

BBC2 Protecting our Children

‘Damned if you do and Damned if you don’t’

The first episode of the BBC2 documentary *Protecting our Children* showed the chronic and ongoing neglect of Toby, a 3 year old learning disabled child, by his parents Tiffany and Mike. The title of the programme was, *Damned if you do and Damned if you don’t*, highlighting common dilemmas for social workers in assessing risk and making decisions about the quality of parenting and the safety of the child. In this instance, however, the theme was misleading as it was clear from the time of the first visit that this vulnerable, distressed child needed immediate protective action.

The BBC team filmed this episode with Bristol Children’s Services, who bravely gave access to allow a wide public audience to see the complexity of the social work task in this one case over a number of months. However, whilst the social worker attempted to establish a positive relationship with the parents, Toby remained living in a dangerous household at high risk of harm. From the beginning this case should have gained the response of a professional strategy meeting with the police child abuse investigation team and other agencies enabling the implementation of an immediate protection plan. Such was the degree of neglect and unexplained bruising that Toby should not have had to wait for the social work assessment of his parents or the several months before a child protection conference was convened.

Although the paediatrician stated the bruises were unexplained and then not consistent with an explanation provided, it was clear that a criminal offence may have occurred, yet the investigation was being undertaken by social workers and not police child protection officers.

It is not commonly known that 30% of child deaths from abuse are from neglect and also neglect must be notified to the police because it is actually a crime under the 1933 Children and Young Person’s Act. Although prosecution would have been unlikely, and in fact would have been unhelpful, the police could have removed Toby under police powers of protection for 72 hours to a safe environment to allow some initial inquiries and background checks to be made. Children’s Services would follow up after 72 hours with other legal safeguards using the court processes to keep Toby safe with supervised contact enabling further risk assessment to take place. The important distinction between this approach and that portrayed in the programme would have been that, while investigation of injuries and neglect took place, Toby would have been protected.

Toby showed delayed development and emotional disturbance. The flat was in a dire state of neglect with dog faeces on the carpet and no safety provisions for the child. The observed relationship (eye contact, body language, tone of voice) between Toby and his parents raised issues of emotional harm. The newly qualified social worker struggled to develop some level of communication with the parents and met with hostility and challenge from the father. The mother, while superficially wanting to work with the social worker, was clearly avoiding the issues and on occasions simply playing lip service. This response should have raised questions about why she would feign compliance – a dynamic which can be indicative of a mother who is fearful of the father's reactions. At one point Tiffany readily admitted to causing Toby's bruises when she said she was attempting to protect him from harm. Later in the programme we learnt about allegations of Mike's violence towards Tiffany but it was not made clear whether the question was asked, then or previously, as to whether she had been covering up for Mike in relation to Toby's bruising. Confronting the parents with the detail of unexplained bruising indicative of grip marks and the serious nature of the emotional and physical neglect is a skill requiring confidence derived from experience. This case, even with support from the manager and colleagues, was a tall order for a newly qualified social worker. This should have been undertaken by a police officer in conjunction with a social worker; given it was a physical injury on a child.

The health visitor would always play a central role in assessing the risk posed to a child of this age from the dog faeces which can cause toxicariasis and blindness. A health assessment would also include specialist assessment of the child's percentile measurements – height and weight, issues relating to diet, stimulation, general health and emotional needs. Following a multi-agency investigation including collation of all information relating to detailed background histories of both parents, as well as Toby's childhood experiences, a child protection conference would make a decision about the need for a child protection plan under the categories of neglect and physical abuse because of the unexplained patterns of bruising. In the programme it was some months before a conference was convened and the category was limited to that of neglect.

The child protection plan would have required the parents to make changes before there could be any consideration of returning Toby to their care. This would probably have included finding the dog an alternative home with the assistance of the RSPCA who will always advise on such cases and provide a risk assessment. Although the dog was clearly a significant issue it was not once discussed with the parents that the dog needed to be re-housed.

The flat needed a blitz clean and the parents needed to be psychologically assessed to establish their capacity to change and learn parenting skills. Any return home would need to be slowly and carefully staged and tested to make sure Toby remained safe.

When Tiffany was in hospital, social workers, very concerned for Toby's safety, wanted to prevent Mike taking him home. Yet, when Mike refused to allow them to place Toby in a foster placement for the night he was still allowed to go home with Toby. Even though the police made a 'welfare check' that evening and the case went to court the next day this was a window of time when Toby might have been harmed. It is easy to remember recent high profile cases where children have been allowed to return home, and have as a result suffered fatal injuries. In these circumstances when emotions were running high, and a judgement had already been made about Toby's need for protection, he was at even greater risk. An order could have been obtained from an out-of-hours magistrate or police could have used their powers of protection, again no communication or consultation appeared to have occurred with the police. There were sufficient grounds for emergency legal action given the new situation of the mother's hospitalisation and father's lack of co-operation and heightened anxiety. At one point in the programme Mike was seen to be restraining Toby inappropriately and there seemed to be no intervention to stop this happening. Allowing Toby to return home overnight when social workers had decided he was at significant risk, was a very dangerous position to adopt.

It was an interesting case of both case and case worker, featuring a newly qualified social worker who had almost no practical experience. It was very important to note the comments made by the experienced social worker who accompanied her on an unannounced visit, who believed that Toby was at risk and needed removing. Furthermore the issue of consent is always a difficult one, and the decision to use Tiffany and Mike who did at times present with learning difficulties, did raise the issue of how capable they were to give truly informed consent.

All that said, this was a brave venture into the murky and complex world of protecting children but procedure and policies exist to enable speedy protective action when it is needed. The word *rescue* has become unpopular and a philosophy of supporting families now commonly takes precedence over the need of the child for safety, which is certainly worrying and does need urgent redress. Toby was especially vulnerable and the team had sufficient evidence to act. Interference with family life must always be proportionate and every effort

must be made to consider whether a child can remain within their family but some situations are of such high risk that it is the view of all professionals involved that the child needs to be placed in care. Toby was one such child.

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