabilities but always just labeled as “mental health issues”. Specific Learning Difficulties (SpLDs) affect the way information is learned and processed. They are neurological (rather than psychological), usually hereditary and occur independently of intelligence. They include: Dyslexia, Dyspraxia or Development Co-ordination Disorder, Dyscalculia and Attention Deficit Disorder. Social workers, Panel members and police officers in particular have no training or knowledge of these conditions and the behavioural

patterns they cause in both parents and children. As a net result these are ignored and the resulting behavior in children is classed as “the result of bad parenting”. By ignoring concerns of mothers and families, social workers do not refer children for CAMHS assessment, thus children with such difficulties may go through school without assessment and thus special needs teaching/advice.

Studies show that parents with learning difficulties/disabilities are 50 times more likely to have their children taken into care.

The strategy sets out four linked ambitions for improving how we support children likely to become looked after children at home:..... Families should have high quality care planning, assessment and support to prevent those children who become supervised at home drifting in the system for years, or until their situations reach crisis point.

This may be the Government’s ambition and in guidelines. In reality little is done to meet this ambition. The report **Parents with learning difficulties, child protection and the courts** by **Tim Booth, Professor of Social Policy, Department of Sociological Studies, The University of Sheffield** includes the following statements :-

“Whatever the reasons for the apparent increase in families headed by a parent or parents with learning difficulties, they now represent a sizeable population whose special needs have so far not been adequately addressed by the health and social services”.

“Conflicting responsibilities - there is a constant tension between the 'policing' and 'enabling' role of social workers. As Harris (1990) observes, families in difficulty 'typically turn to the very professionals who have the main statutory responsibility for child protection.”

“child-centred focus -the primary focus of attention for practitioners is usually the welfare of the children. Too often the needs of the parents are overlooked even though they may be unable to do their best by their children until their own problems are sorted out. The Social Services Inspectorate (1998) found that 'the majority of disabled parents we saw did not consider their needs had been recognised' and workers rarely looked at how 'to support and help the parents in the discharge of their parental duties' (Goodinge, 2000).”

“Lack of trust - many parents have had bad experiences of the services in the past and are often reluctant to seek help even when they need it for fear of where it might lead.”

“Other factors working to the disadvantage of parents are the lack of experience on the part of most child protection workers in dealing with people who have learning difficulties” (one local authority confirmed to me in writing that their social workers not only had no training in working with parents with learning disabilities/difficulties, they were not aware of the Government guidelines on dealing with such parents)

“The Government's efforts to refocus children's services nationally in order to promote and strengthen family ties have so far shown that it is easier to review policies and change priorities than it is to alter social work practice .”

“Critical decisions about the children of 'learning disabled parents' (such as decisions about them being placed on or remaining on the child protection register and/or being removed from the family) are being made 'on inappropriate or inadequate information' (Goodinge, 2000).”

In a report about parents with Learning Disabilities/Difficulties (Llewellyn, 1990; Sheerin, 1997; Tymchuk, 1990) and Reviews of literature (Andron & Tymchuk, 1987; Booth & Booth, 1993; Dowdney & Skuse, 1993; Llewellyn, 1990; Sheerin, 1997; Tymchuk, 1990) state that these families often receive a raw deal from the statutory services characterised by an 'over zealous' approach to the assessment of risks (Social Services Inspectorate, 1999) and an underinvestment in the kind of services and supports that might enable them to bring up their children.

In a report to the Scottish Government, Maggie Mellon, former Vice Chair of the British Association of Social Workers states : -

- *“There are certainly cases where children should be removed, but children are often more harmed by separation than by anything they were suffering at home.”*
- *“Lay panels at children’s hearings are making life-changing decisions about children without even basic knowledge about child development and, just as seriously, without an evidence base about the outcomes of their decisions.”*
- *“Nowadays it is the norm for completely different panel members to be convened to hear a case every time a child and family come before a hearing. There is little continuity, information that is asked for by one panel will be disregarded by another, forgotten by a third, and then asked for again at a fourth. Parents are often regarded as guilty by default until proven innocent. The panels seem to believe that children are safe in care, and don’t understand that an unnecessary day, week or, more commonly, a month or more in care is in itself a terrible harm to a child.”*
- *“Many children in care suffer a scandal of neglect and emotional abuse equal to any of which parents may have been accused.”*
- *“It is the state which makes a lousy parent, as current and previous public inquiries into institutional abuse in every UK jurisdiction demonstrate. Yes, children are sometimes harmed and even killed by their parents or guardians, but these are the troubling exceptions to the rule that families are by far the best and safest place for children to grow up. The difficulties in which these inquiries are mired only underlines the difficulty that the state has in holding itself to account for its lousy parenting.”*
- *“The panels seem to believe that children are safe in care, and don’t understand that an unnecessary day, week or, more commonly, a month or more in care is in itself a terrible harm to a child.”*

In an enquiry into adoption organised by the British Association of Social Workers, the following statements were given by BASW CEO Ruth Allen: -

- *“Adoption can be highly successful, providing children with stable, loving homes and adoptive parents with the experience of creating the family they want. Birth*

families may consent to adoption and recognise the value to their biological child.”

- *“The Enquiry explores the complex realities of adoption for many people, particularly in non-consensual adoption, with mixed outcomes and experiences for all involved which raise questions about what the report calls a dominant ‘happy ever after’ narrative.”*
- *“There is a dearth of information and meaningful longitudinal research to inform policy and social work practice on adoption. Very little information is collected or known about the social and economic circumstances, the lifetime costs and benefits, and long-term outcomes of the promotion of adoption of children from care.”*
- *“For example, there is no comprehensive data on the number of children who are returned to care after adoption and the reasons why, nor sufficient research into the longitudinal outcomes into adult life of those who are adopted.”*

Legal representation

The Government response states :- *indicated that some 750 solicitors across Scotland are authorised by SLAB to participate in the Children’s Legal Assistance Scheme which includes assistance with children’s hearings.”*

Children’s Hearing and child protection require specialised knowledge. Because a solicitor is authorised by SLAB to practice matters affecting children does not mean that they will handle child protection matters. Very few law firms specialise in and therefore will handle Children’s Hearing and protection services. To date less than 20 practices have been identified in Scotland who offer such service for Children’s Hearings/child protection. None of them are based north of the River Forth. Situation further complicated where mother and children are each entitled to legal representation. Due to vested interests between clients a law firm will not represent all participants in a case, even when all of the same family. I know of one case where the three children and mother had each to get legal representation from different law practices. Same with our own case where lawyer representing stepdaughter could not represent us as well. Number of cases supported by SLAB between 2013 and 2017 represents 2750 children a year but split across all aspects of children and the law. Considering approximately 15000 looked after children each year shows little representation in Children’s Hearings and other aspects of child protection.

Legal advisors have to apply for legal aid before they can start to help a client. In all cases SLAB decide if there is a chance that the claim/case can be won before granting finance. In appeal processes the same procedures prevent many cases going to a higher court for judication. Thus many families are denied justice because of procedures, therefore many cases do not get a full and just legal decision. Where legal aid is not available families either go without legal advice/representation or have to pay large sums of money to protect themselves. A lawyer cost £150 - £180 per hour. A QC costs from £4500.00 per day. Reports of one family who paid £30,000.00 of their savings in legal fees unsuccessfully to adopt the child of one of their former foster children. One mother became both homeless and ran up an unpaid bill of £2000.00 for a lawyer when she lost an appeal against a Child Protection Order. Subsequent transfer of the case to another Local Authority found

that the mother was a fit person and her daughter was returned to her by a Children's Hearing in that other area.

Comments in relation to Child Protection Orders are not what happens in practice. A report is submitted by a social worker to the Reporter based on their opinions with no evidence to back them. No enquiries are done by any independent person. The Reports "enquiry" is reading the report/document submitted by the social worker. The family are never made aware of the application therefore are not involved in the preparation of a defence. Submission is placed in front of a Sheriff in private without notification to the family or their legal representative. Submission is not submitted under oath and often the hearing is held in the Sheriff's house out of hours. Recent case in Central Scotland mother received a telephone call while in a meeting with her lawyer. Social worker said that if they received anymore letters from the lawyer the mother would never see her children again. The mother was advised 5 weeks later by social workers that they had gone to the Sheriff and gained an Order revoking her parental rights. Social workers refused to forward copies of the judgement. When eventually received through the intervention of an MSP, papers showed that a lawyer completely unknown to the mother had appeared allegedly on her behalf at the Sheriff Hearing.

The report compiled by a Reporter to a Children's Hearing is only a copy of the documentation submitted by the social workers. No other investigation is conducted. Copies of that document are only received by families and their legal representatives 3 days before a Hearing. The reality of the situation once again is that legal requirements are ignored and Reporters interpret the legislation that parents and families are only entitled to receive the documentation a maximum of three days before a Hearing, not the minimum of three days as in the legislation. I know because I and others have challenged Reporters time and time again over such short notice. In one case a 13 year old child and their 15 year old sibling received a 750 page pediatricians report three days before a Hearing.

At the meeting on 23 November, Rona Mackay MSP mentioned her experience of a hearing lasting longer than one hour. Contrary to that experience, my understanding is that the Chair of a Children's Hearing is instructed that a Children's Hearing will last no longer than one hour with 15 minutes to be set aside for writing up the decision. In practice the first 10 minutes are taken up with introductions and procedures. Therefore where a Panel Chairs sticks to their instructions the actual Children's Hearing is for 35 minutes, hardly time for a full and frank discussion over the issues. Where children have been taken into care on a Child Protection Order, very stressed and emotional mothers and families have to appear at a 48 hour meeting afterwards. A meeting with only 35 minutes for all parties to be involved in discussions does not give any real and fair time for families to defend themselves and try and get their children back. All the more so when false information has been fed to the Sheriff in the private Hearing to obtain the CPO. The situation is more complicated when there are more than one child and each one has a different father. A separate meeting has to be held for each child as one father cannot be involved in the other child's hearing. Not every Children's Hearing Centre has video link capacity and the current system can only connect between two centres. Thus some cases drag on trying to accommodate everybody entitled to take part.

Again I reiterate that what happens at “user level” is not that as described and placed in legislation and guidelines, hence the requirement for legally based investigation of all current practices and procedures. That enquiry to interview “users” of the system, not professionals with a vested interest in keeping the status quo.

Meetings organised by social workers and other agencies may have different names but the same procedures/protocols are used in each. It is noted that only those with contributions to make should attend. In most case conferences there will be a minimum of 5 and often more social workers, including the social worker and manager involved with the child and family along with between 5 or more other “professionals”. The National Guidance in most of its procedures excludes mothers and families and constantly refers to “the child”. The guidelines completely ignore the fact that many children entering the system are very young and cannot and do not understand what is happening, therefore cannot and do not contribute. That is more so when the child has a learning difficulty/disability whether assessed or not. Parents, families and their representatives are ignored in such meetings.

Mothers are rarely informed that they can have the services of an advocate or legal representative at these meetings. There is no advocates in Scotland who can sign language on behalf of deaf family members, thus that family member is ignored within the meetings/hearings and tend to get very emotional because they are excluded by their disability. There is no system of appeal against decisions made within these meetings.

These meetings are controversial and confrontational purely because of the way they are structured and that all professionals attending focus discussions on their opinions and regularly exclude relevant information. Example: Health visitor said she was concerned that a baby had not grown as per the professional graph predictions. All present said was serious and that the situation would require watching. Health visitor had failed to advise the meeting that at the time of her concerns, she knew that the baby was on prescribed medication for a heavy cold and that the mother had discovered that the baby was allergic to normal baby formulation. On other occasions a police woman failed over a 4 month period to advise the meetings that a police investigation had found no evidence of assault by the mother of another child. All parents and families who attend such meetings describe them as “bear pits”.

Whenever a family member questions a point raised by social workers or others they are automatically labelled as non-engaging, a point used in later Hearings. Social workers and chairs of these meetings refuse to change any information in reports that the family know is wrong. That false information stays on the files for life. Any complaint about any meeting goes first to the manager who chaired the meeting then escalates through the chain of command. Everybody’s experience is that the “investigation” always clears the person complained about. Only recourse is to complain to SPSO who only look at the procedures used during the “investigation” and cannot find on the original complaint.

Children’s Hearings Scotland

- A Board of 6 appointed by the Scottish Government. All with professional experience in Child Protection.

- Recruit, appoint and responsible for training of members of Children's Panels
- Training done under contract by a College.
- Will only deal with complaints about conduct of individual Panel Members.
- Refer any other complaints to Local Authorities.
- No procedures for dealing with complaints that false information/documents submitted to a Children's Hearing.

Scottish Children Reporters Administration

- Appoint Children's Reporters
- Only handle complaints of conduct against individual reporters.
- No procedures for dealing with complaints that false information/documents submitted to a Children's Hearing.
- Despite the legislation, Reporters insist that the legislation states that families cannot receive papers for a Hearing more than three calendar days before a hearing. Not unusual for families to receive documents (never less than 20 pages per child and often well over that) on a Friday for a Tuesday Hearing thus giving legal advisors little time to study and advise families and children.
- Reporters expect families and children to submit their written response not less than four days before a Hearing.
- Insist that all children irrespective of mental or actual age to attend Hearings. Requirement for family to ask for a Pre Hearing Meeting to argue case as to why very young children especially those with speech and learning disabilities/difficulties should attend.
- Role to give legal advice to Panel Members but known to take part in discussions.
- Despite no minutes/notes recorded during Hearings, represent the Children's Hearing members in any appeal to a Sheriff thus only given their opinion as to what was said at the Hearing.

Children's Panels

- Consist of volunteer lay people
- Training appears only to be on how to run a Children's Hearing abiding by strict protocols and on the powers to deal with Children at a Hearing
- Different Panel Members for every Children's Hearing irrespective of number of Hearings for each family thus no continuity.
- Panel Members get no background on the family or case and only have the information provided by social workers to make a decision.
- Panel Members never get copies of information submitted to previous Hearings by the family and/or Children.
- No records or Minutes kept of any Hearing
- Decisions do not contain reasons or evidence as to how they came by their decision
- Sheriffs have been known to dismiss appeals on the grounds that they have not been given the reasons for the decision of the Children's Hearing
- Panel members have no training or knowledge on medical and "mental health" issues therefore ignore such information and behavior in Hearings.
- Panel Members appear to have no training and/or comprehension on the concept of hearing evidence from both parties.

- Accept everything put in writing by social workers
- Do not alter social workers papers even when agreed that information within them is wrong or false. Net result such papers remain as is and never amended therefore same information regurgitated in future hearings and stay on record for the life of the family.
- Panel Members rarely if ever ask families to clarify matters arising in their written submissions.
- Panel Members do not notice when very young children are agitated or upset while in Children's Hearings
- Panel Members often question the truth of an application for children not to attend hearings
- Despite Orders preventing fathers from having contact with Children will try and arrange for meetings
- Panel Members do not appear to understand that many children and their mothers want no contact with fathers because of previous domestic abuse and violence.
- Panel Members don't understand the emotions of the children and mother when a father has had absolutely no contact and has not supported the family financial for many years when they try to get the father to make contact.

Scottish Social Services Council

- Only deal with complaints against social workers registered with them.
- FOI enquiries show low percentage of complaints from the public actioned compared to complaints from Local Authorities and other bodies.
- Often treat complaints from the public as just a "disagreement of opinions with a social worker" even when evidence shows that social workers deliberately placed false evidence in front of Sheriffs and Children's Hearings.
- No formal interviews with complainers from the public or their witnesses. Action taken on strength of written complaint.
- Whether there might be any potential conflicts of interest if senior staff of the Council are also the directors of charities which may, in turn, employ staff registered with the Council.

Police Scotland

- Child protection officers no training in child psychology, adults and children with learning difficulties/disabilities or their reactions under stress.
- Officers appear to take instructions from social workers.
- Because of changes in tenancy legislation, can no longer ask a person involved in domestic violence and abuse to leave the house when requested by the tenant. Net result mother and children subjected to continued domestic violence and abuse. Mother then subject to accusation of neglect/abuse by allowing domestic abuse and violence to continue in the presence of children. If mother takes children and leaves home making herself homeless still at risk of neglect by putting children at risk. Legislation allows Local Authorities to refuse homeless accommodation on grounds "mother made herself homeless".
- Reports from some areas that when a neighbor reports a disturbance, both parents detained for 12 hours for "investigation" and arrangements for children to

be looked after. At end of the 12 hour detention both parents charged with domestic crimes and incarcerated until next Court day. Can be detained for up to 5 days if at weekend and a public holiday. Lord Advocate rules do not allow police to release parents without permission of Procurator Fiscal. Reports of father being released with no proceedings while mother appears in Court even although no witnesses other than the two parents. Fact mother detained and before subsequent trial, never mind conviction, social workers accuse mother of neglect purely because police apprehended her and took her away from the children.

- Reports that father made complaint against mother. Police called and detained mother from Friday am until Court appearance on the Tuesday pm. "Corroborative evidence" that father's relative in another house several miles away heard the assault on the phone. Police refused to check phone records to ascertain if call actually made. Father had a reputation in other cases of the same trick. Mother refused medical attention and sanitary products while in custody. Police left father in charge of the children despite protests by the mother he had been drinking and was not fit to look after children. Procurator Fiscal released mother with no proceedings.
- Police refused to investigate that social workers had placed false reports to a Sheriff to obtain a Child Protection Order to remove children from family. PIRC enquiry on going but they can only look at the manner the complaint was handled but cannot order a fresh investigation into original complaint.

Charities

- Concerns that some charities carrying out commercial contracts with Local Authorities that cannot be classed as charitable work. Some Children's Charities in Scotland inform OSCR that their annual incomes are between £10 and £330 million pounds.
- Questions over training and qualifications of charity employees carrying out the commercial contract work
- The 2012 press releases of UK child welfare and protection agencies by Gary Clapton and Vivienne E Cree University of Edinburgh, Edinburgh, UK. "This article reports on findings from an analysis of press releases from selected UK child welfare and protection agencies in 2012. It demonstrates that the information contained in press releases is neither neutral nor dispassionate. Instead, press releases are found to be political artefacts, whose purpose is to galvanise and shape opinion and garner support for a particular standpoint, campaign or the agency itself."
- The NSPCC is currently under investigation by the Advertising Agency and the Fund Raising Regulator for using false statistics about child sexual abuse and neglect in a series of National adverts designed to increase income.
- Concern about the role and influence of a large number of public and third sector employees who are graduates of leadership training courses involving the use of Neuro-linguistic programming courses.

APPENDIX

	Parent not on benefits	Parent on benefit	Foster Carer Moray Council	Kinship carer	Foster Carer Aberdeenshire Council	Foster Carer Edinburgh Council	Foster Carer Glasgow Council
Income Per child	0	1 st £69.27 Subsequent child £57.91pw	£142.86 to £246.44 (age related) pw	Same allowances Per Local Authority as foster carers	£ 142.86 to £246.44 (age related) pw	£204.84 to £383.04 pw depending on age	£137.18 to £236..60 pw per child depending on age
Child Benefit	1 st £20.70 pw Subsequent children £13.70 pw	1 st £20.70/pw Subsequent £13.70p/w	1 st £20.70/pw Subsequent £13.70p/w		1 st £20.70/pw Subsequent £13.70p/w	1 st £20.70/pw Subsequent £13.70p/w	1 st £20.70/pw Subsequent £13.70p/w
Carers allowance	£83.00 for child with disability	£83.00 for child with disability	?		?	?	?
Disability allowance per child	£22.00 or £55.65 or £83.33 depending on severity	£22.00 or £55.65 or £83.33 depending on severity	£22.00 or £55.65 or £83.33 depending on severity		£22.00 or £55.65 or £83.33 depending on severity	£22.00 or £55.65 or £83.33 depending on severity	£22.00 or £55.65 or £83.33 depending on severity
Enhanced allowance from provider		£80.70 to £370.30 per month	£85.11 to £198.62 to £439.67		?	?	?
Skills Payment	?	?	?		£161.58 to £515.75 (skills related) per week		
Foster Fees	?	?	?	?	?	£157.49 to £487.28 per week per child	£150.00 pw

Compass Fostering

The examples below will give you an idea of how the tax allowances work. All examples are for illustrative purposes only and are based on a 52 week placement. The actual amount you will receive may vary from the example (either higher or lower) and can vary between regions.

Tax relief examples

EXAMPLE ONE

A foster carer has a 14 year old boy in placement – the foster carers will receive £365 per week for the length of the placement.

TOTAL TAX ALLOWANCE AFTER TAX

£18,980

Over 52 weeks of the year = £18,980. Tax relief: £10,000 + £250 x 52 x 1 = £23,000. Therefore none of this is taxable.

EXAMPLE TWO

A carer has a sibling group of three who are 2, 5 and 12 years old – their foster carers receive £977.82 per week for the length of the placement.

TOTAL TAX ALLOWANCE AFTER TAX

£42,197

Over 52 weeks of the year = £50,546.64. Tax relief: £10,000 + £250 x 52 x 1 + £200 x 52 x 2 = £43,800. Therefore £6,746.64 is taxable.

EXAMPLE THREE

A carer has a 14 year old boy exhibiting problematic sexual behaviour. The carers received £760 per week for the length of the placement.

TOTAL TAX ALLOWANCE AFTER TAX

£36,216

Over 52 weeks of the year = £39,520. Tax relief: £10,000 + £250 x 52 = £23,000. Therefore only £16,520 is taxable.

Edinburgh Council web page post

“As Edinburgh is a placing agency, our carers have less time between placements than other agencies, therefore, overall, our carers have an opportunity to earn more.”

“In addition to the above allowances, Christmas (or other religious festival) and birthday allowances each equivalent to one week’s standard allowance, and holiday allowance, equivalent to two week’s standard allowances are paid. Christmas allowances are paid 4 weeks prior to Christmas.”

“Befriending

Befrienders are paid a fee of £6.09 per hour, for session times agreed.”

Glasgow City Council

“ Fostering Allowances

Glasgow City Council (Families for Children) pays the level of weekly allowances as being a reasonable reflection of the cost of caring for a child. In addition to the weekly allowances set out below, four additional payments are paid per year: two weeks holiday, one week Christmas, and one week birthday”.