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A Conspiracy of Silence

Allowing the family courts and social services to operate in secret allows miscarriages of justice without the possibility of redress

Every parent fears losing their child. Except for those who have hit rock bottom, having a son or daughter taken into care is a desperate experience. The social workers, medical experts and judges who decide to remove children sometimes save lives by doing so; sometimes they ruin them. That is a grave responsibility. It means that the child protection system should be accountable and transparent. Shockingly, it is neither.

As Camilla Cavendish reports in Times2 today, serious miscarriages of justice are occurring behind the closed doors of social services departments and family courts. The area of child protection is described as “a hole inside government”, with ministers unable even to say who is responsible. Too often, a “secret state” is at work that seems to assume that parents are guilty, and then obstructs them from establishing their innocence.

Some parents are unable to get copies of the evidence against them, including X-rays. Others are refused permission to call experts in their defence. Many fear that the professionals are distorting evidence and amplifying problems which should be solved by supporting families, rather than by tearing them apart.

It is impossible to know the extent to which miscarriages of justice may be occurring, because the whole system is shrouded in secrecy. Gagging orders on families and draconian reporting restrictions mean that very few cases come to light. Judges can choose to make their judgments public: but few do.

The authorities justify secrecy by arguing that the suffering of children caught in these fraught situations should not be made even worse by publicity. But secrecy also protects incompetence and wrongdoing. It should be quite possible to maintain the anonymity of children while also

holding the professionals to account. Rape victims are anonymous in rape cases: that does not prevent police officers making statements in open court, nor the media reporting the evidence in full.

Family courts have a lower standard of proof than criminal courts. Yet they pass effective life sentences. If parents prove their innocence on appeal but their child has been adopted, they will never get that child back.

It is not the intention of this newspaper to demonise social workers, nor expert witnesses, nor judges. It is our intention to expose mistakes, and to create a system which can acknowledge that error is human. Many social workers feel that they can do no right, being criticised for negligence if they fail to spot abuse in time, then accused of being overzealous if parents are found innocent on appeal. That is understandable. They work in fraught situations. They need more support, and oversight. But the minority must not be allowed to act as though they were above the law.

This newspaper recently reported on the case of Louise Mason, whose children were kept from her for two years by social workers, despite her having been exonerated by a jury. Her third child will probably never be returned to her, because he is felt to have bonded so well in foster care.

The Times believes that these are matters of pressing public interest. Many of our readers have already urged us to do more. There is growing suspicion of the authorities which are meant to support families. The only way to quell those suspicions is to let the light in to the family courts.

From today it will be possible to go online (timesonline.co.uk/familycourts) and express support for openness. Please do. We will not be part of what has become, in effect, a conspiracy of silence against children who have no voice.